

Ofcom Broadcast Bulletin

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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 objectives¹. 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 Act².

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 advertising³.
- 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

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² The relevant legislation can be found at Part 4A of the Act.

³ 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.

Standards cases

In Breach

The Official Kiss Top 40

Kiss 100 FM, 2 November 2014, 17:45

Introduction

Kiss 100 FM is a radio station specialising in urban and dance music. The licence for the service is held by Kiss FM Radio Limited (“Kiss” or “the Licensee”).

Two listeners contacted Ofcom to complain about the broadcast of the song “Open Wide” by Calvin Harris at 17:45 on 2 November 2014. The complainants considered the offensive language and sexual references within the song’s lyrics were unsuitable for broadcast in the early evening.

Ofcom assessed the material and noted the following lyrics, included in the song’s chorus (which was repeated once):

*“Turn flat chests into mountains
And ooh I love that ass
But I hate that fucking outfit
I’m taking off her blouses
While she taking off my trousers
That’s just a couple more problems
To add to the couples’ counsellin’
Open that shit wide
Let me see how big your mouth is”.*

Ofcom considered that the material warranted investigation under the following rules of the Code:

- Rule 1.3: “Children must also be protected by appropriate scheduling from material that is unsuitable for them”.
- Rule 1.5: “Radio broadcasters must have particular regard to times when children are particularly likely to be listening”.
- Rule 1.14: “The most offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio)”.

We therefore requested comments from the Licensee as to how the broadcast complied with these rules.

Response

The Licensee “regretfully acknowledged” that the broadcast did not comply with Rules 1.3, 1.5 and 1.14 and “sincerely apologise[d] to the complainants for the offence caused”.

Kiss said its audience “expects to hear new music first” and “such was the anticipation” for the first single from Calvin Harris’s new album, it knew its listeners would expect to hear it as part of the weekend chart show. The Licensee said that it

therefore “created a ‘first-play’ opportunity within the chart, pre-building the remaining show around a three-minute window to allow for the late delivery and insertion of the song”.

The Licensee told Ofcom that it requested the track from the record label, “making it clear it was to feature on-air and received it in good faith”. However, the Licensee said that the track which was delivered to Kiss 100 FM was “clearly not the expected ‘radio-friendly’ edit which is deeply regrettable”. The Licensee said that “the Kiss team work hard with its presenters and DJ to ensure that content across multiple platforms complies with broadcast regulations but on this occasion the delivery of music from a normally trusted source failed us”.

The Licensee went on to explain that it “would normally broadcast an immediate apology” in the event of inappropriate offensive content being broadcast. However, as the *Kiss 100 FM Chart Show* was pre-recorded, the Licensee said it “broadcast an apology in the same show at the same time a week later”.

The Licensee said it had “instigated internal disciplinary procedures against the producer involved” and “immediately deleted the track from all databases”. The Licensee added that it had directed its “Head of Music to email all record label contacts informing them of this complaint and reminding them of the importance of providing radio edits wherever possible or at least flagging any product that contains explicit language” and “reminded everyone in the programming team that any music sourced externally must be checked for explicit content and assuming external sources are clean is not good enough”. Kiss said it had also conducted a re-training session with station staff.

The Licensee also told Ofcom that in order to “massively reduce the risk of this happening again” it had “overhauled” its procedures. The Licensee said that two “senior and experienced” members of staff now check all music tracks for inappropriate lyrics “especially for daytime and chart playlists where children may be listening”.

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 “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rules 1.3 and 1.5

Rule 1.3 states that children must be protected by appropriate scheduling from material that is unsuitable for them. Rule 1.5 requires radio broadcasters to have particular regard to times when children are particularly likely to be listening. The Code states that the phrase “when children are particularly likely to be listening” refers to “the school run and breakfast time, but might include other times”. Ofcom’s guidance on offensive language on radio¹ notes that:

“For the purpose of determining when children are particularly likely to be listening, Ofcom will take account of all relevant information available to it. However, based on Ofcom’s analysis of audience listening data, and previous

¹ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/offensive-language.pdf>

Ofcom decisions, radio broadcasters should have particular regard to broadcasting content at the following times:...

- Between 06:00 and 19:00 at weekends all year round [...].

Ofcom considered that the combination of the sexually suggestive lyrics within the song, along with the repeated use of the word 'fucking', resulted in the material being clearly unsuitable for children.

Appropriate scheduling is judged according to factors such as the nature of the content, the number and age range of children in the audience taking into account school time, weekends and holidays, and the likely expectations of the audience for a particular station at a particular time. Given the broadcast of this material at 17:45 on a Sunday evening during the station's chart show, Ofcom considered, in line with its published guidance that this was a time when children were particularly likely to have been listening. We also considered that the broadcast at this time of the strong sexual references and the most offensive language contained in this song would have exceeded audience expectations.

Taking these factors into account, Ofcom considered the material was not appropriately scheduled by the Licensee and was in breach of Rules 1.3 and 1.5 of the Code.

Rule 1.14

Rule 1.14 states that the most offensive language must not be broadcast on radio when children are particularly likely to be listening. Ofcom research on offensive language² clearly notes that the word "fuck" and its derivatives are considered by audiences to be amongst the most offensive language.

As discussed above, in accordance with published guidance, Ofcom considers that 17:45 on a Sunday is a time when children are particularly likely to be listening.

The broadcast of this material was therefore also in breach of Rule 1.14 of the Code.

We took into account the actions taken by the Licensee in response. These included: taking internal disciplinary action against the producer concerned; reminding its programming team that externally sourced music must be checked for offensive content before broadcast; broadcasting an apology at the same time a week later; and, revising its procedures for checking new music tracks for offensive lyrics. However, Ofcom was concerned that in this case, the Licensee allowed a track that had not been listened to by station staff to be broadcast at a time when children were particularly likely to be listening.

Breaches of Rules 1.3, 1.5 and 1.14

² <http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>

In Breach

My Sister's Keeper

Film 4, 27 October 2014, 18:40

Introduction

The licence for Film4 is held by Channel Four Television Corporation (“Channel 4” or “the Licensee”).

Film4 broadcast the film *My Sister's Keeper* at 18:40 on a Monday evening during half term school holidays. *My Sister's Keeper* is a drama about an 11-year-old who refuses to donate a kidney to her sister. The British Board of Film Classification (“BBFC”) gave the film a ‘12’ certificate rating for its cinema release in 2009.

A complainant alerted Ofcom to the use of the word “fucking” in this broadcast of the film at around 19:45.

Ofcom considered the broadcast of the word “fucking” raised issues warranting investigation under Rule 1.14 of the Code, which states:

“The most offensive language must not be broadcast before the watershed...”.

We therefore requested comments from Channel 4 as to how this material complied with this rule.

Response

The Licensee said it investigated the matter after it received two complaints from viewers. It explained that a post-watershed version of the film, containing a single use of the word “fuck”, was broadcast due to human error. Channel 4 apologised and acknowledged this word should have been edited out for the version scheduled for pre-watershed transmission. It confirmed that the schedule was checked immediately to ensure this version of the film was not shown again pre-watershed, and that a pre-watershed version was being prepared.

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 “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly notes that the word “fuck” and other variations of this word are considered by audiences to be among the most offensive language. Such language is unacceptable before the watershed.

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Ofcom noted Channel 4's apology, its explanation that this version of the film was broadcast in error, and that it had taken steps to avoid it being shown again before the watershed. Nonetheless this broadcast of the most offensive language was a breach of Rule 1.14.

Breach of Rule 1.14

Resolved

This Morning

ITV, 6 November 2014, 10:30

Introduction

This Morning is a daytime magazine programme broadcast live on weekday mornings on ITV. The programme is compiled by ITV Broadcasting Limited (“ITV”), on behalf of the ITV Network.

Three complainants alerted Ofcom to the use of the word “fucking” during an interview with Jackie Budden (the mother of Jade Goody).

During the interview Jackie Budden talked about a Job Centre’s attempts to find her a suitable job after reducing her benefits:

Jackie Budden: *“...they said ‘Can you push a doorbell?’ Well I lost it, I went, ‘I ain’t got fucking five busted –”.*

Phillip Schofield: *“Oh, no, no, no, no, you swore. I deeply apologise if we offended you with that –”.*

Amanda Holden: *“– so sorry, so, so sorry –”.*

Jackie Budden: *“– apologies, I was so angry that day –”.*

Phillip Schofield: *“I know, I know, I could tell that –”.*

Jackie Budden: *“Yeah, I was, my apologies...”.*

We noted that around four minutes later, at the end of the interview, a further apology was broadcast:

Phillip Schofield: *“...I just will apologise deeply for that swearing that slipped through there-”.*

Jackie Budden: *“– and I did promise I wouldn’t swear, I’m so sorry –”.*

Phillip Schofield: *“– it was the heat of the moment, and she does apologise –”.*

Jackie Budden: *“– yeah, I do, I’m really sorry –”.*

Ofcom considered the broadcast of the word “fucking” raised issues warranting investigation under Rule 1.14 of the Code, which states:

“The most offensive language must not be broadcast before the watershed...”.

We therefore requested comments from ITV as to how this material complied with this rule.

Response

ITV offered apologies for any offence caused. It said its compliance procedures for *This Morning* include that: every guest on the programme is fully briefed in advance on the importance of not using offensive language; the programme “anchor” presenters are aware that if any guest does swear they should immediately issue an apology; and, processes are in place to ensure any offensive material which is broadcast is edited out before it appears on the ITV+1 channel, or ITV’s catch up video on demand services.

ITV confirmed that Jackie Budden was fully briefed in advance and reminded that she should not swear, and she gave assurances that she would not. When she did inadvertently use offensive language, Phillip Schofield immediately apologised to viewers, as did Jackie Budden. He repeated the apology at the end of the interview, when Jackie Budden also apologised again.

ITV said that as soon as the incident occurred it took steps to ensure the language was edited and removed from the ITV+1 broadcast and ITV’s catch up video on demand services.

Decision

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “persons under the age of eighteen are protected”. These objectives are reflected in Section One of the Code.

Rule 1.14 of the Code states that “the most offensive language must not be broadcast before the watershed...”. Ofcom research on offensive language¹ clearly notes that the word “fuck” and other variations of this word are considered by audiences to be among the most offensive language.

The broadcast of the word “fucking” in this programme before the watershed was therefore a breach of Rule 1.14.

However, Ofcom took into account that: this was a live show, where the production team had followed its compliance guidelines and briefed the guest in advance; the guest had confirmed she would not use offensive language; *This Morning* is aimed at an adult audience and this particular edition was screened during term time; several apologies were broadcast on air immediately after the incident and again at the end of the interview; and, action was taken immediately to edit the offensive language out of repeat broadcasts and on ITV’s on demand services.

In light of these factors, Ofcom considered the matter resolved.

Resolved

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Resolved

The Jeremy Kyle Show

ITV, 4 November 2014, 09:25

Introduction

The Jeremy Kyle Show is a popular daytime talk show broadcast on ITV, hosted by Jeremy Kyle, in which members of the public discuss relationship problems in a frank and often confrontational manner in front of a studio audience. The programme is compiled by ITV Broadcasting Limited (“ITV”), on behalf of the ITV Network.

A complainant alerted Ofcom to the use of offensive language in this programme.

We noted that during the first segment of the programme entitled *“I got kicked out of home after my stepdad exposed himself to me!”* a female contributor said:

“I don’t do it all the fucking time!”

We noted that she used this language during a heated exchange with her stepfather, when both he and she were speaking over each other.

We considered the material raised issues warranting an investigation under Rule 1.14 of the Code:

“The most offensive language must not be broadcast before the watershed...”.

We therefore asked ITV how the programme complied with this rule.

Response

ITV accepted “with regret that there does appear to be an audible use of the word ‘fucking’ in this edition of the programme” and that it should not have been broadcast. It apologised for any offence caused.

ITV outlined the “stringent” processes it has in place to ensure that “all of the strongest language is edited out before broadcast”. These processes include the preparation of a ‘rough cut’ of the programme which is checked by an ITV compliance advisor, and then a review of the final master recording by a second ITV compliance advisor. ITV said that it had “found that a second pair of eyes and ears will occasionally pick up less audible language that has been missed by the first reviewer”. According to ITV: “In this case it seems that all of the various reviewers involved missed this one word, as did the subtitlers, who add subtitles” to the final master recording for transmission.

By way of mitigation, ITV said that in its opinion the word “fucking” was not clearly audible. It “only confirmed that the word was there after several repeated viewings [and]...very few viewers would have actually noticed this language on transmission”.

In conclusion, ITV said that it had removed the episode from its catch up service and said that it would be re-edited before any re-broadcast.

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: “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 states that the most offensive language must not be broadcast on television before the watershed. Ofcom’s research on offensive language¹ notes that the word “fuck” and similar words are considered by audiences to be amongst the most offensive language.

In this case the broadcast of the word “fucking” was an example of the most offensive language being used in a programme broadcast before the watershed. This material therefore breached Rule 1.14.

Ofcom took into account that ITV argued that the word was not clearly audible. We noted that this example of the most offensive language was used during a heated exchange between two programme contributors, and that this did mask its audibility to some extent. However, in our view the word was audible and therefore should have been identified prior to broadcast.

In conclusion, we noted: the compliance processes ITV has in place to deal with offensive language in this programme; that ITV accepted that this programme breached Rule 1.14 and apologised; and, that it took various steps after the broadcast to ensure this programme was not shown again before it was re-edited. Therefore, we considered the matter resolved.

Resolved

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>).

Advertising Scheduling cases

In Breach

Advertising minutage

LFC TV, 27 September to 19 October 2014, various times

Introduction

LFC TV is a sports channel broadcast on digital satellite platforms. The licence for LFC TV is held by Liverpool Football Club & Athletic Grounds Limited (“the Licensee”).

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

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

During its routine monitoring of COSTA compliance, Ofcom identified five instances where the amount of advertising in a single clock hour exceeded the permitted allowance by between six and 80 seconds.

Ofcom considered these instances raised issues warranting investigation under Rule 4 of COSTA and therefore sought comments from the Licensee with regard to this rule.

Response

The Licensee said that the overruns were caused by a malfunction in its scheduling software which resulted in some adverts being allocated a shorter scheduled slot than their actual duration.

The Licensee explained that at the time LFC TV’s broadcasts were temporarily being operated by a third party playout provider and therefore it had “less visibility of any overruns or timing issues”. As a result these overruns were not identified before broadcast.

The Licensee apologised for the error, and said that it now has full control of its playout facilities again, and would ensure compliance with COSTA.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content which it considers are best calculated to secure a number of standards objectives. One of these objectives is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”.

Articles 20 and 23 of the Audiovisual Media Services Directive set out strict limits on the amount and scheduling of television advertising. Ofcom has transposed these requirements by means of key rules in COSTA. Ofcom undertakes routine monitoring of its licensees’ compliance with COSTA.

In this case, Ofcom found that the amount of advertising broadcast by the Licensee was in breach of Rule 4 of COSTA on five occasions.

We noted the Licensee stated that it temporarily had “less visibility” over the scheduling of advertisements due to its broadcast being operated by a third party playout provider. However, Ofcom reminds all broadcasters that it is the responsibility of the Licensee to ensure that both it and any third party suppliers have appropriate procedures in place to ensure the material it broadcasts is compliant with COSTA.

Breaches of Rule 4 of COSTA

In Breach

Advertising minutage

Aaj Tak, 4 November 2014, 23:00

Introduction

Aaj Tak is a 24 hour news channel broadcast in Hindi on the digital satellite platform. The licence for Aaj Tak is held by TV Today Network Ltd (“TVTN” or “the Licensee”).

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

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

During monitoring of COSTA compliance, between 23:00 and 00:00 on 4 November 2014, Ofcom viewed approximately ten minutes 46 seconds of advertising during the commercial breaks on Aaj Tak.

In addition, during the 23:00 news bulletin the following scrolling text ran across the bottom of the screen in a continuous loop: *“Indiabulls property show London 8th & 9th November at the Cumberland Hotel, Oxford Street, W17 7DL, Free Entry, Showcasing Properties from all over India.”* The word *“Commercial”* appeared next to this scrolling text.

This scrolling text ran for approximately three minutes 30 seconds in addition to the advertising during commercial breaks. Therefore, there were approximately 14 minutes of advertising in the 23:00 clock hour.

Ofcom considered this raised issues warranting investigation under Rule 4 of COSTA and therefore sought comments from the Licensee with regard to this rule.

Response

The Licensee explained that TVTN was the media partner of the Indiabulls Property Show, and that the person who scheduled the scrolling text was unaware that this was an event promotion. The scrolling text was therefore treated as a “paid commercial ticker rather than as promotional”.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content which it considers are best calculated to secure a number of standards objectives. One of these objectives is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”.

Articles 20 and 23 of the Audiovisual Media Services Directive set out strict limits on the amount and scheduling of television advertising. Ofcom has transposed these requirements by means of key rules in COSTA. Ofcom undertakes routine monitoring of its licensees’ compliance with COSTA.

COSTA defines 'television advertising' as "any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods and services...in return for payment".

Ofcom noted TVTN's comments that it considered the scrolling text to be an event promotion rather than advertising. However, we considered that the scrolling text, promoting an event showcasing properties for commercial sale, met the above definition of television advertising.

Because in the 23:00 clock hour the scrolling text appeared on screen for approximately three minutes 30 seconds, in addition to the ten minutes and 46 seconds of advertising during commercial breaks, the amount of advertising in this clock hour exceeded 12 minutes, in breach of Rule 4 of COSTA.

Ofcom will continue to monitor the Licensee's compliance with COSTA. Should similar compliance issues arise, Ofcom may consider further regulatory action.

Breach of Rule 4 of COSTA

Broadcast Licence Conditions cases

In Breach

Retention and production of recordings – various programmes

Ramadhan Radio, 17 to 19 July 2014, various times

Introduction

Ramadhan Radio provided a service in Leicester from 27 June to 28 July 2014, under a restricted service licence held by an individual (“the Licensee”).

For the purpose of routine monitoring, Ofcom asked the Licensee to provide a recording of material broadcast on Ramadhan Radio throughout the three days, 17 to 19 July 2014. The Licensee was unable to provide recordings of approximately 59 of the 72 hours of broadcast material required by Ofcom.

Ofcom considered this raised issues warranting investigation under Conditions 8(2)(a) and (b) of Ramadhan Radio’s licence, which requires that:

“...the Licensee shall:

- (a) make and retain, for a period of 42 days from the date of its inclusion therein, a recording of every programme included in the Licensed service...
- (b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction...”.

Ofcom therefore asked the Licensee for his formal comments under these licence conditions.

Response

The Licensee apologised for his failure to retain and provide recordings, adding that he was very disappointed, as a technical error had occurred with equipment hired from a well-known company, with which he would not therefore work again.

Decision

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster’s licence there are conditions requiring the licensee to 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. Restricted Service Licences enshrine these obligations in Licence Conditions 8(2)(a) and (b).

Under Licence Condition 8(2)(a), Ofcom requires licensees to make a recording of every programme included in the service, and to retain these for 42 days after broadcast. Under Licence Condition 8(2)(b) Ofcom requires licensees to produce such recordings forthwith upon request.

In this case, Ofcom noted that the Licensee said his failure to retain complete recordings of Ramadhan Radio's output and provide Ofcom with the recordings requested was due to a technical error with hired equipment. Nevertheless, the Licensee was obliged under the terms of his licence to ensure that a recording of Ramadhan Radio's output was retained for 42 days and provided to Ofcom on request.

The failure to provide Ofcom with required recordings was a significant breach of the station's licence, as it affected Ofcom's ability to assess its compliance with the Code.

Ofcom advises the Licensee that this breach will be held on record and may be taken into account in the event of any future licence applications by this individual.

Breaches of Licence Conditions 8(2)(a) and (b)

Fairness and Privacy cases

Not Upheld

Complaint by Mr Murtaza Ali Shah

*Khara Sach, ARY News, 4 November 2013, 13 November 2013 and 21 December 2013; and
On Screen Caption, ARY News, 13 November 2013*

Summary

Ofcom's has not upheld this complaint of unjust or unfair treatment in the programmes as broadcast made by Mr Murtaza Shah.

The programmes complained about were three editions of *Khara Sach*, a live talk show programme presented by Mr Mubashir Luqman, and (an on screen caption included in) various editions of ARY News. The programmes included comments made by a contributor, Lord Nazir Ahmed¹, about an unnamed individual during discussions about Geo TV, Jang Group (often referred to collectively in the programmes as Geo/Jang Group²) and the Mir Khahil Ur Rahman Foundation³ ("MKRF"). During the programmes, Lord Nazir Ahmed claimed, amongst other things, that: an individual had threatened him that a court order may be issued against him; a senior reporter for Geo/Jang Group had recorded an interview with a woman who said she had had an affair with Lord Nazir Ahmed; Geo Group news reporters in the UK were not paid a minimum wage/a salary (this claim in relation to one Geo reporter was also included as an on screen caption during ARY News); and, a journalist working for Jang Group had written a news article for a reason other than to report the news.

Having taken careful consideration to all the programmes complained about, Ofcom's found that:

- The programmes did not result in unfairness to Mr Shah.
- Lord Nazir Ahmed's comments did not amount to significant allegations, or allegations of wrongdoing or incompetence, about Mr Shah that required the broadcaster to have offered him an opportunity to respond. Therefore, there was not unfairness to Mr Shah in this respect.

¹ Lord Nazir Ahmed, one of the five Muslim peers in the House of Lords.

² Jang Group of Newspapers (known as the Jang Group) is a subsidiary of the Independent Media Corporation. Its headquarters is in Karachi. It is Pakistan's largest group of newspapers and Geo TV broadcasts GEO News, an Urdu news channel, which is closely affiliated with the Group. We noted that references to Geo Group and Jang Group were used interchangeably throughout the programmes. We have therefore taken a view that any references to the individual Groups in the programmes should be considered as referring to both organisations.

³ According to its website, the MKRF is a "Pakistani based non-profit organisation formed in 2004...dedicated to using media as a tool for social betterment and for empowering people to engage with their communities".

In this case, the comments made by Lord Nazir Ahmed did not result in unfairness nor did they amount to significant allegations about Mr Shah. However, it is important for broadcasters to note that if comments are made, either by a contributor to the programme or by the programme itself, the broadcaster should take reasonable care to ensure that material facts are not presented, disregarded or omitted in a way that is unfair to an individual or organisation. Similarly, when significant allegations are made, either by a contributor to the programme or by the programme itself, the broadcaster must ensure that the person concerned should normally be given an opportunity to respond and, where appropriate, for that response to be represented in the programme.

Introduction and programme summaries

ARY News is a television station providing news coverage and information programming to the Pakistani community in the UK.

Transcripts in English (translated from the original Urdu) of the whole of the *Khara Sach* programmes broadcast on 4 November 2013, 13 November 2013 and 21 December 2013 were prepared by an independent translation company for Ofcom. A transcript in English of the relevant part of the ARY News programme broadcast on 13 November 2013, i.e. the on screen caption, was also prepared by an independent translation company for Ofcom.

Both parties to the complaint confirmed that the translated transcripts fairly represented the content in the programmes relevant to the complaint, and that they were satisfied that Ofcom could use the translated transcripts for the purposes of investigating the complaint⁴.

ARY News provided Ofcom with a copy and transcript of a Geo Group promotional trailer broadcast on 24 February 2014 as part of its response to Ofcom's Entertainment Decision to explain why it did not consider it had breached the Code. A transcript in English (translated from the original Urdu) of the promotional trailer was provided by ARY News and its content was verified by an independent translation company for Ofcom. Ofcom provided Mr Shah with a copy of the promotional trailer and the translated transcript. We confirmed that we would be using the transcript provided by ARY News for the purpose of investigating the complaint.

On 4 November 2013 (repeated on 5 November 2013), 13 November 2013 (repeated on 14 November 2013) and 21 December 2013 (repeated on 22 December 2013), ARY News broadcast editions of *Khara Sach* (translated as "the Plain Truth"), a talk show programme presented by Mr Mubashir Luqman. Ofcom noted that during these live programmes Mr Luqman had a very discursive and improvisatory style, discussing and moving freely from subject to subject in no particular order.

⁴ The translations used for the Entertainment Decision were provided by the complainant and verified by an independent translator. Both parties confirmed that Ofcom could use these translations for the purpose of entertaining the complaint. However, when Ofcom sent the Entertainment Decision to the parties the broadcaster responded to say that the translations were, in fact, "misleading and biased". To resolve this issue, Ofcom obtained new independent translations and asked both parties to confirm their agreement to these new translations. As a result, the quotes from the translations used for the Entertainment Decision quoted in the heads of complaint may be different to the new translations included in the "Introduction and programme summaries" section.

- Khara Sach - 4 November 2013

During this edition of *Khara Sach*, Mr Luqman informed viewers that there was an Islamabad High Court Order against him which prevented him from discussing anything which fell into the category of defamation about Jang Group, Geo Group and their officials. Mr Luqman explained that he had been reporting the facts and he had not been defamatory against any individual or organisation. He said that he had also received a restraining order from the High Court of Sindh. There was then a brief discussion about Geo/Jang Group.

The presenter then discussed a story published by the Hindustan Times which claimed that Mr Dawood Ibrahim⁵ and Inter-services Intelligence of Pakistan (“ISI”) were launching a TV Channel in Pakistan. He said the story was later retracted by the Hindustan Times because they had found out that the story was not true. However, Mr Luqman said he believed that there was some other reason for the story being retracted and he discussed this matter briefly before moving on to another subject.

The presenter explained that a member of the House of Lords in the UK, Lord Nazir Ahmed, would be joining him from London to discuss whether, through MKRF, Geo Group and Jang Group had received potentially millions of pounds in UK government funding. The presenter introduced Lord Nazir Ahmed, who joined the programme live via telephone. Mr Luqman began the discussion with Lord Nazir Ahmed by stating:

“When I spoke to you the last time, you told me that £20 million have been paid to Geo, Jang and The News through Mir Khalil Ur Rahman [Foundation]. But they say that they were paid £900,000. Tell me, who is telling the truth?”

In response, Lord Nazir Ahmed said he had raised questions in the UK Parliament about various topics and that the answers from the relevant UK Government spokesmen, Mr Alan Duncan and Baroness Northover, were available on the internet. One such question related to the funding given to MKRF by the UK Department for International Development (“DfID”). Lord Nazir Ahmed said that:

“My actual question was that I wanted to find out which method was adopted to give this money [i.e. to MKRF] because the rules that we follow stipulate that wherever money is spent, it should be done by competition i.e. over tender. So, how was it given to an organisation without tendering? By the way, I can tell you that, at that time, the Chief of Staff of our Labour leader asked me through email, “Who do you think is behind this?” meaning that either [MKRF] have highly placed connections or they put pressure through lobbies”.

The following discussion between Mr Luqman and Lord Nazir Ahmed then took place:

Mr Luqman: *“It means that you too were being put under pressure. I was thinking that only I am being put under pressure to keep silent. You are the member of the House of Lords and you are also being put under pressure. Really, what high connections!”*

⁵ The alleged leader of Dawood (or D) Company - a term used to describe a group linked to a range of organised criminal and terrorist activities in India, Pakistan and the United Arab Emirates. Several members of the group are on the terrorist and/or wanted persons list produced by Interpol.

Lord Nazir: *Mr Mubashir Luqman, I was even threatened that a court order may be issued against me. Even now they try to issue it. He told me that their Karachi office wanted to register a case against me. By God, I said to him “congratulations! Register a case by all means; it is my parliamentary job to ask questions. If they will put pressure on me to stop me from asking parliamentary questions it will be Contempt of Parliament”. They stopped my news but that is not a problem. The fact is that I want to ask many questions from them. They asked me to talk about Aman Ki Asha⁶: firstly it does not seem local to me for Asha [desire] is not a Pakistani word. Secondly, I said to them, “who are you to talk about it [i.e. peace] until the Kashmir issue [between India and Pakistan] is resolved?”*

The discussion between Lord Nazir Ahmed and the presenter about the Desire for Peace campaign continued. Mr Luqman then discussed in more detail the Hindustan Times story and was joined by three journalists: Mr Sabir Shakir and Mr Humayun Gohar by video link; and Mr Aamir Ghouri by telephone. There was nothing further in the programme which was relevant to the complaint.

- Khara Sach - 13 November 2013

Mr Luqman introduced this programme by stating that nothing said in the programme was intended to be defamatory. He also stated that he wished Mr Mir Shakil Ur Rahman, the founder of Geo TV Network and owner of Jang Group, to join him in the studio to give his point of view on certain topics. The presenter then stated that Lord Nazir Ahmed also would be joining him on the programme (again interviewed live via telephone) because: *“someone has done [a] mischievous – ugly – thing to him. Who did it? Lord Nazir is going to reveal this in a short while”*.

The presenter briefly spoke about Mr Mir Shakil Ur Rahman’s company expenses. Immediately following this, the presenter welcomed Lord Nazir Ahmed and the following discussion took place:

Presenter: *“We have been hearing horrible news about you. What is all this about and what are the facts?”*

Mr Luqman: *Mr Luqman ever since I appeared on your programme and you asked me some questions about the Department for International Development and Mir Khalil Ur Rahman Foundation and I raised these questions in the [UK] Parliament, a strange event has happened; a Twitter account was opened in my name to create an image of mine. It was tweeted from this account that I wanted the Pakistan Government to enter into negotiations with the Taliban. This was not my view and I did not know about it. I have today told Twitter to cancel this account. Then a video was uploaded on Facebook and on a site, a website, a dirty one. I have been told that this video is being circulated. Actually there is a woman who denies it basically, and personally, she is ill, mentally ill. Some time ago she used to write for the magazine of the Jang Group, but for the last four months she has legally been sectioned to a mental hospital. In her interview she had levelled some allegations with reference to me. First, I did not know about this, but now, when I contacted her family, she and her relatives told me that all*

⁶ According to its website, “Desire for Peace is a campaign for peace between India and Pakistan, jointly initiated by the Jang Group of Pakistan and The Times of India Group”.

this has been coming from the Geo Group ever since I raised those questions in the Parliament and wrote a letter to the Chairman of the Select Committee for the Department for International Development, asking why these funds have been given [to MKRF]; I had asked if competitive bids were called and I had asked the [UK] Government why they were not able to identify the connection between the Geo Group and Mir Khalil Ur Rahman Foundation”.

Lord Nazir Ahmed explained in more detail the connection between Geo Group and Mr Mir Shakil Ur Rahman and the purpose of MKRF. He then said:

“I know about this Group [i.e. Geo/Jang Group], they have reporters here [i.e. in the UK], perhaps you know that there is a law here that one has to pay a minimum wage to one's employees; those who have been claiming for years to be Geo's reporters and Geo's employees, they do not receive minimum wage which has to be given as per the law and if the British government deals with such a company then I have concerns and I think that it is my parliamentary right to ask these questions [in the UK Parliament]”.

Mr Luqman then briefly explained an incident which occurred between himself and the Chairman of ARY News.

After a commercial break, the discussion between Lord Nazir Ahmed and the presenter continued:

Mr Luqman: *“Well Lord Nazir. Very serious allegations have been levelled against you. Sexual harassment allegations were put against you. And you are saying that these allegations were particularly put against you due to Mir Shakil Ur Rahman, is that what you are saying?”*

Lord Nazir: *No, I am saying that it is a strange thing that when I raised questions earlier [i.e. in Parliament], even at that time my ‘cut and paste’ videos were brought forward. And now again when I raised questions a video was brought forward again. And this video does not contain matter[s] concerning sexual harassment. It shows that Lord Nazir has a love affair or he is going out with someone though the truth is that the said woman belongs to a much respected family and I do not want to involve them at all because she is suffering mentally and has remained admitted in a hospital for four months. Even earlier she was not mentally fit. I will come to your programme with National Health Service details about which hospital and where she is sick and where she is. It is such a disgraceful and immoral thing – because I understand when [drops the sentence]. I do not want to involve any group in this matter but it's a strange thing, a coincidence that when I am doing my parliamentary work here, these tweets start appearing. I receive phone calls from all around the world saying “Mate, did you tweet this?”. I say that there is only one Lord Nazir Ahmed but it's not me. Then on the other side this film [drops the sentence]. Now when this film was made, I got the evidence – lo and behold – that this is the senior reporter of the Jang Group Geo Group sitting in London who did this interview. When I found this out, and when I got to know this – lo and behold – that Mr Adnan from Venus TV⁷ was contacted and*

⁷ Venus TV broadcasts general entertainment programmes under an Ofcom licence and is primarily aimed at Asian communities in the UK.

asked for giving them the video about my questions and answers on Mir Khalil Ur Rahman, then it became obvious that all fingerprints lead to their house”.

Mr Luqman said that he tried to contact Mr Mir Shakil Ur Rahman to obtain his point of view on the matters he had discussed in the programme. The presenter and Lord Nazir Ahmed briefly discussed the funding received by MKRF by the UK DfID. The telephone line between the presenter and Lord Nazir Ahmed disconnected and while the call was being reconnected, the presenter began a discussion with another contributor to the programme about a different subject.

Mr Luqman thought that the phone line between himself and Lord Nazir Ahmed had been reconnected and the presenter said the following:

“Lord Nazir, tell me, because of a huge population and a large number of lawsuits, court[s] of law in India and Pakistan perhaps take a long time in dealing with cases, but in [the] UK, cases are dealt with quickly. Do you intend to approach higher courts there for your defamation case? After all, you are a member of the House of Lords and a serious allegation has been levelled against you”.

Mr Luqman realised the phone line had not been reconnected and he went to a commercial break. After the commercial break, Mr Luqman briefly discussed Mr Mir Shakil Ur Rahman.

The telephone line between the presenter and Lord Nazir Ahmed was reconnected and the following discussion took place:

Mr Luqman: *“Lord Nazir, if you are telling the truth, you should in principle file a defamation lawsuit in London.*

Lord Nazir: *Mr Mubashir [I cannot file a defamation lawsuit] because I do not have this evidence and I do not have any connection until I find out who uploaded it [i.e. the video interview with the woman alleging she had an affair with Lord Ahmed]”.*

Lord Nazir Ahmed explained how he believed the video had been uploaded. He added that he would be pursuing the issue regarding the allocation of money to MKRF by DfID in the UK Parliament. He then said:

“All media groups, large or small, should remain within the bounds of respect and decency. They should refrain from these childish acts like uploading such extremely disrespectful videos on Facebook etc. They should refrain from such ‘badmashi’⁸”.

The presenter and Lord Nazir Ahmed then discussed the Desire for Peace campaign and then there was a more detailed discussion about the Geo/Jang Group. Mr Luqman said:

“Lord Nazir, you might remember that an edited video of a programme against me [i.e. Mr Luqman] was first circulated on the internet, and afterwards a Group Editor of the Jang Group itself gave an interview to an internet channel to expose

⁸ The independent translator explained to Ofcom that ‘badmashi’ meant hooliganism i.e. to use thuggish methods, for example dishonesty, harassment and bullying.

the conspiracy a day before this; two days before this a [newspaper] column was also published stating that a conspiracy was brewing [against me]. Yet using that edited internet thing sanctions were placed against me. But Justice Nasir Khosa stood by justice and truth: in the Court he gave the example of Caliph Umar Farooq and he said that he was withdrawing from this case so that someone else, who could understand it, may deal with it. Lord Nazir we know how and why things are uploaded on the internet, but I know that you are telling the truth. You are being punished because you have always worked for the welfare of Pakistan in the House of Lords and I will say loudly, even though I may have political differences with you, I salute the love you have in your heart for Pakistan”.

The discussion between the presenter and Lord Nazir Ahmed ended. The programme continued. However, the discussions concerned Mr Mir Shakil Ur Rahman and Geo/Jang Group and nothing further of relevance to the complaint was broadcast.

- ARY News – 13 November 2013

Following the broadcast of *Khara Sach* and at various points during the ARY News programmes and bulletins, an on screen caption was shown, stating: *“Lord Nazir: A Geo reporter in Britain has not been paid wages for many years”.*

- Khara Sach - 21 December 2013

In this edition of *Khara Sach*, Mr Luqman introduced the programme by stating that it was a special edition because: *“a new conspiracy has come to be known”.*

Mr Luqman was joined by Mr Sabir Shakir, the Islamabad Bureau Chief of ARY News and Mr Arif Bhatti, the Lahore Bureau Chief of ARY News by video link and they discussed Geo/Jang Group and Mr Mir Shakil Ur Rahman.

The following discussion between Mr Luqman and Mr Bhatti took place:

Mr Luqman: *“Although there are many personally known to me in this Group [Jang/Geo] who are honest and sincere journalists and do their work with good intentions, when the conduct of its owners is such can the entire organisation be trusted?”*

Mr Bhatti: *In 2007-08, I received a phone call from the owner of a very big organisation, who said to me: ‘you are [the] PUJ [Punjab Union of Journalists] president and you are nowadays in crisis, so I have allocated fund[s] for you and kept it separate.’ I replied: ‘Sir, I am sorry but we don’t run a movement with gifted money; you are in crisis, you take money from us.’ In my view, they think that everyone is for sale [but] I believe that there are honest and sincere people everywhere and in every organisation.*

They are going to meet their end. We appeal to them that instead of conspiring against us, or anyone else: ‘please give the wage award to your employees for God’s sake [because] there are thousands who are committing suicides because of unemployment, those whom you are not giving their salaries. Please give them the wage award. You do respect the courts but they are being taunted for granting the wage award [which was not implemented]’. 85 to 95 percent of their

employees are working on contract basis. How can they talk about human rights and sharing the truth?"

Throughout the programme, Mr Mir Shakil Ur Rahman was invited to join Mr Luqman in the studio to discuss certain topics, for example Mr Luqman referred to: *"corruption, about getting money from foreign governments, about changing your editorial content and about usurping taxes of Jang and Geo, and questions about loans of banks which you hold, you are paying back or trying to get them rescheduled"*.

Lord Nazir Ahmed joined Mr Luqman by telephone and the following telephone conversation took place:

Mr Luqman: *"Lord Nazir, you listened to the talk of Arif Hameed Bhatti and Sabir Shakir. What would you add to it?"*

Lord Nazir: *Mr Bhatti has spoken nicely about the salaries of staff. Workers of any institution should be given a living wage. But even more important thing here in Britain is that there is a newspaper – an old newspaper 'Jang Newspaper' – Geo/Jang Group has been here for the last 40 years. According to my information of all their reporters and the bureau chief, they have only four who get paid minimum expenses. No one is paid a salary. And some of their people who report for their head office, even they are not paid a salary. The law here says that any person who works for anyone on their books [i.e. payroll] should be given a minimum wage which is perhaps £6 per hour. Otherwise this is a criminal act. By the way, I am consulting lawyers in this regard. I have told the Chairman of the Select Committee that if an organisation's workers are claiming Social Security, why I, as [a] tax payer, am paying for their salaries because they were not getting salaries though they are called as 'Bureau Chief' and these poor guys work. Or they should collect their money from those for whom they write [news] stories..."*

The phone line between Lord Nazir Ahmed and Mr Luqman disconnected. Mr Luqman then began a discussion with Mr Shakir about another topic.

The phone line between Lord Nazir Ahmed and Mr Luqman was reconnected. Lord Nazir Ahmed briefly discussed the now defunct UK newspaper, The News of the World, the phone hacking trials then taking place in London and the Leveson Inquiry (a public inquiry into the UK press following the News of the World phone hacking revelations). The following discussion between Lord Nazir Ahmed and Mr Luqman took place:

Lord Nazir: *"As Mr Bhatti said, in Pakistan for the first time, against this Group [i.e. Geo and Jang Group] – not against but facts about this Group have been brought out and I congratulate ARY and other people who have [done this]. I have spoken about the Desire for Peace Campaign from the beginning. Even at that time, I didn't have any personal relation with them and I don't even know the owners of this Group but the two people who work for them here and the way they manipulate things, I will give you an example here. Today's headline is about the minister [the then Attorney General in the UK, The Rt Hon Dominic Grieve QC, MP] who had called Pakistanis corrupt, they want to prove that he made a mistake – not even a mistake – [they say] that he didn't say it*

and [the] Daily Telegraph misquoted him. Look, for whom do these people work for? Instead, if you see, for which institution, where in the corners of the worlds the funding is coming, then where their connections are and where is lobbying taking place; where are they sitting, and who are they damaging? You need to see this.

Mr Luqman: *Mr Bhatti, ethically it is very wrong that you [i.e. Jang/Geo] keep on taking funds from foreign powers, show paid content here [in Pakistan], try to change Pakistan's ideology according to their [foreign funders] wishes and try to distort our values, whether they are social or religious values. For me there is only one meaning of Pakistan: there is no God but Allah. If your [Jang/Geo] campaigns change this, then is it not a point to ponder that this is a worst case of journalism?*

Mr Bhatti: *I want to plead, if you give me two minutes. If it is true that someone is conspiring then I request them, for God's sake don't do this...If they try to do such [a] thing, I have no right to character assassination, but if they tried to do such a thing, I assure you that such disclosures will be made as will make them unable to show their faces".*

Mr Bhatti then discussed the Desire for Peace Campaign. While the discussions continued, there was nothing further of relevance to the complaint in the programme.

Summary of the complaint and the broadcaster's response

- a) Mr Shah complained that he was treated unjustly or unfairly in the programmes as broadcast because material facts were presented, disregarded or omitted in a way that was unfair to him. Mr Shah gave the following examples of how the programmes resulted in unfairness to him:
 - i) Lord Nazir Ahmed claimed in the programme broadcast on 4 November 2013 that Mr Shah: *"threatened that [a] court order can be issued against me...he their [i.e. Jang Group's] senior official in London told me that it was said from my Karachi office that they want to register a case against you"*. Mr Shah said that Lord Nazir Ahmed created an impression, without being challenged, that he had issued threats to Lord Nazir Ahmed which was a lie.

By way of background, Mr Shah said that he had met Lord Nazir Ahmed in the House of Lords in 2013 which was public knowledge. Further, Mr Shah said that while he was not named in the programme, he was easily identifiable by the comments made by Lord Nazir Ahmed in the programme (and the other programmes subject to this complaint) because he was the only *"senior journalist"* for Jang Group and Geo Group in London. He said that numerous people had recognised that Lord Ahmed was referring to him and had asked him why he had threatened Lord Nazir Ahmed.

In response, ARY News stated that Lord Nazir Ahmed was an independent participant in the programme and that he was taking part in a discussion with the presenter, about various matters via telephone. ARY News said that Lord Nazir Ahmed *"alluded to some Geo/Jang senior official/journalist who allegedly threatened him of getting a court order against him"*, but that Lord Nazir Ahmed had not named the individual. He had simply referred to him as some senior Geo/Jang journalist. ARY News added that they could not understand how Mr Shah had concluded from what Lord Nazir Ahmed had said in the programme that he was referring to Mr Shah. ARY News provided

a copy of a recording of a promotional trailer by Geo Group which, ARY News said, showed “that they [Geo/Jang Group] have a dozen reporters and journalists working for them”.

ARY News stated that there was no evidence to suggest that Mr Shah was offended by Lord Nazir Ahmed’s comments and that, if he had been offended, he should have contacted Lord Nazir Ahmed. Alternatively, he should have contacted Mr Luqman to find out whether or not it was him who was being discussed in the programme. If Mr Shah still considered that he was the person being discussed, then he should have offered to be part of a future programme, which ARY News said he did not do.

ARY News also stated that Mr Shah had said that he had met Lord Nazir Ahmed at the House of Lords which suggested that Mr Shah had some form of friendship or familiarity with Lord Nazir Ahmed. ARY News said that if this was the case, why did Mr Shah not approach or contact Lord Nazir Ahmed to ask him to explain the allegations he had made.

- ii) Lord Nazir Ahmed claimed in the programme broadcast on 13 November 2013 that “*a senior reporter of the Jang Group... in London*” had conducted an interview with a woman who had alleged that she had had an affair with Lord Nazir Ahmed. Mr Shah said he did not conduct this interview. Further, Mr Shah said that the presenter stated “*Lord Nazir we know how and why things are injected in the internet system, but I know you are speaking the truth*” which, in effect, gave his stamp of approval to Lord Nazir Ahmed’s “wild allegations”.

By way of background, Mr Shah said that he had been openly criticised in the Pakistani community as well as in the journalist professional community as a result of this comment because people believed that he had conducted an interview with the woman in question. Mr Shah said that he was a man of integrity and honesty and had worked all his life to uphold journalistic principles. He said that he had never been part of anything scandalous, like conducting interviews about alleged extra marital affairs.

In response, ARY News said that as far as it was aware, a senior Geo/Jang Group reporter in London had conducted the interview with a woman who claimed she had had an affair with Lord Nazir Ahmed and that the relatives of the woman had been in touch with Lord Nazir Ahmed to apologise for any offence to him caused by her interview with the Geo/Jang reporter and that the woman herself had also “expressed her regret”. ARY News added that according to Lord Nazir Ahmed’s research on the matter, one of the several Geo/Jang reporters manipulated the woman to be part of the Geo/Jang campaign to malign the character of Lord Nazir Ahmed. Further, ARY News said that the woman is receiving treatment in a hospital for a mental health condition and is “easy prey for blackmail by people like Mr Shah and his organisation – the Geo/Jang Group”.

ARY News said that the “senior Geo/Jang Group reporter” was not referred to by name in the programme.

- iii) Lord Nazir Ahmed claimed in the programme broadcast on 13 November 2013 and 21 December 2013⁹ that Geo Group reporters were not paid a salary and *“only four get minimum expense[s]”*. Also on-screen captions included at various points during the ARY News programmes broadcast on 13 November 2013 stated that: *“a Geo reporter in Britain has not been paid wages for many years”*. Mr Shah said that this was incorrect and unfair because he did receive a salary.

By way of background, Mr Shah said that he was a professional journalist and that he does not work for free. He said that people in the community now thought that the channel did not pay him. Mr Shah said that the aim of the allegation was to “assassinate” his character and to humiliate him in the community.

In response, the broadcaster said that, considering that Mr Shah had on previous occasions been in contact with Lord Nazir Ahmed, he should contact him to discuss this allegation. ARY News said that Mr Shah could have contacted the programme makers to discuss the matter. The broadcaster said that Mr Shah was not named in either programme.

- iv) In the programme broadcast on 21 December 2013, Lord Nazir Ahmed commented on an article written by Mr Shah for the Daily Jang Newspaper about the UK Attorney General at the time, Mr Dominic Grieve. Lord Nazir Ahmed said *“today’s headline in Daily Jang London [written by Mr Shah] about the minister who called Pakistanis corrupt – an attempt has been made to imply that he made an innocent mistake, that he didn’t say what he did”* about Pakistanis being corrupt.

Mr Shah said that Lord Nazir Ahmed deliberately identified his article and that his comments suggested that, by writing the article, Mr Shah was working against the interests of Pakistan and Islam “for the benefit of some foreign forces”. He also said that the presenter did not challenge Lord Nazir Ahmed and had tried to portray his article “as a treachery against Islam and Pakistan”. Mr Shah asserted that he had not given any personal opinion in his article about Mr Grieve, but had only reported what Mr Grieve had said. Mr Shah said that because of Lord Nazir Ahmed’s comments he had been criticised by the Pakistani community in the UK and people on social media.

In response, ARY News said that Mr Shah should have contacted Lord Nazir Ahmed about this matter. Alternatively, he should have contacted the programme makers if he was offended by the programme. ARY News added that there was nothing in the programme that could have offended Mr Shah and that the content of the programme was “just and fair”. It went on to state that freedom of expression prevented them from stopping people in the community from discussing the matter.

In response to all the examples listed above in relation to Mr Shah’s complaint, ARY News said that the comments made in the programmes by the presenter were fair, just and made without malice.

⁹ Ofcom omitted to reference the 21 December 2013 programme which the quote was from in the entertained complaint. Therefore, we have retrospectively amended the entertained complaint to include a reference to two programmes.

- b) Mr Shah complained that he was not given the opportunity to respond to the allegations that were made in the programmes about him.

In response, ARY News said that Mr Shah was not named in the programmes and that he should have contacted the programme makers about the matter. ARY News said that had Mr Shah contacted ARY News, he would have been formally invited to take part in any subsequent programme to give his version of events. The broadcaster added that he was welcome in any future programme to clarify his position.

ARY News stated that the presenter of *Khara Sach* on each programme invited the owner of Geo Group and Jang Group, Mr Mir Shakil Ur Rahman and “all those whose names have been mentioned” to join him in the studio to give their version of the events being discussed.

Ofcom’s Preliminary View

Ofcom prepared a Preliminary View in this case that the complaint of unjust or unfair treatment made by Mr Shah should not be upheld. Both parties were given the opportunity to comment on the Preliminary View.

Mr Shah commented that he rejected the findings made by Ofcom as it did not “reflect the reality” and did not “provide fairness and justice to me”. He said that it was clear that he was identified and wronged, but that Ofcom had gone out of its way to “write off” his concerns and “provide advantage to ARY which is completely unfair”. Mr Shah did not provide any further representations in relation to the Preliminary View.

The broadcaster made no representations on Ofcom’s Preliminary View.

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 unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with, the obtaining of material included in programmes 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.

In reaching this Decision, we carefully considered all the relevant material provided by both parties. This included a recording of the programmes as broadcast, translated transcripts of them and both parties’ written submissions and supporting material. We also took account of the comments made by Mr Shah in response to Ofcom’s Preliminary View on his complaint (which was not to uphold). However, we concluded that Mr Shah’s comments did not raise any issues to persuade Ofcom to alter its decision not to uphold the complaint.

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster’s actions ensured that the programme as broadcast avoided

unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code").

- a) Ofcom first considered the complaint that material facts were presented, disregarded or omitted in a way that was unfair to Mr Shah.

In considering this part of the complaint, Ofcom had particular regard to 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. It is important to clarify that, in having regard to Practice 7.9, Ofcom is unable to make findings of fact; our role in establishing whether there was any unfairness is to consider the material that was broadcast and the context in which the particular comments complained of were made.

In assessing whether or not the programmes complained of resulted in unfairness to Mr Shah, Ofcom considered in turn each particular sub-head i) to iv) of the complaint set out above in the "Summary of the complaint and the broadcaster's response" section. We assessed each sub-head separately, and then the programmes overall, to reach a decision as to whether Mr Shah was treated unjustly or unfairly.

Ofcom acknowledges the right to freedom of expression for broadcasters and their audience, and that broadcasters must be able to investigate, report and comment on matters of interest to their audience freely. However, this comes with the responsibility and an obligation on broadcasters to comply with the Code and, with particular reference to this case, avoid unjust and unfair treatment of individuals or organisations in programmes.

- i) Ofcom began by assessing the complaint that Lord Nazir Ahmed claimed in the programme broadcast on 4 November 2013 that Mr Shah "*threatened that [a] court order can be issued against me...he their [i.e. Jang Group's] senior official in London told me that it was said from my Karachi office that they want to register a case against you*". Mr Shah said that Lord Nazir Ahmed created an impression, without being challenged, that he had issued threats to Lord Nazir Ahmed which was a lie.

We reviewed the programme and translated transcripts and noted that Lord Nazir Ahmed said:

"Mr Mubashir Luqman, I was even threatened that a court order may be issued against me. Even now they try to issue it. He told me that their Karachi office wanted to register a case against me. By God, I said to him "congratulations! Register a case by all means; it is my parliamentary job to ask questions. If they will put pressure on me to stop me from asking parliamentary questions it will be Contempt of Parliament".

We then assessed whether Mr Shah was identifiable as the person who Lord Nazir Ahmed was discussing.

We noted that Lord Nazir Ahmed referred to "*he*" when discussing the person who had threatened him. Mr Shah identified in the translation that "*he*" was a reference to a senior official of Geo/Jang Group in London. As a result, Mr Shah said that he was identifiable because he was the only senior reporter in London for Geo/Jang Group and he had met Lord Nazir Ahmed at the House

of Lords in 2013. Mr Shah also said that a number of people had identified him as the person who Lord Nazir Ahmed was discussing in the programme (although we noted that Mr Shah had provided no evidence to support this claim). We also took into account the broadcaster's statement in which it said that Lord Nazir Ahmed had "alluded to some Geo/Jang senior official/journalist" at this point in the programme.

However, we observed from the translated transcript that the individual referred to as "he" was not named and no further context was given in the programme about the position of this person or the organisation the individual may work for. Further, Lord Nazir Ahmed did not explicitly state nor imply that the individual who had threatened him worked for Geo/Jang Group or that the individual was a reporter, senior or otherwise, in London for the Geo/Jang Group.

Taking all the above factors into account, we considered it unlikely that viewers would have identified the individual who Lord Nazir Ahmed was referring to as Mr Shah. Therefore it was not necessary for Ofcom to consider whether or not there was any unfairness to Mr Shah in this respect.

- ii) Ofcom next assessed the complaint that Lord Nazir Ahmed claimed in the programme broadcast on 13 November 2013 that "a senior reporter of the Jang Group... in London" had conducted an interview with a woman who had alleged that she had had an affair with Lord Nazir Ahmed. Mr Shah said he did not conduct this interview.

We reviewed the programme and translated transcript and noted that the purpose of the discussion with Lord Nazir Ahmed was to seek his views about an allegation about an extra-marital affair, which he denied. Lord Nazir Ahmed was also given the opportunity to explain his belief that the video had been created as part of a smear campaign, possibly linked in some way to the Geo/Jang Group and/or MKRF, following questions he had asked in the House of Lords about funding given by the DfID to MKRF. It was within this context that Lord Nazir Ahmed stated that a "senior reporter" of the Geo/Jang in London had conducted the interview featured on the video.

Against this background, Ofcom noted, in particular, the following comments made by Lord Nazir Ahmed:

"a video [i.e. of the woman who said she had an affair with Lord Nazir Ahmed] was uploaded on Facebook and on a site, a website, a dirty one";

"it shows that Lord Nazir has a love affair or he is going out with someone";

"she [i.e. the woman who was supposed to have alleged in the video that she had had an affair with Lord Nazir Ahmed] and her relatives told me that all this has been coming from the Geo Group ever since I raised those questions in the Parliament and wrote a letter to the Chairman of the Select Committee for the Department of International Development, asking why these funds have been given [to MKRF]"; and

"Now when this film was made I got the evidence – lo and behold – that this is the senior reporter of the Jang Group Geo Group sitting in London who did this interview".

We recognised that the broadcaster disputed that Lord Nazir Ahmed was discussing Mr Shah when he referred to “*the senior reporter of the Jang Group Geo Group sitting in London*” and noted that the individual being discussed by Lord Nazir Ahmed was not named in the programme. We went on to consider whether Mr Shah was identifiable, nevertheless, as “*the senior reporter*” referred to.

We first took into account a Geo Group promotional trailer broadcast on Geo TV on 24 February 2014, a copy and translation of which were provided to Ofcom by ARY News. The broadcaster said that the trailer included references to “dozens of reporters” working for Geo Group in the UK. The promotional trailer showed and named nine Geo Group reporters, working in different areas of the UK.

Ofcom had regard to the fact that the promotional trailer was broadcast some three months after the programmes complained about were broadcast. We therefore recognised that the number of reporters working for Geo Group in the UK in November and December 2013 may not have been the same as in February 2014. Nevertheless, three of the reporters shown in the promotional trailer were identified as working in London and one of the individuals was Mr Shah. The trailer did not state how many reporters in total were working for Geo Group in the UK or Geo Group in London. However, it was our view that the number of individuals working as reporters for Geo Group in London was limited, possibly, to no more than three.

In contrast, we noted that Mr Shah said that he was the only senior reporter for Geo/Jang Group in London. He added that people had identified him as the person who Lord Nazir Ahmed said had conducted the interview.

Whether or not Mr Shah was the only senior reporter in London appeared to be a matter of some dispute between the parties. This is a factual matter which Ofcom is not able to resolve. Nevertheless, it did appear to us that the Geo/Jang Group had a small presence in London and that, therefore, it would not be unreasonable to conclude that Mr Shah was at least *potentially* identifiable as the senior reporter being referred to by Lord Nazir Ahmed. It was in this context that we considered whether or not the presentation of Lord Nazir Ahmed’s comments could have resulted in any unfairness to Mr Shah.

We noted that Lord Nazir Ahmed made only a very brief comment about the person who was purported to have conducted the interview about an alleged affair. He did not provide any further opinion on this person or criticise them for having carried out the interview. Rather, he stated his opinion that the interview had been carried out by “*the senior reporter*” for Geo/Jang Group. We observed too that the focus of the conversation between Mr Luqman and Lord Nazir Ahmed was about Lord Nazir Ahmed’s denial that he had had an affair rather than discussing the content of the interview itself or who had conducted it. Ofcom is not in a position to know as fact who conducted the interview. However, in our view, even if Lord Nazir Ahmed was incorrect in saying that it had been conducted by “*the senior reporter*”, when taken in the context of the whole discussion about Lord Nazir Ahmed’s denial about the affair, the comment itself was vague.

We also recognised that the subsequent comments made by Lord Nazir Ahmed about the interview were that it had possibly been orchestrated, in connection with MKRF or by Geo/Jang, as part of a smear campaign against

him. Therefore, in our view, the focus of Lord Nazir Ahmed's criticism appeared to be against Geo/Jang as an organisation rather than directly at Mr Shah or any other individual employee of Geo/Jang.

Further, in Ofcom's view, it is not unusual for journalists in the UK to interview people about extra-marital affairs and that they do so without, necessarily, negatively affecting their reputation or standing as professional journalists. While Mr Shah said in his complaint that he had been criticised by people in the Pakistani community for conducting an interview of this nature, Mr Shah had not provided any documentation to Ofcom that supported his claim that people's opinions about him as a journalist had been altered as a direct consequence of Lord Nazir Ahmed's comments about the interview.

Therefore, taking all the above into account, while we recognise that Mr Shah may consider the suggestion that he had conducted an interview with a person regarding a "scandalous" issue such as an extra-marital affair challenged his journalistic integrity, Ofcom was not persuaded that Lord Nazir Ahmed's comment, in itself, and Mr Luqman's affirmation that Lord Nazir Ahmed was "*speaking the truth*" would have materially and adversely affected viewers' opinion of Mr Shah in a way that was unfair. Further, we did not consider that the person who had conducted the interview was the focus of the discussion which appeared to be directed at Geo/Jang as an organisation rather than any individual employee. Therefore, it was our view, that there was no unfairness to Mr Shah in this respect.

- iii) Ofcom then considered Mr Shah's complaint that Lord Nazir Ahmed claimed in the programmes broadcast on 13 November 2013 and 21 December 2013 that Geo Group reporters were not paid a salary and "*only four get minimum expense[s]*". Also on-screen captions included at various points during the ARY News programmes broadcast on 13 November 2013 stated that: "*a Geo reporter in Britain has not been paid wages for many years*". Mr Shah said that this was incorrect and unfair because he did receive a salary.

We reviewed the translations and the programmes broadcast on 13 November and 21 December 2013. In the programme broadcast on 13 November 2013 Lord Nazir Ahmed said that:

"I know about this Group [i.e. Geo/Jang Group], they have reporters here [i.e. in the UK], perhaps you know that there is a law here that one has to pay a minimum wage one's employees; those who have been claiming for years to be Geo's reporters and Geo's employees, they do not receive minimum wage which has to be given as per the law and if the British government deals with such a company then I have concerns and I think that it is my parliamentary right to ask these questions [in the UK Parliament]."

During ARY News broadcast on the same day, an on-screen caption said:

"Lord Nazir: a Geo reporter in Britain has not been paid wages for many years".

During the programme broadcast on 21 December 2013, Lord Nazir Ahmed stated that:

“Workers of any institution should be given a living [i.e. basic] wage. But even more important thing here in Britain is that there is a newspaper – an old newspaper ‘Jang Newspaper’ – Geo/Jang Group has been here for the last 40 years. According to my information of all their reporters and the bureau chief, they have only who get paid minimum expenses. No one is paid a salary. And some of their people who report for their head office, even they are not paid a salary. The law here says that any person who works for anyone on their books [i.e. payroll] should be given a minimum wage which is perhaps £6 per hour”.

We noted that no individual Geo reporter was named in *Khara Sach* broadcast on 13 November and 21 December 2013 or in the on-screen caption included during ARY News broadcast on 13 November 2013.

In relation to *Khara Sach* broadcast on 13 November 2013 and 21 December, Lord Nazir Ahmed commented that no reporter working for the Geo/Jang Group in the UK received minimum wage/a salary. Therefore, taking into account the promotional trailer (see head a) ii) above) and Mr Shah’s own assertions, we considered that Mr Shah would have potentially been identifiable as one of several Geo reporters working in the UK referred to by Lord Nazir Ahmed as not being paid the minimum wage/a salary.

However, in relation to the on screen caption included during ARY News, we did not consider that there was sufficient evidence to conclude that Mr Shah was specifically identifiable as this individual. This is because the on screen caption did not limit the reporter to a specific area i.e. London and it was reasonable to conclude from the promotional trailer that there were a number of individuals working for Geo Group as reporters in the UK. Therefore, viewers would have been unlikely to have specifically identified Mr Shah as the individual reporter and it was not necessary for Ofcom to consider whether there was any unfairness in respect of the on screen caption.

In considering whether or not there was any unfairness to Mr Shah in respect of the programmes broadcast on 13 November and 21 December 2013, we assessed the comments made by Lord Nazir Ahmed in *Khara Sach* in which he said that Geo reporters were not being paid a UK minimum wage/salary.

We do not know what the exact pay situation is for employees of the Geo/Jang Group, but we recognised that Mr Shah may have found the comments made by Lord Nazir Ahmed insulting or offensive. However, we considered that much of what was said on the topic appeared to be criticism focussed more against Geo/Jang as an organisation than directly at Mr Shah or any other individual employee of Geo/Jang Group. In our view, Lord Nazir Ahmed’s comments clearly implied that he considered the reporters of Geo/Jang Group in the UK should be paid a minimum wage/salary and that he was concerned that the reporters were not being paid properly. Therefore, we considered that it was unlikely that the vast majority of viewers would have considered Lord Nazir Ahmed’s comments to be applying specifically to Mr Shah.

Given all these factors, we did not consider that there was any unfairness to Mr Shah in this respect.

- iv) Ofcom next assessed the complaint that in the programme broadcast on 21 December 2013, Lord Nazir Ahmed commented on an article written by Mr

Shah for the Daily Jang Newspaper about the then UK Attorney General, Mr Dominic Grieve. Lord Nazir Ahmed said *“today’s headline in Daily Jang London about the minister who called Pakistanis corrupt – an attempt has been made to imply that he made an innocent mistake, that he didn’t say what he did”* about Pakistanis being corrupt.

Mr Shah said that Lord Nazir Ahmed had deliberately identified his article and that his comments suggested that, by writing the article, Mr Shah was working against the interests of Pakistan and Islam for the benefit of some foreign forces.

We reviewed the programme and translated transcript and noted that the purpose of the discussion with Lord Nazir Ahmed was to seek his views about topics in relation to Geo/Jang Group. In doing so, Lord Nazir Ahmed commented on an article about Mr Grieve in which he suggested that the person who had written the article had tried to *“manipulate things”*. Against this background, Ofcom noted, in particular, the following comments made by Lord Nazir Ahmed:

“I don’t even know the owners of this Group [i.e. Geo/Jang] but the two people who work for them here and the way they manipulate things, I will give you an example here. Today’s headline is about the minister [Mr Grieve] who had called Pakistanis corrupt, they want to prove that he made a mistake – not even a mistake – [they say] that he didn’t say it and [the] Daily Telegraph misquoted him. Look, for whom do these people work for? Instead, if you see, for which institution, where in the corners of the worlds the funding is coming, then where there connections are and where is lobbying taking place; where are they sitting and who are they damaging? You need to see this”.

Then immediately following this Mr Luqman said:

“Mr Bhatti, ethically it is very wrong that you [i.e. Jang/Geo] keep on taking funds from foreign powers, show paid content here [in Pakistan], try to change Pakistan’s ideology according to their [foreign funders] wishes and try to distort our values, whether they are social or religious values. For me there is only one meaning of Pakistan: There is no God but Allah. If your [Jang/Geo] campaigns change this, then is it not a point to ponder that this is a worst case of journalism?”

And Mr Bhatti responded by stating:

“I want to plead, if you give me two minutes. If it is true that someone is conspiring then I request them, for God’s sake don’t do this...If they try to do such [a] thing, I have no right to character assassination, but if they tried to do such a thing, I assure you that such disclosures will be made as will make them unable to show their faces”.

We recognised that Lord Nazir Ahmed did not name the *“two people”* he referred to, nor did he state in the programme the name of the person who had written the article about Mr Grieve. We considered that viewers would have understood Lord Nazir Ahmed to be discussing an article from the Daily Jang newspaper. This was because Lord Nazir Ahmed referred to the *“Group”* which was identifiable as Geo/Jang, and the Daily Jang is a newspaper published by this Group in the UK. We also took into account that

Mr Shah wrote the article referred to by Lord Nazir Ahmed and that the newspaper had put Mr Shah's by-line (i.e. his name) on the article. Therefore, we considered that Mr Shah could have been identifiable as the person who had written the article which Lord Nazir Ahmed was discussing.

We considered next whether or not the presentation of Lord Nazir Ahmed's comments could have resulted in any unfairness to Mr Shah.

We noted that Mr Shah wrote an article about a controversial issue, i.e. about Mr Grieve's remarks about the level of possible corruption among members of the UK Pakistani community. Ofcom reviewed the article¹⁰. We noted that Mr Shah did not provide any opinion on Mr Grieve's remarks in the article. In our opinion, Lord Nazir Ahmed appeared to report Mr Grieve's comments in a fairly straightforward way, noting that Mr Grieve had said that he had been misquoted and that he had apologised. We then took into account Lord Nazir Ahmed's comments about the article itself and considered that he had only made a very brief comment about the article. In Ofcom's view, Lord Nazir Ahmed did not misrepresent the content of the article itself, but instead he clearly stated that the article sought to prove that Mr Grieve did not mean to call Pakistanis corrupt and that the Daily Telegraph had misquoted him.

However, we noted that Lord Nazir Ahmed did state that the two people who had written the article had "*manipulated things*". In this context, Lord Nazir Ahmed presented that there was some other motivation behind publishing the article, other than to simply report Mr Grieve's remarks. Lord Nazir Ahmed then qualified his comment by stating that the reason the article may have been written was because the people worked for Geo/Jang and he questioned whether Geo/Jang Group were potentially funded and influenced by foreign investment. Taking Lord Nazir Ahmed's comments at their face value and giving them a natural interpretation, it was our view that viewers would not have been likely to have understood Lord Nazir Ahmed's comments about foreign funding to be relating specifically to the author of the article, Mr Shah. Rather, we considered that viewers would have been likely to have understood Lord Nazir Ahmed's comments related to Geo/Jang and the editorial stance of the Daily Jang newspaper. Further, taking the programme as a whole, we considered that the comments made by Lord Nazir Ahmed about the article were vague, and neither he nor the presenter nor the other guest, Mr Bhatti, spoke in any detail at all about the article or the motivation of its author. Instead, the presenter and Mr Bhatti focussed on Geo/Jang as an organisation and the suggestion that it (rather than any individual journalists) may be funded by foreign powers.

For these reasons, therefore, we did not consider that Lord Nazir Ahmed's comment about the article would have materially and adversely affected viewers' opinion of Mr Shah in a way that was unfair.

We also carefully considered sub-heads a) i) to iv) inclusive in the context of the programmes overall, to reach a view as to whether the programmes in their entirety were unfair. We evaluated whether the various examples taken together created a cumulative effect that might portray Mr Shah in a way that was unfair and whether this resulted in unfairness to him. After careful consideration, and for

¹⁰ "UKs Attorney General says he didn't call Pakistanis 'Corrupt'" – <http://www.thenews.com.pk/Todays-News-2-221786-UKs-attorney-general-says-he-didnt-call-Pakistanis-corrupt>.

all the reasons set out above, Ofcom's Preliminary View was that, when taken as a whole, the content of the programmes did not result in unfairness to Mr Shah.

- b) Ofcom next considered Mr Shah's complaint that he was not given an opportunity to respond to the allegations made in the programmes.

In assessing this head of complaint Ofcom took account of Practice 7.11 of the Code which states that "if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond".

We noted Lord Nazir Ahmed's comments made in the programmes (see head a) above) and considered whether the comments amounted to significant allegations that would place a requirement on the broadcaster to give Mr Shah an opportunity to respond.

In this case, the remarks made by Lord Nazir Ahmed did not amount to significant allegations about Mr Shah. This is because in relation to heads a) i), iii), iv) we did not consider that the comments made by Lord Nazir Ahmed were directly made about Mr Shah. Therefore, we did not consider that these comments could be reasonably regarded as amounting to significant allegations about Mr Shah. In relation to head a) ii), it was our view that although the comment made by Lord Nazir Ahmed may have been offensive to Mr Shah, the very brief comment could not reasonably be regarded as amounting to an allegation of wrongdoing or incompetence against Mr Shah.

For these reasons, we did not consider that Lord Nazir Ahmed's comments amounted to significant allegations about Mr Shah which, in the circumstances of this case required the broadcaster to have offered Mr Shah an appropriate and timely opportunity to respond to Lord Nazir Ahmed's comments.

Therefore, Ofcom has not upheld Mr Shah's complaint of unjust or unfair treatment in the programme as broadcast.

Not Upheld

Complaint by the Council of the Isles of Scilly

News Reports, Radio Scilly, 15 August 2014

Summary

Ofcom has not upheld the Council of the Isles of Scilly (“the Council”)’s complaint of unjust or unfair treatment.

Radio Scilly broadcast a number of reports in its morning news bulletins which included a story about water usage restrictions on the Isles of Scilly and a statement from the Council on the matter. The statement was read out using a computerised voice.

Ofcom found that in the particular circumstances of this case, the use of the computerised voice, in itself, would not have made a material and adverse difference to listeners’ overall perception of the Council or its press statement in a way that was unfair.

Introduction and programme summary

On 15 August 2014, Radio Scilly broadcast a number of brief news reports (approximately five minutes in duration) throughout the morning. Each report included a story about water usage restrictions that were in force on the islands at the time. The reports said that when asked about the water management plans, the Council did not answer the questions put to it, but that its press officer had issued a statement instead. The following statement was then read:

“The Council cannot comment at this time. Any additional steps to preserve the St Mary’s water supply will be revised in due course and appropriate action will be taken to notify the local community in the event that further restrictions are necessary”.

The statement was read by a computerised voice with what appeared to be a Scottish accent. The reports concluded after the statement was read.

Summary of the complaint and the broadcaster’s response

The Council said that it was treated unjustly or unfairly in the programmes as broadcast because an unnecessary computerised, robotic voice with a Scottish accent was used to read out a press statement made by the Council. It said that the use of the voice was intended to, and did, belittle its press statement in a way that was unfair.

By way of background, the Council said that given its press officer at the time was Scottish and spoke with a broad Scottish accent, it was clear that the use of this technology was designed to imitate the Council’s press officer’s voice. It said that using this method to report legitimate press releases was not only unprofessional, but was also unfair. It said that this was not the first occasion that a robotic voice had been used by Radio Scilly in reporting statements made by the Council.

In response, the broadcaster said that it had found it increasingly difficult to secure interviews with Council staff over items of public interest. It said that one councillor had stated that members of the Council were advised not to speak with Radio Scilly. As a result, Radio Scilly had decided to present non-attributed statements from the Council's press office instead.

Radio Scilly said that broadcasting services with larger budgets, such as BBC Radio 4, used actors or voice-overs to read statements. It said that in the absence of getting Council officials to speak on their programmes, it had used a 'text-to-voice' synthesiser as a low-cost method of bringing the Council's statements to life. It said that the Scottish male voice in question was selected as it was the sole, licence-free synthesiser that followed correct UK pronunciation. Radio Scilly stated that it had been using this computerised voice for some time before the broadcast of the reports in question.

In relation to the Council's reference to the use of the computerised voice was designed to imitate their press officer's voice, Radio Scilly said that it was clear in the reports that the statement was issued by the "Press Office" and not by a "press officer". As such, Radio Scilly said that the public would not think that the statements were those of an individual as it had not identified or named a press officer, or had attributed the comments to a press officer.

Furthermore, Radio Scilly said that it could not see how the replication of the Council's statement, verbatim and without editing, damaged the reputation of the Council's authority or belittled it in any way. It said the statement was broadcast during a serious news slot and was not treated as light-hearted. It said that it took its role within the community very seriously and that its reporting was professional and produced a fair and balanced service.

Ofcom's Preliminary View

Ofcom prepared a Preliminary View in this case that the complaint of unjust or unfair treatment made by the Council should not be upheld. Both parties were given the opportunity to comment on the Preliminary View.

While the Council made representations on the Preliminary View, we took the view after careful consideration that the majority of its comments were not directly relevant to the complaint as entertained, or raised points that are already addressed and reflected in the Preliminary View. Therefore, these comments are not reflected in the summary below.

In summary, the Council said that it did not agree with Ofcom's decision not to uphold its complaint. It said that there was no legal obligation requiring it to provide an on-air spokesperson and that there were several licence-free text-to-speech synthesisers that do not use a Scottish accent that Radio Scilly could have used. Furthermore, the Council said that Ofcom's view that the use of a computerised voice was "*unusual*" appeared at odds with its overall findings that the complaint should not be upheld.

Radio Scilly made no representations on Ofcom's Preliminary View.

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 unjust or unfair treatment and unwarranted infringement of

privacy in, or in connection with the obtaining of material included in, programmes 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.

In reaching this decision, we carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast, both parties' written submissions, and supporting material. We also took account of the representations made by the Council in response to Ofcom's Preliminary View on this complaint (which was not to uphold). Having carefully considered the Council's representations, we concluded that the Council had not raised any issues to persuade Ofcom to alter its decision not to uphold the complaint.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code").

Ofcom considered the Council's complaint that it was treated unjustly or unfairly in the programme as broadcast because the use of a computerised robotic voice with a Scottish accent to read out a press statement made by the Council belittled its press statement in a way that was unfair.

In assessing this complaint, Ofcom had particular regard to Practice 7.13 which says that where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner.

Ofcom noted that the Council had chosen not to put up a spokesperson to be interviewed on-air by Radio Scilly about its planned water restrictions, but had instead provided the broadcaster with a press statement that set out its position. We took account of the fact that Radio Scilly felt it appropriate to represent the Council's view by reading out the press statement in full and we noted its reason for using a computerised voice was because of budget constraints.

Ofcom recognises that the choice of material included in a programme is an editorial decision for programme makers and broadcasters to make and that they are free to exercise such editorial control, so long as it is consistent with the requirements of the Code. However, care must be taken in choosing the manner in which material is presented in programmes and programme makers and broadcasters must be aware of the risk, whether intentional or not, that an unfavourable impression may be created in the minds of listeners that could have the potential be unfair to an individual or organisation.

In this particular case, having listened very carefully to the manner in which the Council's press statement was read in the reports, Ofcom considered that the use of a computerised voice was unusual in the context of serious news reporting. However, notwithstanding this, we considered that the press statement was read out in full and that listeners would have understood the Council's position on the water restrictions. In the particular circumstances of this case, therefore, we considered that the use of the computerised voice, in itself, would not have made a material and adverse

difference to listeners' overall perception of the Council or its press statement in a way that was unfair.

Taking the above factors into account, Ofcom concluded that there was no unfairness to the Council in this respect.

Therefore, Ofcom has not upheld the Council's complaint of unjust or unfair treatment in the programme as broadcast.

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 16 December 2014 and 5 January 2015 and decided that the broadcaster did not breach Ofcom's codes, licence conditions or other regulatory requirements.

Investigations conducted under the Procedures for investigating breaches of content standards for television and radio¹

Programme	Broadcaster	Transmission date	Categories
Look North	BBC 1 (North East & Cumbria)	28/10/2014	Drugs, smoking, solvents or alcohol
Dapper Laughs: On the Pull	ITV2	Various	Gender discrimination/offence

For more information about how Ofcom conducts investigations about content standards, go to: <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

¹ This table was amended after publication to correct a factual inaccuracy.

Complaints Assessed, Not Investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 16 December 2014 and 5 January 2015 because they did not raise issues warranting investigation.

Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

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

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

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Grave Misconduct	13th Street Universal	11/10/2014	Scheduling	1
Advertisement	4Music	28/12/2014	Advertising content	1
The Box+ Streaming Chart: Top 20	4Music	26/11/2014	Generally accepted standards	1
Teen Wolf	5*	13/12/2014	Sexual orientation discrimination/offence	1
Advertisement	5USA	27/12/2014	Advertising content	1
Advertisement	5USA	31/12/2014	Advertising content	1
Viewer Competition	5USA	02/11/2014	Competitions	1
Christian O'Connell's 80s Breakfast	Absolute 80s	27/10/2014	Generally accepted standards	1
Geoff Lloyd's Hometown Show	Absolute Radio	21/11/2014	Generally accepted standards	1
Advertisement	Alibi	02/01/2015	Advertising content	1
Unknown	Argyll FM	03/12/2014	Due impartiality/bias	1
BBC News	BBC 1	17/12/2014	Outside of remit / other	1
BBC News	BBC 1	21/12/2014	Outside of remit / other	1
BBC News at Ten	BBC 1	16/12/2014	Under 18s in programmes	6
BBC News at Ten	BBC 1	19/12/2014	Outside of remit / other	1
BBC News at Ten	BBC 1	19/12/2014	Outside of remit / other	1
Breakfast	BBC 1	18/12/2014	Under 18s in programmes	1
Citizen Khan	BBC 1	19/12/2014	Religious/Beliefs discrimination/offence	1
Countryfile	BBC 1	21/12/2014	Outside of remit / other	1
EastEnders	BBC 1	11/12/2014	Violence and dangerous behaviour	1
EastEnders	BBC 1	12/12/2014	Generally accepted standards	1
EastEnders	BBC 1	18/12/2014	Generally accepted standards	1
EastEnders	BBC 1	30/12/2014	Offensive language	1

EastEnders	BBC 1	01/01/2015	Outside of remit / other	1
Holby City	BBC 1	16/12/2014	Television Access Services	1
Midlands Today	BBC 1	01/12/2014	Scheduling	1
Miranda	BBC 1	25/12/2014	Scheduling	1
Miranda	BBC 1	01/01/2015	Outside of remit / other	1
Mrs. Brown's Boys	BBC 1	27/12/2014	Generally accepted standards	1
On Angel Wings	BBC 1	25/12/2014	Generally accepted standards	1
Question Time	BBC 1	11/12/2014	Fairness	1
Question Time	BBC 1	11/12/2014	Generally accepted standards	1
The Andrew Marr Show	BBC 1	10/06/2012	Due impartiality/bias	1
The Apprentice	BBC 1	03/12/2014	Outside of remit / other	1
The Boy in the Dress	BBC 1	26/12/2014	Outside of remit / other	1
The Cat in the Hat	BBC 1	31/12/2014	Offensive language	1
The Graham Norton Show	BBC 1	19/12/2014	Race discrimination/offence	1
The Great British Bake Off	BBC 1	06/08/2014	Product placement	1
Waterloo Road	BBC 1	10/12/2014	Disability discrimination/offence	3
Operation Grand Canyon with Dan Snow	BBC 2	27/12/2014	Offensive language	1
Russell Howard's Good News	BBC 2	04/12/2014	Religious/Beliefs discrimination/offence	1
The World's Most Photographed	BBC 2	12/12/2014	Nudity	1
Barely Legal Drivers	BBC 3	09/12/2014	Violence and dangerous behaviour	1
More Dangerous Songs: And the Banned Played on	BBC 4	26/12/2014	Generally accepted standards	1
Bad Education Christmas Special	BBC iPlayer	Various	Outside of remit / other	1
BBC News	BBC News Channel	06/12/2014	Generally accepted standards	4
BBC News	BBC News Channel	17/12/2014	Outside of remit / other	1
BBC News website	BBC News website	n/a	Outside of remit / other	2
I'm Sorry I Haven't A Clue	BBC Radio 4	Various	Gender discrimination/offence	1
Programming	BBC Radio 4	18/12/2014	Outside of remit / other	1
Programming	BBC Radio 4	21/12/2014	Generally accepted standards	1
5 Live Breakfast	BBC Radio 5 Live	22/12/2014	Premium rate services	1
Today	BBC Radio Four	18/12/2014	Outside of remit / other	1

Nick Conrad	BBC Radio Norfolk	15/12/2014	Materially misleading	1
News	BBC Radio Wales	09/12/2014	Scheduling	1
Breakfast Show	BBC Three Counties Radio	21/11/2014	Crime	1
Johnathan Vernon Smith	BBC Three Counties Radio	24/11/2014	Harm	1
News	BBC World News	21/10/2014	Outside of remit / other	1
Programming	BR FM	28/11/2014	Generally accepted standards	1
The Bassman	Capital FM	19/11/2014	Scheduling	1
Capital Breakfast with Bodg, Matt and JoJo	Capital FM (North East)	25/11/2014	Scheduling	1
Programming	Capital TV	06/11/2014	Scheduling	1
My Life: I Am Leo	CBBC	17/11/2014	Scheduling	2
My Life: I Am Leo	CBBC	23/11/2014	Scheduling	1
Advertisement	CBS Reality	25/12/2014	Advertising content	1
Advertisement	CBS Reality	30/12/2014	Advertising content	1
8 Out of 10 Cats	Channel 4	23/12/2014	Animal welfare	1
America's Fugitive Family	Channel 4	10/12/2014	Animal welfare	1
Channel 4 News	Channel 4	12/12/2014	Sexual material	1
Channel 4 Website	Channel 4	Various	Outside of remit / other	1
Come Dine with Me	Channel 4	11/12/2014	Race discrimination/offence	1
Cucumber, Banana, Tofu (trailer)	Channel 4	15/12/2014	Scheduling	1
Cucumber, Banana, Tofu (trailer)	Channel 4	17/12/2014	Scheduling	1
Cucumber, Banana, Tofu (trailer)	Channel 4	18/12/2014	Scheduling	1
Fifteen to One	Channel 4	05/12/2014	Television Access Services	1
Food Unwrapped's Christmas Dinner	Channel 4	22/12/2014	Animal welfare	1
Gogglebox	Channel 4	05/12/2014	Under 18s in programmes	1
Gogglebox	Channel 4	24/12/2014	Offensive language	1
Gogglebox	Channel 4	28/12/2014	Race discrimination/offence	1
Gogglebox	Channel 4	Various	Undue prominence	1
Hollyoaks	Channel 4	24/12/2014	Generally accepted standards	1
Marvel's Agents of S.H.I.E.L.D.	Channel 4	05/12/2014	Violence and dangerous behaviour	1
My Big Fat Gypsy Christmas	Channel 4	09/12/2014	Animal welfare	1
Posh Pawn	Channel 4	26/11/2014	Offensive language	1
Skint	Channel 4	24/11/2014	Materially misleading	1
Steph and Dom Meet Nigel Farage	Channel 4	15/12/2014	Race discrimination/offence	1
The 100 (trailer)	Channel 4	24/12/2014	Scheduling	1

The Big Fat Anniversary Quiz	Channel 4	02/01/2015	Offensive language	1
The Big Fat Quiz of the Year 2014	Channel 4	26/12/2014	Outside of remit / other	1
The British Comedy Awards 2014	Channel 4	17/12/2014	Offensive language	2
The Omen	Channel 4	30/12/2014	Generally accepted standards	1
The Paedophile Hunter	Channel 4	01/10/2014	Generally accepted standards	4
The Simpsons	Channel 4	02/01/2015	Scheduling	1
Advertisement	Channel 5	27/12/2014	Advertising content	4
Advertisement	Channel 5	29/12/2014	Advertising content	1
Aldi's sponsorship of Home and Away	Channel 5	08/12/2014	Generally accepted standards	1
Aldi's sponsorship of Home and Away	Channel 5	11/12/2014	Generally accepted standards	1
ASBO and Proud	Channel 5	03/12/2014	Generally accepted standards	1
ASBO and Proud	Channel 5	03/12/2014	Materially misleading	1
Benefits Britain: Life on the Dole	Channel 5	02/12/2014	Generally accepted standards	1
Benefits Britain: Life on the Dole	Channel 5	02/12/2014	Materially misleading	1
Benefits Britain: Life on the Dole	Channel 5	03/12/2014	Materially misleading	2
Benefits: Too Fat to Work	Channel 5	05/01/2015	Disability discrimination/offence	1
Benefits: Too Fat to Work (Trailer)	Channel 5	01/01/2015	Disability discrimination/offence	1
Best of British Comedy Day (trailer) and The Haunting of Radcliffe House (trailer)	Channel 5	21/12/2014	Scheduling	1
Big Brother	Channel 5	Various	Harm	1
Harry and the Hendersons	Channel 5	22/12/2014	Offensive language	2
Police Interceptors	Channel 5	30/11/2014	Offensive language	1
The Dam Busters	Channel 5	01/01/2015	Race discrimination/offence	1
12 Days of Christmas (trailer)	Comedy Central	11/12/2014	Scheduling	1
12 Days of Christmas (trailer)	Comedy Central	22/12/2014	Scheduling	1
12 Days of Christmas (trailer)	Comedy Central	23/12/2014	Scheduling	1
Just Eat's sponsorship of programmes on Dave	Dave	15/12/2014	Generally accepted standards	1
Just Eat's sponsorship of programmes on Dave	Dave	Various	Harm	1
Top Gear	Dave	09/12/2014	Sexual orientation discrimination/offence	1
Penny Appeal	DM News Plus	21/07/2014	Violence and dangerous behaviour	1

Keeping up with the Kardashians	E!	Various	Scheduling	1
4oD promotion	E4	14/12/2014	Generally accepted standards	1
Advertisement	E4	20/12/2014	Advertising content	1
Channel ident	E4	05/01/2015	Sexual material	1
Hollyoaks	E4	23/12/2014	Scheduling	1
Hollyoaks Omnibus	E4	14/12/2014	Scheduling	1
Made in Chelsea	E4	08/12/2014	Violence and dangerous behaviour	1
Advertisement	Encore	23/12/2014	Advertising content	1
Advertisement	Film4	28/12/2014	Advertising content	1
The Angels' Share	Film4	15/10/2014	Scheduling	1
Programming	Flava	03/11/2014	Scheduling	1
Free Radio Breakfast with Cat and Nelly	Free Radio (Black Country)	25/11/2014	Under 18s in programmes	1
Electronic Programme Guide	Freeview	Various	Electronic Programme Guides	1
Pawnography	H2	02/01/2015	Generally accepted standards	1
Advertisement	HUM Europe	Various	Outside of remit / other	1
Advertisement	Ideal World	22/12/2014	Advertising content	1
888 Ladies Bingo's sponsorship of Tipping Point	ITV	16/12/2014	Gender discrimination/offence	1
A Christmas Cracker	ITV	26/12/2014	Generally accepted standards	1
A Funny Old Year 2014	ITV	31/12/2014	Generally accepted standards	1
A Funny Old Year 2014	ITV	31/12/2014	Offensive language	3
Advertisement	ITV	13/12/2014	Advertising content	1
Advertisement	ITV	27/12/2014	Advertising content	1
Advertisement	ITV	28/12/2014	Advertising content	1
Advertisement	ITV	29/12/2014	Advertising content	12
Advertisement	ITV	30/12/2014	Advertising content	3
Advertisement	ITV	31/12/2014	Advertising content	5
Advertisement	ITV	01/01/2015	Advertising content	2
Advertisement	ITV	02/01/2015	Advertising content	5
Advertisement	ITV	04/01/2015	Advertising content	5
Advertisement	ITV	Various	Advertising content	2
All Star Family Fortunes	ITV	01/01/2015	Gender discrimination/offence	1
Aunt Bessie's sponsorship of The Chase	ITV	Various	Generally accepted standards	1
Batteries Not Included	ITV	07/12/2014	Scheduling	1
Bette Midler: One Night Only	ITV	15/12/2014	Offensive language	1
Celebrity Squares	ITV	20/12/2014	Generally accepted standards	1

Coronation Street	ITV	12/12/2014	Race discrimination/offence	8
Coronation Street	ITV	22/12/2014	Generally accepted standards	1
Coronation Street	ITV	24/12/2014	Generally accepted standards	1
Coronation Street	ITV	26/12/2014	Violence and dangerous behaviour	1
Coronation Street	ITV	Various	Disability discrimination/offence	1
E.T. The Extra-Terrestrial	ITV	28/12/2014	Offensive language	1
E.T. The Extra-Terrestrial	ITV	28/12/2014	Outside of remit / other	1
Emmerdale	ITV	27/11/2014	Scheduling	2
Emmerdale	ITV	27/11/2014	Sexual material	2
Emmerdale	ITV	04/12/2014	Scheduling	38
Emmerdale	ITV	04/12/2014	Sexual material	1
Emmerdale	ITV	08/12/2014	Scheduling	8
Emmerdale	ITV	15/12/2014	Scheduling	1
Emmerdale	ITV	23/12/2014	Generally accepted standards	1
Emmerdale	ITV	25/12/2014	Generally accepted standards	1
Emmerdale	ITV	26/12/2014	Generally accepted standards	2
Emmerdale	ITV	01/01/2015	Scheduling	8
Emmerdale	ITV	02/01/2015	Generally accepted standards	1
Emmerdale	ITV	Various	Generally accepted standards	1
Good Morning Britain	ITV	01/09/2014	Generally accepted standards	1
Good Morning Britain	ITV	15/12/2014	Due accuracy	1
I'm a Celebrity, Get Me Out of Here!	ITV	04/12/2014	Animal welfare	1
ITV News	ITV	10/12/2014	Outside of remit / other	1
ITV4 Sport (trailer)	ITV	01/01/2015	Drugs, smoking, solvents or alcohol	1
Let's Do Christmas with Gino and Mel	ITV	18/12/2014	Generally accepted standards	1
Lorraine	ITV	16/12/2014	Due impartiality/bias	1
Promotion for ITV4 sport coverage	ITV	27/12/2014	Generally accepted standards	1
Sport on ITV4 (trailer)	ITV	02/01/2015	Drugs, smoking, solvents or alcohol	1
Text Santa	ITV	19/12/2014	Animal welfare	1
Text Santa	ITV	19/12/2014	Generally accepted standards	1
Text Santa	ITV	19/12/2014	Scheduling	1
The Jeremy Kyle Show	ITV	12/11/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	04/12/2014	Generally accepted standards	4

The Jeremy Kyle Show	ITV	04/12/2014	Materially misleading	1
The Jeremy Kyle Show	ITV	09/12/2014	Materially misleading	1
The Jeremy Kyle Show	ITV	10/12/2014	Disability discrimination/offence	1
The Jeremy Kyle Show	ITV	10/12/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	29/12/2014	Generally accepted standards	1
The Speakmans	ITV	22/12/2014	Disability discrimination/offence	1
The X Factor	ITV	13/12/2014	Outside of remit / other	1
The X Factor	ITV	14/12/2014	Voting	1
The X Factor Results Show	ITV	14/12/2014	Scheduling	7
This Morning	ITV	16/12/2014	Generally accepted standards	1
This Morning	ITV	Various	Outside of remit / other	1
Tonight	ITV	11/12/2014	Race discrimination/offence	1
Viewer Competition	ITV	Various	Competitions	1
The Only Way is Essexmas	ITV Be	10/12/2014	Religious/Beliefs discrimination/offence	2
Vanderpump Rules	ITV Be	13/12/2014	Generally accepted standards	1
ITV News Central	ITV Central	10/12/2014	Gender discrimination/offence	1
ITV News Central	ITV Central	16/12/2014	Sexual material	1
118118.com's sponsorship of movies on ITV	ITV2	14/12/2014	Scheduling	1
Advertisement	ITV2	27/12/2014	Advertising content	1
Advertisement	ITV2	28/12/2014	Advertising content	1
Kellogg's Squares' sponsorship of Celebrity Juice	ITV2	11/12/2014	Generally accepted standards	1
The Chase	ITV2	17/12/2014	Generally accepted standards	1
Advertisement	ITV3	27/12/2014	Advertising content	1
Advertisement	ITV3	28/12/2014	Advertising content	1
Advertisement	ITV3	05/01/2015	Advertising content	1
Columbo	ITV3	14/12/2014	Advertising scheduling	1
Foyle's War	ITV3	06/12/2014	Advertising scheduling	1
Phillip's Live 24 Hour TV Marathon for Text Santa	ITV3	01/12/2014	Generally accepted standards	1
Advertisement	ITV4	31/12/2014	Advertising content	2
Bridezillas	ITVBe	22/11/2014	Under 18s in programmes	1

Christmas turkey "Cook It or Keep It?" poll	Jack FM (Oxfordshire)	Various	Animal welfare	15
Advertisement	Jewellery Maker	15/12/2014	Advertising content	1
Duncan Barks	LBC 97.3 FM	15/12/2014	Generally accepted standards	1
Iain Dale	LBC 97.3 FM	12/12/2014	Generally accepted standards	1
Charts	MTV	05/01/2015	Generally accepted standards	1
Elf	N/A	Various	Outside of remit / other	1
Advertisement	Nat Geo	04/01/2015	Advertising content	1
Dreams Beds' sponsorship of Christmas on Pick	Pick	06/12/2014	Animal welfare	1
Charity Appeal	Premier Christian Radio	30/11/2014	Appeals for funds	1
News and Current Affairs	PTV Global	21/12/2014	Due accuracy	1
Sheffield Live News	Sheffield Live TV	12/12/2014	Outside of remit / other	1
Demolition Man	Sky Movie Greats	30/12/2014	Product placement	1
Advertisement	Sky News	Various	Advertising content	1
Fred and Rose: The Unanswered Questions	Sky News	24/12/2014	Outside of remit / other	1
Sky News	Sky News	27/12/2014	Due accuracy	1
Sky News	Sky News	30/12/2014	Outside of remit / other	1
Sky News with Dermot Murnaghan	Sky News	02/12/2014	Race discrimination/offence	1
Sunrise	Sky News	17/12/2014	Generally accepted standards	1
Website	Sky News	25/11/2014	Outside of remit / other	1
Premier League Football	Sky Sports 1	26/12/2014	Race discrimination/offence	1
WWE Late Night Smackdown	Sky Sports 4	27/12/2014	Outside of remit / other	1
Advertisement	Sky1	21/12/2014	Advertising content	2
Advertisement	Sky1	01/01/2015	Advertising content	2
Advertisement	Sky1	03/01/2015	Advertising content	1
Trollied	Sky1	22/12/2014	Materially misleading	1
Splash FM Breakfast with Kevin King	Splash FM	27/11/2014	Competitions	1
Advertisement	STV	20/12/2014	Advertising content	1
Andy Goldstein	Talksport	12/12/2014	Generally accepted standards	1
Advertisement	TLC	30/12/2014	Advertising content	1
Advertisement	Various	29/12/2014	Advertising content	2
Advertisement	Various	03/01/2015	Advertising content	1
Advertisement	Various	Various	Advertising content	4

Programming	Various	15/12/2014	Product placement	1
Programming	Various	n/a	Outside of remit / other	
Programming	Various	Various	Generally accepted standards	1
Programming	Various	Various	Outside of remit / other	4
Unearthing World War I	Yesterday	09/12/2014	Generally accepted standards	1
Unearthing World War I	Yesterday	09/12/2014	Generally accepted standards	1
Wonders of the Universe	Yesterday	04/01/2015	Outside of remit / other	1

Complaints assessed under the General Procedures for investigating breaches of broadcast licences

For more information about how Ofcom conducts investigations about broadcast licences, go to: <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.

Licensee	Licensed Service	Categories	Number of complaints
Canalside Community Radio Limited	Canalside's The Thread 102.8 FM	Key Commitments	1
Sutton Youth Radio Ltd	Takeover Radio 106.9	Key Commitments	3

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 18 December 2014 and 7 January 2015.

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

Programme	Broadcaster	Transmission date
Competition	5USA	2 November 2014
NCIS	CBS Action	30 November 2014
Channel 4 News	Channel 4	17 November 2014
Programming	Peace FM	30 October 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
My Brother the Islamist	BBC 3	28 September 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

Licensee	Licensed Service
Mohammed Ishaq	Ramzan FM Oldham
Voice of Africa Radio	Voice of Africa Radio
Waqas Mahroof	Hajj FM Bradford

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/>.