

# Ofcom Broadcast Bulletin

**Issue number 88  
2 July 2007**

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## Introduction

Ofcom's Broadcasting Code ("the Code") took effect on 25 July 2005 (with the exception of Rule 10.17 which came into effect on 1 July 2005). This Code is used to assess the compliance of all programmes broadcast on or after 25 July 2005. The Broadcasting Code can be found at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>

The Rules on the Amount and Distribution of Advertising (RADA) apply to advertising issues within Ofcom's remit from 25 July 2005. The Rules can be found at <http://www.ofcom.org.uk/tv/ifi/codes/advertising/#content>

From time to time adjudications relating to advertising content may appear in the Bulletin in relation to areas of advertising regulation which remain with Ofcom (including the application of statutory sanctions by Ofcom).

## Standards cases

### Notice of Sanction

#### **Channel 5 Broadcasting Ltd (“Channel 5”)**

*Brainteaser, 25 January, 15 February (two occasions), 20 February and 6 March 2007, 12:30*

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On 26 June 2007, Ofcom published its decision to impose a statutory sanction on Channel 5 for breaches of Rule 2.11 (competitions should be conducted fairly) of Ofcom’s Broadcasting Code.

Ofcom has found that this Rule was breached when fake names were used as competition ‘winners’ on three of the above occasions; and production staff posed as ‘winners’ on air another two occasions.

Ofcom also took into account a longstanding history of similar instances of unfair conduct in seven previous competitions on *Brainteaser*, dating back to 2003; and four competitions on a spin-off programme, *Memory Bank*, in 2004.

For the reasons set out in the adjudication, Ofcom has imposed a financial penalty of £300,000 on Channel 5 and has directed it to broadcast a statement of its findings in a form determined by Ofcom on two occasions; once at 12:30 (the time *Brainteaser* was broadcast) and once in peak-time.

The full adjudication can be found at:

[http://www.ofcom.org.uk/tv/obb/ocsc\\_adjud/channel5.pdf](http://www.ofcom.org.uk/tv/obb/ocsc_adjud/channel5.pdf)

## In Breach

### Cops on Camera

Bravo, 20 January 2007, 08:00

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#### Introduction

*Cops on Camera* is an observational series that documents the work of police forces and the various kinds of anti-social behaviour that they encounter. A viewer complained that the programme contained black and white CCTV footage of a violent and unprovoked attack on a man by a gang of youths, which the complainant said was inappropriate for the time of day.

Ofcom requested the broadcaster's comments with regard to Rules 1.3 and 1.11 of the Code.

Rule 1.3 states that "Children must be protected by appropriate scheduling from material that is unsuitable for them." Appropriate scheduling in turn must be judged according to such factors as the likely number and age range of children in the audience, the nature of the channel and the particular programme, and the likely expectations of the audience for a particular channel at a particular time and on a particular day.

Rule 1.11 states that "Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed and must also be justified by the context".

#### Response

Virgin Media which operates Bravo stated that it is a channel aimed at a predominantly male audience between the ages of 18 and 34 and does not attract a significant child audience. It provided figures from its audience research analysis suggesting that only 0.05 per cent of the children watching television during the hour when this show was broadcast were watching Bravo. Furthermore, the broadcaster argued that an 08:00 weekend slot would be unlikely to attract children as there are dedicated programmes for children and teenagers on the main terrestrial channels at these times.

The broadcaster explained that *Cops on Camera* had been transmitting at this time every weekend since December 2006 and before that this time slot had been filled by another reality clip show called *World's Most Amazing Videos*, which showed home videos of people who had had near death experiences. Both of these programmes had been directly followed in the schedule at 09:00 by *Street Crime UK*. The broadcaster believed, therefore, that this programme had been appropriately scheduled and the likely expectations of the audience for this particular time and day had been taken into consideration. The broadcaster did not believe, therefore, that Rule 1.3 had been breached.

Virgin Media, while acknowledging that the programme did illustrate a violent attack, nevertheless argued that the CCTV footage was of poor quality and not presented in a graphic or sensationalist manner and so was appropriately limited. It believed that while it is evident that punches are being thrown, it is not possible to either see or hear the actual impact of the punches. Additionally the tone of the commentary did

not condone the violence and relayed the consequences for those involved in the attack. Therefore, given the context of the programme, the broadcaster thought that there was sufficient editorial justification to retain the scene for daytime transmission.

### **Decision**

As regards Rule 1.3, the section of the programme complained of depicted a vicious and unprovoked attack on a man by a gang of youths who punched and kicked him to the ground. The man tried to escape but was chased and then attacked again by the youths and left lying on the ground. The scene was then repeated in slow motion. Although the CCTV footage was grainy with the sounds of the attack not audible, the events were quite clear and shocking. Ofcom's opinion is that it was unsuitable for broadcast at 08:00 on a Saturday on any unencrypted channel.

Virgin Media argued that the programme was likely to, and did, attract relatively few child viewers and therefore the footage of the attack was appropriately scheduled. Ofcom acknowledges that a channel like Bravo may schedule programmes to attract a more adult audience and can take this factor into account when assessing content for broadcast before the watershed. However broadcasters must also take proper account of the likely age range of children watching as well as the likelihood of them doing so. Ofcom has concluded that at 08:00 on a Saturday, a higher proportion of the audience is likely to consist of children, both the very young as well as older children; and they may well be watching without an adult present in the room to make decisions about what material is watched. Further the nature of the content of *Cops on Camera* includes elements that may well attract children. Ofcom has concluded therefore that children were not protected by appropriate scheduling from this unsuitable material and there was a breach of Rule 1.3.

The violence depicted in the CCTV footage is described above. In addition to the poor quality of the footage, Ofcom takes account of the commentary explaining that, despite his injuries, the victim was able to walk away from the scene and that a number of youths were detained after the attack; and that one of the purposes of the programme is to depict the anti-social behaviour which police forces must seek to control. The shots of violence were, however, brutal and sustained, and were also repeated in slow motion. Overall we concluded that in this case the violence was not appropriately limited and justified by the context, so as to protect sufficiently any children watching and comply with Rule 1.11.

### **Breach of Rules 1.3 and 1.11**

**Ofcom is concerned that this is the fourth breach of the Code it has recorded against Bravo regarding unsuitable content in daytime programmes. It has already recorded a breach of Rule 1.3 (appropriate scheduling) (Bulletin 87); Rule 1.14 (offensive language) (Bulletin 73) and a breach of Rule 1.5 (bad language) of the ex-ITC Programme Code (Bulletin 46). If there are any further breaches of this nature by Bravo, Ofcom may consider further regulatory action.**

## Fairness and Privacy Cases

### Not Upheld

#### Complaint by Mrs Josephine Hill on behalf of herself and the Clough and Risegate Residents' Association

*Look North, BBC1 (East Yorkshire & Lincolnshire), 20 June 2006*

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**Summary:** Ofcom has not upheld this complaint of unfair treatment in the broadcast of the programme.

Mrs Josephine Hill, who is Secretary to the Clough and Risegate Residents' Association ("the Association"), complained that both she and the Association were treated unfairly in a report concerning travellers that was included in the BBC1 regional news programme *Look North*. The programme included a report on an illegal encampment near Spalding in which extracts of an interview with Mrs Hill were incorporated.

Mrs Hill complained that the feature misrepresented her views and she was not properly informed about the nature of the programme. Mrs Hill also complained that she and the Association were treated unfairly in that: the programme devoted more time to the views of the travellers than to the views of the local community; the "subject matter" was handled in a "biased" manner that gave the impression that the travellers were being "harassed and mistreated" by local residents; and that the presenter gave an unfair impression of how local residents view travellers.

Ofcom found as follows:

The programme represented Mrs Hill's views fairly and she was given sufficient information concerning the nature of the programme to provide informed consent for her participation.

Furthermore, the programme appropriately represented the views of both the travellers and residents and resulted in no unfairness to either Mrs Hill or the Association and did not give an unfair impression of how local residents viewed travellers.

The complaint of unfairness was not upheld.

### Introduction

*Look North*, a BBC regional news programme, broadcast on 20 June 2006, included the second of a two-part feature (shown on consecutive nights) which considered what life as a traveller was like. The feature also looked at the new powers that require local authorities to regularly check the numbers of travellers in their area and ensure that adequate land is provided for them. The broadcast on 20 June 2006 included a report of a visit to an illegal traveller or Gypsy encampment and interview footage of Mrs Josephine Hill, a resident living close to the encampment, who commented in the programme about the affect the camp had had on local property prices. At her request Mrs Hill was not identified in the report; her face was obscured and her words were attributed to "a local resident".

Mrs Hill complained that both she and the residents of the Clough and Risegate Residents' Association ("the Association"), which Mrs Hill, as Secretary to the Association, is authorised to represent, were treated unfairly in the programme as broadcast.

## The Complaint

### Mrs Hill's case

In summary, Mrs Hill complained that she was treated unfairly in that:

- a) Her views were misrepresented in the programme. The part of her interview that was broadcast was used out of context, creating the impression that the main objection of local people to the travellers was the effect that they had on property prices.

In this context, Mrs Hill stated that she had made three specific points in her interview about the effect of the Gypsy encampment on the local residents, only one of which was the effect on locally property prices. The other two were about the local primary school having closed to new admissions and the lack of dentists in Lincolnshire.

- b) She was told by the programme makers that the purpose of the report was to show the way in which the local council was setting a benchmark for other councils to follow in the way it dealt with the traveller situation. However, the programme did not mention the way in which the local council was dealing with the traveller situation. Mrs Hill also noted that the programme featured Steve Williams, Head of Planning at South Holland District Council ("the Council"), "for less than 30 seconds".

In summary, Mrs Hill complained that she and the residents represented by the Association were treated unfairly in that:

- c) Mrs Hill stated that the programme maker said that it wanted to give a balanced view of the situation. However, it devoted most of the item to the travellers. The views of the local residents were given less than 30 seconds in the item and no opportunity was given to them to answer "the untrue claims made by the travellers".

In this context Mrs Hill gave two examples of allegedly untrue claims. The first related to a woman with a heart condition and the second to a child being taunted at school.

- d) The handling of the "subject matter" was "biased" towards the minority group (i.e. the travellers) and was presented in a way that gave the impression that the travellers were being harassed and mistreated by local residents.
- e) The programme announced that it had received a number of emails about the story and that some of them were not suitable for on-air broadcast. This gave a biased and unfair impression of how local residents view travellers.

### BBC's case

In summary the BBC responded to Mrs Hill fairness complaint as follows:

- a) Quoting the Commission for Racial Equality, the BBC first noted that “Travellers and Gypsies are some of the most vulnerable and marginalised ethnic minority groups in Britain”. It then explained that this programme was the second of a special two-part report examining the issues relating to the discrimination and offensive behaviour exhibited towards members of these communities, notably when there is conflict between them and permanent residents living close to their encampments.

The BBC did not accept that Mrs Hill’s views were misrepresented in the programme.

It stated that in the section of the interview with Josephine Hill from which the quote attributed to “a local resident” was drawn the complainant had made three points about the “harm” caused by the Gypsies having set up an encampment close to her home. These points concerned the increase in traffic, the change in the use of the land from agriculture to housing and the “drop in property values”.

The broadcaster argued that the programme had not misrepresented the complainant’s views because it was “unmistakably her position that the harm caused by the presence of what was referred to twice in the item [by the Look North’s presenter and reporter, respectively] as an “illegal encampment”, consists primarily of a reduction in property prices”.

The BBC noted that the transcript of the interview showed that despite being given an “explicit opportunity to discuss both topics” Mrs Hill did not mention the issue of health care and mentioned education only to remark that some of the Gypsies’ children went to nearby schools.

- b) The BBC responded to Mrs Hill’s complaint that in contrast to what she had been told the programme did not mention the way in which the local council was dealing with the traveller situation, by providing the reporter Vicky Johnson’s account of her approach to and subsequent interview with Mrs Hill.

The reporter’s account stated that the focus on the South Holland area was based on the production team’s finding that the local council had progressed further than most of its counterparts in fulfilling the new government requirement that local councils “make provision for travellers in their area”. It also noted that the team had found it difficult to elicit the views of the local settled community “on the record”; that eventually someone gave them Mrs Hill’s contact details and that when she, the reporter, had approached Mrs Hill she had not only explained this to her but also told her that “the motivation for the piece she was to be involved in was the new onus on local authorities”.

The reporter recalled that before the interview Mrs Hill had commented that she had “nothing personal against the travellers [but] she didn’t think it was fair that they could apparently flout planning regulations”. The reporter also noted that Mrs Hill was “most indignant about the effect of travellers on local property values” and that she “seemed most passionate” about this issue throughout the interview including during the periods when she was “on the record”.

Furthermore, the BBC noted that the programme included an excerpt from an interview with an official from the Council regarding the traveller situation. The broadcaster added that Mrs Hill was interviewed “to establish the feelings of local

residents" while "the Council's position was, appropriately, left to a representative of the Council".

In summary the BBC responded to the complaint on behalf of the Association as follows:

- c) In response to the complaint on behalf of the Association that the programme-maker had not given a "balanced view of the situation" the BBC noted that the programme was the second of a pair of reports specifically examining "the issues faced by a marginalised and vulnerable section of British society".

The BBC stated that Mrs Hill had been given adequate opportunity to comment on the issues she was qualified to address and that within her complaint she offered "no evidence" to support her suggestion that the travellers made "untrue claims" regarding the inability to get medical appointments or being taunted at school.

The BBC then noted that in its studio interview with John Mercer (who appeared, as a representative of the wider Gypsy community) it had not only asked him whether he accepted the point raised by Mrs Hill about the detrimental effect on property prices but pressed him on this question when he suggested that this effect was due to estate agents rather than the presence of Gypsy encampments.

- d) With regard to the complaint that the handling of the subject matter was biased and gave the impression that the travellers were being harassed and mistreated by local residents, the BBC pointed out that "to the extent that [the report] suggested that the Gypsies were being either harassed or mistreated, it did so only in the most general terms". The broadcaster stated that comments made by people from the wider Gypsy community described "the widespread prejudice against them felt by Gypsies" rather than indicating that they felt "harassed or mistreated" by members of the Association.
- e) With regard to the complaint that in making a reference to the receipt of a large number of e-mails about the story which were "not suitable for on-air broadcast" the programme gave a biased and unfair impression of how local residents viewed travellers, the BBC noted that the programme had not contained any reference to e-mails in relation to this report.

It noted that the presenter referred to e-mails which related to a feature on the previous night's programme criticising the flying of the English flag and had commented that he could not read a lot of the e-mails out because "that would get us into serious trouble". This was unrelated to the Clough and Risegate Residents' Association".

## 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 in 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, consistent and targeted only at cases in which action is needed.

Mrs Hill's complaint included an e-mail sent to the BBC regarding this programme in which she suggested that prior to making an "official complaint" she would give the broadcaster "the opportunity to acknowledge a lack of impartiality in the presentation". The suggestion of a potential lack of impartiality was not considered to be part of the complaint at Ofcom's entertainment stage. Nonetheless, within its response the BBC noted that the "matter [of impartiality] is outside Ofcom's remit". Ofcom observes that this is indeed the case with BBC services (like this one) funded by the licence fee or grant in aid and notes that, as both the Complaint and the Decision (outlined below) make clear, Ofcom did not consider the issue of impartiality in relation to Mrs Hill's complaint.

Mrs Hill's complaint was considered by Ofcom's Executive Fairness Group which considered the complaint and the broadcaster's response, together with a recording of the programme as broadcast and a transcript of the broadcaster's interview with Mrs Hill. Ofcom noted that the complaint of unfair treatment at heads c) to e) was entertained in so far as it related to both Mrs Hill and the members of the Clough and Risegate Residents Association. Given that neither Mrs Hill nor the Association was mentioned by name in the programme Ofcom looked at the broad picture of how the residents' views were represented when considering these heads of Mrs Hill's complaint.

In the circumstances of this case Ofcom found the following:

- a) Ofcom first considered Mrs Hill's complaint that her views were misrepresented in that the extract of her interview in the broadcast was used out of context and gave the impression that the main objection to the travellers was their effect on property prices.

Ofcom looked at the context of the two-part feature as a whole and the particular report in which Mrs Hill's comments were included. In Ofcom's view the feature as a whole undoubtedly set out to look at what life as a traveller was like while the second report, which included Mrs Hill's contribution, was designed to illustrate some of the difficulties travellers face by way of a particular example, namely the illegal encampment close to where Mrs Hill lived.

Programme makers can quite legitimately select, omit or edit interviews provided for inclusion in a programme as long as it does not result in unfairness. This is rightly an editorial decision for programme makers to take. Ofcom was not concerned with the nature, number or length of contributions made (and subsequently included in the programme) by Mrs Hill. Rather Ofcom sought to determine whether the programme maker's actions were consistent with its obligation to avoid unfair treatment of those directly affected by the programme. In particular Ofcom considered whether the programme-maker followed the requirement that "when a programme is edited, contributions should be represented fairly" (Practice 7.6 of the Code).

In light of this Ofcom looked at the transcript of Mrs Hill's interview with the broadcasters and of the broadcast report in which two extracts from this interview were broadcast.

Ofcom observed that Mrs Hill raised a number of concerns relating to the local impact of the presence of the travellers during her interview with the broadcaster. These concerns included, but were not restricted to, the travellers having had a depressing effect on house prices in the local area. For example, Mrs Hill noted that "they [the travellers] are causing a lot of harm in terms that this was an agricultural field before they move[d] on there" and that "the road [to the

encampment] is just not suitable for the increase in traffic on there". Ofcom also observed that some of the other comments made by Mrs Hill during her interview indicated that while she believed that the travellers should be evicted she also wanted the council to take into account their needs in finding them a suitable alternative site. In this context Ofcom also noted that, in contrast to the implication within her complaint, Mrs Hill did not mention either the closure of the local school to new pupils or that there was a lack of dentists in Lincolnshire during her interview.

Taking all of these factors into account Ofcom considered that while the report only partially indicated Mrs Hill's views on the effect of the presence of the travellers, the issue of the drop in house prices was clearly one of the main concerns that she raised. It considered that in choosing to quote Mrs Hill on this matter the broadcaster had exercised its editorial independence and that it had not misrepresented her opinion in an unfair manner.

Finally, Ofcom considered that because neither of Mrs Hill's comments was attributed to her and because her identity was obscured, the inclusion of these comments, or indeed the exclusion of others, was very unlikely to have changed anyone's opinion of Mrs Hill and did not result in unfairness to her. Ofcom found no unfairness to Mrs Hill in this respect.

- b) Ofcom then considered Mrs Hill's second complaint that she was told that the purpose of the programme was to show how the local council was setting a benchmark for others in how to deal with travellers but the local council was only given 30 seconds and the report did not mention how it was dealing with the situation.

Ofcom noted that Mrs Hill's complaint was not brought on behalf of South Holland District Council ("the Council"). Therefore, its consideration of this head of complaint rested on whether or not the broadcaster had given Mrs Hill adequate information for her to make a judgement about her willingness to take part in the broadcast, this is known as securing informed consent. The Code states that "Where a person is invited to make a contribution to a programme (except when the subject matter is trivial or their participation minor) they should normally, at an appropriate stage, be told the nature and purpose of the programme, what the programme is about and be given a clear explanation of why they were asked to contribute and when (if known) and where it is likely to be first broadcast" (Practice 7.3 of the Code).

Ofcom noted that while there was no correspondence or note of the conversations which detailed the information given to Mrs Hill about the programme, the reporter had provided an account of her dealings with Mrs Hill. According to this account she told her that "the motivation for the piece was the new onus on local authorities to make better provision for their travelling communities and that South Holland appeared to be ahead of the game". Ofcom observed that this would seem to indicate the Council's position would be considered but not that it would necessarily be the main focus of the report. In Ofcom's view it appeared that the programme makers had given Mrs Hill a fair account of the overall context in which her interview would be used.

Again, it was not for Ofcom to be concerned with the length of the council's contribution rather it considered whether Mrs Hill was given adequate information about this contribution to provide informed consent. In this context, Ofcom noted that in the programme Mr Steve Williams, Head of Planning at the Council, was

shown clearly detailing what the Council was doing about the traveller situation, and observed that this tallied with the information provided to Mrs Hill prior to giving her interview.

Taking these factors into account Ofcom considered that Mrs Hill was given sufficient information by the reporter to provide the BBC with informed consent of her willingness to participate in the programme. Ofcom found no unfairness to Mrs Hill in this respect.

- c) Ofcom then turned to Mrs Hill's first complaint on behalf of the Association, namely that the programme maker told her that it wanted to give a balanced view but only gave 30 seconds to local residents and gave no opportunity to respond to untrue claims made by travellers.

When considering this complaint Ofcom noted that while it is entirely appropriate for programme makers to exercise editorial freedom and explore a particular issue, (in this case the treatment of Gypsies or travellers), they must also ensure no unfairness to those directly affected by programmes. "Before broadcasting a factual programme, including programmes examining past events, 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; and anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute." (Practice 7.9 of the Code).

Given that neither Mrs Hill nor the Association were mentioned by name in the report Ofcom has looked at the broad picture of how the residents' views were represented in relation to both this head of complaint and the two that follow it.

As discussed above at Decision head a), in Ofcom's view the feature undoubtedly set out to look at life as a traveller and was designed to illustrate some of the difficulties travellers faced by way of a particular example, namely the illegal encampment close to where Mrs Hill lived. However, and again as discussed in detail above at head a) Ofcom was not concerned, in terms of fairness, with whether particular views were included in the programme or not, nor with the number of (or length of) contributions made (and subsequently included in the programme) by Mrs Hill on behalf of the local residents she represented or by other people included in the feature. Rather Ofcom considered whether the programme maker took reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to the Association as set out in the Code.

With regard to the balance of views, Ofcom considered that while the programme did have a particular focus, namely the difficulties experienced by travellers in relation to the residential population, this position was clearly signalled in the introductions to each part of the feature. Ofcom also observed that, as established in the Decision relating to heads a) and b), the broadcaster had reflected the views of the permanently resident local community by including the fairly edited comments of Mrs Hill and the local Council's arrangements with regard to the travellers' situation.

Ofcom is not a fact finding tribunal and was not in a position to determine whether or not two of the statements made by travellers within the encampment and referred to in Mrs Hill complaint were true. However, Ofcom observed that the BBC was correct when it stated that Mrs Hill offered "no evidence" to support her

suggestion that one resident of the Gypsy encampment did not find it difficult to get medical appointments or that a child from the same encampment was not “taunted in school”. Furthermore, Ofcom noted that it was reasonable for the broadcaster to reflect the views of the traveller community as part of balanced report and that since neither claim attributed blame to either an individual or an organisation it would not have been incumbent upon the broadcaster to provide an opportunity for the Association, or indeed any other individual or organisation, to respond to them.

Finally, Ofcom considered that because the local Residents’ Association was not mentioned by name, the programme was very unlikely to have changed anyone’s opinion of its members and did not result in unfairness to them. Ofcom found that, in regard to this head of complaint, there was no unfairness to the Association.

- d) Ofcom then considered Mrs Hill’s complaint on behalf of the Association, that the “subject matter” was “biased” towards the minority group (i.e. the travellers) and was presented in a way that gave the impression that the travellers were being harassed and mistreated by local residents. This pertains to the requirement on broadcasters to ensure that “material facts have not been presented, disregarded or omitted in a way that is unfair” (Practice 7.9 of the Code).

As discussed above at head c) the thrust of the broadcast was clearly signalled and the broadcaster had reflected the views of the permanently resident local community by including the fairly edited comments of Mrs Hill and the local Council’s arrangements with regard to the travellers’ situation.

In addition, Ofcom noted the view outlined in the BBC’s statement that “to the extent that [the report] suggested that the Gypsies were being either harassed or mistreated [it] did so only in the most general terms”. Ofcom considered that the report did not imply that local residents targeted the travellers rather it illustrated general prejudice. Ofcom noted that instead the piece indicated the travellers’ belief that they were perceived in a negative way and outlined some of the difficulties that they faced without a permanent base. Ofcom found no unfairness to the Association in this respect.

- e) Lastly, Ofcom considered Mrs Hill’s complaint on behalf of the Association, that the presenter’s comment that he could not read out a number of e-mails about the story because they were not suitable for on-air broadcast gave a biased and unfair impression of how local residents view travellers. Again this pertains to Practice 7.9 of the Code which sets out that broadcasters should take reasonable care to ensure that “material facts have not been presented, disregarded or omitted in a way that is unfair”.

Ofcom observed that this comment followed after the feature on Gypsies had ended and that it related to e-mails sent in response to a different report. Therefore, Ofcom considered that this comment could not have resulted in unfairness to the Association. Ofcom found no unfairness to the Association in this respect.

**Accordingly, Ofcom has not upheld Mrs Hill’s complaint of unfair treatment.**

## Other Programmes Not in Breach/Out of Remit

4 to 18 June 2007

Programme	Trans Date	Channel	Category	No of Complaints
100 Greatest Standups	18/03/2007	Channel 4	Offensive Language	3
Adrian Allen Show	04/05/2007	LBC	Religious Offence	1
Balls of Steel	25/04/2007	Channel 4	Generally Accepted Standards	1
BBC News	30/05/2007	BBC1	Generally Accepted Standards	1
BBC News	07/06/2007	BBC1	Generally Accepted Standards	1
BNP Party Political Broadcast	24/04/2007	BBC1 Wales	Crime (incite/encourage)	1
BNP Party Political Broadcast	24/04/2007	BBC1 Wales	Generally Accepted Standards	1
BNP Party Political Broadcast	23/04/2007	ITV1 Wales	Generally Accepted Standards	1
BNP Scotland - Party Political Broadcast	13/04/2007	BBC1 Scotand	Generally Accepted Standards	1
Balls of Steel	30/05/2007	Channel 4	Generally Accepted Standards	1
Balls of Steel	16/05/2007	Channel 4	Generally Accepted Standards	1
Bars, Booze & Bouncers: Confessions	23/05/2007	ITV1	Generally Accepted Standards	2
Ben Weston	29/03/2007	Red Dragon FM	Sex/Nudity	1
Big Love	08/02/2007	Five Life	Sex/Nudity	5
Brainiac: Science Abuse	26/05/2007	Sky One	Offensive Language	1
Brainiac: Science Abuse	15/05/2007	Sky One	Dangerous Behaviour	1
Bravo TV	23/05/2007	Bravo TV	Generally Accepted Standards	1
Bravo TV	-	Bravo TV	Competitions	1
Breakfast	04/04/2007	BBC Radio 5 Live	Generally Accepted Standards	1
Brits Get Rich in China	28/05/2007	Channel 4	Generally Accepted Standards	1
Brits Get Rich in China	28/05/2007	Channel 4	Crime (payment)	1
C4 promo		Channel 4	Animal Welfare	1
CITV	13/05/2007	ITV1	Generally Accepted Standards	1
Central Tonight	13/06/2007	ITV1	Offensive Language	1
Channel 4 News	07/06/2007	Channel 4	Generally Accepted Standards	1
Charlie's Angels (trailer)	17/05/2007	UKDrama	Generally Accepted Standards	1
Chris Evans	24/05/2007	BBC Radio 2	Generally Accepted Standards	1
Chris Moyles Show	24/04/2007	BBC Radio 1	Generally Accepted Standards	1
Conservative Party Election Broadcast	25/04/2007	BBC1 / ITV1	Elections/Referendums	1
Coronation Street	28/05/2007	ITV1	Undue Prominence	1

Coronation Street	28/05/2007	ITV1	Generally Accepted Standards	4
Coronation Street	28/05/2007	ITV1	Inaccuracy/Misleading	1
Cutting Edge: Meet the Foxes	16/04/2007	Channel 4	Animal Welfare	1
Cutting Edge: Mind Your F-ing Language	14/05/2007	Channel 4	Offensive Language	1
DM Digital Islam	27/03/2007	DM Digital	Generally Accepted Standards	1
Derren Brown: Something Wicked This Way Comes	10/06/2007	Channel 4	Dangerous Behaviour	2
Diff'rent Strokes/Cosby Show (trailers)	-	Trouble	Generally Accepted Standards	2
Dispatches: Gordon Brown - Fit for Office?	14/05/2007	Channel 4	Due Impartiality/Bias	2
Drive Home - Ian Wright	16/05/2007	Talksport	Generally Accepted Standards	1
Drive with Ian Wright & Adrian Durham	21/05/2007	Talksport	Generally Accepted Standards	1
Driving Me Crazy	22/05/2007	ITV1	Generally Accepted Standards	1
Eastenders	29/05/2007	BBC1	Generally Accepted Standards	1
Eastenders	31/05/2007	BBC1	Generally Accepted Standards	1
Eastenders	22/05/2007	BBC1	Offensive Language	1
Embarrassing Illnesses	31/05/2007	Channel 4	Generally Accepted Standards	1
Embarrassing Illnesses	24/05/2007	Channel 4	Generally Accepted Standards	2
Emmerdale	29/05/2007	ITV1	Advertising	1
Eurovision: Making Your Mind Up	17/03/2007	BBC1	Sex/Nudity	1
Fairly Odd Parents	31/05/2007	Nickelodeon	Offensive Language	1
Fifth Gear	26/05/2007	Five	Dangerous Behaviour	1
Fifth Gear	21/05/2007	Five	Dangerous Behaviour	2
Fifth Gear	21/05/2007	Five	Offensive Language	1
Formula One	12/05/2007	ITV1	Generally Accepted Standards	1
Friday Night With Jonathan Ross	01/06/2007	BBC1	Animal Welfare	1
Friday Night With Jonathan Ross	01/06/2007	BBC1	Generally Accepted Standards	3
Friday Night With Jonathan Ross	11/05/2007	BBC1	Generally Accepted Standards	1
GMTV	02/05/2007	ITV1	Due Impartiality/Bias	1
GMTV	14/05/2007	ITV1	Generally Accepted Standards	1
GMTV	17/05/2007	ITV1	Violence	1
GMTV	02/05/2007	ITV1	Generally Accepted Standards	2
GMTV	02/04/2007	ITV1	Generally Accepted Standards	1
Gavin Stamp's Orient Express	22/05/2007	Five	Due Impartiality/Bias	1
Gay to Z	11/06/2007	Channel 4	Sex/Nudity	1
Gina Ford: Who Are You To Tell Us?	05/03/2007	Five Life	U18s in Programmes	2
Glitterball	30/04/2007	ITV1	Competitions	2
Gordon Astley Show	20/04/2007	Southern Counties	Generally Accepted Standards	2

Gordon Ramsay's F Word	05/06/2007	Channel 4	Offensive Language	2
Gordon Ramsay's F Word	29/05/2007	Channel 4	Animal Welfare	1
Grease is the Word	26/05/2007	ITV1	Generally Accepted Standards	1
Great British Menu	21/05/2007	BBC2	Use of Premium Rate Numbers	1
Greg Burns	25/03/2007	Virgin Radio	Generally Accepted Standards	1
Have I Got News for You	13/04/2007	BBC1	Animal Welfare	1
Hidden Lives: Raised By The Hand Of God	23/04/2007	Five	U18s in Programmes	3
Holby Blue	08/05/2007	BBC1	Generally Accepted Standards	1
Holby Blue	22/05/2007	BBC1	Generally Accepted Standards	1
House	24/05/2007	Five	Generally Accepted Standards	1
House of Horrors	15/05/2007	ITV1	Offensive Language	1
ITV News	15/05/2007	ITV1	Generally Accepted Standards	2
ITV News	18/05/2007	ITV1	Generally Accepted Standards	1
ITV News (advert)	10/04/2007	ITV1	Generally Accepted Standards	1
Imam Ali Programme	24/03/2007	DM Digital	Use of Premium Rate Numbers	3
In the Night Garden	12/04/2007	CBeebies	U18's in Programmes	1
James Martin	10/04/2007	Pirate FM	Due Impartiality/Bias	1
Jock Stein You're Immortal	25/05/2007	BBC Scotland	Generally Accepted Standards	1
Jon Gaunt	07/05/2007	Talksport	Generally Accepted Standards	1
Jon Gaunt	22/05/2007	Talksport	Generally Accepted Standards	1
Justin Morehouse	10/05/2007	Key 103	Competitions	1
Lead Balloon	06/02/2007	BBC4	Generally Accepted Standards	1
Let Me Entertain You	31/05/2007	BBC2	Generally Accepted Standards	2
Little Monsters	09/06/2007	Sky 3	Generally Accepted Standards	1
Loose Women	30/05/2007	ITV1	Generally Accepted Standards	1
Loose Women	07/06/2007	ITV1	Generally Accepted Standards	1
Loose Women	07/06/2007	ITV1	Offensive Language	1
Matthew Bannister	19/03/2007	BBC Radio 5 Live	Generally Accepted Standards	1
Mile High trail	27/04/2007	Sky Three	Sex/Nudity	1
Missing Madeleine: A Tonight Special	08/05/2007	ITV1	Generally Accepted Standards	2
Move Your Feet	07/05/2007	MTV Dance	Generally Accepted Standards	1
Nevis Radio	22/04/2007	Nevis Radio	Offensive Language	1
Nick Ferrari	21/05/2007	LBC 97.3FM	Generally Accepted Standards	1
OBE TV	27/04/2007	OBE TV	Violence	2
Only Fools and Horses	31/12/2006	UKTV Gold	Generally Accepted Standards	1

Only Fools and Horses	24/03/2007	UKTV Gold	Offensive Language	1
Party Election Broadcast:	24/04/2007	Scottish TV	Elections/Referendums	2
Pirates of the Caribbean 3: TV Movie Special	27/05/2007	E4	Generally Accepted Standards	1
Play	27/04/2007	BBC Radio 4	Generally Accepted Standards	1
Quizcall	26/05/2007	Five	Competitions	1
Quizcall	01/06/2007	Five	Competitions	1
Quizcall	20/05/2007	Five US	Competitions	1
Rich Boys Toys	23/04/2007	Five	Generally Accepted Standards	1
Sara Cox	26/05/2007	BBC Radio 1	Generally Accepted Standards	1
Saturday Kitchen	28/04/2007	BBC1	Generally Accepted Standards	1
Scot Mills Show	24/04/2007	BBC Radio 1	Generally Accepted Standards	1
Scottish Christian Party Political Broadcast	24/04/2007	BBC1 Scotland	Elections/Referendums	5
Sex With Mum and Dad	22/05/2007	BBC3	Sex/Nudity	1
Sky News	20/05/2007	Sky News	Offensive Language	1
Sky News	21/04/2007	Sky News	Due Impartiality/Bias	1
Sky News	04/05/2007	Sky News	Due Impartiality/Bias	1
Smooth Radio	01/05/2007	Smooth Radio	Undue Prominence	1
Sports promo	27/05/2007	NASN	Inaccuracy/Misleading	1
Super Fires	06/05/2007	Zone Reality	Generally Accepted Standards	1
Teen Taboos	23/05/2007	Channel 4	Generally Accepted Standards	1
The Apprentice	15/05/2007	BBC1	Generally Accepted Standards	1
The Apprentice	06/06/2007	BBC1	Religious Offence	1
The Apprentice: You're Fired	23/05/2007	BBC2	Generally Accepted Standards	1
The Big Quiz	21/03/2007	Living TV	Competitions	1
The Culture Show	12/05/2007	BBC2	Generally Accepted Standards	1
The Geoff Show	05/04/2007	Virgin Radio	Religious Offence	1
The Great Global Warming Swindle	08/03/2007	Channel 4	Inaccuracy/Misleading	1
The Hits	12/05/2007	The Hits	Sex/Nudity	1
The Jeremy Kyle Show	04/04/2007	ITV1	Inaccuracy/Misleading	1
The Jeremy Kyle Show	08/05/2007	ITV1	Violence	1
The John Holmes Show	31/03/2007	BBC 6	Generally Accepted Standards	1
The Mummy (trailer)	02/06/2007	ITV1	Generally Accepted Standards	1
The Now Show	31/03/2007	BBC Radio 4	Generally Accepted Standards	1
The Royal	07/04/2007	ITV1	Offensive Language	1
The Ugly Phil Breakfast Show	02/05/2007	Kerrang Radio	Generally Accepted Standards	1
The Weakest Link	15/05/2007	BBC2	Generally Accepted Standards	1
The Wickes Weekend Breakfast Show	28/04/2007	Talksport	Generally Accepted Standards	1
The Wright Stuff	21/05/2007	Five	Due Impartiality/Bias	1

The Wright Stuff	24/05/2007	Five	Generally Accepted Standards	1
This Morning	10/05/2007	ITV1	Due Impartiality/Bias	1
Tom Binns Night Show	12/03/2007	Key 103	Generally Accepted Standards	1
Virgin School	15/05/2007	Channel 4	Sex/Nudity	1
Wife Swap	08/05/2007	Channel 4	Due Impartiality/Bias	1
Wolf Creek	31/05/2007	Channel 4	Violence	1
World in Focus	07/05/2007	Genesis 772	Due Impartiality/Bias	1
You've Been Framed	26/05/2007	ITV1	Animal Welfare	1
You've Been Framed	09/04/2007	ITV1	Dangerous Behaviour	1