

# **Ofcom Broadcast Bulletin**

**Issue number 172  
20 December 2010**

# Contents

<u>Introduction</u>	3
<b>Standards cases</b>	
<u>In Breach</u>	
<b>Majlis-E-Shahadat-E-Imam Ali</b> <i>Hidayat TV, 31 August 2010, 21:20</i>	4
<b>Late evening programmes</b> <i>Fast FM 87.9 (Bradford), 26 August and 1 September 2010, 21:00</i>	6
<b>Bluebird</b> <i>LivexxBabes, 5 October 2010, 13:20</i>	14
<b>The Pad</b> <i>Tease Me TV 2, 19 October 2010 at 17:00 to 18:00</i>	16
<u>Resolved</u>	
<b>This Morning</b> <i>ITV1, 27 October 2010, 10:30</i>	20
<b>Broadcasting Licence Condition cases</b>	
<u>In Breach</u>	
<b>Failure to provide key commitments</b> <i>TCR FM</i>	21
<b>Failure to provide key commitments</b> <i>Bute FM</i>	23
<b>Fairness &amp; Privacy cases</b>	
<b>Complaint by Mr Michael Yardley</b> <i>The Big Questions, BBC1, 6 June 2010</i>	27
<b>Complaint by Mr Andrew Tasker</b> <i>Orchestra United, Channel 4, 8 August 2010</i>	38
<b>Other programmes not in breach</b>	42

## Introduction

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and licence conditions with which broadcasters regulated by Ofcom are required to comply. These include:

- a) Ofcom's Broadcasting Code ("the Code"), the most recent version of which took effect on 1 September 2010 and covers all programmes broadcast on or after 1 September 2010. The Broadcasting Code can be found at:  
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>.

Note: Programmes broadcast prior to 1 September 2010 are covered by either the 2009, 2008 or the 2005 versions of the Code (depending on the date of their broadcast).

- b) the Code on the Scheduling of Television Advertising ("COSTA") which came into effect on 1 September 2008 and contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken. COSTA can be found at:  
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/advert-code/>.

- 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 (see Rules 9.2 and 9.3 of the Code);
  - 'participation TV' advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and 'message board' material where these are broadcast as advertising<sup>1</sup>; and
  - the imposition of statutory sanctions in advertising cases.

The BCAP Code can be found at:

[www.bcap.org.uk/The-Codes/BCAP-Code.aspx](http://www.bcap.org.uk/The-Codes/BCAP-Code.aspx)

- 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 on television and radio licences can be found at: <http://licensing.ofcom.org.uk/tv-broadcast-licences/> and <http://licensing.ofcom.org.uk/radio-broadcast-licensing/>.

Other codes and requirements may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code. Links to all these codes can be found at:  
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/>

It is Ofcom's policy to describe fully the content in television and radio programmes that is subject to broadcast investigations. Some of the language and descriptions used in Ofcom's Broadcast Bulletin may therefore cause offence.

---

<sup>1</sup> BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted.

## Standards cases

### In Breach

#### Majlis-E-Shahadat-E-Imam Ali

*Hidayat TV, 31 August 2010, 21:20*

---

#### Introduction

Hidayat TV is an Islamic channel which broadcasts educational and religious programmes in Arabic, English and Urdu.

Ofcom received two complaints that during one religious broadcast, a scrolling caption appeared at the bottom of the screen which appeared to give information about the sponsor of the programme.

Ofcom viewed the material and noted that, alongside information about the live religious broadcast being shown, the following caption appeared:

*“This live coverage is brought [sic] to you by Bombay Palace Sweets and Resturant [sic] Paris.”*

In our initial correspondence with Hidayat TV, the broadcaster stated the restaurant was not the sponsor of the programme but provided catering at the religious ceremony featured in the programme. The broadcaster stated that it had therefore transmitted an on-air credit for the restaurant in relation to its provision of the catering service.

Ofcom therefore asked Hidayat TV how the material complied with the following Code rules:

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

#### Response

Hidayat TV said it did not receive any payment or other valuable consideration for providing this scrolling text. It said the catering was provided for the religious ceremony alone and the broadcaster had no connection with the ceremony.

Hidayat TV explained the scrolling text was not meant to promote any products or services, but said the name of the business was unintentionally included by a member of staff.

#### Decision

Ofcom noted the broadcaster’s confirmation that it did not receive payment for the inclusion of the commercial references in the programme. We found no evidence that the broadcast was in breach of Rule 10.5 which prohibits product placement.

Rule 10.3 prevents the promotion of products or services within programmes. Ofcom concluded that the scrolling strap line served only to promote the restaurant during

programme, in breach of Rule 10.3. Further, in the absence of any editorial justification, and taking into account the scroll was shown on a repeat throughout the programme, Ofcom considered that undue prominence had been given to the business, in breach of Rule 10.4. We acknowledge the broadcaster admitted the reference was included in error and we would not expect a similar recurrence in the future.

**Breach of Rules 10.3 and 10.4**

## In Breach

### Late evening programmes

*Fast FM 87.9 (Bradford), 26 August 2010 and 1 September 2010, 21:00*

---

#### Introduction

Fast FM 87.9 (“Fast FM”) was a radio service broadcast in Bradford from 11 August 2010 to 11 September 2010, provided under a restricted service licence. The service was dedicated to covering Ramadan, with predominantly religious speech programming and traditional folk and devotional music from around the Muslim World.

A listener complained to Ofcom that Fast FM’s late evening programmes made the following references to local businesses:

#### Punjab Sweet House

On 26 August 2010, a broadcast competition was conducted throughout the programme, in which the presenter and his studio guest:

- discussed Punjab Sweet House with each other and with broadcast competition entrants; for example:

Presenter: *“Have you ever tried the meals at Punjab Sweet House?”*

Guest: *“All of their meals and sweets are very good”,* and

Presenter: *“Their meals are very delicious and we are here to tell those who do not know about them...”;*

- asked a competition question about Punjab Sweet House, based on an advertisement for the restaurant, which was broadcast as part of the programme (as well as in commercial breaks); for example:

Presenter: *“I told you that our second question is related to Punjab Sweet House. Tell us, what is the telephone number of Punjab Sweet House? You may have heard the telephone number of Punjab Sweet House in the advert and we will play this advert again”;* and

- dedicated programming to Punjab Sweet House:

Presenter: *“I dedicate this hymn to the staff of Punjab Sweet House, with whose cooperation we are presenting this programme.”*

Fast FM told Ofcom that Punjab Sweet House had not sponsored the programme but had donated the competition prize, which was a meal for four people at the restaurant.

### Enzo Prestige car hire

During the programme on 26 August 2010, the presenter announced that an advertisement for Enzo Prestige car hire was about to be broadcast. He then added:

*“You can hire any kind of cars from them, sports cars too. Listen to what they offer and we will meet you after a short break.”*

### Spring Mills Tyres and Kar Skip Hire

In the course of the programme on 1 September 2010, the presenter stated that Spring Mills Tyres was one of the programme’s sponsors. He then:

- described what tyres were available from the sponsor;
- commented on their quality and cost; and
- referred to the sponsor’s offers being available throughout Ramadan.

The presenter also recommended Kar Skip Hire, as *“they have the smallest to the largest size of skips for wedding halls, marriages, etc.”* He continued:

*“Remember the name Kar Skip Hire. Their prices are very reasonable and they deliver fast. As soon as you dial their number, they will deliver the skip. Their skips are lying around roads and they deliver fast when needed. Their phone number is 01... for builders, mosques and domestic waste.”*

Fast FM told Ofcom that Kar Skip Hire had not sponsored the programme and, contrary to the presenter’s statement on air, neither had Spring Mills Tyres.

### Marlborough Garage

During the programme on 1 September 2010, the presenter conducted a broadcast competition feature, which included the following question:

*“On which road is Marlborough Garage located? Does anybody know?”*

The presenter made further references to Marlborough Garage, including:

*“Everyone should be familiar with Marlborough Garage. It’s a familiar name of your city. There are many facilities available here, whatever the make of your car, new or old...”*

### Shandar Sweets

During the programme on 1 September 2010, the presenter said:

*“We welcome Mr Majeed of Shandar Sweets. They make tasty sweets and delicious ghulab jaman. Though they make many kinds of sweets, we tend to remember those we like ... and now the Eid festival is approaching fast, their message is that, if you need sweets for the festival, do come to us. Allah willing, we will see them on Great Horton Road for Eid shopping. When you go shopping, you will also need sweets for the guests. Mr Majeed says he will keep the shop open till late.”*

We therefore asked the broadcaster to provide comments concerning the numerous references to products and services made throughout the programmes, each with regard to one or more of the following Code Rules:

- Rule 10.1: “Broadcasters must maintain the independence of editorial control over programme content”;
- Rule 10.2: “Broadcasters must ensure that the advertising and programme elements of a service are kept separate”;
- Rule 10.3: “Products and services must not be promoted in programmes...”;
- Rule 10.4: “No undue prominence may be given in any programme to a product or service”;
- Rule 10.5: “Product placement is prohibited;” and
- Rule 10.12<sup>1</sup>: “Advertising must be clearly separated from programmes. Advertisements must not appear in programme time, unless editorially justified.”

## Response

### Punjab Sweet House

Fast FM said it “did not receive any payments for running the competition”, adding that its on-air reference, “*with whose cooperation we are presenting this programme*”, was made in acknowledgement of the restaurant’s donation of a competition prize (a meal for four people). It added that, as Punjab Sweet House had made this donation, Fast FM had, in the programme, decided also to:

- broadcast an advertisement for the restaurant, which was running in a concurrent advertising campaign on the station; and
- ask a competition question based on information contained in that advertisement.

The broadcaster said it did not consider that the discussion in the programme about Punjab Sweet House was “an endorsement by the station”.

### Enzo Prestige car hire

Fast FM said that it could not explain why the presenter mentioned Enzo Prestige car hire, “as he went on to play the advert during the next commercial break”.

---

<sup>1</sup> At the time of the broadcast in question (26 August 2010), the relevant rule was Rule 10.12. From 1 September 2010, it was re-numbered as Rule 10.14 in the amended Section Ten of the Code; available at: <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/commercial-references/>

### Spring Mills Tyres and Kar Skip Hire

Fast FM said these businesses usually sponsored “the evening programme between 7-8 pm, Kar skip hire and Spring Mill tyres between 8-9 pm”, adding that, on this occasion, due to a live charity appeal running from 18:00 to 21:00, there was no mention of the sponsorship arrangement. The broadcaster said that, as sponsors of the earlier evening programme, the businesses would normally have “received a mention at the beginning and at the end of each [respective] hour sponsored.” It added that, during the late evening programme, “as ... compensation ... the presenter [therefore] took it upon himself to mention the [businesses] in greater details than permitted by codes of conduct”.

### Marlborough Garage

Fast FM said that Marlborough Garage had donated the broadcast competition prize, which included a free MOT. It added that “running the competition was not an endorsement of the business”.

### Shandar Sweets

Fast FM said it felt that “upon receiving a call from the business [the presenter] got carried away and discussed the products in detail”, adding that “no payments [were] received for this by the station or the presenter.”

In conclusion, the broadcaster reiterated that:

- it did not consider Fast FM had endorsed any of the businesses to which it had referred on air; and
- it had not received payment for any of the references referred to above.

It also said that:

- short-term licensees did not generally have resources to train presenters or recruit professional broadcasters and depended heavily on volunteers, many of whom were broadcasting for the first time; and
- although Fast FM endeavoured “to inform all the presenters and contributors regarding the codes and regulations”, mistakes, while likely, were not deliberate.

### **Decision**

To comply with Section Ten of the Code, broadcasters may make references to products and services (including businesses) in programming only where they are:

- non-promotional;
- editorially justified; and
- not subject to a commercial agreement.

In the case of sponsored programming, references to the sponsor or its products/services (other than in sponsorship credits) must also be incidental.

Ofcom noted that, in this instance, although some aired references to local businesses implied that the late evening programme was sponsored, Fast FM explained why this was not the case. The broadcaster also confirmed that none of the references to any of the local businesses or their products/services had been made during the programme in return for payment or other valuable consideration. On the basis of this information, we could find no evidence to suggest that these references resulted from any form of product placement arrangement. We did not therefore consider that either of the broadcasts of the late evening programme under investigation was in breach of Rule 10.5 of the Code.

Further, from the information provided, such references in programming appeared to have been made entirely of the broadcaster's or presenter's own volition. Fast FM therefore appeared to have maintained editorial control over both broadcasts of the late evening programme, as required under Rule 10.1 of the Code.

### Punjab Sweet House

Ofcom noted that the Punjab Sweet House had donated a meal for four people to Fast FM, which had run a competition for listeners to win it. Generally, broadcasters may credit briefly on air a business that has donated a broadcast competition prize, without such a passing reference to the business appearing unduly prominent. In this instance, however, the Fast FM presenter and his guest:

- discussed the restaurant with each other and with broadcast competition entrants, offering personal endorsements, such as, *"All of their meals and sweets are very good"*;
- asked a competition question about the restaurant (*"Tell us, what is the telephone number of Punjab Sweet House?"*);
- based the competition question on the content of an advertisement that was running concurrently on Fast FM;
- broadcast the advertisement as part of programming (in addition to commercial breaks); and
- dedicated further programming (a hymn) *"to the staff of Punjab Sweet House..."*

We noted that Fast FM said it had dedicated a hymn to Punjab Sweet House in acknowledgement of its donation of the competition prize. Ofcom considered that not only was the reason for such a dedication likely to have been unclear to listeners, but all the references to Punjab Sweet House in the programme went far beyond what is acceptable under Rule 10.4 of the Code ("No undue prominence may be given in any programme to a product or service"). There appeared to be no editorial justification for such references and the late evening programme on 26 August 2010 was therefore in breach of Rule 10.4.

Further, personal endorsements of Punjab Sweet House (aired by the presenter and his studio guest), provision of its contact details (i.e. the answer to the competition question) and featuring in programming an advertisement for the restaurant (currently running as part of an advertising campaign), were promotional references to the restaurant, prohibited under Rule 10.3 of the Code ("Products and services must not

be promoted in programmes”). The late evening programme on 26 August 2010 was therefore in breach of Rule 10.3.

These breaches were exacerbated by the fact that the advertisement featured in the programme was also being broadcast in Fast FM’s commercial breaks, as part of a concurrent advertising campaign for Punjab Sweet House. Rule 10.12 of the Code states that “advertising must be clearly separated from programmes” and “advertisements must not appear in programme time, unless editorially justified.” The purpose of the Rule is to ensure that programming is not distorted for commercial purposes, and does not appear to be distorted in such a way, when an advertisement is broadcast as part of programming. Fast FM:

- referred listeners to a current advertisement for Punjab Sweet House in programming;
- broadcast the current advertisement in programming; and
- repeated promotional material from the current advertisement (the restaurant’s contact details) in programming without any editorial justification for doing so.

The late evening programme on 26 August 2010 was therefore in breach of Rule 10.12.

#### Enzo Prestige car hire

Rule 10.2 of the Code states that “broadcasters must ensure that the advertising and programme elements of a service are kept separate”. Referring to all programming (not only programmes that feature advertisements), the purpose of the Rule is to ensure that programmes are not distorted for commercial purposes, and do not appear to be distorted in such a way. However, in this instance, the presenter:

- introduced listeners to an advertisement for Enzo Prestige car hire, which was about to be broadcast in a commercial break (“...before that we are presenting an advert for Enzo Prestige car hire”); and
- promoted the company’s services (“You can hire any kind of cars from them, sports cars too. Listen to what they offer...”).

Ofcom noted that Fast FM said it could not explain why the presenter mentioned Enzo Prestige car hire in programming. We agreed that there appeared to be no editorial justification for such references to an advertisement or advertiser. Further, we considered that the presenter promoted Enzo Prestige car hire in programming and that his reference to the advertiser in this way also blurred the separation of the advertisement itself from programming.

Therefore, in addition to further breaches of Rules 10.3 and 10.4 of the Code, the late evening programme on 26 August 2010 was also in breach of Rule 10.2.

#### Spring Mills Tyres and Kar Skip Hire

Ofcom noted that Fast FM said Spring Mills Tyres and Kar Skip Hire were sponsors of segments of the evening programme, which had been replaced on this occasion by an extended charity appeal. We also noted that the broadcaster would have normally

credited them “at the beginning and at the end of each [respective] hour sponsored.” In this instance, however, during the following programme (i.e. the late evening programme), the presenter arbitrarily:

- stated on air, inaccurately, that the late evening programme was sponsored by Spring Mills Tyres (“...*Spring Mills Tyres are one of the sponsors of this programme...*”); and
- promoted Spring Mill Tyres (“*If you need tyres of any size for any car, large or small, you may contact Spring Mills Tyres at Spring Mill Road. Spring Mills is well known and you can get good quality new or used tyres from them ... They have good offers for you in this month of Ramadan*”).

While the presenter did not also (inaccurately) credit Kar Skip Hire as a sponsor of the late evening programme, he did promote it (“*They have the smallest to the largest size of skips ... Their prices are very reasonable and they deliver fast. As soon as you dial their number, they will deliver the skip ... Their phone number is 01...*”).

Ofcom therefore agreed with Fast FM, which admitted that these references had breached Code requirements. The references the presenter had decided to make to Spring Mills Tyres and Kar Skip Hire, in the late evening programme on 1 September 2010, had no editorial justification. Not only had neither business sponsored the broadcast, but the references to each were largely promotional. The programme was therefore in breach of Rules 10.3 and 10.4 of the Code.

#### Marlborough Garage

Ofcom noted that Marlborough Garage had donated a free MOT to Fast FM, which had run a competition for listeners to win it. As in the case of Punjab Sweet House, above, there appeared to be no editorial justification for referring to the donor, beyond airing a brief acknowledgement of its donation. However, again, the presenter:

- referred to the donor in a promotional manner (e.g. “*They have a car wash as well. Whether you need a car wash, MOT or service, they have computerised systems and the latest technology. Whatever your vehicle, large or small, they will do it. For whatever service ... Write their name in your diary...*”); and
- asked a competition question about the garage (“*On which road is Marlborough Garage located?*”).

These references to Marlborough Garage were therefore further breaches of Rules 10.3 and 10.4 of the Code in the late evening programme on 1 September 2010.

#### Shandar Sweets

Ofcom noted that Fast FM said the presenter “got carried away and discussed the products in detail”, when talking to a representative of the business.

The presenter welcomed “*Mr Majeed of Shandar Sweets*” and then proceeded to:

- endorse its products (“*They make tasty sweets and delicious ghulab jaman*”);

- provide its location (“...see them on Great Horton Road for Eid shopping”); and
- state that “Mr Majeed says he will keep the shop open till late.”

Again, there appeared to be no editorial justification for promoting the business in programming. This extended reference to Shandar Sweets was therefore a further of breach of Rules 10.3 and 10.4 of the Code in the late evening programme on 1 September 2010.

Fast FM stated that short-term licensees did not generally have resources to train presenters or recruit professional broadcasters. Ofcom recognises that these services often depend heavily on volunteers. Nevertheless, we would remind any such broadcaster that, even if it depends heavily on volunteers, compliance with the Code is required as a condition of its licence to broadcast.

While Fast FM said that it had endeavoured “to inform all the presenters and contributors regarding the codes and regulations”, it admitted that mistakes were likely, if not deliberate. From listening to these programmes, Ofcom found little evidence of any regard to Code compliance on the part of the broadcaster.

These breaches will be held on record and may be considered alongside any future applications for a restricted service licence from the licensee of this service.

**Breaches of Rules 10.3 and 10.4 (on 26 August 2010 and 1 September 2010)**  
**Breach of Rules 10.2 and 10.12 (on 26 August 2010)**

## In Breach

### Bluebird

*LivexxBabes, 5 October 2010, 13:20*

---

#### Introduction

LivexxBabes is a channel broadcasting in the 'adult' section of the electronic programme guide on Sky channel number 950 without mandatory restricted access. The licence for the channel is held by Satellite Entertainment Limited ("SEL" or "the Licensee"). At the time indicated, the channel promoted a service on screen known and branded as Bluebird TV. Viewers were invited to contact onscreen female presenters via premium rate telephony services ("PRS"). The female presenters generally dressed and behaved in a flirtatious manner in order to elicit premium rate phone calls.

As a result of its concerns about compliance in this sector, Ofcom conducts monitoring exercises of daytime and adult sex chat channels. Ofcom noted that presenters on this service were smoking as part of their performance. In this particular broadcast on 5 October 2010 the female presenter smoked a cigarette heavily for a period of around three minutes, direct to camera and in close up.

Ofcom's statutory duties in relation to broadcast advertising were contracted out to the Advertising Standards Authority ("ASA") in 2004. The rules governing broadcast advertising are set by the Broadcast Committee of Advertising Practice ("BCAP") with the approval of Ofcom. BCAP performs its function by setting, monitoring and amending the UK Broadcast Code of Advertising Practice ("the BCAP Code"), with Ofcom retaining back-stop enforcement powers. The investigation of complaints relating to daytime chat and adult sex chat broadcast services remain a matter for Ofcom. (Please see Ofcom's statement published on 3 June 2010<sup>1</sup> for further details).

Ofcom wrote to SEL, pointed out that daytime and adult sex chat broadcasts must comply with the BCAP Code, and requested formal representations in respect of the above broadcast under BCAP Code Rule:

10.3 (Advertisements must not promote smoking or the use of tobacco products.).

#### Response

SEL said that the BCAP Code was an industry code of practice and not set in law and it questioned Ofcom's power to enforce the advertising industry's own voluntary code of self-regulation. In response Ofcom explained that: under the Communications Act 2003 Ofcom is required to set advertising standards for the content of television programmes and that had Ofcom contracted out this function to BCAP, who in turn fulfilled this function in setting the BCAP Code; under a condition of their licences, licensees are required to observe the BCAP Code; and that Ofcom has powers to establish procedures for the handling and resolution of complaints about the observance of these standards. SEL did not provide any representations regarding compliance with the BCAP Code by the deadline given by Ofcom. In the

---

<sup>1</sup> See: <http://stakeholders.ofcom.org.uk/consultations/participationtv3/statement/>

absence of any representations from the Licensee, Ofcom proceeded to reach a decision on this material against the BCAP Code.

## **Decision**

The Principle at the start of Section 10 of the BCAP Code (Prohibited categories) sets out that: "Broadcast advertisements for some products...are not permitted either because those products may not be legally advertised or because of a clear potential for harm...to the audience or to society". BCAP Rule 10.3 states that "advertisements must not promote smoking or the use of tobacco products."

Ofcom noted that this PRS-based daytime chat teleshopping programming featured a female presenter wearing skimpy lingerie and smoking heavily. The presenter was shown inhaling a cigarette and blowing smoke to the camera over a period of around three minutes. Ofcom noted that the smoking featured heavily in the broadcast at this time - albeit in an advertisement selling a daytime chat service. The camera closed in on the presenter's face and showed her enjoyment of the inhalation and exhalation of the cigarette.

However, in Ofcom's view: the advertisement's focus was clearly on the act of smoking and the female presenter's evident enjoyment of it; the prolonged and drawn out nature of the sequence promoted this activity as something desirable; and, the smoking was clearly intended to be an additional enticement to viewers to call in to this teleshopping channel.

Ofcom accepts that daytime chat (and indeed adult chat) services are broadcast for the purposes of generating PRS telephony income by showing female presenters behaving in a flirtatious manner. In this case, Ofcom noted that smoking was part of the presenter's behaviour. However, the prolonged sequence of the smoking in this particular advertisement drew attention to the activity of smoking as a desirable activity such that in Ofcom's opinion it promoted smoking or the use of tobacco products in breach of Rule 10.3 of the BCAP Code.

Ofcom considers that the promotion of smoking or an unacceptable product - such as tobacco - in long-form advertising which it regulates (such as PRS chat services) is a serious matter. Broadcasters of such advertising must ensure that they do not promote, whether directly or indirectly, smoking or any unacceptable products or services listed in Section 10 of the BCAP Code.

## **Breach of Rule 10.3 of the BCAP Code**

## In Breach

### The Pad

*Tease Me TV 2, 19 October 2010, 17:00 to 18:00*

---

#### Introduction

*The Pad* is a televised daytime interactive chat advertisement broadcast on the service Tease Me TV 2 (Sky channel number 902) under a licence held by Playboy TV UK/Benelux Limited ("Playboy" or "the Licensee"). Playboy has compliance responsibility for all programmes broadcast on Tease Me TV 2 service, including *The Pad*. The service is available freely without mandatory restricted access and is situated in the 'adult' section of the Sky electronic programme guide ("EPG"). Viewers are invited to contact onscreen female presenters via premium rate telephony services ("PRS"). The presenters generally dress and behave in a flirtatious manner.

Ofcom received a complaint about the above broadcast. The complainant was concerned that the female presenter's breasts were exposed and she was "adopting various sexual positions and behaving in a clearly overtly sexual manner". The complainant also said that the presenter was "on all fours clearly simulating sexual intercourse" and "this content is clearly inappropriate for the time of day".

Ofcom noted that the female presenter was wearing a revealing pink dress, which at times exposed a considerable amount of her breasts, and which was cut down at the back to reveal her buttocks. Underneath she was not wearing a bra but did was wearing a pink thong. During the broadcast the presenter positioned her buttocks to camera, bent over on all fours with her legs wide open and lay on her side with her legs open. While in these positions she repeatedly gyrated and thrust her hips. The presenter also walked up to the camera to show her breasts in close up, repeatedly touched and stroked her breasts and buttocks, and jiggled her breasts.

The rules governing broadcast advertising are set by the Broadcast Committee of Advertising Practice ("BCAP") with the approval of Ofcom. BCAP performs its function by setting, monitoring and amending the UK Code of Broadcast Advertising ("the BCAP Code"), with Ofcom retaining back-stop enforcement powers. The investigation of complaints relating to daytime chat and adult sex chat broadcast services – which are types of broadcast advertising - remain a matter for Ofcom. (Please see Ofcom's statement published on 3 June 2010<sup>1</sup> for further details).

Ofcom asked the Licensee for comments under the following rules of the BCAP Code:

#### Harm and Offence (section 4)

- Rule 4.2: "Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards."

#### Scheduling (section 32)

- Rule 32.3: "Relevant timing restrictions must be applied to advertisements"

---

<sup>1</sup> See: <http://stakeholders.ofcom.org.uk/consultations/participationtv3/statement/>

that, through their content, might harm or distress children of particular ages or that are otherwise unsuitable for them.”

## Response

Playboy said that “every effort was made to ensure the material broadcast was compliant, and appealed to the primary target audience, adult viewing daytime interactive content in the adult section of the BSkyB EPG”. It said that it was “satisfied that the majority of the broadcast in question complied with the [BCAP] Code”, however, it did accept that “there were short periods where actions of the presenter contained sexual overtones, which were unsuitable for broadcast before the watershed” and “were unsuitable for a younger audience”.

Playboy said that “a misunderstanding by one producer incorrectly allowed inappropriate material to air, for which we apologise”. It added that “tighter controls have been implemented to ensure that future changes are communicated correctly”.

## Decision

Since 1 September 2010 all PRS-based daytime and adult sex chat television services have no longer been regulated as editorial content but as long-form advertising i.e. teleshopping. As stated above, from that date the relevant standards code for such services became the BCAP Code rather than the Broadcasting Code.

Rule 4.2 of the BCAP Code is substantially equivalent to Rule 2.1 of the Broadcasting Code which provides that: “*Generally accepted standards must be applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.*” Rule 32.3 of the BCAP Code is substantially equivalent to Rule 1.3 of the Broadcasting Code which provides: “*Children must also be protected by appropriate scheduling from material that is unsuitable for them.*”

BCAP Code Rule 32.3 makes clear that children should be protected by relevant timing (and so appropriate scheduling) restrictions from material which is unsuitable for them. Appropriate timing and scheduling restrictions are judged according to factors such as: the likely number of children in the audience; the likely age of those children; and whether the advertisement was broadcast during school time or during school holidays. It should be noted that the watershed starts at 21:00 and broadcast advertising material unsuitable for children should not, in general, be shown before 21:00 or after 05:30.

Ofcom has made clear in previous published decisions what sort of material is unsuitable to be included in daytime interactive chat programmes without mandatory restricted access. These decisions were summarised in a guidance letter sent by Ofcom to daytime and adult sex chat broadcasters (including Playboy) in August 2009, and have been clarified subsequently by further findings<sup>2</sup>.

---

<sup>2</sup> Early Bird, Tease Me TV (Freeview) cases, Broadcast Bulletin 169 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb169/>; Elite Days, Elite TV 2, 6 August 2010, 12:24 and Early Bird, Tease Me TV (Freeview), 27 July 2010, 07:30 to 07:50, Broadcast Bulletin 168 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb168/>; Early Bird, Tease Me TV (Freeview) 25 July 2010, 07:25 to 07:45, Broadcast Bulletin 165 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb165/>; Earlybird, Tease Me TV, 3 June 2010, 05:45 and 08:00, Broadcast Bulletin 164 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb164/>; Earlybird,

In the context of daytime interactive chat programmes where the female presenters generally dress and behave in a provocative and/or flirtatious manner for extended periods in order to solicit PRS calls, Ofcom has underlined that the presenters should not, for example, appear to mimic or simulate sexual acts or behave in an overtly sexual manner and clothing should be appropriate for the time of broadcast.

Ofcom noted that during this broadcast the female presenter was wearing a very revealing outfit that at times exposed a considerable amount of her breasts and buttocks. While in this outfit the presenter adopted various sexual positions, including kneeling on all fours with her legs wide open and positioning her buttocks to camera. While in these positions the presenter repeatedly thrust her pelvis and buttocks as though mimicking sexual intercourse. She also repeatedly touched and stroked her breasts and buttocks in a sexually provocative manner. In Ofcom's view, the revealing clothing, and repeated actions and sexual positions of the presenter were intended to be sexually provocative in nature and the broadcast of such images was not suitable to advertise daytime chat and could not be justified by the context in which it was presented. In light of this behaviour and imagery, Ofcom concluded that under BCAP Code Rule 32.3 the material during this daytime broadcast was clearly unsuitable for children. We also concluded under BCAP Code Rule 4.2 that, given the nature and scheduling of the material, it would cause serious or widespread offence against generally accepted moral, social or cultural standards.

Ofcom then considered under BCAP Code Rule 32.3 whether relevant timing or scheduling restrictions were applied by the Licensee. Ofcom noted that the channel is situated in the 'adult' section of the EPG. The broadcast was however transmitted without mandatory access restrictions, in the early evening after school hours (between from 17:00 and 18:00) when children may have been watching television, some unaccompanied by an adult; and there was no warning to viewers about the nature of the material shown or its unsuitability for children.

Taking into account the factors above, Ofcom has concluded that relevant timing and scheduling restrictions were not applied so as to offer adequate protection to children or ensure that the programming did not cause widespread offence against generally accepted moral, social or cultural standards. Therefore Ofcom concluded that this material breached Rules 4.2 and 32.3 of the BCAP Code.

As part of correspondence prior to Ofcom agreeing to license Playboy to provide the service Tease Me TV 2, we were informed by Playboy that the Licensee would be "acquiring content for it [i.e. this service] from an established producer" but "the service will be an original service not a simulcast of an existing one". In addition, Playboy assured Ofcom that it: "will continue to have editorial control and editorial

---

Tease Me TV, 30 January, 20 March, 27 April 2010 and Earlybird, Tease Me, 21 April 2010 – all Findings in Broadcast Bulletin 163 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb163/>; Tease Me: Earlybird, Tease Me TV (Freeview), 15 February 2010, 05:30 and Tease Me: Earlybird, Tease Me TV (Freeview), 25 January 2010, 07:15 – both Findings in Broadcast Bulletin 158 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb158/>; The Pad, Tease Me, 26 February, 11:45, The Pad, Tease Me 3, 27 February 2010, 11:45, Tease Me: Earlybird, Tease Me TV (Freeview) 26 January 2010, 07:15 - all in Broadcast Bulletin 157 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb157/>; The Pad Tease Me, 6 November 2009, 12:00 to 13:00 and 14:00 to 15:00, Broadcast Bulletin 152 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb152/>; Elite Days, Finding in Broadcast Bulletin 151 at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb151/>

responsibility for the channel”; “will have a second tier of compliance checking”; and “will also have a significant amount of editorial input during pre-production, and throughout the production process as necessary”.

Recently in August 2010 Ofcom recorded a breach of the Broadcasting Code against Playboy for content broadcast on the service Tease Me TV 2<sup>3</sup>. This finding stated that we “will expect, in future, Playboy to have in place adequate compliance arrangements”. Ofcom is therefore concerned that despite this previous guidance Playboy did not have adequate compliance arrangements and staff in place on this occasion to ensure that the material acquired from the third party producer was compliant with the relevant Code. Ofcom considers this breach of the BCAP Code a serious matter and should there be any similar contraventions, Ofcom will consider further regulatory action.

### **Breach of Rules 4.2 and 32.3 of the BCAP Code**

Those services operating in the sector of daytime and adult chat should be aware that Ofcom will not tolerate repeated breaches of the Code in this area. Ofcom has serious concerns about industry compliance in this area and we will not hesitate to take appropriate enforcement action where necessary (which may include fines and revocation of licences).

---

<sup>3</sup>Bang Babes, Tease Me TV 2, 22 May 2010, 03:35 to 04:00, published in Broadcast Bulletin 164 (23 August 2010)  
at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb164/>.

## Resolved

### This Morning

ITV1, 27 October 2010, 10:30

---

#### Introduction

*This Morning* is a daytime magazine programme broadcast live in weekday mornings on ITV1. Towards the end of this show, while off camera and during a preview of the next morning's show, presenter Ruth Langford was heard to say: "*hang on, we're not there yet...fuck.*" Ofcom received sixteen complaints from viewers who considered this language to be unsuitable given the morning scheduling of the programme.

Ofcom therefore contacted ITV Broadcasting Limited ("ITV"), who complied the programme on behalf of the ITV Network for ITV1, and sought its comments under Rule 1.14 of the Code ("The most offensive language must not be broadcast before the watershed...").

#### Response

ITV said it regretted the broadcast of this offensive language, and stated that all presenters are well aware of the need to avoid such language in daytime programmes. On this occasion, the use of the language was completely unintentional, unforeseen and inadvertent: Ruth Langford had been moving to another part of the studio for the next item and accidentally tripped over a cable. She did not realise her words would be picked up by viewers as she was off camera and another item was being broadcast.

ITV explained that the programme gallery team quickly sought to check whether the word had been broadcast, but by the time confirmation was received the programme was coming to an end and it was not possible for the presenters to apologise immediately on air.

ITV said that the presenter apologised via her Twitter account later that day, and apologised directly to viewers on air at the start of the next day's edition of *This Morning*. ITV also confirmed that the offensive language was removed from the programme before it was made available on ITV's catch up video on demand services.

#### Decision

Our research indicates that the word "fuck" and its derivatives are an example of the most offensive language. Rule 1.14 states that the most offensive language must not be broadcast before the watershed.

Ofcom recognised that the programme was broadcast live and noted the circumstances of the incident, the various apologies given by the presenter and the action taken to remove the offensive language from on demand services. Ofcom therefore considers the matter resolved.

#### Resolved

## Broadcasting Licence Condition cases

### In Breach

#### Failure to provide key commitments

*TCR FM*

---

##### Introduction

TCR FM is a community radio station providing a service for the people of Tamworth and in particular those under the age of 30. It has been on air since October 2009 and the output is presented by volunteers. The licence is held by Tamworth Radio Broadcasting C.I.C.

The station's licence includes as an annex a 'key commitments' document which sets out what the radio station is required to broadcast (which is based on the promises made by the station in its original application for the licence). In the programming section it says that "the service will typically be live for at least 12 hours per day".

On 14 October 2010 Ofcom received a complaint regarding the provision of live output on the station, alleging that the station was not meeting its live broadcasting requirement. Accordingly, on 19 October Ofcom wrote to the licensee, Tamworth Radio Broadcasting C.I.C., to ask whether it was complying with its key commitment to provide at least 12 hours live programming per day.

Based on the station's estimation that it was only delivering between two and ten hours of live programming per day Ofcom again wrote to the licensee to ask how it felt its output complied with the licence condition relating to key commitments delivery. Condition 2(4), contained in Part 2 of the Schedule to the licence, states that:

"The Licensee shall ensure that the Licensed Service<sup>1</sup> accords with the proposals set out in the Annex so as to maintain the character of the Licensed Service throughout the licence period."

##### Response

The licensee said that it has struggled to fulfil its live output key commitment and that this particular commitment was seen as a target to which the station would work towards over its first year of broadcasting.

The licensee said that the station has "grown organically" from the group first formed to deliver two restricted service licence<sup>2</sup> (RSL) broadcasts. After the experience gained from the RSL broadcasts, the licensee said it was "naive to try and recreate the same 28 days across a full time licence. Over the last 12 months we have enjoyed a successful start to our licence but the growth has been slower than we had anticipated."

---

<sup>1</sup> The service that the station is licensed to provide, as described in its 'key commitments'

<sup>2</sup> A short-term restricted service licence, or RSL, is a temporary radio licence which allows a group to broadcast for up to 28 days.

In addition the licensee said that the station does not employ any full time staff. Station management is delivered by volunteers outside of their own regular work hours, which makes managing the delivery of the required live output challenging.

Lastly, the licensee said that it has increased its live output since it was first contacted by Ofcom about this issue and, with the service emphasis on people under the age of 30, it expects to increase its live output further still during the coming term-time holidays when more of its younger broadcasters will be available.

## **Decision**

Ofcom notes that TCR FM has struggled to deliver the required 12 hours of live output per day, which is part of its key commitments because it promised a high level of live output in its application for a licence. Ofcom considers that key commitments are a statement of what a station will deliver to its target community, rather than mere 'targets'. We also note that the station was very close to its first year anniversary when the complaint was received.

By failing to provide the required live output of 12 hours per day on TCR FM, Tamworth Radio Broadcasting C.I.C. was not providing the service as described in its key commitments, and therefore is in breach of the licence condition referred to above. Ofcom has therefore recorded this breach of its licence condition. As the breach is continuing, we are in correspondence with the licensee about its plans for returning to compliance with its licence.

Community radio stations are, under the terms of The Community Radio Order 2004, defined as local radio stations provided primarily for the good of members of the public or for a particular community, rather than primarily for commercial reasons. They are also required to deliver social gain, be run on a not-for-profit basis, involve members of their target communities and be accountable to the communities they serve.

Any organisation applying for a community radio licence is required to set out proposals as to how it will meet these various statutory requirements. If it is awarded a licence, its proposals are then included in the licence so as to ensure their continued delivery. As referred to above this part of a community radio station's licence is known as the 'key commitments', and it is designed to ensure that each community radio station continues to provide the service for which it has been licensed. As such, 'key commitments' are requirements which must be delivered from launch, not 'targets' to meet at a future date.

## **Breach of Licence Condition 2(4) in Part 2 of the Schedule to the community radio licence held by Tamworth Radio Broadcasting C.I.C. (licence number CR173)**

## In Breach

### Failure to provide key commitments

*Bute FM*

---

#### Introduction

Bute FM is a community radio station providing a service for the people of Rothesay and surrounding areas on the Isle of Bute. It has been broadcasting since July 2009 and the output is presented by volunteers. The licence is held by Bute Community Media Limited.

The station's licence includes as an annex a 'key commitments' document which sets out what the radio station is required to do. One of the requirements in the legislation for community radio services is that each station is accountable to its target community. Stations need to have mechanisms in place to encourage community feedback and to consider how to act on it. In the section in Bute FM's licence setting out measures for accountability to the target community<sup>1</sup> it includes the following:

- "The station will have a Steering Group which will comprise the directors of the licensee company together with local business people." and
- "Representatives from other island organisations will be invited to join the station's Community Focus Group. Two members of the public will also be selected to attend a particular meeting. The group will hold public meetings every two months, all action points raised by the Community Focus Group will be brought before the steering and will then be implemented, where appropriate"

In August and September 2010 Ofcom received a number of complaints regarding the station's accountability to the community. (These were received after one of Bute FM's directors and volunteer presenters left the station in August.) One complainant said "under the commitments given at the time of application there was to be a steering group, focus groups etc to ensure that the community was fully involved with the station. However, these have never materialised". Another complained that "even the most dedicated supporters and volunteers of Bute FM have absolutely no say in its running". A third said "contrary to what was initially promised, the community has not had the opportunity to participate fully in the running of the station, nor have a say in what the community radio should be about" and "no alternative opinions seem to be welcome, with no critical views permitted to be expressed on air, and no view contrary to that of the station entertained."

Accordingly, Ofcom corresponded with the licensee, Bute Community Media Limited, on 8 September, 5 October and 5 November 2010, regarding whether and how it was complying with its accountability 'key commitments' which include requirements for a Steering Group and a Community Focus Group.

In the station's community radio licence, Condition 2(4), contained in Part 2 of the Schedule to the licence, states that:

"The Licensee shall ensure that the Licensed Service<sup>1</sup> accords with the proposals set out in the Annex so as to maintain the character of the Licensed

---

<sup>1</sup> The service that the station is licensed to provide, as described in its 'key commitments'

Service throughout the licence period.” [The annex referred to is the station’s ‘key commitments’.]

## Response

In response to our first letter the licensee said, on 17 September, that “The Steering Group, comprising the Directors of Bute Community Media Limited, has been in operation since the inception of the station. It is to the Steering Group that the station manager reports. It has though been difficult to attract members of the business community to the Group but we have now recruited to the Steering Group an Argyll & Bute Councillor, a Bute Community Councillor, a representative from the business community and a member of the public. Meetings will commence in the next few weeks.”

It added “in response to the complaints about the Community Focus Group it is true that there have been no meetings to date.” And, “once the Steering Group meetings have commenced we will endeavour to discuss and implement the Community Focus Group by the end of the year.”

Ofcom wrote back to the licensee on 5 October saying that it appeared that the Steering Group had only comprised of station directors since the station started, and therefore we did not see how this group had contributed to community accountability so far. We noted that the station manager reports to the Steering Group, but that he is also one of the station directors. We asked for more information about the new members, the terms of reference and how often the group will meet. We said that it appeared to us that in relation to the ‘accountability to the community’ measures set out in the ‘key commitments’, Bute Community Media Limited had failed to implement one of these at all (the Community Focus Group) and the other one in full (the Steering Group).

On 18 October the licensee wrote confirming that four new members of the Steering Group had recently been recruited.

On 5 November we wrote to the licensee saying we were minded to find it in breach of its licence. This was because the licensee had only recently recruited members in addition to station directors to its Steering Group, and at 18 October the group had not yet met. In addition the Community Focus Group had not been set up even though the service had been in operation for over a year. We invited the licensee to make representations to us about these matters.

On 16 November the licensee wrote and reiterated its view that “The Steering Group, mainly comprising the directors of the licensee company, has been in operation since the inception of the station and although it has not, until recently, formally included local business representatives, meetings have taken place since July 15th 2009”. It added that “local business representatives were, at the time of these meetings, current volunteers and the meetings were not always held on a regular basis.”

“The new Bute FM Steering Group, the composition of which is described in our letters of September 17th and October 18th, is now fully formed and has discussed and debated a number of internal procedures, volunteering requirements and the composition and objectives of the Community Focus Group.”

“Following the first formal meeting of the new Bute FM Steering Group a provisional date has been set of December 7th for the first meeting of the Community Focus Group.”

## Decision

It is a legislative requirement that community radio stations are accountable to their target community, and a station's accountability measures are included in its licence (in the key commitments document). Following the departure of a Bute FM director and volunteer, some members of the target community expressed their frustration and concerns about the apparent lack of accountability measures at Bute FM, and a number of complaints were received. This demonstrates how much communities value their community radio service, and how important it is that stations have mechanisms in place to consider comment and feedback, and be accountable to their community.

We note the licensee's argument that the Bute FM Steering Group has been in operation since the inception of the station and that the station manager reports to the Steering Group. However as the station manager is also one of the three directors of the licensee (Bute Community Media Limited) it appeared to us that the Steering Group was comprised only of station directors and therefore did not help ensure community accountability.

We note the assertion that occasional meetings were held with volunteers who were members of the local business community. However, it appears that these volunteers were not formal members of the Steering Group, and nor did they meet regularly, which such a group might reasonably be expected to do. Therefore we do not accept that the Steering Group as described in the 'key commitments' (i.e. a body comprising directors and local business people) has been implemented as a measure to help ensure that the station is accountable to its target community.

The licensee admits that the second accountability mechanism, the Community Focus Group, has not been implemented to date.

The licensee has now recruited additional members to the Steering Group, and the Community Focus Group is in the process of being set up. The licensee has said it expects accountability measures to be fully compliant with the 'key commitments' by the end of the year (2010).

A station's 'key commitments' are drafted from the promises made in the application for a community radio licence, and agreed with the licensee before the station starts broadcasting. By failing to provide the required accountability measures Bute Community Media Limited was not providing the service as described in its 'key commitments', and therefore is in breach of the licence condition referred to above. Ofcom has therefore formally recorded this breach by Bute Community Media Limited.

Community radio stations are, under the terms of The Community Radio Order 2004, defined as local radio stations provided primarily for the good of members of the public or for a particular community, rather than primarily for commercial reasons. They are also required to deliver social gain, be run on a not-for-profit basis, involve members of their target communities and be accountable to the communities they serve.

Any organisation applying for a community radio licence is required to set out proposals as to how it will meet these various statutory requirements. If it is awarded a licence, its proposals are then included in the licence so as to ensure their continued delivery. As referred to above this part of a community radio station's licence is known as the 'key commitments', and it is designed to ensure that each

community radio station continues to provide the service for which it has been licensed.

**Breach of Licence Condition 2(4) in Part 2 of the Schedule to the community radio licence held by Bute Community Media Limited (licence number CR124)**

## Fairness and Privacy Cases

### Not Upheld

#### Complaint by Mr Michael Yardley

*The Big Questions, BBC1, 6 June 2010*

---

**Summary:** Ofcom has not upheld this complaint of unfair treatment made by Mr Michael Yardley.

An edition of *The Big Questions* included a debate on the subject “Should Britain Ban Guns?”, following the killings in Cumbria by taxi driver Derrick Bird. Panellists, guests and members of the audience gave their views on the question of whether guns should be banned in the UK. One of the guests taking part in the debate was Mr Michael Yardley, who was invited to take part in his capacity as a representative of the Shooting Sports Trust and whose answer to the “big question” was “no”. The programme was affected by technical faults and, after a number of interruptions to the broadcast, eventually taken off air due to the severity of these problems.

In summary Ofcom found the following:

- Mr Yardley was given sufficient information about the aims and nature of the programme.
- Despite the very serious technical problems and the heated nature of the debate at times, Mr Yardley was able to put his arguments clearly and was not portrayed unfairly.

#### Introduction

On 6 June 2010, BBC1 broadcast an edition of its series *The Big Questions*, in which presenter Nicky Campbell hosts debates on moral, ethical and religious issues. In this edition, which was broadcast shortly after Derrick Bird shot and killed 12 people and injured many others in Cumbria, one of the questions for debate by the panel and the studio audience was “Should Britain Ban Guns?”. One of the studio guests was Mr Michael Yardley, who participated in his capacity as the media spokesman for the Shooting Sports Trust<sup>1</sup> and representing the interests of the British Association for Shooting and Conservation (“BASC”)<sup>2</sup>. Mr Yardley spoke about the use of guns for sporting activities and argued that the UK has a low gun crime rate and that legislation made in response to previous shooting incidents had not stopped gun crime. Mrs Lucy Cope, of Mothers Against Guns, who lost her son in a shooting incident took part in the debate and called for all guns to be banned, except for those used by the police and armed forces. Another participant was Mr Graham Showell, who runs a website called Britain Needs Guns and whose position was that the UK’s gun laws were “*far too strict*” and said that there was “*a compelling case to relax the gun laws*”.

---

<sup>1</sup> The purpose of the Shooting Sports Trust is “to create a greater public understanding and knowledge of the sport of shooting in all its branches including competitive shooting and all matters concerning the safe use of arms and ammunition for sporting and recreational purposes, and to encourage and promote the instruction, education and training of members of the public in the sport of shooting and other complementary skills”.

<sup>2</sup> The BASC is Britain’s largest shooting organisation and provides a number of services, such as third party insurance to shooters and advice on technical aspects of firearms, firearms’ law and conservation.

There were technical problems throughout the broadcast, which resulted in a large number of interruptions of varying length to the programme, and eventually the programme was taken off the air.

## **The Complaint**

### **Mr Yardley's case**

In summary, Mr Yardley complained that he was treated unfairly in the programme as broadcast in that:

- a) He was invited to participate in the debate as a professional firearms consultant and a duly appointed spokesman for legitimate shooting interests in the United Kingdom but was not properly informed about the real intentions of the programme in that:
  - i) He was led to believe that he was to take part as a "front row" guest and primary participant in a serious and well moderated national debate on a very serious issue, but he was not given a fair chance to present the case for the Shooting Sports Trust, a large national interest group.
  - ii) He was not informed that the primary aim of the programme was to create a studio drama/conflict that was inappropriate given the grave nature of the subject matter.
  
- b) He was portrayed unfairly in that:
  - i) The programme makers' failed to vet other "front row" guests to some degree, to ensure that their propositions and statements had some basis in reality. This failure had an impact on his ability to comment and put his case forward.
  - ii) His positioning next to Mr Showell, who espoused a very extreme position, resulted in Mr Showell being associated with Mr Yardley and the Shooting Sports Trust and the false impression being given that Mr Showell was associated with the shooting sports side of the argument.
  - iii) The fact that Mr Showell was captioned but Mr Yardley was not may also have indicated to viewers that Mr Showell and his views were the primary response to the extreme position taken by Mrs Cope.
  - iv) There was insufficient moderation of the debate, so that extreme views were represented. In particular, Mrs Cope was allowed to dominate the debate and Nicky Campbell turned to Mr Showell for a primary response to Mrs Cope's position, despite the fact that he did not represent the vast majority of sporting or professional users of firearms. This was at the expense of Mr Yardley being given an opportunity to express his position.

By way of background, Mr Yardley said that the technical difficulties, which eventually resulted in the programme being taken off air, meant that his balancing comments to some of the extreme positions taken by other guests were not properly stated.

### **The BBC's case**

In summary, the BBC responded to the complaint as follows:

- a) In response to the complaint that Mr Yardley was not properly informed about the real intentions of the programme, the BBC said that the programme makers' approaches to Mr Yardley made clear both the nature of the programme and the

nature of the participation being offered to him. The programme's producer described the programme to Mr Yardley several days before it was recorded and recommended that he watch the previous week's show to get a feel for the nature of the debate. In an extensive pre-interview chat, she spoke to Mr Yardley about his views on the topics that would be discussed and the people who might debate opposite him. Mr Yardley told her that he had previously debated the same issue on a different programme also hosted by Nicky Campbell.

The BBC responded as follows to the specific points made by Mr Yardley:

- i) The BBC first responded to the complaint that Mr Yardley was led to believe that he was to take part as a "front row" guest and primary participant in a serious and well moderated debate on a serious issue, but that he was not given a fair chance to present the case for the Shooting Sports Trust, a large national interest group.

The BBC said that the approach of *The Big Questions* was to invite guests from various sides of a debate to give their points of view on the question under discussion. The intention was that all would be given an opportunity to contribute and participants would not be treated as "primary" or "secondary" responders. The BBC said that Mr Showell's position on gun control differed on many key points from that of Mr Yardley but that they would both answer "no" to "the big question" being debated. However, the BBC said that there was no intention of portraying Mr Showell as a primary responder or Mr Yardley as a secondary responder on the question of gun control.

The BBC said that Mr Yardley was given an opportunity to put his case. Although the technical problems meant that some of his contributions were heard in the studio and not on air, the transcript of the programme as broadcast showed that a significant proportion of his comments were aired and the host turned to him for a contribution on several key points. The BBC said that Mr Yardley successfully put forward views on the relative lack of gun crime in this country compared to the USA, the number of illegal as opposed to legal weapons in the UK, the history of shooting tragedies leading to legislation and the relative ineffectiveness of that legislation in the case of handgun crimes, problems of social alienation and the glamorising of violence which might lead to gun crime, the rights of those who shoot for sport and compete for Britain, the needs of farmers and the level of bureaucracy involved in gun legislation. The BBC said that the technical faults also had a similar effect on the arguments expressed by others and that Mr Yardley was not treated any differently from any of the other guests or that the effect of the outages was particularly unfair to him.

- ii) As regards the complaint that Mr Yardley was not informed that the primary aim of the programme was to create a studio drama/conflict that was inappropriate given the grave nature of the subject matter, the BBC said that the programme sought to offer compelling and even-handed debate on a topical matter and to explore the issues raised from a variety of viewpoints. While on this occasion some conflict may have arisen as a result of the deeply felt positions of those involved, it was not the primary purpose the programme to foster drama but to enable frank and interesting discussion.
- b) The BBC next responded to the complaint that Mr Yardley was portrayed unfairly, as follows:

- i) The BBC responded to the complaint that the programme makers failed to vet other front row guests to ensure that their propositions and statement had some basis in reality and that this failure had an impact on his ability to comment and put his case forward.

The BBC said that the programme makers put great effort into assembling a varied list of guests capable of offering distinct and interesting perspective on matter of controversy. Guests would only be invited to appear following research into their position and pre-interviews to establish the particular parts of the debate they were most likely to engage in. In this case, the guest alluded to by Mr Yardley, Mrs Cope, was interviewed by the programme's researcher, who reported that she engaged passionately with the issues and that, although she expressed strong views on gun ownership and current legislation, she was in favour of a debate on the subject. In those discussions she had not referred to the figure of 60 gun deaths in London last year that she mentioned in the programme.

The BBC said that it was part of the role of the host to challenge propositions, particularly controversial ones, but that it was not possible or desirable for him to question participants on every debateable point made. While he should be sufficiently well-briefed to navigate the discussion with confidence, the BBC said that it was unrealistic to expect that he would be in a position to confirm or controvert every claim that may be advanced in the course of the programme. The BBC said that it was the essence of a discussion involving participants who represented a range of viewpoints that those participants would play a major role in identifying and challenging disputable claims. In this programme, the host did turn to other guests, including both Mr Yardley and Mr Showell, for responses to points made by others on the programme. The BBC said that it was unfortunate that those exchanges were not always heard in full by the television audience.

The BBC said that Mr Yardley's ability to put his views forward would not have rested on the accuracy or contentiousness of the propositions expressed by others. The BBC said that no association was made in the programme between the views of others and those of Mr Yardley and it was open to him to dispute any points that he considered inaccurate.

- iii) The BBC next considered the complaint that Mr Yardley's positioning next to Mr Showell resulted in Mr Showell being associated with Mr Yardley and the Shooting Sports Trust and the false impression being given that Mr Showell was associated with the shooting sports side of the argument.

The BBC said that participants who would broadly answer "Yes" or "No" to "the big questions" under discussion were typically seated together, allowing the host to help ensure a balanced debate by making it easier for him to seek counterpoints to views being expressed.

The BBC said that regular viewers of the show would be familiar with the structure of the debate and the nature of the seating arrangements, and that both regular and new viewers would have been sensitive to the fact that there were clear, and sometimes very wide, differences of opinion on particular points amongst those who may share common ground in terms of a broadly negative or positive response to the programme's "big question". The BBC said that the wide-ranging and free-flowing nature of the debate, in which a number of different perspectives were heard and in which people seated near

each other often disagreed on particular points, helped to ensure that audiences were aware of a plurality of views beyond simply a negative or positive response to the central question. Viewers were therefore unlikely to have concluded from the seating arrangements that those sitting next to or near one another would be of precisely the same mind on all the matters discussed. Furthermore, the BBC said that, even considering the technical problems that hampered the debate and prevented the guests from having all their points heard, viewers would have been clear from their respective contributions that the views of Mr Yardley and Mr Showell were very different.

- iii) The BBC next responded to the complaint that Mr Showell was captioned but Mr Yardley was not and that this may have indicated to viewers that Mr Showell and his views were the primary response to the extreme position taken by Mrs Cope.

The BBC said that it had already apologised to Mr Yardley for the technical error that led to him (and some other participants) not being captioned and explained that Mr Yardley's first contribution followed several breaks in transmission, with necessitated a caption apologising to viewers for the technical faults. This caption had unfortunately taken the position on screen which would normally have been occupied by a caption for Mr Yardley. However, Nicky Campbell had introduced Mr Yardley by name when inviting a response to Mrs Cope's claim that there was no reason for a civilian to possess a gun.

The BBC said that viewers would have understood that the usually captioning processes were not functioning as a result of the technical difficulties and that the lack of a caption would have been unlikely to lead viewers to consider Mr Showell to be the "primary" responder. Viewers would have formed their impression of the contributors and their views on the basis of the points they expressed and the manner in which they expressed them.

- iv) The BBC then responded to the complaint that there was insufficient moderation of the debate, so that extreme views were represented. In particular, Mrs Cope was allowed to dominate the debate and Nicky Campbell turned to Mr Showell for a primary response to Mrs Cope's position, despite the fact that he did not represent the vast majority of sporting or professional users of firearms. This was at the expense of Mr Yardley being given an opportunity to express his position.

The BBC said that, while the programme was affected by technical problems and to some extent by the vociferousness of one guest, who tended to interrupt and speak over others, the moderation was of a high level and the subject treated with appropriate seriousness. The BBC said that Nicky Campbell did a creditable job of hosting the debate in the circumstances and that it was not wrong for Nicky Campbell to turn to Mr Showell for a response on a particular point.

The BBC said that it was not claimed or implied that Mr Showell was representative of the shooting community in the UK and that there was no reason why someone who was not a representative of a view point or community should not be allowed to comment on a matter of controversy. The BBC said that there was no reason why Mr Yardley should have been given priority over Mr Showell in responding to Mrs Cope. Furthermore, following the exchange between Mr Showell and Mrs Cope, Nicky Campbell turned to

Mr Yardley for a response to her assertion that there was no reason for a civilian to possess a gun. Unfortunately his full answer was interrupted by a break in transmission, but viewers were able to hear a key part of his reply, in which he said:

*“Nicky, I think we have to look at this coolly. Obviously if you had a member of your family killed with a firearm it’s an awful thing and you’re going to have a particular reaction to it. But more than a million people in this country used guns not just for sport”.*

The BBC said that the host made several attempts to draw Mrs Cope to a conclusion and to ask her to allow others to have their say, but that there was a limit to the extent to which any host could entirely silence a contributor who was unwilling to allow others the opportunity to speak. The BBC said that viewers would have formed their own opinion of Mrs Cope and of the other guests based on their argument and the way that they contributed to the debate.

The BBC said that the technical difficulties which beset the transmission meant that the full debate which was planned was forestalled and several points of argument, on all sides, were not heard. The BBC apologised again for those “very regrettable” problems, which were unprecedented in the history of the programme. However viewers would clearly have known that the programme had been interrupted and that they were not hearing every side of the argument or every aspect of the position of each guest.

## **Decision**

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

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

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript, both parties written submissions and supporting material.

Before considering the specific complaints made by Mr Yardley, Ofcom first noted that the programme was beset by severe technical problems from a very early stage. Although the debate continued to be recorded, the problems resulted in a number of interruptions to the broadcast programme and eventually to the programme being taken off air. Ofcom also noted that the BBC had apologised to Mr Yardley, and to other contributors, about this. Ofcom appreciated that the interruptions resulted in the programme not including the full debate that took place in the studio and not reflecting fully all the points that were made. This was clearly frustrating for Mr Yardley and for other contributors.

- a) Ofcom first considered the complaint that Mr Yardley was invited to participate in the debate as a professional firearms consultant and a duly appointed

spokesman for legitimate shooting interests in the United Kingdom but was not properly informed about the real intentions of the programme.

In considering this part of the complaint Ofcom took account of Practice 7.3 of the Ofcom Broadcasting Code (“the Code”). Practice 7.3 states that where a person is invited to make a contribution to a programme, they should normally be told about the nature and purpose of the programme and what kind of contribution they are expected to make.

Ofcom noted that the producer’s note of her conversation with Mr Yardley before he took part in the programme showed that she described the programme as being “a topical ethical debate show presented by Nicky Campbell: we have three panellists and a number of front-row guests who either have an expertise or a particular personal interest in the topic – usually two people on either side of each debate”. Ofcom also noted that she suggested that Mr Yardley watch the previous week’s episode and that Mr Yardley said that he had debated the same issue on a different programme hosted by Nicky Campbell.

- i) Ofcom first considered the complaint that Mr Yardley was led to believe that he was to take part as a front row guest and primary participant in a serious and well moderated national debate on a very serious issue, but he was not given a fair chance to present the case for the Shooting Sports Trust, a large national interest group.

Ofcom noted that there was no pre-broadcast correspondence indicating what Mr Yardley was told about the programme, but considered that the producer’s verbal description of the programme to Mr Yardley, as set out in her note of the conversation, was likely to have led him to believe that front row guests would, in effect, take a primary role in the debate. Ofcom noted the BBC’s point that the programme did not treat guests as primary or secondary, but considered that Mr Yardley did appear to be intended to be one of the front row guests, as described by the producer, and was treated as such, since he was invited to speak on a number of occasions and was clearly a person with expertise and/or a personal interest in the question of gun ownership. Ofcom also noted that the presenter stated at one point in the programme “*Let’s hear from the audience*”, which Ofcom considered clearly differentiated the front row guests from the other guests in the studio.

Ofcom noted that there was no specific reference in the programme to Mr Yardley’s role with the Shooting Sports Trust or BASC. However in his first contribution to the debate, Mr Yardley referred to the use of guns in sports and a little later he said:

*“...you must consider the rights of a million-plus honest people who shoot for sport, who’ve brought honour to this country in the Olympics and other international competition...”*

Ofcom considered that these passages from the debate would have made it clear to viewers that Mr Yardley had an interest in the question of gun ownership from the perspective of people who shoot for sport and that, while Mr Yardley’s role with the Shooting Sports Trust was not made clear, his comments were sufficient to indicate that the background to his position on gun ownership was, in part at least, related to the use of guns for sporting purposes.

Ofcom accepted that there were considerable technical problems with the programme's transmission and that, although other participants were also interrupted, the problems affected Mr Yardley in particular. However Ofcom took the view that Mr Yardley was able to make relevant points on a number of occasions and did so clearly and articulately. As regards the moderation of the debate generally, see Ofcom's findings at decision head b) iv) below.

- ii) Ofcom next considered the complaint that Mr Yardley was not informed that the primary aim of the programme was to create a studio drama/conflict that was inappropriate given the grave nature of the subject matter.

Ofcom noted that the debate was taking place following the shooting dead of 12 people in Cumbria by Derrick Bird, who owned his gun legally. This was clearly a serious matter and the debate, "Should Britain Ban Guns?", was likely to elicit strong opinions from those taking part.

Notwithstanding the heated nature of the debate at times, Ofcom considered that there was nothing in the broadcast programme to suggest that the main aim of the programme was to create drama or conflict. It was clear that contributors had been selected on the basis that they would have strong feelings on the matter under discussion. However, in Ofcom's view, the debate was not moderated in such a way as to fuel conflict and, in general, participants made their points in a measured manner.

Ofcom found no unfairness to Mr Yardley in this respect.

- b) Ofcom next considered the complaint that Mr Yardley was portrayed unfairly in the programme.

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

Ofcom noted Mr Yardley's view that the technical difficulties meant that his balancing comments to some of the extreme positions taken by other guests were not properly stated. Ofcom noted that Mr Yardley's contribution was interrupted on three occasions as a result of those problems. As set out above, Ofcom appreciated that the technical problems meant that not all the arguments put in the recording were broadcast and that this was frustrating for Mr Yardley and other participants. Ofcom considered Mr Yardley's specific complaints against this background.

- i) Ofcom first considered the complaint that the programme makers' failed to vet other "front row" guests to some degree, to ensure that their propositions and statements had some basis in reality and that this had an impact on Mr Yardley's ability to comment and put his case forward.

Ofcom noted that a number of participants in the debate put their points forcefully. In particular, Mrs Cope expressed her views very firmly and on a number of occasions. Ofcom noted that Nicky Campbell did ask her to wait and to allow others to speak several times. Ofcom considered that, as a mother who had lost her son as a result of a shooting and who led a campaign, Mothers Against Guns, Mrs Cope was likely to be a suitable person to take part in the debate. While it was clear that she would be on the

“yes” side of the debate, it would not have been possible for the programme makers to anticipate every point she was likely to make or the manner in which she would present her views.

It was clear from correspondence that Mrs Cope gave an inaccurate figure for the number of people who had died in London in 2010 as a result of gun crime and that this was not challenged in the programme. Ofcom accepts that the host in a debate of this nature should be aware of the general issues likely to be discussed in order to moderate effectively. However, whilst it was unfortunate that Mrs Cope’s error went uncorrected, in Ofcom’s view this was not something the host could be expected to have anticipated and have the correct figure for.

In Ofcom’s view, notwithstanding the heated nature of the debate at times, Mr Yardley was able to put his views calmly and articulately on a number of occasions during the course of the programme. In his first contribution, having been invited by Nicky Campbell to speak, Mr Yardley said:

*“Nicky, I think we have to look at this coolly. Obviously if you had a member of your family killed with a firearm, it’s an awful thing and you’re going to have a particular reaction to it. But more than a million people in this country use guns not just for sport, we’re very good at sport. We’ve won internat...”*

Although he was unfortunately interrupted due to the technical problems, Mr Yardley was able to express his sympathy for people who had lost someone due to gun crime and then to begin to put his position regarding the use of guns for sport. Mr Yardley then spoke about previous shootings that had led to legislation (such as Hungerford and Dunblane) and put forward his view that legislation following such incidents was not effective. He also spoke about some of the issues he thought contributed to gun crime, such as social alienation and violence in the media. He gave his opinion that, compared with the United States, there was a low level of gun crime in the UK and that in other countries, such as Germany, Finland and Australia, there had been incidents of gun crime. He spoke of the use of guns for sports and the need for farmers to use guns.

Mr Yardley also directly put to Mrs Cope on two occasions that she was mistaken: for example, when Mrs Cope said that it was “*absolute rubbish*” that farmers needed guns, Mr Yardley said:

*“You’re wrong, Lucy. You have to use firearms in the country. They’re a tool”.*

A little later, in response Mrs Cope’s statement that an Uzi sub-machine gun was used in an incident in Peckham, Mr Yardley was clearly heard saying to her:

*“No but you must get your facts right. This is very serious stuff, Lucy”.*

In these circumstances, Ofcom took the view that, in spite of interruptions from other participants and due to the technical problems, Mr Yardley was able to comment and put his points forward, and question the veracity of some of the statements by other participants made, which he did in a calm and articulate manner.

- ii) As regards Mr Yardley's positioning next to Mr Showell, resulting in the false impression being given that Mr Showell was associated with the shooting sports side of the argument, Ofcom noted first that Mr Showell was introduced by the host as someone who thought the UK gun laws were too strict. Mr Showell then said:

*"I run the website at the moment that's called Britain Needs Guns, and I actually feel that there's quite a compelling case to relax them. I think that if just one other person in Cumbria had been armed maybe he could have been stopped sooner. We can arm the police but they weren't there and he was running around for three hours gunning people down before they could even find him".*

Nicky Campbell said that some people would think that this was "an extraordinary assertion". Mr Showell went on to expand on his views. In Ofcom's view, Mr Showell's views, as expressed in the programme clearly contrasted with those of Mr Yardley, whose view was that a) there were legitimate uses for guns and b) that previous legislation to ban certain types of guns had not worked.

Ofcom noted the BBC's position that participants in the debate were seated on the basis of whether they would answer "yes" or "no" to the programme's "big question", but that that did not mean that all those who would say "no" would say that for the same reasons. In Ofcom's view, nothing in the seating arrangements or the content of the debate would have suggested to viewers that Mr Showell was associated with Mr Yardley or the shooting sports side of the argument.

- iii) Ofcom then consider the complaint that the fact that Mr Showell was captioned but Mr Yardley was not may also have indicated to viewers that Mr Showell and his views were the primary response to the extreme position taken by Mrs Cope.

As set out under decision head a) i) above, Ofcom considered that it was clear that Mr Yardley was participating as one of the front row guests. As regards captions, Ofcom noted that Mr Showell was captioned, as were some of the other contributors. Others, like Mr Yardley were not. Ofcom noted that the BBC had apologised to Mr Yardley for the lack of a caption and considered that viewers would have understood that this was likely to be as a result of the technical problems that affected the programme, rather than a comment on the weight to be given to the views of the various participants. As set out under decision heads b) i) and ii) above, Ofcom took the view that Mr Yardley was able to put his views clearly during the course of the programme and that viewers would have understood that these views were in contrast to the more extreme and less carefully measured views of Mr Showell.

- iv) Ofcom then considered the complaint that there was insufficient moderation of the debate, so that extreme views were represented.

Ofcom noted that Mr Yardley felt that Mrs Cope was allowed to dominate the debate and that Nicky Campbell turned to Mr Showell for a primary response to Mrs Cope's position, despite the fact that he did not represent the vast majority of sporting or professional users of firearms. This was at the expense of Mr Yardley being given an opportunity to express his position.

Ofcom noted that, in general, Mrs Cope did take up a significant amount of time during the debate and that at times Nicky Campbell had difficulty in containing her contributions. Ofcom also noted that some extreme views were expressed by participants in the programme. However, as set out above, Ofcom took the view that Mr Yardley was able to express his views on a number of occasions and was expressly invited to do so by Nicky Campbell. He did so clearly and articulately and was able to put make his position clear.

In these circumstances, Ofcom found no unfairness to Mr Yardley.

**Accordingly Ofcom has not upheld Mr Yardley's complaint of unfair treatment in the broadcast of the programme.**

## Not Upheld

### Complaint by Mr Andrew Tasker

*Orchestra United, Channel 4, 8 August 2010*

---

**Summary:** Ofcom has not upheld this complaint of unfair treatment made by Mr Andrew Tasker.

This programme was the third episode in a series of four programmes that followed the formation, development and final performance of a youth orchestra which brought together a diverse cross-section of young people from Manchester. This episode featured 16 year-old Daniel, who had been thrown out of his house by his father, and included a comment by the orchestra manager that *“he shouldn’t be out there without any kind of support”*.

Daniel’s father, Mr Tasker, complained to Ofcom that he had been unfairly treated in the programme as broadcast.

In summary, Ofcom found that the programme did not suggest that Mr Tasker had thrown Daniel out of the house without a thought for his welfare and that, as a result, Mr Tasker had not been treated unfairly in the programme as broadcast.

#### Introduction

On 8 August 2010, Channel 4 broadcast the third of four episodes of its series, *Orchestra United*. The series followed the creation of the Hallé Harmony Youth Orchestra which brought together a cross-section of young people from Manchester with the goal of performing a classical music concert in front of a paying audience at Manchester’s Bridgewater Hall.

This programme included a brief feature about *“disruptive”* 16 year-old trumpet player, Daniel, and included footage of him and his father at home explaining how important trumpet playing was to Daniel and how he didn’t want to *“mess up”* the opportunity that had been given to him.

Towards the end of the programme, the narrator said:

*“But as rehearsals begin for the final concert, Daniel from the trumpet section is nowhere to be seen”*.

The programme then broadcast a telephone conversation between the orchestra’s manager and Daniel during the course of which it was revealed that Daniel had been thrown out of his house by his father.

After the telephone conversation, the programme showed the orchestra’s manager saying:

*“He [Daniel] shouldn’t be out there without any kind of support”*.

Daniel’s father, Mr Tasker, complained to Ofcom that he had been treated unfairly in the programme as broadcast.

## The Complaint

### Mr Tasker's case

In summary, Mr Tasker complained that he was treated unfairly in the programme as broadcast in that he was unfairly portrayed because, by saying that his son "*shouldn't be out there without any kind of support*", the programme suggested that Mr Tasker had thrown his son out of his home without a thought for his welfare.

### Channel 4's case

In summary, Channel 4 responded to Mr Tasker's complaint that he was unfairly portrayed in the programme as broadcast as follows:

Channel 4 said that it did not accept that the programme or the series treated Mr Tasker unfairly and that no reasonable viewer watching the programme and the series in its entirety would have concluded that Mr Tasker threw his son out of his home without a thought for his welfare because nothing in the programme suggested that.

Channel 4 said that the programme portrayed Mr Tasker as a caring person who "*took his son on at age nine*", housed him and introduced him to music to keep him on the straight and narrow. The programme included an interview featuring Mr Tasker and his son together which revealed that they had a positive relationship.

Channel 4 said that the programme reported that Mr Tasker had thrown his son out of the house and included the following comment by the orchestra manager based on that information:

*"So he's said he's not doing too well by the sound of it. He's right, his Dad has thrown him out. He's not left, I was just trying to be a bit subtle with it, but he shouldn't be out there without any kind of support".*

Channel 4 said that the orchestra manager's comments were reported in a fair manner and the presentation of her comments in the programme caused no unfairness to Mr Tasker. Channel 4 said that the comments were empathetic to Daniel but remained neutral and that they were a contemporaneous expression of concern that he, like any other 16 year-old should always be supported and safe. Channel 4 said that the orchestra manager's comments were a genuine, reasonable and legitimate statement of goodwill which could be expected of any reasonable person, particularly one charged with the role of pastoral care provider for the orchestra's young people. In any event, Channel 4 said that the programme did not suggest that Daniel had no support, rather it included a comment by a caring individual that he "*should not be*" without it.

Channel 4 said that the comments of the orchestra manager did not suggest that Mr Tasker threw Daniel out without a thought for his welfare and that the meaning Mr Tasker complained of could not be attributed to the plain meaning of her words.

Channel 4 said that if Ofcom considered that the orchestra manager's comments were unfair to Mr Tasker, then any unfairness arising from the words was balanced by Mr Tasker's contribution in the programme and the series. Channel 4 said that it was clear from viewing the programme as a whole that Mr Tasker had a positive relationship with his son, was an influential person in Daniel's life and that he cared for him. It would therefore seem reasonable for viewers watching the programme in

its entirety to have concluded that Mr Tasker's decision to throw his son out of his home could only have been a difficult decision to make. Channel 4 said that Mr Tasker was portrayed as a compassionate and warm man and viewers would not have reasonably understood that he threw his son out without a thought for his welfare.

## Decision

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

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

In reaching its decision, Ofcom considered all the relevant material provided by both parties. This included a recording and transcript of the programme as broadcast, both parties' written submissions and supporting material.

Ofcom considered Mr Tasker's complaint that he was treated unfairly in the programme as broadcast in that he was unfairly portrayed because, by saying that his son *"shouldn't be out there without any kind of support"*, the programme suggested that Mr Tasker had thrown his son out of his home without a thought for his welfare.

Ofcom considered whether the broadcaster's actions were consistent with its obligation to avoid unjust or unfair treatment of individuals in programmes as set out in Rule 7.1 of the Ofcom Broadcasting Code ("the Code"). In particular, Ofcom considered Practice 7.9, which states that broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

Ofcom noted that following the broadcast of a telephone conversation between Daniel and the orchestra manager during the course of which it became clear that Daniel had been thrown out of his home by Mr Tasker, the orchestra manager made the following statement to camera:

*"So he's said he's not doing too well by the sound of it. He's right, his Dad has thrown him out. He's not left, I was just trying to be a bit subtle with it, but he shouldn't be out there without any kind of support".*

Mr Tasker complained that the final part of the orchestra manager's broadcast statement unfairly suggested that he had thrown his son out without a thought for his welfare, which he said was not the case. Channel 4 disagreed and said that no reasonable viewer watching the programme and the series in its entirety would have come to that conclusion.

In considering this complaint, Ofcom only considered the content of the programme broadcast on 8 August 2010, not the content of the series in its entirety.

Ofcom noted that the unedited comments of the orchestra manager were as follows:

“Oh I hate the thought of him suffering, it’s awful. Gives me the creeps. Doesn’t it you? Shouldn’t be out there – not on his own. I know he’s staying with his uncle, but he shouldn’t be out there without any kind of support. Anyway, nothing I can do is there just now”.

It was clear to Ofcom from the orchestra manager’s unedited comments that she had not intended to convey the message Mr Tasker complained of. However, Ofcom considered that, in isolation, the comment made by the orchestra manager in the programme as broadcast *“but he shouldn’t be out there without any kind of support”* had the potential to mislead viewers into believing that Daniel had been thrown out of the house by his father literally without support and that the situation may have been clearer if the words that prefaced her comment “I know he’s staying with his uncle” had been broadcast as well.

However, Ofcom noted that the telephone conversation between Daniel and the orchestra manager and her subsequent comments to camera were not broadcast in isolation and that the programme included other information about Mr Tasker his son and the nature of their relationship.

In particular, Ofcom noted that the programme had presented Daniel as a disruptive influence in the brass section of the orchestra and showed him being warned about his behaviour. The programme also showed footage of Daniel at home with Mr Tasker from which it was clear that Daniel hadn’t had an easy childhood and had been in trouble, but that after he went to live with Mr Tasker when he was nine years old he had been introduced to brass band music by Mr Tasker and that this had helped him to control his anger and kept him off the streets. Ofcom also considered that the footage showed that Daniel and Mr Tasker at that time had a good relationship and that Mr Tasker’s words *“when this thing came along I thought, great, it’ll be a new beginning for him”* and the fact that he had cared for Daniel since he was nine years old, demonstrated a genuine concern on Mr Tasker’s part for Daniel’s welfare.

In Ofcom’s view, not only was the orchestra manager’s comment not intended in the way Mr Tasker interpreted it, but, particularly given the way in which Mr Tasker and Daniel were portrayed earlier in the programme, viewers would be likely to have sympathised with Mr Tasker’s decision to throw Daniel out of the house and would not have interpreted the orchestra manager’s empathetic comment as suggesting that Mr Tasker had done so without a thought for his welfare.

In light of the above, Ofcom did not consider that the broadcaster presented, disregarded or omitted material facts in a way that was unfair to Mr Tasker and has not upheld Mr Tasker’s complaint.

**Accordingly Ofcom has not upheld Mr Tasker’s complaint of unfair treatment in the programme as broadcast.**

## Other Programmes Not in Breach

Up to 29 November 2010

Programme	Transmission Date	Broadcaster	Categories	Number of complaints
118 118's sponsorship of ITV Movies	06/11/2010	ITV2	Harm	1
118 118's sponsorship of ITV Movies	various	ITV2	Generally accepted standards	1
4thought.tv	09/11/2010	Channel 4	Religious/Beliefs discrimination/offence	1
4thought.tv	16/11/2010	Channel 4	Religious/Beliefs discrimination/offence	1
4thought.tv	16/11/2010	Channel 4	Generally accepted standards	1
4thought.tv	18/11/2010	Channel 4	Generally accepted standards	1
A Room with a View	25/11/2010	Channel 4	Nudity	2
Advertising scheduling	various	True Movies	COSTA	1
Advertising scheduling	various	Channel 4	COSTA	1
Advertising scheduling	various	ITV2	COSTA	1
Advertising scheduling	various	ITV4	COSTA	1
Alan Carr's Celebrity Ding Dong	11/11/2010	Magic	Generally accepted standards	1
All New You've Been Framed!	20/11/2010	ITV1	Under 18s in programmes	1
Any Human Heart	21/11/2010	Channel 4	Sexual material	1
Apocalypse: The Second World War	30/10/2010	Channel 4	Materially misleading	1
BBC News	08/11/2010	BBC News Channel	Generally accepted standards	1
BBC News	09/11/2010	BBC News Channel	Offensive language	1
BBC News	19/11/2010	BBC 1	Generally accepted standards	1
Beswick at Breakfast	03/11/2010	BBC Radio Manchester	Generally accepted standards	1
Bob McCreadie for Breakfast	08/11/2010	Pirate FM	Offensive language	1
Book at Bedtime	19/11/2010	BBC Radio 4	Generally accepted standards	1
Breakfast Show	05/11/2010	Tower FM	Generally accepted standards	1
BT Vision's sponsorship of The Mentalist	19/11/2010	Five	Generally accepted standards	1
Casualty	20/11/2010	BBC 1	Violence and dangerous behaviour	2
Celebrity Coach Trip	09/11/2010	Channel 4	Generally accepted standards	1
Channel 4 News	14/09/2010	Channel 4	Due impartiality/bias	1
Channel 4 News	07/11/2010	Channel 4	Generally accepted standards	1
Channel 4 News	10/11/2010	Channel 4	Due impartiality/bias	2
Channel 4 News	18/11/2010	Channel 4	Gender discrimination/offence	1

Channel Promo	18/10/2010	Sky News	Materially misleading	1
Children in Need 2010	19/11/2010	BBC 1	Under 18s in programmes	1
Children in Need 2010	19/11/2010	BBC 1	Generally accepted standards	3
Children in Need 2010: East Street	19/11/2010	BBC 1	Sexual orientation discrimination/offence	1
Children in Need 2010: East Street	19/11/2010	BBC 1	Generally accepted standards	1
Children in Need 2010: East Street	19/11/2010	BBC 1	Race discrimination/offence	1
Chris Evans	04/11/2010	BBC Radio 2	Sexual orientation discrimination/offence	1
Coach Carter	27/11/2010	Film4	Offensive language	1
Come Dine with Me	12/11/2010	Channel 4	Generally accepted standards	1
Come Dine with Me	13/11/2010	Channel 4	Generally accepted standards	1
Come Dine with Me	23/11/2010	Channel 4	Animal welfare	1
Coppers	22/11/2010	Channel 4	Generally accepted standards	1
Curry's sponsorship of The Simpsons	13/11/2010	Sky One	Animal welfare	1
Curry's sponsorship of The Simpsons	17/11/2010	Sky One	Animal welfare	1
Daybreak	24/11/2010	ITV1	Due impartiality/bias	1
Deal or No Deal	14/11/2010	Channel 4	Sexual material	1
Dustbin Baby	19/09/2010	CBBC	Generally accepted standards	1
EastEnders	01/11/2010	BBC 1	Under 18s in programmes	1
EastEnders	25/11/2010	BBC 1	Sexual orientation discrimination/offence	6
EastEnders Omnibus	28/11/2010	BBC 2	Sexual orientation discrimination/offence	1
Elite Nights	10/11/2010	Elite TV2	Sexual material	1
Emmerdale	08/11/2010	ITV1	Generally accepted standards	1
Emmerdale	09/11/2010	ITV1	Generally accepted standards	1
Emmerdale	17/11/2010	ITV1	Generally accepted standards	1
Extreme Fishing with Robson Green	08/11/2010	Five	Animal welfare	3
Extreme Fishing with Robson Green	08/11/2010	Five	Offensive language	1
Eye of the Needle	17/11/2010	Channel 4	Violence and dangerous behaviour	1
Film 2010 with Claudia Winkleman	09/11/2010	BBC 1	Offensive language	3
Five News Update	21/11/2010	Five	Sexual material	1
Fringe	27/10/2010	Sky 2	Advertising/editorial separation	1
Fruiter's sponsorship of various programmes	24/09/2010	Good Food	Sponsorship credits	1
Galaxy Radio job promo	08/11/2010	Heart FM Bristol	Generally accepted standards	1

Garage	27/11/2010	Channel 4	Animal welfare	1
Giles and Sue Live the Good Life	08/11/2010	BBC 2	Animal welfare	1
Grand Slam of Darts	21/11/2010	ITV4	Gender discrimination/offence	1
Harry and Paul	19/11/2010	BBC 2	Generally accepted standards	1
Harry Hill's TV Burp	21/11/2010	ITV1	Generally accepted standards	1
Harry Hill's TV Burp	27/11/2010	ITV1	Violence and dangerous behaviour	1
Harry Hill's TV Burp	27/11/2010	ITV1	Generally accepted standards	1
Harry Hill's TV Burp	various	ITV1	Generally accepted standards	1
Have I Got News for You	04/11/2010	BBC 1	Race discrimination/offence	4
Have I Got News For You	11/11/2010	BBC 1	Generally accepted standards	1
Have I Got News for You	18/11/2010	BBC 1	Generally accepted standards	1
Heart FM Breakfast Show	09/11/2010	Heart FM	Sexual orientation discrimination/offence	1
Holby City	16/11/2010	BBC 1	Offensive language	1
Horrible Histories	19/11/2010	BBC 1	Sexual material	1
I'm a Celebrity, Get Me Out of Here Now!	19/11/2010	ITV2	Generally accepted standards	1
I'm a Celebrity, Get Me Out of Here Now!	23/11/2010	ITV2	Generally accepted standards	2
I'm a Celebrity, Get Me Out of Here!	14/11/2010	ITV1	Gender discrimination/offence	2
I'm a Celebrity, Get Me Out of Here!	15/11/2010	ITV1	Gender discrimination/offence	1
I'm a Celebrity, Get Me Out of Here!	15/11/2010	ITV1	Generally accepted standards	2
I'm a Celebrity, Get Me Out of Here!	16/11/2010	ITV1	Animal welfare	1
I'm a Celebrity, Get Me Out of Here!	18/11/2010	ITV1	Animal welfare	1
I'm a Celebrity, Get Me Out of Here!	20/11/2010	ITV1	Disability discrimination/offence	1
I'm a Celebrity, Get Me Out of Here!	21/11/2010	ITV1	Generally accepted standards	14
I'm a Celebrity, Get Me Out of Here!	21/11/2010	ITV1	Harm	3
I'm a Celebrity, Get Me Out of Here!	21/11/2010	ITV1	Animal welfare	2
I'm a Celebrity, Get Me Out of Here!	21/11/2010	ITV1	Premium rate services	11
I'm a Celebrity, Get Me Out of Here!	25/11/2010	ITV1	Generally accepted standards	11
I'm a Celebrity, Get Me Out of Here!	25/11/2010	ITV1	Animal welfare	1
I'm a Celebrity, Get Me Out of Here!	26/11/2010	ITV1	Generally accepted standards	1
I'm a Celebrity, Get Me Out of Here!	26/11/2010	ITV1	Animal welfare	2
I'm a Celebrity, Get Me	27/11/2010	ITV1	Generally accepted	1

Out of Here!			standards	
I'm a Celebrity, Get Me Out of Here!	28/11/2010	ITV1	Animal welfare	7
I'm a Celebrity, Get Me Out of Here!	various	ITV1	Animal welfare	7
I'm a Celebrity, Get Me Out of Here! (trailers)	various	ITV1	Generally accepted standards	1
International Terrorism Since 1945	23/10/2010	Yesterday	Due impartiality/bias	1
ITV News	30/09/2010	ITV1	Materially misleading	1
ITV News	09/11/2010	ITV1	Violence and dangerous behaviour	1
ITV News	11/11/2010	ITV1	Generally accepted standards	4
ITV News	15/11/2010	ITV1	Due accuracy	1
ITV News	21/11/2010	ITV1	Generally accepted standards	1
James May's Man Lab	14/11/2010	BBC 2	Harm	1
James O'Brien	01/11/2010	LBC 97.3FM	Religious/Beliefs discrimination/offence	1
James O'Brien	24/11/2010	LBC 97.3FM	Race discrimination/offence	1
Jimmy Carr	16/11/2010	Channel 4	Disability discrimination/offence	1
Jimmy Carr	16/11/2010	Channel 4	Religious/Beliefs discrimination/offence	1
Jimmy Carr	16/11/2010	Channel 4	Generally accepted standards	6
Jimmy Carr	16/11/2010	Channel 4	Offensive language	1
Keeping Mum	12/11/2010	More4	Offensive language	1
Ken Livingstone	13/11/2010	LBC 97.3FM	Elections/Referendums	1
Kungarna av Tylösand	22/09/2010	Kanal 5	Drugs, smoking, solvents or alcohol	1
London Tonight	03/11/2010	ITV1	Due impartiality/bias	23
Loose Women	10/11/2010	ITV1	Generally accepted standards	11
Loose Women	15/11/2010	ITV1	Generally accepted standards	1
Lunchtime Tease	21/10/2010	Radio Borders	Competitions	1
Maltesers' sponsorship of Loose Women	21/11/2010	ITV1	Sexual material	1
Midsomer Murders	17/11/2010	ITV1	Under 18s in programmes	1
Misfits	18/11/2010	E4	Offensive language	1
Mornings with Toby Anstis	29/10/2010	Heart FM	Promotion of products/services	1
Most Shocking	25/09/2010	Channel One	Violence and dangerous behaviour	1
Neighbours	15/11/2010	Five	Generally accepted standards	2
News	19/10/2010	PTV Prime	Generally accepted standards	1
Nigella's Kitchen	06/11/2010	BBC 1	Race discrimination/offence	1
Nip/Tuck (trailer)	08/11/2010	FX	Sexual material	1

Nivea's sponsorship of This Morning	19/11/2010	ITV1	Harm	1
Operation Daybreak	06/11/2010	Five	Scheduling	1
Panorama	15/11/2010	BBC 1	Generally accepted standards	1
Party Wars	18/10/2010	Living	Generally accepted standards	1
Party Wars	22/11/2010	Living	Nudity	1
Paul O'Grady Live	22/10/2010	ITV1	Due impartiality/bias	10
Paul O'Grady Live	22/10/2010	ITV1	Advertising/editorial separation	1
Paul O'Grady Live	12/11/2010	ITV1	Crime	2
Paul O'Grady Live	12/11/2010	ITV1	Sexual material	1
Peter Andre: The Next Chapter	01/11/2010	ITV2	Product placement	1
Press Preview	16/11/2010	Sky News	Generally accepted standards	1
Press Preview	17/11/2010	Sky News	Generally accepted standards	1
Press Preview	19/11/2010	Sky News	Religious/Beliefs discrimination/offence	1
Real Football Phone-In	23/11/2010	Real Radio Scotland	Offensive language	1
Red Light Central	05/11/2010	40 n Naughty	Participation TV - Offence	1
Reporting Scotland	08/11/2010	BBC 1 Scotland	Religious/Beliefs discrimination/offence	2
River Monsters	09/11/2010	ITV1	Animal welfare	1
River Monsters	23/11/2010	ITV1	Animal welfare	1
Robin Banks	14/10/2010	Mercia FM	Race discrimination/offence	1
Rosa Bandet	28/10/2010	TV3 Sweden	Generally accepted standards	1
Rude Tube	10/11/2010	Channel 4	Generally accepted standards	1
Rude Tube	10/11/2010	Channel 4	Under 18s in programmes	1
Russell Howard's Good News	25/11/2010	BBC 3	Religious/Beliefs discrimination/offence	1
Sky News	28/10/2010	Sky News	Due accuracy	1
Sky News	01/11/2010	Sky News	Harm	1
Sky News	16/11/2010	Sky News	Due accuracy	1
Sky News	17/11/2010	Sky News	Advertising/editorial separation	1
Sky News	17/11/2010	Sky News	Generally accepted standards	3
Sky News Today	25/11/2010	Sky News	Generally accepted standards	1
Stand by Me	07/11/2010	Five	Scheduling	2
Strictly Come Dancing	13/11/2010	BBC 1	Generally accepted standards	5
Strictly Come Dancing	13/11/2010	BBC 1	Sexual orientation discrimination/offence	1
Strictly Come Dancing	20/11/2010	BBC 1	Offensive language	1
Sunday Live	07/11/2010	Sky News	Due impartiality/bias	1

Sunday Morning Live	07/11/2010	BBC 1	Race discrimination/offence	1
Sunrise	11/11/2010	Sky News	Due impartiality/bias	8
The Alan Titchmarsh Show	08/11/2010	ITV1	Sexual material	1
The Alan Titchmarsh Show	09/11/2010	ITV1	Animal welfare	2
The Alan Titchmarsh Show	15/11/2010	ITV1	Sexual material	2
The Alan Titchmarsh Show	15/11/2010	ITV1	Generally accepted standards	1
The Apprentice	17/11/2010	BBC 1	Race discrimination/offence	1
The Apprentice	24/11/2010	BBC 1	Race discrimination/offence	1
The Chris Evans Breakfast Show	16/11/2010	BBC Radio 2	Generally accepted standards	1
The Cube	21/11/2010	ITV1	Competitions	1
The Garfield Show	12/11/2010	Boomerang	Offensive language	1
The Jeremy Kyle Show	16/11/2010	ITV1	Generally accepted standards	1
The Jeremy Kyle Show	17/11/2010	ITV1	Generally accepted standards	1
The Jeremy Kyle Show	17/11/2010	ITV1	Materially misleading	1
The Jeremy Kyle Show	19/11/2010	ITV1	Sexual material	1
The Jeremy Kyle Show	22/11/2010	ITV1	Sexual material	1
The Mentalist	19/11/2010	Five	Competitions	1
The Million Pound Drop Live	12/11/2010	Channel 4	Materially misleading	1
The Million Pound Drop Live	13/11/2010	Channel 4	Materially misleading	5
The Morgana Show (trailer)	14/11/2010	Channel 4	Offensive language	1
The Morgana Show (trailer)	16/11/2010	E4	Disability discrimination/offence	1
The Morgana Show (trailer)	various	Channel 4	Religious/Beliefs discrimination/offence	1
The Morgana Show (trailer)	various	Channel 4	Disability discrimination/offence	2
The Only Way is Essex	10/10/2010	ITV2	Generally accepted standards	7
The Only Way is Essex	17/10/2010	ITV2	Generally accepted standards	1
The Only Way is Essex	24/10/2010	ITV2	Generally accepted standards	1
The Only Way is Essex (trailer)	23/10/2010	ITV2	Sexual material	1
The People's Show	06/10/2010	GFM Glastonbury Community Radio	Offensive language	1
The Pillars of the Earth	13/11/2010	Channel 4	Animal welfare	1
The Secret Millionaire	25/11/2010	Channel 4	Materially misleading	1
The Simpsons	01/11/2010	Channel 4	Generally accepted standards	1
The Sunday Supplement	21/11/2010	Sky Sports 1	Generally accepted standards	3
The Trip	22/11/2010	BBC 2	Offensive language	2

The Truth Exposed	23/11/2010	Peace TV	Generally accepted standards	1
The Weakest Link	09/11/2010	BBC 1	Religious/Beliefs discrimination/offence	1
The Weakest Link	10/11/2010	BBC 1	Generally accepted standards	1
The Wright Stuff	09/11/2010	Five	Violence and dangerous behaviour	1
The Wright Stuff	09/11/2010	Fiver	Sexual material	1
The X Factor	02/10/2010	ITV1	Offensive language	1
The X Factor	09/10/2010	ITV1	Undue prominence	1
The X Factor	16/10/2010	ITV1	Generally accepted standards	1
The X Factor	23/10/2010	ITV1	Advertising/editorial separation	1
The X Factor	06/11/2010	ITV1	Advertising/editorial separation	1
The X Factor	13/11/2010	ITV1	Generally accepted standards	2
The X Factor	14/11/2010	ITV1	Materially misleading	4
The X Factor	14/11/2010	ITV1	Generally accepted standards	1
The X Factor	20/11/2010	ITV1	Materially misleading	1
The X Factor	20/11/2010	ITV1	Drugs, smoking, solvents or alcohol	1
The X Factor	20/11/2010	ITV1	Premium rate services	1
The X Factor	20/11/2010	ITV1	Advertising/editorial separation	3
The X Factor	20/11/2010	ITV1	Offensive language	2
The X Factor	21/11/2010	ITV1	Fairness	1
The X Factor	21/11/2010	ITV1	Competitions	1
The X Factor	21/11/2010	ITV1	Materially misleading	1
The X Factor	27/11/2010	ITV1	Generally accepted standards	4
The X Factor	27/11/2010	ITV1	Materially misleading	1
The X Factor	27/11/2010	ITV1	Competitions	1
The X Factor	28/11/2010	ITV1	Materially misleading	1
The X Factor	28/11/2010	ITV1	Generally accepted standards	1
The Xtra Factor	21/11/2010	ITV2	Generally accepted standards	17
The Xtra Factor	21/11/2010	ITV2	Religious/Beliefs discrimination/offence	3
The Xtra Factor	21/11/2010	ITV2	Offensive language	1
The Xtra Factor	27/11/2010	ITV2	Offensive language	1
The Xtra Factor	28/11/2010	ITV2	Generally accepted standards	1
The Zoo	09/11/2010	ITV1	Generally accepted standards	1
This Morning	03/11/2010	ITV1	Due impartiality/bias	1
This Morning	08/11/2010	ITV1	Generally accepted standards	1
This Morning	09/11/2010	ITV1	Generally accepted standards	12

This Morning	10/11/2010	ITV1	Generally accepted standards	1
This Morning	24/11/2010	ITV1	Gender discrimination/offence	1
This Morning	24/11/2010	ITV1	Harm	1
Tonight	28/10/2010	ITV1	Due impartiality/bias	1
Trapped	12/11/2010	BBC 1	Harm	1
True Blood	11/11/2010	Channel 4	COSTA	1
True Blood	18/11/2010	Channel 4	Exorcism, the occult and the paranormal	1
Twitchers	01/11/2010	BBC 4	Crime	1
Ultimate Big Brother	08/09/2010	Channel 4	Materially misleading	1
Unreported World	19/11/2010	Channel 4	Violence and dangerous behaviour	1
White Van Man	05/11/2010	Five	Sexual material	1
White Van Man	12/11/2010	Five	Harm	1
Will Self on Food trailer	19/09/2010	More4	Offensive language	1