

Ofcom Broadcast Bulletin

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Introduction

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes which broadcasting licensees are required to comply. These include:

- a) Ofcom's Broadcasting Code ("the Code") which took effect on 16 December 2009 and covers all programmes broadcast on or after 16 December 2009. The Broadcasting Code can be found at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>.

Note: Programmes broadcast prior to 16 December 2009 are covered by the 2005 Code which came into effect on 25 July 2005 (with the exception of Rule 10.17 which came into effect on 1 July 2005). The 2005 Code can be found at http://www.ofcom.org.uk/tv/ifi/codes/bcode_2005/.

- 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://www.ofcom.org.uk/tv/ifi/codes/code_adv/tacode.pdf.
- c) other codes and requirements that 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://www.ofcom.org.uk/tv/ifi/codes/>

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).

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.

Standards cases

In Breach

Promotional material during programming

HiTV, 5 April 2010, throughout the day

Introduction

HiTV is an entertainment channel aimed at the African community in the UK. During its programming over the Easter period, a constant scrolling strap line containing the following invitation was displayed along the bottom of the screen:

*“HURRAY!! HURRAY!! EASTER IS HERE AGAIN USE THIS OPPORTUNITY TO SEND NICE MESSAGES/WISHES TO YOUR LOVED ONES TELLING THEM HOW MUCH YOU LOVE THEM...SIMPLY TEXT MDAY (leave a space) MESSAGE TO 60999. BROUGHT TO YOU BY HITV **POWERED BY VAS2Net.COM**”*

The text message service in question cost 50p per text message plus users' standard network rate and was therefore a premium rate service.

Ofcom received a complaint from a viewer who said that the constant references to the text message service and its provider, Vas2net.com were tantamount to advertising.

Ofcom sought the broadcaster's comments under the following Code rules:

- Rule 10.3 – “Products and services must not be promoted in programmes; this rule does not apply to programme-related material”.
- Rule 10.4 – “No undue prominence may be given in any programme to a product or service”.
- Rule 10.9 – “Premium rate numbers will normally be regarded as products and services, and must therefore not appear in programmes, except where:
 - they form part of the editorial content of the programme; or
 - they fall within the meaning of programme-related material”.

Response

HiTV said that it considered the service, which displayed viewers' contributions on screen during the Easter specials programme, provided “a remarkable opportunity to interact with their loved ones during the Easter period”. It therefore argued that the service was programme-related material.

The broadcaster said that the reference to the service provider's website, Vas2net.com, was justified as it contained the terms and conditions of the text message service. For this reason, HiTV did not consider it unduly prominent.

Decision

Rule 10.3 prevents the promotion of products or services within programmes unless they fall within the definition of 'programme-related material.'

The Code defines 'programme-related material' as "products or services that are both directly derived from a specific programme and intended to allow listeners or viewers to benefit fully from, or interact with, that programme."

In the recording supplied by HiTV, Ofcom noted that the scrolling strap line did not relate to a specific programme broadcast by the channel, but was displayed over a music video, a series of adverts in advertising breaks, forthcoming programme promotions, and a film review programme entitled *Film 101*. The text message service was not directly derived from any of this programme content, nor did the service allow viewers to benefit from, or interact with, any of the programmes in question. Ofcom therefore did not accept the broadcaster's argument that the text message service met the definition of programme-related material.

Ofcom concluded that the scrolling strap line served only to promote the text message service during programmes, in breach of Rule 10.3. Further, in the absence of any editorial justification, and taking into account the extended duration over which the scroll was on screen throughout the day, Ofcom considered that undue prominence had been given to the text message service, in breach of Rule 10.4.

Given that the premium rate service did not form a part of the editorial content or meet the definition of programme-related material, the programming was also in breach of Rule 10.9.

Breaches of Rules 10.3, 10.4 and 10.9

In Breach

Asian Babes

House of Fun, 20 March 2010, 22:00

Introduction

House of Fun is an adult sex chat television channel. The licence for this service is held by House of Fun Television Ltd ("House of Fun Ltd" or the "Licensee"). *Asian Babes* is an adult sex chat television programme broadcast on the channel from 22:00. House of Fun is available without mandatory restricted access on Sky channel number 949 and is situated in the 'adult' section of the Sky electronic programme guide ("EPG"). House of Fun is based on interactive 'adult' sex chat services: viewers are invited to contact onscreen female presenters via premium rate telephony services ("PRS"). The presenters dress and behave in a sexually provocative way while encouraging viewers to contact the PRS numbers.

Ofcom received a complaint about the above broadcast. The complainant said that the content transmitted was too sexually explicit to be broadcast at the time it was shown because it showed full nudity, including shots of the presenters' genitals.

Ofcom viewed the material broadcast on 20 March 2010 between 22:00 and 23:00. It featured four presenters dressed in skimpy clothing: one female was wearing a white bra pulled down to expose her breasts and a flesh coloured g-string with white string thong over the top and flesh coloured stockings; a second female presenter was wearing only a purple g-string; a third female was dressed in a red bra, red skirt and flesh coloured g-string; and, the fourth presenter was wearing black lace knickers and black ripped stockings.

At various times during the broadcast the presenters adopted sexual positions, including lying on their backs with legs wide open to camera and kneeling on all fours while bending over with their buttocks spread to camera. While in these positions the presenters repeatedly carried out a number of sexually provocative acts. These included rubbing their breasts and nipples, stroking and jiggling their buttocks direct to camera and pulling their legs apart to reveal outer labial detail. The presenters also rubbed and touched themselves and each other around the tops of their thighs and on their outer labia, spread their buttocks to reveal outer labial and anal areas, and simulated masturbation on themselves with their fingers.

Ofcom requested comments from House of Fun Ltd in relation to the following Code Rules:

- Rule 2.1 - the broadcaster must apply generally accepted standards; and
- Rule 2.3 - offensive material must be justified by context.

Response

In respect of Rule 2.3, the Licensee said that the programme was broadcast within the 'adult' section of the EPG and access could be restricted by the viewer if required by way of a PIN protection system. It said that viewers coming to this section of the EPG would have reasonably expected to see a programme that was adult in nature containing women in underwear or nude. House of Fun Ltd denied there was any outer labial detail shown within the programme and said that none of the presenters

were simulating masturbation. It said that, as the performers were from Thailand, their flesh tone and the colour of their underwear may have made it difficult for viewers to see exactly which parts of their bodies were covered or which were naked. This may have led some viewers to think mistakenly that the presenters were showing labial detail whereas in fact they were wearing underwear. The Licensee stated that all the performers wore underwear. Therefore the complainant must have been mistaken when he thought he had seen nudity and vagina shots as clearly this was not possible.

House of Fun Ltd also said there were no close up camera shots and no prolonged shots of any of the performers. At times the Licensee said the on-screen graphics covered the performers when they were in various positions making sure that the broadcast could not in any way be deemed to be offensive to the audience it was aimed at. House of Fun Ltd argued that the material broadcast would not have caused offence to those viewers who had purposely tuned in to watch it as proved by those viewers who were dialling in and interacting with the performers; anyone who might have come across the material would have changed channel if they did not want to watch.

With regard to Rule 2.1 it denied there was anything in the broadcast that could be considered a contravention of generally accepted standards. There were no close up or prolonged shots of any genital areas and, even if there were, this was in the context of a programme broadcast in the adult section of the EPG and after the watershed.

Decision

Ofcom has a duty to ensure that generally accepted standards are applied to the content of radio and television services so as to provide adequate protection from the inclusion of harmful or offensive material. In relation to generally accepted standards, including those in relation to sexual material, Ofcom recognises that what is and is not generally accepted is subject to change over time. When deciding whether or not particular broadcast content is likely to fall within generally accepted standards it is necessary to assess the character of the content itself and the context in which it is provided.

In relation to the broadcast of material of a sexual nature this normally involves assessing the strength or explicitness of the content and balancing it against the particular editorial or contextual justification for broadcasting the content. Ofcom seeks to ensure that material of a sexual nature, when broadcast, is editorially justified, appropriately scheduled and where necessary, access is restricted to adults.

When setting and applying standards in its Code to provide adequate protection to members of the public from harm and offence, Ofcom must have regard to the need for standards to be applied in a manner that best guarantees an appropriate level of freedom of expression in accordance with Article 10 of the European Convention of Human Rights, as incorporated in the Human Rights Act 1998. This is the right of a broadcaster to impart information and ideas and the right of the audience to receive them. Accordingly, Ofcom must exercise its duties in light of these rights and not interfere with the exercise of these rights in broadcast services unless it is satisfied that the restrictions it seeks to apply are required by law and are necessary to achieve a legitimate aim. Ofcom notes however that a broadcaster's right to freedom of expression, although applicable to sexual content and pornography, is more restricted in this context compared to, for example, political speech, and this right can

be legitimately restricted if it is for the protection of the public, including the protection of those under 18.

In considering the content of this programme Ofcom assessed the strength of the content and then asked itself whether the broadcaster ensured that the content was provided with sufficient contextual justification so as to ensure that it fell within generally accepted standards.

In terms of the content of this broadcast, Ofcom considered the sexual images complained of were strong and capable of causing offence. On a number of occasions the female presenters adopted various sexual positions and, on occasions, due to their skimpy underwear, did reveal some outer labial and anal detail, despite the broadcaster's assertions to the contrary. The combination of four presenters simultaneously performing in certain sexual positions and with sexually provocative actions led to the broadcast of this material being of a sexually provocative nature.

Ofcom examined the extent to which there were any particular editorial or contextual factors that might have limited the potential for offence. Ofcom noted that this programme was broadcast at 22:00 and that viewers generally expect on all channels that stronger material will be shown after the 21:00 watershed, within context. Ofcom took account of the fact that the channel was positioned in the 'adult' section of the EPG and that viewers tend to expect the broadcast of stronger sexual material on channels in this section of the EPG than would be expected to be included on other channels in other sections. Further, we noted that if viewers choose, they can block certain channels from the EPG.

However, in this case, Ofcom concluded that overall the broadcast of the offensive material described above was not justified by the context. Given the overall content of the broadcast, the intrusive and sometimes prolonged and frequent scenes of a sexual nature (including the presenters adopting sexual positions and simulating masturbation) and the inclusion of images of the presenters' outer labial and anal areas), the time of broadcast and location of the channel were not sufficient to justify the broadcast of the material. The material shown was strongly sexual and would have exceeded the likely expectation of the vast majority of the audience watching a channel without mandatory restricted access at this time. Ofcom was also concerned at the degree of offence likely to be caused to viewers who might come across this material unawares.

Ofcom noted the broadcaster's assertion that the complainant was incorrect in his assumption that the performers were not wearing underwear and showed their genitals. After viewing of material between 22:00 and 23:00 it was apparent that the presenters were wearing flesh coloured underwear. However in Ofcom's opinion, the flesh tones of the g-strings were intended by the broadcaster to give the impression to viewers that they were in fact not wearing underwear, in particular by the presenter in a red skirt. The broadcaster in its response acknowledged that it may have been difficult to determine exactly where the presenters' bodies were covered or naked. Further, despite some of the presenters' actions being obscured by the on screen graphics, it was apparent that simulated masturbation was taking place, in particular by presenter four.

Ofcom does not dispute the Licensee's assertion that the viewer is free to choose what he watches on television. However, any content broadcast by an Ofcom licensee must comply with the provisions of the Code. As already pointed out, the weight attached to freedom of expression is less when it concerns sexual imagery

broadcast to promote a product or service, or primarily for reasons of sexual stimulation.

For these reasons, Ofcom considers that the material complained of breached generally accepted standards. This broadcast therefore breached Rules 2.1 and 2.3 of the Code.

Breaches of Rules 2.1 and 2.3

In Breach

Afternoon Delight – Live Skyve

Live 960, 16 March 2010, 12:00

Introduction

Live 960 is an adult sex chat television service, owned and operated by Hopp Entertainment (“the Licensee”) and is available without mandatory restricted access on Channel 960. The channel is situated in the ‘adult’ section of Sky electronic programme guide (“EPG”).

Ofcom received a complaint that the channel included an onscreen reference to the website www.live960.com and on accessing the site material equivalent to BBFC classified R18 content could be viewed¹.

Although the material was not broadcast on-air, Ofcom identified that the website was promoted on the channel at 12:00. When accessing the website address and entering the web forum (known as “Sassy”), explicit images of real sex acts, equivalent to R18 material, could be freely viewed without any age verification or registration of the user.

Ofcom therefore requested comments from the Licensee with reference to the following rules of the Code:

- Rule 1.2 “...broadcasters must take all reasonable steps to protect under eighteens”
- Rule 1.3 “...children must also be protected by appropriate scheduling from material that is unsuitable for them.”
- Rule 2.1 “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...harmful or offensive material”
- Rule 2.3 “...broadcasters must ensure that material which may cause offence is justified by the context”

Response

Live 960 stated that the “Sassy” web forum page, which was supplied to the broadcaster’s website by a third party, featured posts submitted by contributors and was “to the best of their knowledge” not “normally explicit”.

The Licensee explained that as soon as it was alerted by Ofcom that there was explicit and unprotected R18 equivalent content on the Live 960 website and it should be taken down, it responded immediately and removed the link. Further, the Licensee has apologised to viewers for any offence that the material may have

¹ The ‘R18’ category is a special and legally restricted classification primarily for explicit works of consenting sex or strong fetish material involving adults. Films may only be shown to adults in specially licensed cinemas, and video works may be supplied to adults only in licensed sex shops. ‘R18’ video works may not be supplied by mail order. Source: BBFC: The Guidelines at: <http://www.bbfc.co.uk/downloads/pub/Guidelines/BBFC%20Classification%20Guidelines%202009.pdf>

caused and has accepted that the website should have been more actively monitored and all material verified before it was available to view.

The broadcaster has confirmed that the “Sassy” web forum is no longer used on the website and it has no affiliation to the supplier.

Decision

While the content of a website is not in itself broadcast material, and therefore not subject to the requirements of the Code, any on-air references to the website on the broadcaster’s licensed service is part of the broadcast content. Therefore such references must comply with the Code, in particular Rules 1.2, 1.3, 2.1 and 2.3.

Ofcom noted that when accessing the site’s front page the website contained extremely explicit material featuring still images of real sex acts (equivalent to BBFC R18 rated content). This material did not require any registration to view and could therefore be freely accessed by under-eighteens. No requirement for registration or credit card verification was required to access the content.

Ofcom has a duty and the power to regulate such website references under the Communications Act 2003. The Legislative Background to the Code states that “although a link included in the service may lead to features outside of that service which are not regulated by Ofcom, the provision of access to those features by, for instance, the inclusion of a link, is within the control of the broadcaster and so within Ofcom’s remit. Ofcom may therefore require such a link or facility to be removed where Ofcom has concerns...about the material to which it leads.”

Ofcom licensed services available without mandatory restricted access should therefore in no circumstances promote “adult” websites which provide unrestricted access to R18 material (or material which is equivalent to it) if such material can be accessed without restrictions.

Ofcom welcomes that the broadcaster took immediate action to withdraw the reference to the website from its programming. However, Ofcom has already made its position regarding this matter clear in a sanctions decision in May 2009 and published findings which directly related to the promotion of adult content on Ofcom licensed services². It is a requirement upon the licensee to ensure it is fully aware of such decisions and it is of concern to Ofcom that Live 960 was not monitoring the content on its website to ensure it was suitable, particularly given that its website address was promoted during the day when children could have viewed the material.

In Ofcom’s view the promotional reference to the website on the Live 960 channel therefore breached generally accepted standards and, given that the website reference was broadcast during the day before the 21:00 watershed, the broadcaster also failed to protect under-eighteens. They were therefore in breach of rules 1.2, 1.3, 2.1 and 2.3.

Breaches of Rules 1.2, 1.3, 2.1 and 2.3

² RHF sanction published 18 May 2009 at: http://www.ofcom.org.uk/tv/obb/ocsc_adjud/rhfportland.pdf; Promotion of the www.babeworld.tv website address, Babeworld TV, prior to 13 August 2009 in Broadcast Bulletin 145 at: http://www.ofcom.org.uk/tv/obb/prog_cb/obb145/; and Reference to website address, Television X (Freeview channel 93), between 10 and 15 March 2010, 03:00 to 23:00 in Broadcast Bulletin 159 at: http://www.ofcom.org.uk/tv/obb/prog_cb/obb159/.

In Breach

World Fashion Channel

My Channel, 17 April 2010, 10:30

Introduction

My Channel is a general entertainment channel licensed to broadcast on cable and satellite platforms.

The programme 'World Fashion Channel' comprises footage of various catwalk shows. One of the catwalk shows was accompanied by music that contained the lyrics:

"you fucking asshole, you want to suck my pussy, well let me suck your dick...bastard bitch...you're a fucking cock."

A viewer complained that such language was unsuitable for the time of broadcast.

Ofcom sought the broadcaster's comments under Rules:

- Rule 1.4: television broadcasters must observe the watershed; and
- Rule 1.14: the most offensive language must not be broadcast before the watershed

Response

My Channel explained that it experienced a serious technical failure during the week that this programme was broadcast and in order to remain on-air, it prepared an emergency schedule. The broadcaster said that unfortunately the situation did not allow sufficient time for the programming in the amended schedule to be checked for compliance. My Channel added that it has taken action to ensure that this situation is avoided in the future. The channel has purchased new equipment with a backup system that should prevent the recurrence of technical problems similar to those which caused this incident. This will reduce the need for backup programming. My Channel underlined that all content is thoroughly checked before going on air,

My Channel recognised that the language used in the song was inappropriate and apologised for any offence it had caused its viewers. The broadcaster wished to assure Ofcom that this was a one-off incident.

Decision

Rule 1.4 of the Code requires broadcasters to observe the watershed by ensuring that material that is unsuitable for children is not shown before 21:00. Rule 1.14 states that the most offensive language should not be broadcast before the watershed. Ofcom research indicates that the word "fuck" and its derivatives are an example of the most offensive language.

This programme contained instances of the most offensive language and strong language of a sexual nature that Ofcom considers to be unsuitable for children in breach of the Code requirement to ensure that broadcasters observe the 21:00 watershed.

Ofcom notes that the broadcast of this programme was an error that occurred as a result of pressures caused by a serious technical failure. While Ofcom recognises the circumstances in this case, broadcasters are obliged to ensure compliance with the Code at all times.

In this case, the broadcaster put to air pre-recorded material that had not been checked for compliance with the Code. A technical failure is not, in Ofcom's view, sufficient justification for allowing programmes to bypass compliance processes and the broadcast was in breach of Rules 1.4 and 1.14.

Breach of Rules 1.4 and 1.14

In Breach

Numb3rs trailer

Five, 27 March 2010, 13:03

Introduction

Numb3rs is an American crime drama featuring two brothers who assist the FBI in solving serious crimes. The series is screened at 22:00 on Five USA. A trailer for the programme was shown at 13:03 on Five between two programmes *Zoo Days* and *Kermit's Swamp Years* – both of which were likely to appeal to children.

A viewer complained that the trailer had not been scheduled appropriately and that his child had been frightened by it. Ofcom asked Five for its comments under Rule 1.3 (children must be protected by appropriate scheduling from unsuitable material).

Response

Five acknowledged the content of the trailer was inappropriate and apologised unreservedly for any upset the scheduling mistake caused. Five explained that the trailer was subject to scheduling restrictions and should not have been broadcast when it was. Unfortunately on this occasion Five's manual checks failed to detect that the trailer would be placed between two programmes with specific appeal to children.

Five advised that to safeguard against this type of error reoccurring, it was considering introducing new procedures to prevent trailers with restrictions attached being shown during the daytime at weekends. Five would also undertake additional checks to ensure trailers are correctly scheduled.

Decision

Particular care should always be taken when transmitting material in or around programmes that children are likely to watch. When considering the suitability of trailers, Ofcom has to take into account that viewers come across them without warning and therefore the potential for offence is greater than for programmes which are signposted and scheduled in advance.

This trailer showed an action montage containing a hostage scene, dead bodies covered by a tarpaulin, the detonation of an explosive device and a gun being pointed at a person's head. Such images of violence have the clear potential to upset and frighten children and are inappropriate for transmission during the programmes being shown at this time.

Ofcom notes that the broadcaster did not intend to transmit this trailer around programmes likely to appeal to children. We also took into account the broadcaster's recognition of a scheduling error and their swift action in re-assessing scheduling restriction procedures to ensure such trailers are not shown around programmes likely to appeal to children.

Zoo Days and *Kermit's Swamp Years* are programmes with clear appeal to young children who may be viewing without adult supervision. The broadcast of this trailer (featuring violence and violent gun crime) was not appropriately scheduled and in breach of Rule 1.3.

Breach of Rule 1.3

Advertising scheduling cases

In Breach

Advertising minutage

Fitness TV, 3, 4, 8 and 11 March 2010, various times

Introduction

Rule 4 of the Code on the Scheduling of Television Advertising (“COSTA”), states: “time devoted to television advertising and teleshopping spots on any channel in any one hour must not exceed 12 minutes”. This rule implements the requirements of European legislation, the Audiovisual Media Services (AVMS) Directive.

As part of Ofcom’s routine monitoring of broadcasters’ compliance with COSTA, Ofcom observed that between 3 and 11 March 2010, there were four separate incidents where Fitness TV appeared to have transmitted more than the permitted allowance of advertising minutes in one clock hour.

Ofcom wrote to Media Fitness Limited, the licence holder for Fitness TV, for its comments under Rule 4 of COSTA.

Response

The broadcaster attributed the overruns to technical errors in its break scheduling software. Following these incidents, the broadcaster said it had carried out an internal investigation which had resulted in a new scheduling system being installed. Following this systems upgrade, the broadcaster assured Ofcom that it was unlikely that further overruns would occur.

Furthermore, the broadcaster explained that whilst overruns had occurred during certain clock hours, they had not exceeded the hourly average (nine minutes) of advertising permitted across the broadcasting day.

Decision

Ofcom notes that Fitness TV has taken further steps to ensure compliance with COSTA, including the installation of new scheduling systems. However, following previous similar instances on 9 January, 15 February and 20 February 2010, Fitness TV had already given Ofcom assurances that new procedures were in place to prevent further overruns.

Ofcom is concerned that Fitness TV’s procedures were not sufficient to prevent the latest overruns occurring. Ofcom considers the latest instances to be significant breaches. Accordingly, we are recording a breach of Rule 4 of COSTA.

Ofcom may consider further regulatory action if this problem recurs.

Breach of Rule 4 of COSTA

In Breach

Advertising minutage

ITV4, 18 March 2010, 17:00

Introduction

Rule 4 of the Code on the Scheduling of Television Advertising (“COSTA”), states: “time devoted to television advertising and teleshopping spots on any channel in any one hour must not exceed 12 minutes”.

This rule implements the requirements of European legislation, the Audiovisual Media Services (AVMS) Directive.

ITV informed Ofcom that a total of 14 minutes of advertising had been transmitted on ITV4, on 18 March 2010, during one clock hour (two minutes more than allowed).

Ofcom requested formal comments from ITV plc, the licence holder for ITV4, in relation to Rule 4 of COSTA.

Response

The broadcaster explained that the overrun had occurred during a transmission of the *IPL Cricket Tournament*. The broadcaster stated that the transmission of the tournament presented a particular challenge as it involved combining a live overseas feed with advertising breaks. The situation was further complicated through the scheduling of successive live sports events, *IPL Cricket* and *Europa League Football*, on ITV4, in the same evening.

The broadcaster said that on this particular occasion, the IPL cricket match had finished an hour early. To adjust to the early finish, ITV’s external transmission contractors asked production staff to drop one minute and 20 seconds of advertising from the 17:00 clock hour. However, this reduction was insufficient and led to an overrun.

In recompense, the broadcaster decided to forego the recoupment of two minutes of commercial non-peak airtime from ITV4, which it had lost during the transmission of the IPL tournament on the same day, 18 March 2010.

The broadcaster emphasised that the matter was being treated seriously, and would be examined as part of an overall review of advertising procedures aimed at ensuring future compliance with COSTA.

Decision

Ofcom acknowledges that the transmission of live sporting events can be challenging. We further note the prompt action the broadcaster took in bringing the matter to Ofcom’s attention and the additional steps it is taking to ensure future compliance with COSTA.

Furthermore, Ofcom welcomes the voluntary adjustments ITV made to its advertising minutage in response of the overrun occurring.

However, we are concerned that this failure follows earlier overruns on other ITV licensed channels, ITV1 and ITV2, which have occurred within the last year. On 31 October 2009, ITV1 transmitted 14 minutes of advertising in one clock hour (two minutes more than allowed). Furthermore, on 16 December 2009, ITV2 transmitted 12 minutes and 45 seconds of advertising in one clock hour (45 seconds more than allowed).¹ Following these incidents, the broadcaster assured Ofcom that improvements to procedures had been made to ensure future compliance with COSTA.

Ofcom is concerned that the steps taken by ITV were not sufficient steps to prevent this latest overrun occurring on ITV4. Accordingly, we are recording a breach of Rule 4 of COSTA.

Ofcom may consider further regulatory action if this problem recurs.

Breach of Rule 4 of COSTA

¹ Broadcast Bulletin 157
http://www.ofcom.org.uk/tv/obb/prog_cb/obb157/Issue157.pdf

Fairness and Privacy cases

Not Upheld

Complaint by Lord Ashcroft KCMG made on his behalf by Harbottle and Lewis LLP

Today, Radio 4, 17 December 2009

Summary: Ofcom has not upheld this complaint of unfair treatment.

On 17 December 2009, BBC Radio 4 broadcast an edition of *Today*, its early morning news and current affairs programme, which included an item looking back at the preceding day's activities in Parliament and discussed questions put to Ms Harriet Harman MP (who was standing in for the Prime Minister) during Prime Minister's Question Time.

Harbottle & Lewis complained to Ofcom on behalf of Lord Ashcroft that the programme wrongly and unfairly stated that during Prime Minister's Question Time the Liberal Democrats had accused Lord Ashcroft of tax evasion and therefore implied that he was guilty of a criminal offence. Harbottle & Lewis said Lord Ashcroft was not given an appropriate opportunity to respond to this serious allegation of criminal wrongdoing.

Ofcom considered the case and concluded that the report provided a fair reflection of the discussion during Prime Minister's Question Time and, taken as whole, made clear that, while the Liberal Democrats had initially raised a question about tax evasion, they had not in fact accused Lord Ashcroft of tax evasion. Instead the report correctly and fairly presented the fact that the Liberal Democrats had accused Lord Ashcroft of avoiding paying tax in the UK on overseas earnings. Ofcom found that the report's presentation of this matter was fair and did not amount to an allegation of criminal wrongdoing which would have required, in the interests of fairness, an opportunity to respond.

Ofcom therefore found no unfairness to Lord Ashcroft.

Introduction

On 17 December 2009, BBC Radio 4 broadcast an edition of *Today*, its early morning news and current affairs programme. The *Yesterday in Parliament* item of the programme, which looks back at the preceding day's activities in the House of Commons and the House of Lords, discussed questions put to the Deputy Leader of the Labour Party, Ms Harriet Harman MP during Prime Minister's Question Time¹.

The programme's presenter introduced the item as follows:

"The Liberal Democrats have targeted the Conservative Party donor and Deputy Chair Lord Ashcroft in a row about tax evasion. The Liberal Democrat Deputy Leader Vince Cable used Parliamentary Privilege to name the peer as a non-dom, accusing him of not paying tax in the UK on overseas earnings."

¹ Ms Harman MP stood in for the Prime Minister in this question time, as he was otherwise engaged. Mr Hague MP asked questions on behalf of the Opposition and Dr Cable MP on behalf of the Liberal Democrats.

The programme reported that as William Hague MP's first question concluded Labour MPs began shouting "*Ashcroft*". The programme stated that this referred to Lord Michael Ashcroft, whose tax affairs, the programme said had, "*long been the subject of political controversy.*"

The item then broadcast excerpts of the exchange between Dr Vincent Cable MP and Ms Harman. Dr Cable's first question was broadcast as:

"This week, HMRC estimated that something in the order of £40 billion is not being collected and is being evaded [our emphasis]. Where is that money?"

The programme's reporter said that as Dr Cable had finished his question the Labour members were heard to shout "*Belize*" and "*Ashcroft*". The programme's reporter said that Lord Ashcroft had "*extensive business interests in Belize*". The programme's reporter said that Ms Harman "*played to the home crowd*". The excerpt of her response included in the programme was:

"We think it important that an example be set not only in this House, but also in the House of Lords. There's an old saying, of no taxation without representation. What about no representation without taxation?"

The reporting of Dr Cable's questions concluded with an excerpt of his final question:

"we suggest that the Leader of the House give immediate effect to their wishes, by bringing in an amendment to the Constitutional Reform Bill, so that non-doms like Lord Ashcroft can leave Parliament immediately?"

Harbottle & Lewis ("Harbottle") complained to Ofcom on behalf of Lord Ashcroft that he was treated unfairly in the programme as broadcast.

The Complaint

In summary, Harbottle complained on behalf of Lord Ashcroft that he was treated unfairly in the programme as broadcast in that:

- a) The programme wrongly and unfairly stated that the Liberal Democrats had accused Lord Ashcroft of tax evasion.

By the programme stating "*The Liberal Democrats have targeted*" Lord Ashcroft "*in a row about tax evasion*", the clear meaning was that Lord Ashcroft had been publicly accused in the Commons by Liberal Democrat MPs of the criminal offence of tax evasion, which was not true. The implication was that he was guilty of tax evasion or that there were at least reasonable grounds for the charge.

- b) He was not given an appropriate and timely opportunity to respond to the allegation of criminal wrongdoing.

He was thus denied an opportunity to point out to the programme makers the gravity of its error in confusing "tax evasion" with "tax avoidance".

The BBC's case

In summary, the BBC responded to Lord Ashcroft's complaint of unfair treatment as follows:

- a) The BBC said it did not accept that the passage identified made the allegation claimed by the complainant. It said that the line which caused the complainant concern was the first half of a “cue” introducing a *Yesterday in Parliament* report on events in Parliament during Prime Minister’s Questions, namely:

“The Liberal Democrats have targeted the Conservative Party donor and Deputy Chairman Lord Ashcroft in a row about tax evasion. Liberal Democrat Deputy Leader Vince Cable used parliamentary privilege to name the peer as a “non-dom” – accusing him of not paying tax in the UK on overseas earnings.”

The BBC said it did not agree that this line meant that Lord Ashcroft was accused by Dr Cable of tax evasion, that the accusation was true or that there were reasonable grounds for it, and it said that it did not believe that listeners would have taken this meaning from it – whether taken in isolation or the broadcast as a whole.

The BBC said that, in strict terms, the line was not inaccurate. It said that Hansard shows that the row in the House of Commons which came to embrace Lord Ashcroft (and in which he was targeted) began as “a row about tax evasion”. It said that Lord Ashcroft was not accused of the offence of tax evasion, and the BBC’s report did not argue he was. However, the BBC said, the row in which he was targeted certainly concerned that matter, and could therefore accurately be described as having been “about” it.

The BBC said that Dr Cable began the debate by expressing concern about monies “not being collected” by HMRC, and tax payments due to HMRC which were “being evaded”. It said that in the circumstances it seems both reasonable and accurate to refer to the row which followed as being about tax evasion.

The BBC said that at this stage there were interruptions, as reflected in Hansard, which were shouted exclamations from Labour MPs which said “*Ashcroft*” and “*Belize*”. It said that these interruptions were described in the full report. The BBC said that it was in this manner that Lord Ashcroft’s name was raised, during a discussion of a question about revenues lost to tax evasion.

It said that Ms Harman responded to Dr Cable on the more general issues of falling tax revenue before bringing up the question of tax avoidance in Westminster particularly, and the responsibilities of those in Parliament. Following this response Dr Cable referred to Lord Ashcroft as a ‘non-dom’. Ms Harman’s response to this also referred to Lord Ashcroft by name.

The BBC said the transcript showed that the debate grew following the initial question posed by Dr Cable on tax which had not been collected and was “being evaded”. It said that shouted interruptions from the Labour benches introduced the name of Lord Ashcroft into the row. The BBC said that the exchange between Dr Cable and Ms Harman and the comments which followed were described in the full piece which followed the cue.

The BBC acknowledged that there is a very important difference between tax avoidance and tax evasion. However, the debate in the House, it said, did not make this distinction, and nor did the MPs who responded to a question on tax evasion with shouted interruptions referring to Lord Ashcroft. The BBC said that the debate instead centred on the shared outcome of both practices – a lack of payment to HMRC.

It said that because Dr Cable's initial question concerned the evasion of tax, the row which followed could accurately be called "*a row about tax evasion*", even though it grew to encompass other issues. Within the context of that row, Lord Ashcroft was named and targeted by MPs. The BBC said that it did not follow, and was not suggested, that Lord Ashcroft was himself accused of tax evasion by Dr Cable or Ms Harman.

The BBC also directed Ofcom to examine the full cue and the context of the whole report. It said that the full cue contained significantly more context than is suggested by the terms of the complaint. After the sentence quoted in the complaint, the cue continued:

"Liberal Democrat Deputy Leader Vince Cable used Parliamentary privilege to name the peer as a 'non-dom' – accusing him of not paying tax in the UK on overseas earnings."

The BBC said that this reflected the fact that Dr Cable had said of Lord Ashcroft that he was not domiciled in the UK, and had suggested that the Constitutional Reform Bill be amended so that Lord Ashcroft might leave Parliament. It said that should any confusion have arisen in the minds of listeners as a result of the preceding reference to 'tax evasion', the line which followed would have ensured that listeners were clear that the accusations regarding Lord Ashcroft focussed on the question of his non-domiciled status.

The BBC said that the full report which followed gave a great deal of detail about the debate in the house, the row in which Lord Ashcroft's status came to be discussed, what was said about him and how Conservative MPs responded, and the fact that his tax affairs had previously been the subject of some controversy.

Most significantly, it said, the report included audio from the Commons of the proceedings relating to Lord Ashcroft. The BBC said that audiences would have heard Dr Cable's question as it was heard in the House, as well as Ms Harman's response. It said that listeners would therefore have been in no doubt as to the precise circumstances of the targeting of Lord Ashcroft or the nature of the accusations against him. The report, it said, referred to Lord Ashcroft by name on three occasions, offering context for the discussion and explained the background to the debate. The BBC said that these references were neutral, factual reporting, and had no suggestion on the reporter's part of wrongdoing on the part of Lord Ashcroft. The BBC said that the report also included the response of some Conservative MPs following Ms Harman's reference to her party's position on tax avoidance.

It said that it believed the script of the full report and the passages from Parliament which it included would have helped to ensure that audiences were clear on what had happened in the House of Commons, and on the nature of the controversy surrounding Lord Ashcroft's tax affairs.

- b) The BBC said that, as already stated, it did not accept that the broadcast made any such allegations regarding Lord Ashcroft. It said that it reported accurately on matters raised in the Commons, and on allegations made regarding Lord Ashcroft's affairs. The BBC said it was also worth noting that the report was an account of proceedings in Parliament, and was clearly flagged as such. It said that in such circumstances it did not agree that a right of reply was necessary, or that failing to notify Lord Ashcroft of coverage of events in Parliament – which had been widely reported elsewhere – could reasonably be considered unfair.

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 of the programme as broadcast and transcript, both parties' written submissions and their supporting materials.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of the Code. Ofcom had regard to Rule 7.1 when reaching its decisions on the individual heads of complaint detailed below.

- a) Ofcom considered the complaint that the programme wrongly and unfairly stated that the Liberal Democrats had accused Lord Ashcroft of tax evasion.

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

Ofcom first examined the relevant parliamentary dialogue that was being reported.

Dr Cable: "Her Majesty's Revenue and Customs estimated that about £40 billion is not being collected and is being evaded. Where is that money?" [interruption]

Ms Harman: "As the hon. Gentleman knows well, tax revenue has fallen because if fewer houses are being bought and sold, stamp duty falls, and if unemployment increases, there are fewer people paying taxes. Corporation tax has also fallen. Tax revenue has fallen because this country has been hit by a global economic recession. We have been determined to take measures to stop tax avoidance, and we think it important an example be set not only in this House, but in the House of Lords. According to an old saying, there should be no taxation without representation. What about no representation without taxation? We will introduce legislation to ensure that people are domiciled, resident and ordinarily resident in order to sit in this House or in the House of Lords."

Dr Cable: "I take that point, but perhaps make it in a less partisan way – [interruption] – and perhaps commend the leader of the

Conservative party for the helpful suggestion of new legislation, based on Liberal Democrat proposals, so that Members of the Houses of Commons and Lords who are non-doms should not sit in Parliament. May I welcome the fact that there is such enthusiasm, from turkeys voting for Christmas, and suggest that the Leader of the House give immediate effect to their wishes, by bringing in an amendment to the Constitutional Reform Bill, so that non-doms such as Lord Ashcroft can leave Parliament immediately?”

Ms Harman: “We certainly need transparency on the issue, and as I said, we will bring forward legislation. The hon. Gentleman is busy commending the Conservative Party; at the risk of being accused of being partisan, I would like to complain about the Conservative party. The deputy chairman of the Conservative party made a promise to the honours committee – this pertains to the need for legislation – that he would make his tax affairs on shore. The Foreign Secretary – [Interruption] – the shadow Foreign Secretary – can tell us what the shadow Chief Secretary to the Treasury says he knows. Has Lord Ashcroft...”

It was clear, in Ofcom’s view, that the Liberal Democrats had opened the debate with the Government with a question about tax evasion. The Government in its response, delivered by Harriet Harman, explained why it considered that tax revenues were down but also referred directly to tax avoidance and specifically its plans to introduce legislation to ensure those that sit in the House of Lords should be domiciled in the UK. The Liberal Democrat spokesman then commended the Government’s proposal with specific reference to Lord Ashcroft.

Ofcom then examined how this discussion was reported in the programme as broadcast. Ofcom noted that the complainant believed that the opening sentence of the report which stated that *“The Liberal Democrats have targeted the Conservative Party donor and Deputy Chairman Lord Ashcroft in a row about tax evasion”* had the clear meaning that Lord Ashcroft had been publicly accused in the Commons by Liberal Democrat MPs of the criminal offence of tax evasion, which was not true, and that the implication was that he was guilty of tax evasion or that there were at least reasonable grounds for the charge.

In seeking to determine whether or not the BBC had caused unfairness to Lord Ashcroft Ofcom assessed the report as a whole and not just the first sentence of the report’s introduction. Specifically, Ofcom examined whether the report as a whole demonstrated that the BBC had taken reasonable care to ensure that material facts had not been presented, disregarded or omitted in this report in a way that caused unfairness to Lord Ashcroft.

Ofcom recognised that the first opening sentence, if taken in isolation, may have been capable of being interpreted by listeners as suggesting that the Liberal Democrats had accused Lord Ashcroft of tax evasion, as opposed to tax avoidance. Such an interpretation would have been incorrect and would not have reflected how the debate developed. As explained above, while, Dr Cable’s first question, which set the agenda for the subsequent dialogue, had raised the subject of tax evasion, the discussion evolved into a debate about a different issue, namely, whether members of Parliament should be able to claim a non-domiciled tax status. Ofcom noted that Dr Cable concluded his questioning by referring to Lord Ashcroft’s as a ‘non-dom’.

However, the second sentence of the report's introduction stated:

"Liberal Democrat leader Vince Cable used Parliamentary privilege to name the peer as a 'non-dom' – accusing him of not paying tax in the UK on overseas earnings."

Ofcom considered that this second sentence in combination with the first sentence of the introduction provided a fair reflection of the parliamentary discussion and included an explanation of what the accusation of being a 'non-dom' meant. Importantly, the introduction, taken as whole fairly reflected the true nature of the debate and the fact that the Liberal Democrats had initially raised the issue of tax evasion, but had then sought to name Lord Ashcroft as a 'non-dom' – "accusing him of not paying tax in the UK on overseas earnings".

Ofcom then considered whether further mentions of the complainant in the report were fair. After the audio of a question made by Mr Hague was included into the report, the programme's presenter said:

"Now at this point Labour MPs began to shout "Ashcroft" – the name of the Conservative deputy chairman, and donor, Lord Ashcroft, whose tax affairs have long been the subject of political controversy. William Hague didn't want to talk about that. His three topics were: Copenhagen; relations with Israel and the threat of sanctions against Iran. Lord Ashcroft was the target of the Liberal Democrat Treasury spokesman, Vince Cable, who was standing in for Nick Clegg".

The programme then included the audio of the question it was referring to:

Dr Cable: *"This week HMRC estimated that something of the order of £40 billion is not being collected and is being evaded. Where is that money?"*

The programme's presenter then explained exclamations shouted by members of Parliament as Dr Cable had asked this question in the House:

"Labour MPs shouted "Belize!" and "Ashcroft!" The Conservative peer has extensive business interests in Belize. Harriet Harman played to the home crowd."

Ofcom noted that the programme included the response Ms Harman gave to Dr Cable's question which ended with, *"What about no representation without taxation?"*

The final relevant programme commentary stated:

"Some Conservatives began to shout out the name "Lord Paul" – a Labour peer and donor who is a so called "non-dom". Vince Cable thought the Tories deserved some credit saying they would change the law to make all MPs and peers pay tax in the UK."

The final relevant excerpt included in the programme was of Dr Cable's concluding statement:

“And suggest that the minister gives immediate effect to their wishes by bringing in an amendment to the constitutional reform bill so that non-doms like Lord Ashcroft can leave Parliament immediately.”

Ofcom noted that the report included all the relevant excerpts of the parliamentary dialogue. Ofcom considered that the report in its entirety would have allowed listeners to form an informed and fair view of what the subject of the Parliamentary discussion was and what allegations, if any, were made and if so, to whom. Listeners would have therefore been able to understand that the Liberal Democrats did not accuse Lord Ashcroft of tax evasion, but instead named him as a ‘non-dom’ in a debate and therefore accused him of not paying tax in the UK on overseas earnings.

Ofcom concluded that the BBC presented the matter in the report in a way that ensured that material facts had not been presented, disregarded or omitted in this report in a way that caused unfairness to Lord Ashcroft.

Ofcom therefore found no unfairness in this regard.

- b) Ofcom then went on to consider the complaint that Lord Ashcroft should have been given an appropriate and timely opportunity to respond to the allegation of criminal wrongdoing – tax evasion.

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

Ofcom first considered whether an allegation of such a nature was made towards Lord Ashcroft. In doing so, Ofcom took account of the fact that it had concluded that the report’s presentation of this matter was fair and did not amount to an allegation of criminal wrongdoing. The report did not, as alleged, claim that Lord Ashcroft had been publicly accused in the Commons by Liberal Democrat MPs of the criminal offence of tax evasion.

Ofcom did consider that it would be reasonable to conclude that the report suggested that Lord Ashcroft had been accused of tax avoidance in the parliamentary discussion. However, an accusation of tax avoidance does not in and of itself constitute an allegation of wrongdoing that would normally require, in the interests of fairness, an opportunity to respond.

Ofcom therefore found no unfairness in this regard.

Accordingly, Ofcom has not upheld Lord Ashcroft’s complaint of unfair treatment.

Other Programmes Not in Breach

Up to 31 May 2010

Programme	Transmission Date	Broadcaster	Categories	Number of complaints
24	23/05/2010	Sky1	Violence and dangerous behaviour	2
"More Music Variety" slogan	n/a	Heart FM	Materially misleading	1
Advertising scheduling	19/05/2010	ITV2	COSTA	1
An Audience with Michael Bublé	23/05/2010	ITV1	Sexual material	2
An Audience with Michael Bublé	23/05/2010	ITV1	COSTA	1
Andrew Pierce	16/05/2010	LBC 97.3FM	Due impartiality/bias	1
Ashes to Ashes	14/05/2010	BBC 1	Generally accepted standards	1
Aviva's sponsorship of ITV Drama Premiers	09/05/2010	ITV1	Harm	1
Baggage	18/05/2010	BBC Radio 4	Offensive language	1
Balls of Steel	14/03/2010	Kanal 5	Violence and dangerous behaviour	1
Best Ed	10/05/2010	Boomerang	Violence and dangerous behaviour	1
Big Brother 11 (trailer)	26/05/2010	Channel 4	Generally accepted standards	1
Breakfast	15/05/2010	BBC 1	Gender, including Transgender discrimination	1
Breakfast	27/05/2010	BBC 1	Disability discrimination/offence	1
Britain's Got Talent	15/05/2010	ITV1	Offensive language	1
Britain's Got Talent	08/05/2010	ITV1	Violence and dangerous behaviour	1
Britain's Got Talent	23/05/2010	ITV1	Generally accepted standards	1
Celebrity Come Dine with Me	24/05/2010	Channel 4	Generally accepted standards	2
Celebrity Juice	15/05/2010	ITV2	Gender, including Transgender discrimination	1
Channel 4 News	12/05/2010	Channel 4	Generally accepted standards	1
Channel 4 News	07/04/2010	Channel 4	Due accuracy	1
Channel 4 News	25/05/2010	Channel 4	Due accuracy	1
Chorley FM	12/05/2010	Chorley FM	Offensive language	1
Christina Aguilera - "Not Myself Tonight"	20/05/2010	The Box	Sexual material	1
Christina Aguilera - "Not Myself Tonight"	18/05/2010	Viva	Religious/Beliefs discrimination/offence	1
Christina Aguilera - "Not Myself Tonight"	20/05/2010	The Box	Sexual material	1
Coming of Age	02/05/2010	BBC 3	Generally accepted standards	1
Coronation Street	21/05/2010	ITV1	Drugs, smoking,	1

			solvents or alcohol	
Crime Scene Academy	17/05/2010	Five	Generally accepted standards	1
CSI: Crime Scene Investigation	07/05/2010	Five	Generally accepted standards	2
CSI: Crime Scene Investigation	18/05/2010	Five	Generally accepted standards	1
Dermot O'Leary	17/04/2010	BBC Radio 2	Offensive language	1
Desperate Housewives (trailer)	09/05/2010	E4	Sexual material	2
Dispatches	23/05/2010	Channel 4	Under 18s - Coverage of sexual and other offences	2
Doctor Who	15/05/2010	BBC 1	Offensive language	1
Doctor Who	08/05/2010	BBC 1	Generally accepted standards	2
Dollhouse	12/05/2010	ITV4	Violence and dangerous behaviour	1
Drivetime	07/05/2010	Talksport	Due impartiality/bias	1
Early Bird	20/04/2010	Tease Me TV (Freeview)	Sexual material	1
EastEnders	17/05/2010	BBC 1	Generally accepted standards	1
EastEnders	20/05/2010	BBC 1	Violence and dangerous behaviour	5
Edith Bowman	01/05/2010	BBC Radio 1	Disability discrimination/offence	1
Embarrassing Bodies	07/05/2010	Channel 4	Under 18s in programmes	1
Embarrassing Bodies	07/05/2010	Channel 4	Disability discrimination/offence	1
Embarrassing Bodies	14/05/2010	Channel 4	Generally accepted standards	2
Embarrassing Bodies	14/05/2010	Channel 4	Materially misleading	1
Embarrassing Bodies	21/05/2010	Channel 4	Disability discrimination/offence	1
Erection Night Trailer	03/05/2010	Comedy Central	Sexual material	1
Facejacker	14/05/2010	Channel 4	Race discrimination/offence	1
Family Guy Presents: Seth and Alex's Almost Live Comedy Show	10/05/2010	BBC 3	Religious/Beliefs discrimination/offence	1
Filth: The Mary Whitehouse Story	24/05/2010	BBC 2	Generally accepted standards	1
Five News update	21/05/2010	Five	Generally accepted standards	1
Friday Night with Jonathan Ross	14/05/2010	BBC 1	Harm	1
Friday Night with Jonathan Ross	23/05/2010	BBC 1	Race discrimination/offence	1
Glee	07/05/2010	Channel 4	Harm	1
GMTV	10/05/2010	ITV1	Due accuracy	1
GMTV	05/05/2010	ITV1	Promotion of products/services	1
GMTV	11/05/2010	ITV1	Due impartiality/bias	1
Going Green - The Climate	10/12/2009	CNN International	Sponsorship	1

Summit				
Have I Got News For You	20/05/2010	BBC 1	Generally accepted standards	1
Heart Breakfast	24/05/2010	Heart 97.6	Generally accepted standards	1
Heartbeat	29/04/2010	ITV3	Under 18s in programmes	1
Hell below Zero	21/05/2010	BBC 2	Animal welfare	1
Heston's Ultimate Feast	18/05/2010	Channel 4	Animal welfare	2
Holiday Showdown	15/05/2010	ITV2	Materially misleading	1
Hyundai's sponsorship of Five USA Movies	07/05/2010	Five USA	Disability discrimination/offence	1
International Football	24/05/2010	ITV1	Outside of remit / other	1
ITV News	19/05/2010	ITV1	Generally accepted standards	1
ITV News	19/05/2010	ITV1	Due accuracy	1
ITV News	25/05/2010	ITV1	Disability discrimination/offence	1
ITV News	25/05/2010	ITV1	Due accuracy	1
ITV1 HD trailer	13/05/2010	ITV1	Religious Offence	1
Johnny Vaughan	12/05/2010	Capital Radio	Generally accepted standards	1
Johnny Vaughan	13/05/2010	Capital Radio	Due impartiality/bias	1
Keeping Up Appearances	14/05/2010	Gold	Animal welfare	1
Lewis	02/05/2010	ITV1	COSTA	2
Live Ford Super Sunday	09/05/2010	Sky Sports 1	Race discrimination/offence	1
Live from Studio Five	13/05/2010	Five	Gender, including Transgender discrimination	1
Live from Studio Five	13/05/2010	Five	Offensive language	1
Living Golf	03/12/2009	CNN International	Sponsorship	1
Lost	07/05/2010	Sky1	COSTA	1
Luther	18/05/2010	BBC 1	Violence and dangerous behaviour	9
Luther	11/05/2010	BBC 1	Violence and dangerous behaviour	1
Luther	25/05/2010	BBC 1	Violence and dangerous behaviour	1
Maid in Manhattan trailer	04/05/2010	Fiver	Sexual material	1
Maltesers' sponsorship of Loose Women	17/05/2010	ITV2	Sexual material	1
Martina Cole's Lady Killers	12/05/2010	STV	Generally accepted standards	1
Midsomer Murders	08/05/2010	ITV1	Violence and dangerous behaviour	1
Midsomer Murders	05/05/2010	ITV1	Violence and dangerous behaviour	1
Mike Graham	24/04/2010	Talksport	Race discrimination/offence	1
Mike Parry and Andy Townsend	13/05/2010	Talksport	Disability discrimination/offence	1
Mike Parry and Andy Townsend	19/05/2010	Talksport	Due impartiality/bias	1

Mike Parry and Andy Townsend	19/04/2010	Talksport	Competitions	1
Most Shocking	16/05/2010	Virgin 1	Generally accepted standards	1
My Wife and Kids: Pokerface	09/05/2010	Living	Sexual orientation discrimination/offence	1
News	29/04/2010	BBC News Channel	Flashing images/risk to viewers who have PSE	1
Newsnight	08/05/2010	BBC 2	Offensive language	1
Newspaper Review	26/05/2010	Sky News	Generally accepted standards	1
Nick Ferrari	24/05/2010	LBC 97.3FM	Disability discrimination/offence	1
Old Speckled Hen sponsor credit	n/a	Dave	Drugs, smoking, solvents or alcohol	1
Over the Rainbow	22/05/2010	BBC 1	Generally accepted standards	1
Partyland	01/05/2010	Partyland	Sexual material	1
Partyland	01/05/2010	Partyland	Sexual material	1
Press Preview	23/05/2010	Sky News	Due impartiality/bias	2
Radio 1's Big Weekend	22/05/2010	BBC 3	Race discrimination/offence	2
Real Breakfast Show	11/05/2010	Real Radio Scotland	Disability discrimination/offence	1
Real Radio Renegade	23/04/2010	Real Radio Wales	Competitions	1
Ringoling	15/03/2010	TV6	Competitions	1
Road Raja	06/05/2010	Sky Three	Violence and dangerous behaviour	1
Sandhamn	31/03/2010	TV3 Sweden	Violence and dangerous behaviour	1
Saturday Kitchen Live	15/05/2010	BBC 1	Animal welfare	1
Scottish Power's sponsorship of STV Weather	n/a	STV	Violence and dangerous behaviour	1
Sectioned	20/05/2010	BBC 4	Disability discrimination/offence	1
Sehat Aapki Mushwara Humara	08/05/2010	Venus TV	Due accuracy	1
Sky News	13/05/2010	Sky News	Religious/Beliefs discrimination/offence	1
Sky News	08/05/2010	Sky News	Race discrimination/offence	1
Soccer A.M.	22/05/2010	Sky1	Race discrimination/offence	1
Steve Berry Breakfast Show	07/05/2010	Rock Radio 106.1	Generally accepted standards	1
Steve Power at Breakfast	13/05/2010	Wave 105 FM	Crime	1
STV News at Six	21/05/2010	STV	Generally accepted standards	1
Supersize v Superskinny	11/05/2010	Channel 4	Materially misleading	1
The Ancient World with Bettany Hughes: When the Moors Ruled in Europe	05/05/2010	More4	Religious/Beliefs discrimination/offence	1
The Autistic Me - One Year on	22/04/2010	BBC 3	Disability discrimination/offence	1
The Jeremy Kyle Show	27/05/2010	ITV1	Generally accepted	1

			standards	
The Jeremy Kyle Show	17/05/2010	ITV1	Generally accepted standards	1
The Jeremy Kyle Show	12/05/2010	ITV1	Offensive language	1
The Naked Office	18/05/2010	Virgin 1	Sexual orientation discrimination/offence	1
The Naked Office	18/05/2010	Virgin 1	Generally accepted standards	1
The Official Chart with Reggie Yates	16/05/2010	BBC Radio 1	Disability discrimination/offence	1
The Today Programme	21/05/2010	BBC Radio 4	Violence and dangerous behaviour	1
The Trisha Goddard Show	13/05/2010	Five	Sexual orientation discrimination/offence	1
The Whole 19 Yards	08/05/2010	ITV1	Generally accepted standards	1
The World's Most Offensive Joke	06/04/2010	Channel 4	Disability discrimination/offence	1
The Wright Stuff	11/05/2010	Five	Due impartiality/bias	2
The Wright Stuff	19/05/2010	Five	Race discrimination/offence	1
The Wright Stuff	20/05/2010	Five	Disability discrimination/offence	1
The Wright Stuff	20/05/2010	Five	Race discrimination/offence	1
The Wright Stuff	20/05/2010	Five	Generally accepted standards	1
This Morning	14/05/2010	ITV1	Generally accepted standards	1
This Morning	06/05/2010	ITV1	Sexual material	1
This Morning	11/05/2010	ITV1	Race discrimination/offence	1
This Morning	26/05/2010	ITV1	Due impartiality/bias	1
This Morning	17/05/2010	ITV1	Nudity	1
TNA iMPACT!	15/05/2010	Bravo	Offensive language	1
Trafalgar Battle Surgeon	17/05/2010	Channel 4	Offensive language	1
Van Gogh: Painted with Words	05/04/2010	BBC 1	Generally accepted standards	1
Vitabiotics Wellwoman's sponsorship of Countdown	n/a	Channel 4	Gender, including Transgender discrimination	1
Wallander	15/05/2010	BBC 4	Offensive language	1
Wildlife SOS	11/05/2010	Animal Planet	Generally accepted standards	1
Wormwood Scrubs	10/05/2010	ITV1	Violence and dangerous behaviour	1