

Ofcom broadcast bulletin

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Introduction

The Communications Act allows for the Codes of the legacy regulators to remain in force until such time as Ofcom has developed its own Codes. Ofcom has consulted on its new draft Code.

The new Code will be published this year.

The Codes and rules currently in force for broadcast content are:

- Advertising and Sponsorship Code (Radio Authority)
- News & Current Affairs Code and Programme Code (Radio Authority)
- Code on Standards (Broadcasting Standards Commission)
- Code on Fairness and Privacy (Broadcasting Standards Commission)
- Programme Code (Independent Television Commission)
- Programme Sponsorship Code (Independent Television Commission)
- Rules on the Amount and Scheduling of Advertising

From time to time adjudications relating to advertising content may appear in the bulletin in relation to the application of formal sanctions by Ofcom.

Copies of the full adjudications for Upheld and Not Upheld Fairness and Privacy cases can be found on the Ofcom website: www.ofcom.org.uk

Standards cases

In Breach

Faking It

E4, 5 December, 15:00

Introduction

This series follows ordinary members of the public as they attempt to master an entirely new skill within four weeks to a standard that will fool a group of expert judges. This particular programme featured a factory maintenance worker 'faking it' as a top fashion designer. In the course of the programme, the word "fuck" or its derivatives were heard on five occasions. One viewer complained about the swearing, given the scheduling of the programme.

Response

E4 said that as two versions of programmes are often produced, one for pre- and one for post-watershed viewing, the former are normally labelled 'all times' and the latter 'late night'. On this occasion, the tape intended for pre watershed broadcast had not been clearly labelled and, as a result, the person responsible for selecting programme tapes for transmission had misunderstood which version to use. The mistake was not picked up on transmission - had it been, an on-air apology could have been broadcast at the time. Channel 4 apologised for any offence caused by the strong language. The licensee said that it had revised its procedures to prevent any recurrence of the error.

Decision

We appreciate E4's admission of what went wrong and its assurances about its revised procedures. However, the swearing was not suitable for broadcast at that time of the afternoon and the original mistake was compounded by its not being noticed on transmission.

The programme was in breach of Section 1.5 (Bad Language) of the Programme Code

Street Crime UK

Bravo, 4 January, 12:30 and 15:30

Introduction

This series follows the work of police officers on patrol and their encounters with unruly members of the public. Two viewers complained about swearing (“fuck”) which they thought was inappropriate before the watershed.

Response

Bravo said that all three series of *Streetcrime UK* had two versions, a post watershed version and a ‘PG’ Daytime version. Unfortunately, on this occasion the wrong version was transmitted. The channel was dismayed to learn of this, apologised for any offence caused, and had reminded staff of the importance of ensuring that this did not happen again.

Decision

We accept that this was a genuine mistake. However the programme, which contained strong swearwords, was transmitted twice in one afternoon. This should have been identified and prevented by the broadcaster’s compliance procedures.

The programme was in breach of Section 1.5 (Bad Language) of the Programme Code

Goldie Lookin' Chain: 'Your mother's got a penis'

TMF, 28 November, 12:00

Introduction

TMF is a pop music channel owned by MTV Networks Europe. A viewer complained that this video was offensive to transsexual people and unsuitable for broadcast at a time when small children could be watching because of its sexual references and theme.

Response

MTV replied that it considered the video unsuitable for the 'after school' slot during the week (typically between 16:00 and 19:00). At weekends, the scheduling restriction was applied between 09:00 and 12:00, a time during which MTV believed a large number of children could be expected to be watching unsupervised by their parents. On this occasion, the video was broadcast just after 12:00 in accordance with its policy.

MTV considered that the video was suitable for broadcast at this time. It had been substantially edited, removing explicit references to "penis", swearing and obvious sexual references. Some mild sexual innuendos and imagery remained but MTV considered that the time restriction imposed was adequate.

The broadcaster said that neither the tone of the song or video was offensive to transsexuals. MTV considered that the tone was one of harmless schoolboy humour, and that the song did not make any serious comments about transsexuals. MTV believed that the vast majority of people would appreciate this and not be offended by the video.

Decision

We agree with MTV that the video's theme and lyrics are unsuitable for broadcast at a time when children are likely to be watching unsupervised. However we consider that this also includes weekend afternoons.

The video was in breach of Section 1.2 (Family viewing and the Watershed) of the Programme Code

Evening Kick-Off

TalkSPORT, 1 November, 21:00

Introduction

A listener complained about the use of offensive language in this edition of *Evening Kick-Off* which featured analysis of a football match between Manchester City and Norwich City. During the discussion, one of the presenters commented on the performance of one of the Norwich City players, saying: “he looked like somebody with Downs”.

The listener felt that the offence was compounded by the fact that no apology was broadcast.

Response

TalkSPORT acknowledged that the comment made by the presenter was insensitive and assured us that it had taken action to address this lapse. The broadcaster had discussed the matter with the producer of the programme. The producer would speak to the presenter (who was on leave) before he next went on air. The presenter would also be reminded of the need to adhere to the Programme Code.

Decision

We agree that the comment made by the presenter was inappropriate and offensive. Although not intended maliciously, particular care needs to be taken when using expressions that can be seen to refer to disabilities or learning difficulties. Although we welcome the action taken by the broadcaster, the lack of any immediate recognition that the comment was inappropriate compounded the offence.

The comment was in breach of Section 1.1 (General) of the Programme Code

Resolved

Big Brother Panto

Channel 4, 27 December, 10:55

Introduction

The *Big Brother Panto* brought together ex-housemates from all of the previous five series of *Big Brother*. In this programme, which had previously been shown on E4 at 21:00, they were rehearsing a modern day adaptation of Cinderella.

36 viewers complained about swearing in the programme when it was repeated mid-morning on Channel 4.

Response

Channel 4 accepted that this edition of the programme should not have been shown at that time of the morning. The post watershed version had been incorrectly broadcast instead of the intended edited version. When the problem became apparent to the transmission staff and the commissioning editor, an apology was made by the continuity announcer at the end of Part One. The correct edit of the tape was shown for the second part of the programme and the apology was repeated at the end. An apology was also posted on the *Big Brother Panto* website.

Decision

This error was particularly unfortunate as, during the Christmas holidays, a significant number of children were available to view. Although this administrative and technical error should have been detected before transmission, in view of the apologies given and action taken, we consider the matter resolved. However, in light of the modified procedures and assurances given, we wouldn't expect a similar recurrence.

Complaints resolved

The All New Pink Panther Show

Boomerang, 10 January, 16:30

Introduction

Boomerang is a children's cartoon channel owned by Turner Entertainment Networks International Limited. A viewer complained that the word "bloody" appeared in this cartoon which they considered inappropriate for a children's programme.

Response

Turner said that it appreciated that the word should not have appeared in a cartoon broadcast on Boomerang at that time of day. It discussed the matter with those responsible for pre-transmission clearance and had reinforced Turner's guidelines and procedures. Turner explained that the reason for the error was that from a US perspective (where the programme originated), "bloody" does not have the same connotations as it does in the UK. Turner had removed the episode from their play list and would ensure that it was edited prior to any re-transmission.

Decision

Section 1.5 of the Programme Code prohibits bad language in programmes specially designed for children. The swearword was clearly inappropriate in this programme. However, in view of Turner's acknowledgment of the error and subsequent action, we consider the matter resolved.

Complaint resolved

Not in Breach

Heinz sponsorship: Emmerdale

ITV, various dates, 19:00

Introduction

This sponsorship credit featured a guinea pig in a cage with a bottle of tomato ketchup in place of its water bottle. The visual was accompanied by the tag line "You can't eat without it...". 17 viewers complained that the credit was irresponsible because it could lead to pet owners, particularly children, replacing their pet's water supply with ketchup.

Decision

The credit was clearly intended to be humorous. It was shown around *Emmerdale*, a drama that attracts a predominately adult audience and holds little appeal for the very young. We believe that pet owners watching the programme would be aware of the need to provide their pets with fresh drinking water and consider that the credit was unlikely to have encouraged viewers to emulate the action.

The sponsorship credit was not in breach of the Code

Fairness and Privacy cases

Where a complaint is not upheld there is only a note of the outcome. For a copy of the full adjudication, whether the complaint is upheld or not, go to Ofcom's website at www.ofcom.org.uk/bulletins/ or send a stamped addressed envelope to: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Not Upheld

Complainant	Programme	Broadcaster & Date	Type of complaint
Mr Robby Borg	Holidays from Hell	ITV1 6 July 2004	Fairness
Mr Barry Blower	ITV Central News	ITV 16-18 March 2004	Fairness & Privacy

Other programmes not in breach/out of remit

9 February – 18 February

Programme	Trans Date	Channel	Category	No. of Complaints
100 Greatest Tear Jerkers	13/02/2005	Channel 4	Offensive	4
24	-	Sky One	Offensive	1
A Fish Called Wanda	30/01/2005	ITV	Offensive	1
Adult Channels	-	Adult Channels	Sexual Portrayal	1
Adult Channels	11/02/2005	Adult Channels	Offensive	1
Anatomy for Beginners	19/01/2005	Channel 4	Offensive	2
Anglia News	03/02/2005	ITV	Accuracy	3
Are Muslims Hated?	08/01/2005	Channel 4	Offensive	1
BBC News	09/02/2005	BBC1	Impartiality	1
BBC News	14/02/2005	BBC1	Offensive	1
BBC Radio 4	11/01/2005	BBC Radio 4	Offensive	1
Beat the Burglar	17/01/2005	BBC1	Offensive	1
Beat the Burglar	17/01/2005	BBC1	Offensive	1
Bodys shock: Orgasmatron	02/02/2005	Channel 4	Scheduling	1
Bodys shock: Orgasmatron	07/02/2005	Channel 4	Offensive	1
Brain Teaser	10/02/2005	Five	Misleading	1
Brat Camp	-	Channel 4	Offensive	1
Broadland 102	27/01/2005	Channel 4	Offensive	1
C4 News	26/01/2005	Channel 4	Impartiality	1
CBBC	28/01/2005	BBC1	Offensive	1
Celebrity Naked Ambition	08/02/2005	Five	Offensive	1
Channel 4 News	03/02/2005	Channel 4	Offensive	4
Channel 4 Racing	29/01/2005	Channel 4	Impartiality	1
Come Dine with Me	24/01/2005	Channel 4	Language	1
Comedy Lab	17/02/2004	Channel 4	Offensive	1
Coronation Street	02/02/2005	ITV1	Offensive	2
Coronation Street	04/02/2005	ITV1	Offensive	1
Dalziel and Pascoe	30/01/2005	BBC1	Offensive	1
dick and dom in da bungalow	05/02/2005	BBC1	Language	1
Dispatches	18/11/2004	Channel 4	Offensive	1
Don't Watch That, Watch This	20/01/2005	BBC4	Offensive	1
Down to Earth	23/01/2005	BBC1	Offensive	1
Drugland	04/01/2005	BBC2	Offensive	1
Drugland	05/01/2005	BBC2	Offensive	2
Drugland	-	BBC2	Offensive	1
Eastenders	16/02/2005	BBC1	Offensive	1
Emmerdale	14/10/2004	ITV1	Violence	1
Xplicit XXX	29/12/2004	Xplicit XXX	Sexual Portrayal	1
Futurama	29/01/2005	Channel 4	Offensive	1
Globo Loco	04/02/2005	ITV1	Offensive	1
Globo Loco	11/02/2005	ITV1	Offensive	3

Globo Loco	12/02/2005	ITV1	Offensive	1
GMTV	14/01/2005	ITV1	Offensive	1
GMTV	24/01/2005	ITV1	Language	2
GMTV	05/02/2005	ITV1	Offensive	1
Going Down in the Valley	07/02/2005	Five	Sexual Portrayal	1
Going to Work Naked	07/02/2005	ITV1	Offensive	1
GTFM	24/01/2005	GTFM	Language	1
Hollyoaks	15/02/2005	Channel 4	Sexual Portrayal	1
I'm a Celebrity...3	04/12/2004	ITV1	Offensive	1
I'm a Celebrity...3	-	ITV1	Offensive	2
In the Know	12/06/2004	BBC1	Language	1
Islam Channel	22/11/2004	Islam Channel	Religious Offence	1
ITN News	26/01/2005	ITV1	Accuracy	1
ITN News	-	ITV1	Impartiality	1
ITV Christmas Entertainment	25/12/2004	ITV1	Offensive	1
ITV News	01/02/2005	ITV1	Offensive	3
ITV News	14/02/2005	ITV1	Impartiality	1
ITV News	17/02/2005	ITV1	Offensive	1
ITV News Channel	02/02/2005	ITV1	Offensive	1
Ivel FM	11/01/2005	Ivel FM	Language	1
James Whale Show	07/02/2005	Talksport	Offensive	1
Jeremy Vine	02/02/2005	BBC Radio 2	Offensive	1
Joe Ferguson	03/11/2004	City Beat FM	Offensive	1
Jonathan Ross	22/01/2005	BBC Radio 2	Offensive	1
LBC Programme	29/01/2005	LBC97.3	Language	1
LBC Programme	02/02/2005	LBC97.3	Offensive	1
LBC Programme	-	LBC97.3	Offensive	1
LBC Programme	15/01/2005	LBC97.3	Offensive	1
Location, Location, Location	-	Channel 4	Offensive	1
Match of the Day	22/01/2005	BBC1	Offensive	1
Max and Paddy Show	26/11/2004	Channel 4	Offensive	1
Meridian News	16/01/2005	ITV1	Offensive	1
Metro Radio	10/01/2005	Metro FM	Religious Offence	1
Midsomer Murders	05/02/2005	ITV1	Language	1
Missing Moscow	09/12/2004	Channel 4	Offensive	1
Monkey Dust	25/10/2004	BBC2	Offensive	1
Most Haunted Live	14/12/2004	Living	Offensive	1
Ned's Declassified Survival Guide	06/02/2005	Nickelodeon	Offensive	1
No Girls Allowed	-	Five	Offensive	1
Northsound One	02/01/2005	Northsound 1	Language	1
Panorama	-	BBC1	Offensive	1
Parkinson	-	ITV1	Language	1
Parkinson	12/02/2005	ITV1	Language	1
Party Political Broadcast	02/02/2005	Channel 4	Offensive	1
Pete & Geoff Breakfast	31/01/2005	Virgin Radio	Offensive	1
Popworld	23/01/2005	Channel 4	Offensive	1

Prove It	02/02/2005	ITV1	Offensive	1
Radio 1	30/01/2005	BBC Radio 1	Offensive	1
Radio 1	09/02/2005	BBC Radio 1	Language	1
		BBC Radio		
Radio Scotland	12/02/2005	Scotland	Language	1
Return of the Chef	10/02/2005	Channel 4	Offensive	1
Richard and Judy	22/12/2004	Channel 4	Offensive	4
Richard and Judy	27/01/2005	Five	Offensive	1
Richard and Judy	28/01/2005	Channel 4	Offensive	1
Richard and Judy	01/02/2005	Channel 4	Offensive	2
Richard and Judy	30/11/2004	Channel 4	Offensive	1
Richard and Judy	-	Channel 4	Offensive	2
Scary Sleepover	26/01/2005	ITV1	Offensive	1
Scissor Sisters Filthy Gorgeous video	16/02/2005	TMF	Sexual Portrayal	1
Scrapheap Challenge	13/02/2005	Channel 4	Language	2
			Sexual	
Sex with Strangers	09/02/2005	Channel 4	Portrayal	1
Shameless	04/01/2005	Channel 4	Language	1
Shameless	08/02/2005	Channel 4	Violence	1
Sky News	30/01/2005	Sky News	Misleading	1
Sky Sports	01/02/2005	Sky Sports	Language	1
Steel River Blues	29/09/2004	ITV1	Offensive	1
Steel River Blues	01/10/2004	ITV1	Offensive	1
Steel River Blues	05/10/2004	ITV1	Offensive	1
Talk Sport	08/02/2005	Talksport	Impartiality	1
Talksport	29/11/2004	Talksport	Impartiality	1
Talksport	13/12/2004	Talksport	Misleading	1
Talksport	02/01/2005	Talksport	Offensive	1
Talksport	-	Talksport	Impartiality	2
Talksport	23/12/2004	Talksport	Offensive	1
Talksport	17/02/2005	Talksport	Offensive	1
Tasteful Tv	07/02/2005	Five	Offensive	1
Television X	-	Television X	Offensive	1
That Mitchell and Webb Sound	10/02/2005	BBC Radio 4	Offensive	1
The Bill	22/12/2004	ITV1	Offensive	1
The Brit Awards 2005	30/01/2005	ITV1	Offensive	1
The Farm	10/09/2004	Five	Offensive	1
The Farm	06/12/2004	Five	Offensive	1
The Farm Trailer	08/10/2004	Five	Offensive	1
The Flint Street Nativity	26/12/2004	ITV2	Language	1
The Friday Night Project	04/02/2005	Channel 4	Offensive	4
The Hand that Rocks the Cradle	08/02/2005	ITV1	Offensive	1
The Heist	07/12/2004	Channel 4	Violence	1
The Jewel of the Nile	-	Channel 4	Language	2
The National Lottery: In it to Win It	05/02/2005	BBC1	Misleading	1
The Others	12/01/2005	BBC1	Offensive	3
The Weakest Link -USA	18/02/2005	BBC2	Language	1
			Religious	
The Wicker Man	31/01/2005	ITV1	Offence	1

Today Programme	28/01/2005	BBC Radio 4	Religious Offence	1
Tonight with Trevor McDonald	07/02/2005	ITV1	Impartiality	2
Tony and June	30/01/2005	Channel 4	Impartiality	3
Tracey Beaker	-	CBBC	Offensive	1
Trailer / Promo for Film Four	-	E4	Offensive	1
Trailer for E4	10/01/2005	E4	Violence	1
Trailer for E4	11/01/2005	E4	Violence	1
Trailer for E4	17/01/2005	E4	Violence	1
Trisha	08/02/2005	ITV1	Offensive	1
Trisha Goddard	26/01/2005	Five	Offensive	1
Ultimate Force	15/01/2005	ITV1	Violence	1
Weakest Link	26/01/2005	BBC2	Offensive	1
Who Wants to be a Millionaire	05/02/2005	ITV1	Misleading	1
Why Men Wear Frocks	16/02/2005	Channel 4	Offensive	2
World's Wildest Police Videos	06/02/2005	Five	Offensive	1
Zee TV	23/12/2004	Zee TV	Violence	1