

Ofcom Broadcast Bulletin

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Introduction

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives¹, Ofcom must include these standards in a code or codes. These are listed below.

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

- a) Ofcom's Broadcasting Code ("the Code"), which, can be found at: <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>.
- b) the Code on the Scheduling of Television Advertising ("COSTA") which contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken. COSTA can be found at: <http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/advert-code/>.
- c) certain sections of the BCAP Code: the UK Code of Broadcast Advertising, which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
 - the prohibition on 'political' advertising;
 - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
 - 'participation TV' advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and 'message board' material where these are broadcast as advertising².

The BCAP Code is at:

<http://www.bcap.org.uk/Advertising-Codes/Broadcast-HTML.aspx>

- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information on television and radio licences can be found at: <http://licensing.ofcom.org.uk/tv-broadcast-licences/> and <http://licensing.ofcom.org.uk/radio-broadcast-licensing/>.

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

<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/>

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

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

² BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

Notice of Sanction

Sister Ruby Ramadan Special 2011

Radio Asian Fever (Leeds), 17 August 2011, 12:00 and 18 August 2011, 11:00

Introduction

Radio Asian Fever (Leeds) is a community radio station that serves the South Asian communities of Leeds. The licence for Radio Asian Fever (Leeds) is held by Radio Asian Fever Community Interest Company.

Summary of Decision

Ofcom's Finding published on 11 June 2012 in Broadcast Bulletin 207¹ related to the broadcast of two episodes of the programme *Sister Ruby Ramadan Special 2011* on 17 and 18 August 2011.

Statements made by the presenter of the programmes were highly critical of homosexuality (in the case of the first programme) and mixed-faith marriages (in the case of the second programme).

The content of the programme broadcast on 17 August 2011 included two statements which Ofcom considered were likely to encourage or to incite the commission of crime against homosexuals and were likely to encourage others to copy unacceptable behaviour towards homosexuals, in breach of Rules 3.1 and 2.4:

Rule 3.1: Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services.

Rule 2.4: Programmes must not include material (whether in individual programmes or in programmes taken together) which, taking into account the context, condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour.

In addition, both episodes contained a number of statements about homosexuality and mixed-faith marriages, which had the potential to cause offence to the audience, in breach of Rule 2.3:

Rule 2.3: In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include...discriminatory treatment or language (for example on the grounds of...religion...and sexual orientation).

Ofcom also considered that the Licensee had not exercised the proper degree of responsibility with the content of these religious programmes, in breach of Rule 4.1:

Rule 4.1: Broadcasters must exercise the proper degree of responsibility with

¹ <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb207/obb207.pdf>

respect to the content of programmes which are religious programmes.

Ofcom decided that the Code breaches were so serious that a financial penalty should be imposed in accordance with Ofcom's Procedures for the consideration of statutory sanctions.

In accordance with Ofcom's Penalty Guidelines, Ofcom decided it was appropriate and proportionate in the circumstances to impose a financial penalty of **£4,000** on Radio Asian Fever Community Interest Company in respect of the Code breaches (payable to HM Paymaster General).

In addition, Ofcom directed the Licensee to broadcast a statement of Ofcom's findings, on a date and in a form to be determined by Ofcom.

The full adjudication is available at:

<http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/radio-asian-fever.pdf>.

Standards cases

In Breach

Asian Sound Radio

Asian Sound Radio, 9 April 2012, 11:30 to 12:30

Introduction

Asian Sound Radio is a local commercial radio station that broadcasts to Manchester and the East Lancashire area. The licence for the service is held by Asian Sound Radio Limited (“Asian Sound” or “the Licensee”).

Ofcom received a complaint from a listener who was concerned that a guest on this one hour programme was making unsubstantiated claims to cure medical conditions, such as eczema, using ayurvedic products¹. Ofcom noted that the programme was broadcast in Urdu and included a studio guest, Rama Chande, who is an ayurvedic practitioner. Ofcom commissioned a translation of the whole of the one hour programme from the original Urdu into English from an independent translator.

Based on the translation, Ofcom noted that during the course of the programme members of the public telephoned the station to ask Rama Chande’s advice on a range of medical and health conditions. These were of varying degrees of seriousness and included arthritis, acne, psoriasis, migraines, back pain, fungal infections, hearing loss, bad eye sight and constipation in two children (a two year old child and a six year old child). The calls were put through to the studio and broadcast live. Throughout the programme, Rama Chande offered advice and specific ayurvedic treatments to address callers’ symptoms and symptoms from which members of their family were suffering.

Some examples are set out below in the order in which they appeared in the programme.

Example 1

Caller: *“Salaam Rama Chande. My son is six years old and he suffers from frequent constipation and pain in his stomach. He stays awake at night.”*

Rama Chande: *“Okay. I have a powder for him. Give him half a teaspoon of this powder before going to bed. There will be no side effects and his stomach will clear off every morning.”*

Caller: *“Thank you very much. How can I get it and from where?”*

Rama Chande: *“You can come and get it from me or you can order it on phone. We do second day delivery.”*

¹ Ayurvedic products are usually made up of animal, mineral, and/or plant extracts. Ayurvedic medicine is a Hindu system of traditional medicine native to India and is a form of alternative medicine.

Example 2

- Caller: *"You were saying on the radio that there is a certain oil, which grows back your hair. My hair has fallen. I am a baldhead. Can that oil, which you were telling about, make one's hair grow again?"*
- Rama Chande: *"Yes. It grows in any age. It will not grow suddenly but if you do what I tell you, it will grow. Treatment is very important. Your blood circulates and your pores open up. In the morning a spoon of black sesame seeds and water improves growth."*
- Caller: *"I was planning to go for a hair transplant."*
- Rama Chande: *"Hair transplant is very good for those who can afford. There is nothing wrong about it."*
- Caller: *"If oil can make hair grow there is no need for hair transplant."*
- Rama Chande: *"It does help. I have many customers who were completely bald and they started growing hair. I am not saying that you will get full hair in four months, but if you do it properly, it does grow well."*

Example 3

- Caller: *"Hello this is Humaira. I want to ask Rama, my son who is two years old suffers from constipation. Please tell me something about it [to cure it]."*
- Rama Chande: *"I have a constipation extract for it. Quarter teaspoon will be enough for him. If you give it to him every night, it will clear off his stomach in the morning."*
- Caller: *"I have taken medicine from the doctor but it has made no difference."*
- Rama Chande: *"Ayurvedic remedies are very good and I make them fresh every week."*

Example 4

- Rama Chande: *"And I have good mind power capsules, which improve your memory, and [if given to your children] your children will become very clever and intelligent. It is very good for those children who are slow."*

Example 5

- Caller: *"Salaam. My brother is [indistinct] and we were wondering if he could grow a bit taller."*
- Rama Chande: *"How old is he?"*
- Caller: *"He is 23."*

Rama Chande: *“Yes, you can raise your height up to the age of 25.”*

Caller: *“His height at the moment is four feet eight inches.”*

Rama Chande: *“It can be raised.”*

Caller: *“He has an illness since childhood. Will it affect it?”*

Rama Chande: *“No, these products have no side effects. These are pure ayurvedic herbal.”*

Example 6

Rama Chande: *“I have eardrops for those who do not want to wear a hearing aid. If you use these eardrops, in six to seven months you will start hearing without the help of a hearing aid.”*

Example 7

Rama Chande: *“For those who have pain, when they take pain killers they have side effects. I have pure Ayurvedic herbal painkillers and I have a cream, which work very well if you have a migraine, or whatever, back pain, it takes away the pain in all cases. For eyes I have very good capsules. Every morning, take a spoon of ghee and mix in it a spoon of tulsī [seeds] juice and one eighth teaspoon of cardamom. This will make a significant difference to the number [prescription] of your eyesight.”*

Presenter: *“Is this for eyesight?”*

Rama Chande: *“Yes. For eyesight. Your number [prescription] will begin to decrease. For this I have a capsule ‘drusti verdak’ and a tonic, which you have to take. This will greatly benefit your eyes.”*

Presenter: *“For how many days can you use it – this syrup and tablet?”*

Rama Chande: *“A bit long, for a year or two.”*

The Presenter: *“It is a matter of eyes, you cannot correct it immediately.”*

Rama Chande: *“In a month or two you will feel the difference.”*

Example 8

Rama Chande: *“A previous caller asked me about back pain. She had back pain problem. Please note down and others who have back pains, they too may write down. Back pain can be cured. Take a tablespoon of fenugreek, a large tablespoon of ajwain [a herbal seed], quarter teaspoon of ginger, two tablespoons of ghee made from cow’s milk. The ghee available in markets here [in the UK] is not pure. I have pure ghee from India, which you can buy. Take half a cup of molasses, mix all the other things and add the mixture to the warm molasses and ghee. Make small balls of this, one inch in diameter. Take one ball in the morning and one in the evening and your back*

problem will be solved. I also have a pain-relieving cream, which you can apply in addition to this remedy.”

Example 9

Rama Chande: *“There are very good products for acne. Spots and blemishes, stretch marks, pimples caused by acne are cleared off [with these products]...The medicine for acne cures it within three to six months and it [the acne] does not return. You need to use certain products such as face pack, which improves the look of your skin by eliminating stretch marks and recesses.”*

We noted that throughout the programme Rama Chande gave out her telephone number and address and advised listeners to visit, call or write to her for further medical advice, or to collect in person the relevant ayurvedic products they purchased from her. At no point during the programme were listeners advised to consult a qualified medical practitioner about any of the health and medical issues they were calling about, or before using any ayurvedic products or following any alternative medicine treatment promoted by Ms Chande.

Ofcom considered the programme raised issues warranting investigation under Rule 2.1 of the Code, which states:

“Generally accepted standards must be applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.”

We therefore asked Asian Sound for its comments on how the broadcast complied with this rule.

Response

The Licensee said that Rama Chande and other alternative medicine specialists have been guests on Asian Sound Radio for the last five years. It added that: “Whilst we take on board Ofcom’s concerns about the use of ayurvedic treatments, it is important to stress that many people within the Asian community find ayurvedic treatments to be effective and helpful...Such treatment is therefore a topic of interest and importance to our listeners.”

Asian Sound said that it did not consider the broadcast would have led listeners to conclude that alternative medicine is preferable to conventional medicine, that conventional medicine is ineffective or that conventional treatment should be abandoned. It added: “[W]e accept that protective measures taken by us in relation to the broadcast were not sufficiently rigorous to comply with the Code. We take this matter very seriously and have taken immediate steps to ensure that such problems do not reoccur.”

The steps outlined by the Licensee included: additional training for presenters and producers on the implications and requirements of the Code, particularly in relation to Rule 2.1; amending internal guidelines to reflect the issues raised by this case; and the broadcast of a message in English and Urdu, on various dates and times, that stated: “*Kindly seek your GP or local medical practitioner’s advice before taking any alternative medicine or medication. It is not the intention of Asian Sound Radio*

Limited or its presenters or suppliers of these types of shows to cause confusion or to harm anyone in any way, shape or form.”

In response to Ofcom’s formal request for comments Asian Sound initially stated that it “constantly mention[s] to listeners [and the] public that [you] must seek GP or local medical practitioner advice before taking any alternative medicine advice or medication”. However, in response to Ofcom’s Preliminary View that there was a breach of Rule 2.1 in this case, Asian Sound informed Ofcom that in fact no such reference had been broadcast during the programme. The Licensee said: “We did not intend to misinform or mislead Ofcom in any way. Our comments arose from an error based on an honest misunderstanding. This in turn was connected with on-going staff restructuring within our organisation.”

Asian Sound said that it does its best to maintain standards and ensure listeners are protected when it broadcasts programmes of this nature. It added: “Asian Sound Radio has been broadcasting for 16 years. In that time we have made every effort to ensure that all broadcast content is fully compliant with relevant regulatory and legal guidelines. This is reflected in the fact that Ofcom has not previously had cause to contact us regarding a breach.”

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “generally accepted standards are applied to the contents of television...services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material.” This objective is reflected in Section Two of the Code. Rule 2.1 is specifically concerned with providing adequate protection to viewers from harmful broadcast material.

Programmes that provide lifestyle and health advice about potentially serious medical conditions can be broadcast, provided that adequate protection is provided for members of the public so as to comply with the Code.

In this instance, Ofcom noted that members of the public contacted the programme to discuss a variety of potentially serious, painful and/or embarrassing but not life-threatening medical or health issues and conditions, such as arthritis, acne, psoriasis, migraines, back pain, fungal infections, sight, hearing and hair loss, and constipation in two children (a two year old child and a six year old child). Ofcom noted that Rama Chande offered the callers advice and promoted the use of ayurvedic products which she claimed would alleviate or cure all these issues or conditions. Various examples are set out above, in the order they appeared in the programme, including:

- one involving a six year boy suffering from constipation and pain in his stomach, which it was suggested could be cured by using an ayurvedic product supplied by Ms Chande;
- one involving a man who was bald, where Ms Chande suggested she had a product that would encourage hair growth;
- a call from a mother of a two year old boy suffering from frequent constipation and pain in his stomach, which has continued despite medication prescribed by her GP, who was offered an ayurvedic product from Ms Chande;
- a statement made by Ms Chande that she had “*mind power capsules*” that would increase a child’s intelligence;

- a 23 year old man, four feet eight inches tall, whom it was suggested would grow taller through taking an ayurvedic herbal medicine; and
- a statement made by Ms Chande that a person with hearing difficulties would “*start hearing*” and no longer require the use of a hearing aid if they used ear drops.

Although the precise meaning of some of Rama Chande’s comments when translated into English may be open to some degree of interpretation, Ofcom considered the references to various health conditions and issues were clear, as was Rama Chande’s advice that – in the vast majority of cases she advised on in the programme – ayurvedic remedies or treatments were sufficient when used alone to cure or alleviate those conditions.

In assessing whether there was a breach of Rule 2.1, Ofcom had to consider first whether the material as broadcast was potentially harmful.

Ofcom acknowledges that ayurvedic treatment is a form of traditional alternative medicine widely practised and accepted in the Indian sub-continent in particular. As with most alternative medicine, there have been few rigorous scientific studies of the effectiveness of ayurvedic remedies. The studies that have been carried out do not appear to provide any consistent or reliable evidence either of the effectiveness of ayurvedic medicine, or that its use in most cases can positively cause medical harm – although there is evidence that in some cases potentially toxic metals (like lead, mercury and arsenic) have been added to some ayurvedic herbal preparations.

In the case of this programme the presenter introduced Rama Chande, who was then given the opportunity throughout the one hour programme to promote ayurvedic medicine in general and her products in particular. She gave out her telephone number and address and advised listeners to visit, call or write to her for further advice on their medical conditions, or to collect in person the relevant ayurvedic products they purchased from her. In Ofcom’s view many of the health conditions and issues which listeners enquired about listed above were potentially serious, painful and/or embarrassing. Her contributions undoubtedly would have encouraged listeners to buy these products and, bearing in mind the lack of robust scientific evidence of their effectiveness, had the potential to cause them harm if there was no adequate protection.

This harm might be caused because, as a result of listening to the programme, some listeners with potentially serious, painful, and/or embarrassing but not life-threatening medical or health issues and conditions – especially more vulnerable ones – might buy the products suggested by Rama Chande and use them alone to treat these conditions; may not seek conventional medical treatment; or may abandon existing conventional medical treatment. This clearly could have potentially damaging effects, especially for children who are normally dependent on parents or adult carers for their health care. The harm might also be financial, through the consumer not being made aware of appropriate information about the likelihood of the remedy working before they buy it.

Ofcom went on to examine whether the Licensee took appropriate steps to provide adequate protection for listeners from this potential harm.

Having reviewed the content extensively, Ofcom could not identify any measures that the Licensee took to provide adequate protection to listeners. How such protection might be achieved is an editorial matter for the individual broadcaster.

Ofcom noted that there were no references made during this programme to the need for people with any of the conditions discussed in the programme to consult a suitably qualified medical practitioner, nor any advisory statements suggesting to listeners that they should seek appropriate medical advice before abandoning prescribed medicines. For example, one caller stated: “[Her two year old son] *ha[s] taken medicine from the doctor, but it has made no difference*”, to which Rama Chande responded: “[A] *ayurvedic products are very good and I make them fresh every week.*”

Ofcom also noted that during the programme neither the presenter nor Rama Chande provided any information about the efficacy of the products being promoted, warning for example that a remedy might not work for the user or might have side-effects.

By way of illustration, concerning the six year old child suffering from “*frequent constipation and pain in his stomach*” severe enough to keep the child “*awake at night*”, Rama Chande said:

“Okay. I have a powder for him. Give him half a teaspoon of this powder before going to bed. There will be no side effects and his stomach will clear off every morning.”

Caller: *“Thank you very much. How can I get it and from where?”*

Rama Chande: *“You can come and get it from me or you can order it on phone. We do second day delivery.”*

Regarding a caller asking Rama Chande whether she could help her 23 year old brother who was four feet eight inches high grow taller, Ms Chande replied that she could supply an ayurvedic product that can raise someone’s height until they are 25. The caller asked for further information:

Caller: *“He has an illness since childhood. Will it affect it?”*

Rama Chande: *“No, these products have no side effects. These are pure ayurvedic herbal.”*

Taking account of these examples, and the others set out in the Introduction, Ofcom concluded that the broadcaster did not provide adequate protection for listeners from potentially harmful material included in this programme. In Ofcom’s view, there was a material risk that some listeners may have reasonably understood that the health or medical conditions and issues (some of which were serious, painful and/or embarrassing) included in this programme could be treated through the application or consumption of the ayurvedic products supplied by Rama Chande alone, and that conventional medical treatment could be abandoned or not even sought in favour of the ayurvedic products alone. Further, Ofcom noted the lack of evidence that any of the products offered by Ms Chande would work effectively to cure or alleviate any of the health conditions or issues callers asked advice about, and the lack of information provided to listeners in the programme about the effectiveness of the ayurvedic products supplied and their possible side-effects.

In view of the fact that at the time of the broadcast the Licensee did not take appropriate steps to provide viewers with adequate protection from potential harm, Ofcom concluded that the Licensee did not apply generally accepted standards. Rule 2.1 was therefore breached.

Given that some of the health issues listeners called in about were potentially serious (especially those involving children), Ofcom was very concerned about the lack of adequate protection given to listeners in this programme. Our concern was heightened by the inaccurate representations originally made to Ofcom by Asian Sound that: “We [the Licensee] constantly mention to listeners [and the] public that [you] must seek GP or local medical practitioner advice before taking any alternative medicine advice or medication.” This contravention of the Code is therefore serious.

Ofcom is particularly concerned that in this case the Licensee did not carry out a thorough investigation before responding to Ofcom’s formal request for comments. Broadcasters are reminded of their obligations under their licences to provide accurate and timely information to Ofcom to enable it to carry out its functions. The provision of inaccurate and potentially misleading information to Ofcom is a very serious matter.

Ofcom notes however that this is the first breach of the Code recorded against Asian Sound Radio. We therefore put the Licensee on notice that should similar compliance issues arise, Ofcom will be likely to consider further regulatory action.

Breach of Rule 2.1

In Breach

American Dad!

FX, 11 August 2012, 20:30

Introduction

American Dad is an irreverent animated comedy produced in the USA. It centres on a dysfunctional American family consisting of parents Stan and Francine, their children (including son, Steve) and other strange characters, such as an alien (Roger) whom Stan hides from the authorities in their attic.

Ofcom was alerted by a viewer to scenes of violence in an episode of this programme broadcast before the 21:00 watershed on the FX channel, which included a character being stabbed with a knife and a protracted assault on Stan. The licence for the FX channel is held by Fox International Channels (UK) Limited ("Fox International" or "the Licensee").

We noted that the storyline revolved around Stan bullying his son, Steve, to make him stand up for himself. It included at about 20:48 a flashback sequence of Francine's involvement in a knife fight when she was a teenager and stabbed and killed someone. This sequence lasted about 13 seconds and showed Francine with a punk haircut fighting another girl in an underground fight club. Enormous slabs of raw meat were hanging from hooks on the ceiling, and the two young women were surrounded by a crowd of cheering men. The girl produced a knife and stabbed Francine in the shoulder. Francine pulled the knife out of her shoulder, stabbed the girl in the stomach, punched her to the ground, and so killed her. Francine then triumphantly taunted the dead girl.

There was also a prolonged sequence lasting about 90 seconds broadcast at around 20:53 when Stan was repeatedly kicked and punched by a man who had bullied him severely when he had been a child. This section of the episode featured Stan: being tied to a children's roundabout and punched repeatedly in the face; being buried up to his chest in the ground while a child's riding horse was used to beat him in the face; and receiving a powerful blow to his head. Stan's face showed the cumulative effects of the assault, with two black eyes, a broken nose and a badly swollen face.

Ofcom also noted there were three occasions when Stan, adopting the persona of a teenage bully, taunted his son by making sexual boasts about his mother (Stan's wife). For example, on one occasion after Stan stole Steve's bike, he said, *"I'm gonna mount this and ride it hard. Like I did your mom last night."*

Ofcom considered the material raised issues warranting investigation under Rule 1.3 of the Code, which states:

"Children must...be protected by appropriate scheduling from material that is unsuitable for them."

Before reaching a Preliminary View in this case, Ofcom did not consider it necessary to seek comments from the Licensee as to how it ensured the programme complied with this rule. However, Fox International provided Ofcom with some background information.

Response

The Licensee apologised, explained that it takes violence (especially involving easily accessible weapons) “very seriously”, and said that this programme should not have been broadcast in the form it was before the watershed. The fact it was broadcast at this time resulted from human error.

Fox International explained that its compliance team reviews all programmes before transmission to give them a certificate rating reflecting their suitability for broadcast at particular times. This episode of *American Dad!* was given a 15 rating by Fox International, meaning it should only have been shown after the watershed. The programme was then broadcast at 23:00 in April 2012 and repeated five times after 22:00.

A decision was subsequently taken to schedule this episode at 20:30 in August 2012, the first transmission pre-watershed. The Licensee said its playout systems could not automatically detect the certificates given to programmes by Fox International, and therefore material unsuitable for broadcast before the watershed could still be scheduled before 21:00. As a result, the Licensee said its compliance team manually checked the schedules two to three weeks in advance to ensure any relevant programming was edited for broadcast. However, in this case the mistaken scheduling of this episode of *American Dad!* was missed because of human error.

Fox International said it is currently transferring to a new playout system which will prevent programmes being scheduled in unsuitable slots. In the meantime it is reviewing all episodes of *American Dad!* to ensure any unsuitable episodes are not broadcast before the watershed.

The Licensee confirmed it had no representations to make on the Preliminary View.

Decision

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

Rule 1.3 requires that children must be protected by appropriate scheduling from material that is unsuitable for them.

In applying Rule 1.3, Ofcom must have regard to the need for standards to be applied “in the manner that best guarantees an appropriate level of freedom of expression”. The Code is drafted in accordance with Article 10 of the European Convention of Human Rights, which sets out the right of a broadcaster to impart information and ideas and the right of the audience to receive them without unnecessary interference by public authority. In accordance with the fundamental right to freedom of expression, the Code does not prohibit the broadcast of material unsuitable for children. However, broadcasters are required to ensure that children are protected from unsuitable material by appropriate scheduling.

Ofcom first assessed whether the programme contained material unsuitable for children.

We noted there were two violent sequences in this episode. The fight involving Francine as a violent teenager in an underground fight club setting was intended to

contrast with her current role as a caring mother in a comic way. Nonetheless, this sequence showed each character punching and then stabbing the other, with one girl dying, and Francine's delight in killing her opponent. The sequence showing Stan being subject to a violent assault (receiving multiple kicks, punches and blows to the head without him fighting back, and showing his face at the end bloodied and bruised) was protracted. Ofcom's view was therefore that this material was unsuitable for children.

Stan's sexual taunts to Steve about Francine were clearly made in the context of him fully adopting the persona of a bully to physically and verbally humiliate his son. The remarks were intended to shock Steve, confronting him with the thought of his mother and father having sex. Ofcom's view was that this aggressive innuendo and sexualised language was unsuitable for children.

We then assessed whether the content was appropriately scheduled. Appropriate scheduling is judged against a number of factors including: the nature of the content; the likely number and age range of the audience; the start and finish time of the programme; and likely audience expectations.

Ofcom noted that *American Dad!* is an animated comedy which relies on surreal and exaggerated sequences for its humour aimed mainly at more adult audience. A broadcast depicting real violence or violent scenes filmed in a realistic way (for example, in news coverage, films and drama) has the potential to have a strong impact on viewers. An animated comedy featuring similar violence is likely to be less impactful and therefore has more latitude regarding what it is permitted to show in terms of violence. We also took account of the plot: the father, Stan, bullying his son, Steve, in order to (as he sees it) toughen him up, but then the son turning the tables and gaining revenge on his father for that bullying. Ofcom also had regard to the fact that the two violent fight sequences were broadcast after 20:45 in the 15 minutes leading up to the 21:00 watershed.

Nonetheless, in Ofcom's opinion the intensity and length of the violence shown in this episode (especially the sequence lasting about 90 seconds involving Stan) was very unusual for a pre-watershed cartoon programme. The level of sexualised language and innuendo also went further than Ofcom would have expected. Further, this episode was broadcast at 20:30 on a Saturday evening when it was likely that a number of children – some unaccompanied – would be in the audience. While FX is primarily directed towards adult viewers and *American Dad!* is known to be an edgy comedy, Ofcom does not believe an audience (and in particular parents) would have expected cartoon content with this level of violence to be shown on FX before the watershed. We also took account of the fact that there was no warning to viewers (and parents in particular) before this broadcast, and that the Licensee had itself decided that this episode was not appropriate to be shown before the 21:00 watershed and was broadcast due to human error.

Ofcom therefore concluded that children were not in this case protected from unsuitable material by appropriate scheduling, and there was a breach of Rule 1.3.

Ofcom had concerns about the compliance procedures in place because material suitable for a post-watershed transmission only was scheduled for broadcast pre-watershed, even though the Licensee had already reviewed it previously and decided it should only be shown after 21:00. Compliance with the Code therefore relied on manual checks picking up inappropriate scheduling and – as in this case – such a compliance arrangement was clearly not satisfactory. Ofcom expects Fox

International to complete its review of its compliance arrangements for scheduling and put in place revised and robust arrangements as soon as possible.

Breach of Rule 1.3

In Breach

GirlGirl

ChatGirl TV (Sky Channel 937), 22 August 2012, 07:30 to 08:30

Introduction

GirlGirl is a segment of interactive 'adult chat' advertising content broadcast on the licensed service known as ChatGirl TV (Sky Channel 937). The service is freely available without mandatory restricted access and is situated in the 'adult' section of the Sky electronic programme guide ("Sky EPG"). Viewers are invited to contact on-screen presenters via premium rate telephony services ("PRS"). The female presenters dress and behave in a sexually provocative way while encouraging viewers to contact the PRS numbers.

The licence for ChatGirl TV is owned and operated by Playboy UK TV Limited/ Benelux Limited ("Playboy TV" or "the Licensee"). The content is supplied by a third party, Monza Media Ltd, but Playboy TV is responsible for the compliance of the service.

Ofcom received a complaint that content on this service, broadcast between 07:30 and 08:30, contained sexual images that were too strong to be shown at this time.

Ofcom noted that the advertising content featured a female presenter on screen wearing a leopard skin print one piece outfit which consisted of a thin piece of material, covering her breasts but not her torso, under which she wore a black bra which covered the majority of her breasts. Over the top of the leopard print one piece outfit she wore skimpy black hot pants which revealed some of the buttock. She also wore black stockings which she rolled up and down intermittently.

From 07:30 the presenter adopted one particular position: she lay on her front gently thrusting and rocking her buttocks up and down and from side to side (albeit away from camera). While making these movements she rubbed and stroked her buttocks and upper thighs. On a few occasions the presenter varied her position: lying on her side, opening her legs (albeit away from camera) and gently rocking her body backwards and forwards. In addition, the presenter made several invitations to callers to telephone her. These included her saying: *"I'm helping you get up today boys in my stockings. I also have my boots today very close by... [I]f you want my boots putting on all you have to do is say the word and they will get on my long legs"; "come and get me"; "have some fun on this bed"; "you boys should give me a good work out!"; "what are you waiting for boys?" and "want a bit of fun on my bed right now?"*

Ofcom considered this material raised issues warranting investigation under BCAP Code Rule 32.3, which states:

"Relevant timing restrictions must be applied to advertisements that, through their content, might harm or distress children of particular ages or that are otherwise unsuitable for them."

We therefore requested comments from Playboy TV as to how the material complied with this rule.

Response

As soon as Playboy TV was alerted to this case by Ofcom, the Licensee informed us that it investigated the matter with its content supplier to demonstrate that it had acted straightaway. The Licensee and Monza Media provided information relating to the outcome of this investigation to Ofcom.

Playboy TV said it viewed the material and confirmed that the Licensee considered the broadcast “an unfortunate blip on our compliance record” and that it immediately took steps to prevent a recurrence. The Licensee stated that with all live programming there is always “a small chance of content airing that strays close to the limits of the Code” and that it took all such issues seriously and would do all it could to prevent them.

The content supplier, Monza Media, wrote separately to Ofcom and conceded that there were “some instances of overly suggestive conduct by the presenter (mild gyrating of hips and rubbing of thighs)” and accordingly the content was “on the outer edges of acceptability”.

However, Monza Media stated that the gyrating and touching of thighs were of a “relatively harmless nature” and could not be construed as the “miming of sexual acts”. Further, it said the presenter was lying down with her body angled away from the camera for most of the broadcast which meant any overly intrusive images were avoided. Nonetheless, these actions were strictly prohibited and it had taken steps to avoid repetition of the problem, which included reprimanding the presenter and producer and arranging appropriate re-training. Monza Media concluded by stating that it was “absolutely clear about the appropriate standard” for daytime content and that “this was an isolated incident for which we sincerely apologise”.

Decision

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that: “[T]he inclusion of advertising which may be misleading, harmful or offensive in television and radio services is prevented.” This objective is reflected in the rules set out in the BCAP Code.

The BCAP Code contains rules which permit ‘adult chat’ services to be advertised (and so broadcast) within prescribed times and on free-to-air channels that are specifically licensed by Ofcom for that purpose. When setting and applying standards in the BCAP Code to provide adequate protection to members of the public from serious or widespread 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. However, the advertising content of ‘adult chat’ services has much less latitude than is typically available to editorial material in respect of context and narrative. A primary intent of advertising is to sell products and services, and consideration of acceptable standards will take that context into account.

Rule 32.3 of the BCAP Code states: “Relevant timing restrictions must be applied to advertisements that, through their content, might harm or distress children of

particular ages or that are otherwise unsuitable for them.”

Appropriate timing restrictions are judged according to factors such as: the nature of the content; the likely number of children in the audience; the likely age of those children; the time of the broadcast; the position of the channel in the relevant electronic programme guide (e.g. the ‘adult’ section); any warnings; and mandatory restricted access.

On 27 July 2011 Ofcom published detailed guidance on the advertising of telecommunications-based sexual entertainment services and PRS daytime chat services. This guidance clearly sets out what Ofcom considers to be acceptable for broadcast on these services, both pre- and post-watershed. For example, this guidance explicitly states that daytime chat broadcasters should:

- “ensure that presenters are wearing appropriate clothing, that adequately covers their bodies, in particular their breasts, genital areas and buttocks”;
- “not broadcast images of presenters touching or stroking their bodies in a suggestive manner”; and
- “not broadcast images of presenters mimicking sexual intercourse by rocking and thrusting their bodies, or otherwise adopting sexual poses”.

Ofcom has also made clear in published decisions what sort of material is unsuitable to be broadcast in daytime interactive chat advertisements.

In applying BCAP Code Rule 32.3, Ofcom had first to decide if the broadcast material was unsuitable for children.

Ofcom noted that the female presenter was wearing clothing that did not adequately cover her body, in particularly high cut hot pants that exposed some of her buttock. While wearing this outfit, the presenter acted in a sexualised manner: she was shown lying on her stomach for prolonged periods of time, repeatedly and clearly gyrating and thrusting her buttocks so as to mimic sexual intercourse (albeit away from camera). She also touched, rubbed and stroked her upper thighs, legs and buttocks in a sexually suggestive manner and invited callers to contact her in a sexually provocative way. In light of this behaviour and imagery, Ofcom concluded that this material was clearly unsuitable for children.

Ofcom then considered whether relevant timing or scheduling restrictions had been applied by the Licensee to this broadcast. Ofcom took account of the fact that the channel is in the ‘adult’ section of the Sky EPG. However, this material was broadcast on a channel without mandatory restricted access during the summer school holidays from 07:30, when children were available to view, some unaccompanied by an adult.

Ofcom also had regard to the likely expectations of the audience for programmes broadcast at this time of day on a channel in the ‘adult’ section of the Sky EPG without mandatory restricted access. In Ofcom’s opinion, viewers (and in particular parents) would not expect such material to be broadcast and available to view at this time of day, particularly given that material broadcast on such services prior to 21:00 should be non-sexual in tone and apparent intent. The broadcast of such sexualised content was inappropriate to advertise ‘adult chat’ during the day and before the watershed. This broadcast was therefore in breach of BCAP Code Rule 32.3.

In light of this breach and concerns about the Licensee's compliance, Ofcom will be monitoring the Licensee's daytime content for a period of time.

Breach of BCAP Code Rule 32.3

In Breach

Big Wednesday with Shawn

Phonic FM, 12 September 2012, 11:40

Introduction

Phonic FM is a community radio station based in Exeter, playing a broad range of music and speech. The licence for this service is held by Exeter Community Radio Limited (“the Licensee”).

A complainant alerted Ofcom to the use of offensive language in a review of the film *Dead in France*, broadcast at approximately 11:40 on a Wednesday.

On assessing the material Ofcom noted the review included a montage from the soundtrack of the film, and that while some of the speech appeared to have been obscured, there were the following instances of offensive language:

“It’s a terrible thing when someone doesn’t pay you what you’re due.”

“Oh fuck yeah.”

“Fu [garbled] bastard.”

“You are a naughty bunch of pricks aren’t you?”

Ofcom assessed whether the material raised issues warranting investigation under Rule 1.14, which states:

“The most offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio).”

The broadcast of this material occurred at approximately 11:40 during school term time, and therefore Ofcom considered that this was not a time when children would be particularly likely to be listening.

However, Ofcom did consider that the material raised issues warranting investigation under Rule 2.3 of the Code:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to, offensive language[.]”

Ofcom therefore requested comments from the Licensee on how the material complied with this rule.

Response

The Licensee explained that this segment of the show was a regular weekly feature, and that material for preview and review of new DVDs and films is sourced externally, in this case from the distributor of the DVD.

The Licensee said the presenter had confirmed that the trailer was marked “Recommended for mature audiences”, but included it because he thought erroneously it had been fully edited by the distributor.

The Licensee said that this show has broadcast weekly since February 2008, and the presenter is well aware that, particularly during school holiday periods, output should be appropriate to the likelihood of there being a younger listenership. The Licensee said the presenter apologises unreservedly for any offence that the item may have caused, and has been reminded about audience expectations.

Decision

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “generally accepted standards” are applied so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material. These objectives are reflected in Section Two of the Code.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material must be justified by the context. Ofcom therefore considered first whether the language in this programme was potentially offensive; and, if so, whether the offence was justified by the context. Context includes, for example: the editorial content of the programme; the service on which it is broadcast; the time of broadcast; the likely size and composition of the potential audience; and the likely expectation of the audience.

Ofcom research on offensive language¹ clearly notes that the word “fuck” and other variations of this word are considered by audiences to be among the most offensive language. The same research notes that words such as “bastard” and “prick” cause a lesser level of offence, though audiences still expect care to be taken over the broadcast of such words.

Ofcom therefore considered that the inclusion of this language clearly had the potential to cause offence to the audience.

Ofcom went on to assess the context. We note that our guidance² on offensive language in radio states (regarding Rule 2.3): “Ofcom’s 2010 audience research found that in general, listeners do not expect to hear strong language during the day on radio...In reaching any decision about compliance with the Code, Ofcom will take into account the likely audience expectations of a particular radio station at the time of broadcast.”

In our opinion the majority of listeners to a community radio station playing a broad range of music and speech at this time of day would not expect programmes to contain examples of the most offensive language, as occurred here. As a result we concluded that the broadcast of this language was not justified by the context. The Licensee therefore did not apply generally accepted standards and breached Rule 2.3 of the Code.

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

² Ofcom Guidance: Offensive Language on Radio, December 2011 (<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/offensive-language.pdf>)

Ofcom was concerned that the presenter had made an assumption that material clearly marked as “Recommended for mature audiences” would be suitable for general broadcast. In Ofcom’s view, this does not reflect a robust approach to compliance with the Code.

Furthermore, we note that this is the second occasion when the Licensee has breached the Code as a result of the broadcast of the most offensive language (see Ofcom Broadcast Bulletin 216³). Ofcom expects the Licensee to take particular care with future broadcasts. If similar compliance issues arise, Ofcom may consider further regulatory action.

Breach of Rule 2.3

³ <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb216/obb216.pdf>

In Breach

Borkotmoy Sehri

NTV, 30 July 2012, 02:00

Introduction

NTV is a news and general entertainment channel that is broadcast in Bangla and serves the Bangladeshi community in the UK and Europe. The licence for NTV is held by International Television Channel Europe Limited (“the Licensee”).

The channel broadcasts a delayed feed of content originally broadcast in Bangladesh.

Borkotmoy Sehri was a studio-based programme broadcast during the holy month of Ramadan. It included discussions about the Qur’an and Islamic issues, as well as recitations from the Qur’an.

The opening credits of the programme contained a logo for Luminous Real Estate Limited underneath which appeared some on-screen text in Bengali which translates in English as “*Committed to a better future*”. There was no on-screen text or voice-over to indicate to viewers that the programme was sponsored by the company.

At the beginning of the programme, one of the presenters stated that the programme was sponsored by Luminous Real Estate Limited: “*Assalamu Alikum* [peace be upon you]. *Dear viewers, we welcome you to watch our show Borkotmoy Sheri supported by Luminous Real Estate Limited.*”

In the three areas of the studio in which the programme was filmed, a number of large logos for the sponsor were displayed.

At the beginning of the programme there was one large logo clearly visible behind the presenter. After approximately 20 seconds, the programme featured a second presenter in another part of the studio, who recited an extract of the Qur’an for approximately four and a half minutes. There were four large logos for the sponsor, one behind this second presenter, one behind him to his left, one directly to his left and another directly to his right. In the majority of the camera shots two of the logos were visible and in a few of the camera shots three of the logos were clearly visible.

A third presenter then spoke for approximately 24 minutes in a different part of the studio, where two large logos for the sponsor were clearly displayed behind him. The programme then moved the same part of the studio in which the second presenter recited an extract of the Qur’an, where four large logos were visible. Here, a fourth presenter recited the Qur’an for approximately three and half minutes. In a large number of the camera shots two of the logos were visible and in a few of the camera shots three of the logos were clearly visible.

Throughout the programme, most shots clearly displayed the sponsor’s logo.

A viewer was concerned that the company logo appeared during the programme.

The Licensee confirmed to Ofcom that neither it, nor any connected person¹, had received any payment or other valuable consideration for the inclusion of the references to Luminous Real Estate Limited during the programme, and therefore the references had not been subject to any product placement arrangement in the UK.

Ofcom therefore considered the material raised issues warranting investigation under the following Code rules:

- Rule 9.19: “Sponsorship must be clearly identified by means of sponsorship credits. These must make clear:
- a) the identity of the sponsor by reference to its name or trade mark; and
 - b) the association between the sponsor and the sponsored content.”
- Rule 9.22: “Sponsorship credits must be distinct from advertising. In particular:...
- b) Sponsorship credits broadcast **during programmes** must not be unduly prominent. Such credits must consist of a brief, neutral visual or verbal statement identifying the sponsorship arrangement. This can be accompanied only by a graphic of the name, logo, or any other distinctive symbol of the sponsor. The content of the graphic must be static and must contain no advertising messages, calls to action or any other information about the sponsor, its products, services or trade marks.”

We therefore asked the Licensee for its comments as to how the content complied with Rules 9.19 and 9.22(b).

Response

The Licensee explained that there was a delay of several hours between receiving the content and transmitting it on NTV to enable it to undertake compliance checks. However, on this occasion, the member of staff who was responsible for ensuring the compliance of the content believed that as the company whose name appeared on the programme was a Bangladeshi company with no business or other commercial interests in the UK, any form of promotion would not be beneficial to them and would therefore not be an issue under the Code. The Licensee explained that it has taken internal disciplinary action against the staff member and has provided further training to all staff to ensure no similar breaches occur in future. The Licensee accepted that it did not comply with the Code on this occasion and has confirmed to Ofcom that it will not broadcast the programme again.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. The rules in Section Nine of the Code, among others, reflect this objective.

¹ “Connected person” is defined in Part 1 of Schedule 2 of the Broadcasting Act 1990.

Rule 9.19

The EU Audiovisual Media Services (“AVMS”) Directive requires that viewers be clearly informed of sponsorship arrangements. Rule 9.19 of the Code therefore requires that sponsorship is clearly identified by means of sponsorship credits, which must make clear the identity of the sponsor and the association between the sponsor and the sponsored content.

In this case, the opening credits of the programme contained the sponsor’s logo, but no visual or verbal reference to the company being the sponsor of the programme. As the sponsorship arrangement was not clearly identified in the opening sponsorship credit, the credit was in breach of Rule 9.19.

Rule 9.22(b)

The AVMS Directive limits the amount of advertising a broadcaster can transmit and requires that advertising is distinguishable from other parts of the programme service. Sponsorship credits are treated as part of the sponsored content and do not count towards the amount of airtime a broadcaster is allowed to use for advertising. To prevent credits effectively becoming advertisements, and therefore increasing the amount of advertising transmitted, broadcasters are required to ensure that sponsorship credits do not contain advertising messages.

Rule 9.22 of the Code therefore requires that sponsorship credits must be distinct from advertising. Further, Rule 9.22(b) of the Code requires that sponsorship credits broadcast during programmes must not be unduly prominent. The rule also requires that such credits consist of a brief, neutral visual or verbal statement identifying the sponsorship arrangement, accompanied by only a static graphic of the name, logo, or any other distinctive symbol of the sponsor. In addition, sponsorship credits during programmes must not contain advertising messages or calls to action, or any other information about the sponsor or its products.

In this case, Ofcom judged that the frequency and duration of the number of sponsor logos which appeared in the studio provided the sponsor with greater prominence than was necessary. Further, although there was a brief verbal reference to the sponsorship arrangement at the start of the programme, the frequent sponsor logos throughout the rest of the programme were not accompanied by a statement identifying the sponsorship arrangement. Ofcom therefore found the references to the programme sponsor during the programme in breach of Rule 9.22(b).

We were concerned that the Licensee had admitted that the staff member in question had not had a clear understanding of the relevant requirements of the Code and therefore welcome the steps it says it has taken to rectify this. All licensees must ensure not only that they have sufficient procedures in place to ensure compliance with the Code, but that they have appropriately trained and experienced staff to adhere to those procedures.

Breaches of Rules 9.19 and 9.22(b)

Advertising scheduling cases

In Breach

Advertising minutage and advertising break patterns

Sahara One, 16 July 2012 to 31 July 2012, various times

Introduction

Sahara One is licensed in the UK by Ofcom. The license is held by Globosat Entertainment Ltd (“Sahara One” or “the Licensee”).

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

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

During monitoring of licencees’ compliance with COSTA, Ofcom noted that there were six instances when this channel exceeded the maximum allowance per clock hour. The overruns in the affected clock hours ranged from four seconds to 60 seconds.

In addition, Rule 16 of COSTA states:

“Restrictions apply when inserting advertising breaks during the following programmes:

- a) Films and news programmes may only include one advertising or teleshopping break for each scheduled period of at least 30 minutes.”

Ofcom’s monitoring also uncovered 31 instances where films broadcast by Sahara One contained more internal breaks than is permitted by COSTA. These included nine instances where there were ten internal breaks in films scheduled at 150 minutes (the maximum number of breaks allowed for films of this length is five), and 16 instances where there were 11 or more internal breaks in films scheduled at 180 minutes (where a maximum of six breaks is permitted).

Ofcom considered the case raised issues warranting investigation under Rules 4 and 16(a) of COSTA and therefore sought formal comments from the Licensee about how the material complied with these rules.

Response

The Licensee said that it had recently outsourced its playout and scheduling systems to a third party but its Technical Manager had briefed this party about Ofcom compliance issues. The Licensee also said that the third party company had reported the findings of an internal investigation of the issues raised by Ofcom back to Sahara One.

Rule 4

The Licensee said that all six instances identified were “not intentional or due to any operational reasons”. Sahara One said that the programmes in the previous clock

hour overran and as a consequence some advertising fell into the next clock hour, making the commercial duration longer. The Licensee said that it has made “a note of this abnormality in the content and will watch for such instances” in the future.

Rule 16(a)

Sahara One said that the films came in a “predefined break pattern following the norms in the international market” and were broadcast as they were acquired, without any changes to the break patterns. The Licensee said it will now introduce a three-step process for film acquisition. It said that films which have many breaks in a short period will be identified and be allocated for editing so the breaks “will be at least after 30 minutes”. The Licensee said that the changes will then be verified by a compliance supervisor to make sure they conform to COSTA.

Sahara One said that it has initiated internal checks to ensure compliance with COSTA. Before a programme is transmitted, a compliance supervisor will check the playout schedule compiled by the outsourcing company. The Licensee said that it has also informed its advertising sales agency to double check the advertising bookings made for film breaks.

Decision

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

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

In this case, Ofcom found that the amount of advertising broadcast on Sahara One was in breach of Rule 4 of COSTA in the instances highlighted. Furthermore, the Licensee exceeded the number of advertising breaks permitted during the 31 films, in breach of Rule 16(a) of COSTA.

While Ofcom noted the explanation given for the amount of advertising taken in the six clock hours, we were of the view that Sahara One should have been aware of the effect of any programme overruns and planned for such an occurrence.

Ofcom also noted Sahara One’s comments that it had broadcast the 31 films with the acquired break pattern format, and that it considered this to be “following the norms in the international market”. This was not an acceptable assumption for the Licensee to make and it clearly did not apply appropriate procedures for ensuring the content complied with COSTA.

While the Licensee has had no previous breach findings in relation to COSTA, it is apparent Sahara One did not have a full understanding of the requirements of COSTA. Ofcom therefore intends to continue to monitor the Licensee’s compliance and will consider further regulatory action should repeated COSTA compliance issues arise.

Breaches of Rule 4 and Rule 16(a) of COSTA

In Breach

Advertising minutage

Vox Africa, 1 June 2012 to 5 July 2012, various times

Introduction

Vox Africa is licensed in the UK by Ofcom. The license is held by Vox Africa Plc (“Vox Africa” or “the Licensee”).

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

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

During monitoring of licencees’ compliance with COSTA, Ofcom noted that there were 19 instances when the channel exceeded the maximum allowance per clock hour. The overruns in the affected clock hours ranged from seven seconds to two minutes and 53 seconds.

Ofcom considered the case raised issues warranting investigation under Rule 4 of COSTA and therefore sought formal comments from Vox Africa about how the material complied with this rule.

Response

The Licensee apologised for exceeding the amount of advertising time permitted. It said this was due to last minute schedule changes, where the replacement programmes were longer in duration than the programmes originally scheduled. Vox Africa said this pushed the advertising minutage beyond the scheduled hour to the next hour, resulting in the extra minutes of advertising in those hours.

Vox Africa said it had put in place procedures to rectify this issue. It said the programme scheduler will perform a “system check” of all advertising minutage for each day. If there are any overruns the Licensee said the system will ‘red flag’ these and the situation will be “instantly rectified” before the material is aired. In addition, Vox Africa said the system check will produce a report which the Programme Manager and Head of Administration will check and sign off to ensure the advertising minutage is not exceeded.

Decision

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

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

In this case, Ofcom found that the amount of advertising broadcast on Vox Africa breached Rule 4 of COSTA on 19 occasions.

Ofcom noted that the Licensee had given assurances that new procedures have been put in place to avoid any repeat of these incidents. However, in Ofcom's view, it should have been obvious to the Licensee that a schedule change in which one programme was replaced with a longer programme would have had an impact on the amount of advertising broadcast. We were also concerned that this issue had occurred as many as 19 times over a period of just over one month.

Ofcom concluded that these breaches demonstrated that the Licensee did not have a full understanding of the requirements of COSTA. We noted, however, that the Licensee has had no previous breach findings in this area. While we welcome the Licensee's assurances about its introduction of improved compliance procedures, Ofcom intends to continue to monitor the Licensee's compliance with COSTA and will consider further regulatory action should repeated COSTA compliance issues arise.

Breaches of Rule 4 of COSTA

Other Programmes Not in Breach

Up to 12 November 2012

| Programme | Broadcaster | Transmission Date | Categories |
|------------------|--------------------|--------------------------|--------------------------------|
| Fresh Meat | Channel 4 | 16/10/2012 | Promotion of products/services |

Complaints Assessed, not Investigated

Between 30 October and 12 November 2012

This is a list of complaints that, after careful assessment, Ofcom has decided not to pursue because they did not raise issues warranting investigation.

| Programme | Broadcaster | Transmission Date | Categories | Number of complaints |
|--|-----------------------|-------------------|--|----------------------|
| 4thought.tv | Channel 4 | 27/10/2012 | Religious/Beliefs discrimination/offence | 1 |
| 4thought.tv | Channel 4 | 06/11/2012 | Generally accepted standards | 1 |
| 5 News at 5 | Channel 5 | 30/10/2012 | Outside of remit / other | 1 |
| 999: What's Your Emergency? | Channel 4 | 05/11/2012 | Generally accepted standards | 1 |
| Adult programming | Freeview | 03/11/2012 | Outside of remit / other | 1 |
| Alan Carr: Chatty Man | Channel 4 | 26/10/2012 | Disability discrimination/offence | 1 |
| Alan Carr: Chatty Man | Channel 4 | 02/11/2012 | Generally accepted standards | 1 |
| America Decides 2012 | ITV1 | 06/11/2012 | Generally accepted standards | 1 |
| Away We Go | Film4 | 26/10/2012 | Offensive language | 1 |
| Baggage | Channel 4 | 02/11/2012 | Generally accepted standards | 6 |
| BBC News | BBC | n/a | Generally accepted standards | 1 |
| BBC News | BBC News Channel | 07/11/2012 | Outside of remit / other | 1 |
| Bid TV & Pricedrop TV | Bid TV & Pricedrop TV | n/a | Outside of remit / other | 1 |
| Bombardier's sponsorship of Dave | Dave | n/a | Generally accepted standards | 1 |
| Bowie at Breakfast | Clyde 1 | 18/10/2012 | Harm | 1 |
| Brazil with Michael Palin | BBC 1 | 24/10/2012 | Nudity | 1 |
| Breakfast | BBC 1 | n/a | Outside of remit / other | 1 |
| Breakfast | BBC 1 | 01/11/2012 | Generally accepted standards | 1 |
| Breakfast | BBC 1 | 12/11/2012 | Race discrimination/offence | 1 |
| Breaking News | Kanal 5 | 27/09/2012 | Generally accepted standards | 1 |
| Buzz Asia Breakfast | Buzz Asia Radio | 11/10/2012 | Offensive language | 1 |
| Calendar News | ITV1 Yorkshire | 31/10/2012 | Due accuracy | 1 |
| Calendar News | ITV1 Yorkshire | 06/11/2012 | Generally accepted standards | 1 |
| Carry on Jack | ITV1 | 28/10/2012 | Advertising scheduling | 1 |
| Cash in the Attic | BBC 1 | 07/11/2012 | Outside of remit / other | 1 |
| Celebrity Juice (trailer) | ITV2 | 06/11/2012 | Scheduling | 1 |
| Celebrity Who Wants to be a Millionaire? | ITV1 | 09/11/2012 | Outside of remit / other | 1 |
| Channel 4 News | Channel 4 | 24/10/2012 | Due impartiality/bias | 3 |

| | | | | |
|----------------------------|-----------|------------|---|----|
| Channel 4 News | Channel 4 | 24/10/2012 | Offensive language | 1 |
| Channel 4 News | Channel 4 | 31/10/2012 | Generally accepted standards | 1 |
| Channel 4 News | Channel 4 | 07/11/2012 | Race discrimination/offence | 1 |
| Channel 4 News | Channel 4 | 09/11/2012 | Generally accepted standards | 1 |
| Channel 4 News Summary | Channel 4 | 01/11/2012 | Generally accepted standards | 1 |
| Channel Ident | More4 | 05/10/2012 | Harm | 1 |
| Classic Car Rescue | Channel 5 | 08/10/2012 | Participation TV - Misleadingness | 1 |
| Classic Car Rescue | Channel 5 | 15/10/2012 | Violence and dangerous behaviour | 1 |
| Classic Car Rescue | Channel 5 | 29/10/2012 | Materially misleading | 2 |
| Classic Car Rescue | Channel 5 | 29/10/2012 | Materially misleading | 1 |
| Cleaner | 5 USA | 16/10/2012 | Offensive language | 1 |
| Come Dine with Me | Channel 4 | 29/10/2012 | Nudity | 1 |
| Come Dine with Me | Channel 4 | 30/10/2012 | Generally accepted standards | 1 |
| Come Dine with Me | Channel 4 | 30/10/2012 | Nudity | 1 |
| Come Dine with Me | Channel 4 | 09/11/2012 | Fairness | 1 |
| Competitions | Various | n/a | Competitions | 1 |
| Coronation Street | ITV1 | 26/10/2012 | Animal welfare | 3 |
| Coronation Street | ITV1 | 09/11/2012 | Sexual orientation discrimination/offence | 2 |
| Coronation Street | ITV1 | 09/11/2012 | Generally accepted standards | 2 |
| Curb Your Enthusiasm | More4 | 23/10/2012 | Generally accepted standards | 1 |
| Daybreak | ITV1 | 31/10/2012 | Generally accepted standards | 1 |
| Daybreak | STV | 07/11/2012 | Outside of remit / other | 1 |
| DCI Banks | ITV1 | 07/11/2012 | Generally accepted standards | 1 |
| DCI Banks | ITV1 | 07/11/2012 | Generally accepted standards | 1 |
| Deal or No Deal | Channel 4 | 13/02/2012 | Offensive language | 1 |
| Derren Brown | Channel 4 | 09/11/2012 | Outside of remit / other | 1 |
| Derren Brown: Apocalypse | Channel 4 | 26/10/2012 | Materially misleading | 1 |
| Derren Brown: Apocalypse | Channel 4 | 26/10/2012 | Generally accepted standards | 19 |
| Derren Brown: Apocalypse | Channel 4 | 02/11/2012 | Generally accepted standards | 4 |
| Derren Brown: Apocalypse | Channel 4 | 04/11/2012 | Generally accepted standards | 1 |
| Derren Brown: Apocalypse | E4 | 05/11/2012 | Generally accepted standards | 2 |
| Derren Brown: Fear & Faith | Channel 4 | 09/11/2012 | Violence and dangerous behaviour | 1 |
| Dick and Dom's Hoopla | CBBC | 02/11/2012 | Generally accepted standards | 1 |
| Digital radio programming | Various | n/a | Outside of remit / other | 1 |

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|--|----------------|------------|---|---|
| Dispatches | Channel 4 | 05/11/2012 | Due impartiality/bias | 3 |
| Doctors | BBC 1 | 05/11/2012 | Generally accepted standards | 1 |
| Dog the Bounty Hunter | Sky1 | 16/10/2012 | Offensive language | 1 |
| Don't Tell the Bride | BBC 3 | 16/10/2012 | Generally accepted standards | 1 |
| Downton Abbey | ITV1 | 04/11/2012 | Advertising minutage | 1 |
| Dragons' Den | BBC 2 | 30/10/2012 | Outside of remit / other | 1 |
| Drivetime | Talksport | 12/10/2012 | Race discrimination/offence | 1 |
| EastEnders | BBC 1 | 01/11/2012 | Harm | 1 |
| Electric Horseman | Film4 | 06/11/2012 | Generally accepted standards | 1 |
| Emmerdale | ITV1 | 31/10/2012 | Religious/Beliefs discrimination/offence | 1 |
| Emmerdale | ITV1 | 08/11/2012 | Scheduling | 1 |
| Excess Baggage | BBC Radio 4 | 18/02/2012 | Due accuracy | 1 |
| F1: Grand Prix | BBC 1 | 04/11/2012 | Outside of remit / other | 1 |
| Five More Ages of Brandreth | BBC Radio 4 | 03/10/2012 | Generally accepted standards | 1 |
| Formula 1: The Indian Grand Prix | BBC 1 | 28/10/2012 | Violence and dangerous behaviour | 1 |
| Fosters' sponsorship of Original Comedy on 4 | Channel 4 | n/a | Gender discrimination/offence | 1 |
| Fracture | Film4 | 30/10/2012 | Offensive language | 1 |
| Friday Afternoon with Jazzy B | Bishop FM | 02/11/2012 | Offensive language | 1 |
| Friends | Comedy Central | 02/10/2012 | Offensive language | 1 |
| Full English (trailer) | Channel 4 | 04/11/2012 | Scheduling | 1 |
| Gay to Straight: Stacey Dooley in the USA | BBC 3 | 29/10/2012 | Sexual orientation discrimination/offence | 1 |
| Geordie Shore | MTV HD | 30/10/2012 | Outside of remit / other | 1 |
| George Clarke's Amazing Spaces | Channel 4 | 06/11/2012 | Religious/Beliefs discrimination/offence | 1 |
| George Clarke's Amazing Spaces | Channel 4 | 10/11/2012 | Offensive language | 1 |
| Giff Gaff's sponsorship of The Big Bang Theory | E4 | 18/10/2012 | Materially misleading | 1 |
| Gigglebiz | CBeebies | 08/11/2012 | Generally accepted standards | 1 |
| Granada Reports | ITV1 Granada | 01/11/2012 | Sexual orientation discrimination/offence | 1 |
| Grey's Anatomy | Sky Living | 07/11/2012 | Outside of remit / other | 1 |
| Harry and Paul | BBC 2 | 28/10/2012 | Generally accepted standards | 1 |
| Harry and Paul | BBC 2 | 28/10/2012 | Offensive language | 1 |
| Hatfields and McCoys | Channel 5 | 08/11/2012 | Animal welfare | 1 |
| Holby City | BBC 1 | 30/10/2012 | Offensive language | 1 |
| Hollyoaks | Channel 4 | 30/10/2012 | Sexual orientation | 1 |

| | | | discrimination/offence | |
|---|-------------------------------|------------|--|----|
| Hollyoaks | Channel 4 | 02/11/2012 | Generally accepted standards | 1 |
| Ibuleve's sponsorship of The Alan Titchmarsh Show | ITV1 | n/a | Sponsorship credits | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV1 | n/a | Animal welfare | 30 |
| I'm a Celebrity, Get Me Out of Here! | ITV1 | 07/11/2012 | Generally accepted standards | 1 |
| I'm a Celebrity, Get Me Out of Here! | ITV1 | 11/11/2012 | Animal welfare | 3 |
| I'm A Celebrity, Get Me Out of Here! (trailer) | ITV1 | n/a | Generally accepted standards | 1 |
| I'm a Celebrity, Get Me Out of Here! (trailer) | ITV1 | 29/10/2012 | Generally accepted standards | 1 |
| ITV News | ITV1 | 06/11/2012 | Generally accepted standards | 1 |
| ITV News and Weather | ITV1 | 03/11/2012 | Nudity | 1 |
| Jamie's 15 Minute Meals | Channel 4+1 | 28/10/2012 | Generally accepted standards | 1 |
| Jasper, Texas | True Movies 1 | 05/11/2012 | Race discrimination/offence | 1 |
| Jeremy Kyle | ITV | n/a | Scheduling | 1 |
| Johnny English | UTV | 04/11/2012 | Religious/Beliefs discrimination/offence | 1 |
| Kirky Kirkbride's Musical Mystery Tour | Bishop FM | 31/10/2012 | Offensive language | 1 |
| LBC Radio | LBC | 01/11/2012 | Outside of remit / other | 1 |
| Lidl's sponsorship of The Pride of Britain Awards 2012 | ITV1 | 30/10/2012 | Harm | 1 |
| Live International Football | ITV1 | 17/10/2012 | Offensive language | 1 |
| Look North | BBC 1 | 25/10/2012 | Generally accepted standards | 1 |
| Man Vs Food | Dave | 11/11/2012 | Harm | 1 |
| Marc Riley | BBC 6 Music | 18/10/2012 | Offensive language | 1 |
| Match of the Day 2 | BBC 1 Scotland | 21/10/2012 | Generally accepted standards | 1 |
| Meet the Foxes | Blighty | 31/10/2012 | Animal welfare | 1 |
| Misfits | E4 | 04/11/2012 | Gender discrimination/offence | 1 |
| Morning Show | BRFM 95.6 | 23/10/2012 | Generally accepted standards | 2 |
| MotoGP | BBC Red Button | 11/11/2012 | Outside of remit / other | 1 |
| Murine Eyedrops' sponsorship of prime time drama on Alibi | Alibi | 23/10/2012 | Sponsorship | 1 |
| Neighbours | Channel 5 | 08/11/2012 | Competitions | 1 |
| News programming | BBC, ITV, Sky News, Channel 5 | 25/10/2012 | Outside of remit / other | 1 |

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|---|-------------------------|------------|---|---|
| Nihal | BBC Asian Network | 29/10/2012 | Religious/Beliefs discrimination/offence | 2 |
| Nina and the Neurons | CBeebies | 20/10/2012 | Harm | 1 |
| One Born Every Minute | Really | n/a | Generally accepted standards | 1 |
| Panorama | BBC 1 | 29/10/2012 | Generally accepted standards | 1 |
| Perry and Louise at Breakfast | Signal 1 | 25/10/2012 | Generally accepted standards | 1 |
| Perry and Louise at Breakfast | Signal 1 | 26/10/2012 | Generally accepted standards | 1 |
| Phones 4U's sponsorship of Films on 4 | Film4 | 30/10/2012 | Generally accepted standards | 1 |
| Phones 4U's sponsorship of Films on 4 | Channel 4 | 04/11/2012 | Generally accepted standards | 1 |
| Pound Shop Wars | BBC 1 | 07/11/2012 | Materially misleading | 1 |
| Press Preview | Sky News | 29/10/2012 | Race discrimination/offence | 1 |
| Pringles' sponsorship of Channel 5 Movies | Channel 5 | 28/10/2012 | Sponsorship credits | 1 |
| Programming | Radio Clyde 2 | n/a | Competitions | 1 |
| Programming | Various | n/a | Sexual orientation discrimination/offence | 1 |
| Programming | 2BR Radio | 31/10/2012 | Materially misleading | 1 |
| Programming | CBeebies, CBBC and CITV | 07/11/2012 | Outside of remit / other | 1 |
| Programming | STREET FM 94.4FM | 07/11/2012 | Outside of remit / other | 1 |
| QI | BBC 2 | 09/11/2012 | Offensive language | 1 |
| Red Light Central | Red Light | 08/10/2012 | Sexual material | 1 |
| Regional News and Weather | BBC 1 | 02/11/2012 | Scheduling | 1 |
| Religious programming | Various | n/a | Outside of remit / other | 1 |
| Rickie, Melvin & Charlie in the Morning | Kiss FM | 29/10/2012 | Transgender discrimination/offence | 1 |
| Rolf's Animal Clinic | Channel 5 | 08/11/2012 | Animal welfare | 1 |
| Russell Howard's Good News Extra | BBC 3 | 05/10/2012 | Religious/Beliefs discrimination/offence | 1 |
| Russell Howard's Good News Extra | BBC 3 | 02/11/2012 | Animal welfare | 1 |
| Sangat TV | Sangat TV | 24/08/2012 | Religious/Beliefs discrimination/offence | 1 |
| Scooby-Doo! Mystery Incorporated | CBBC | 06/11/2012 | Scheduling | 1 |
| Sex, Death and The Meaning of Life | More4 | 15/10/2012 | Religious/Beliefs discrimination/offence | 1 |
| Sex, Death and the Meaning of Life | More4 | 22/10/2012 | Religious/Beliefs discrimination/offence | 1 |
| Shockwaves's sponsorship of The Simpsons | Channel 4 | n/a | Generally accepted standards | 1 |
| Sky News | Sky News | 27/10/2012 | Due accuracy | 1 |

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|--|-----------------------|------------|--|---|
| Sky News | Sky News | 01/11/2012 | Generally accepted standards | 1 |
| Sky News | Sky News | 01/11/2012 | Product placement | 1 |
| Sky News | Sky News | 06/11/2012 | Due impartiality/bias | 1 |
| Sky News | Sky News | 07/11/2012 | Outside of remit / other | 1 |
| Sky News with Charlotte Hawkins | Sky News | 30/10/2012 | Product placement | 1 |
| Songs of Praise | BBC 1 | 11/11/2012 | Generally accepted standards | 1 |
| Stand Up To Cancer | Channel 4 | 19/10/2012 | Generally accepted standards | 1 |
| Stephen Nolan | BBC Radio 5 Live | 17/08/2012 | Gender discrimination/offence | 1 |
| Steve Allen | LBC Radio | 22/10/2012 | Materially misleading | 1 |
| Steve Allen | LBC 97.3 FM | 23/10/2012 | Generally accepted standards | 1 |
| Strictly Come Dancing | BBC 1 | 28/10/2012 | Materially misleading | 1 |
| Strictly Come Dancing | BBC 1 | 03/11/2012 | Gender discrimination/offence | 1 |
| Strictly Come Dancing | BBC 1 | 04/11/2012 | Outside of remit / other | 2 |
| Strictly Come Dancing | BBC 1 | 04/11/2012 | Violence and dangerous behaviour | 3 |
| Student of the year | Various | n/a | Religious/Beliefs discrimination/offence | 1 |
| Studio 66 TV2 Nights | Studio 66 TV2 | 12/10/2012 | Participation TV - Offence | 1 |
| Subtitles | Dave / Quest | n/a | Television Access Services | 1 |
| Sunday Afternoon with Karen Vincent | Real Radio Wales | 28/10/2012 | Crime | 1 |
| Sunday Brunch | Channel 4 | 28/10/2012 | Scheduling | 1 |
| Sunrise Radio - Drive Time | Various | 05/11/2012 | Religious/Beliefs discrimination/offence | 1 |
| Surprise Surprise | ITV1 | 04/11/2012 | Outside of remit / other | 1 |
| Swarovski Crystal Collection | The Jewellery Channel | 20/10/2012 | Advertising content | 1 |
| Tales From the Wild Wood | BBC 4 | 07/11/2012 | Animal welfare | 1 |
| Taraweeh Recitation | Islam Channel | 01/10/2012 | Generally accepted standards | 1 |
| The Alan Titchmarsh Show | ITV1 | 01/11/2012 | Generally accepted standards | 3 |
| The American Road Trip: Obama's Story | Channel 4 | 28/10/2012 | Elections/Referendums | 1 |
| The Big Bang Theory | E4 | 22/10/2012 | Scheduling | 1 |
| The Breakfast Show | Key 103 | 07/11/2012 | Generally accepted standards | 1 |
| The Devil Wears Prada (sponsorship credit) | Film4 | 29/10/2012 | Generally accepted standards | 1 |
| The Graham Norton Show | BBC 1 | 26/10/2012 | Generally accepted standards | 1 |
| The Graham Norton Show | BBC 1 | 02/11/2012 | Generally accepted standards | 4 |
| The Human | Channel 4 | 01/11/2012 | Disability | 1 |

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|---|----------------|------------|--|---|
| Mannequin | | | discrimination/offence | |
| The Inbetweeners Movie | Channel 4 | 08/11/2012 | Generally accepted standards | 1 |
| The Jeremy Kyle Show | ITV2 | 05/11/2012 | Offensive language | 1 |
| The Jeremy Kyle Show (sponsorship credit) | ITV1 | 29/10/2012 | Offensive language | 1 |
| The Jonathan Ross Show | ITV1 | 27/10/2012 | Animal welfare | 9 |
| The Jonathan Ross Show | ITV1 | 10/11/2012 | Religious/Beliefs discrimination/offence | 1 |
| The News Quiz | BBC Radio 4 | 19/10/2012 | Offensive language | 1 |
| The One Show | BBC 1 | 02/11/2012 | Generally accepted standards | 1 |
| The Only Way is Essex | ITV2 | 14/10/2012 | Violence and dangerous behaviour | 1 |
| The Preview Show | Sky Box Office | 26/10/2012 | Scheduling | 1 |
| The Radio 1 Breakfast Show with Nick Grimshaw | BBC Radio 1 | 02/11/2012 | Scheduling | 1 |
| The Thick of It | BBC 2 | 27/10/2012 | Offensive language | 2 |
| The Valleys | MTV | 09/10/2012 | Race discrimination/offence | 1 |
| The Valleys | MTV | 03/11/2012 | Offensive language | 1 |
| The Work Experience | E4 | 07/11/2012 | Generally accepted standards | 1 |
| The Wright Stuff | Channel 5 | 29/10/2012 | Offensive language | 1 |
| The Wright Stuff | Channel 5 | 31/10/2012 | Religious/Beliefs discrimination/offence | 1 |
| The Wright Stuff | Channel 5 | 12/11/2012 | Generally accepted standards | 1 |
| The X Factor | ITV1 | 27/10/2012 | Flashing images/risk to viewers who have PSE | 1 |
| The X Factor | ITV1 | 27/10/2012 | Generally accepted standards | 7 |
| The X Factor | ITV1 | 27/10/2012 | Offensive language | 1 |
| The X Factor | ITV1 | 27/10/2012 | Scheduling | 1 |
| The X Factor | ITV1 | 03/11/2012 | Generally accepted standards | 1 |
| The X Factor | ITV1 | 03/11/2012 | Scheduling | 1 |
| The X Factor | ITV1 | 10/11/2012 | Generally accepted standards | 3 |
| The X Factor | ITV1 | 10/11/2012 | Materially misleading | 1 |
| The X Factor | ITV1 | 10/11/2012 | Offensive language | 2 |
| The X Factor | ITV1 | 10/11/2012 | Outside of remit / other | 3 |
| The X Factor | ITV1 | 10/11/2012 | Religious/Beliefs discrimination/offence | 1 |
| The X Factor | ITV1 | 10/11/2012 | Scheduling | 1 |
| The X Factor | ITV1 | 10/11/2012 | Voting | 1 |
| The X Factor Results Show | ITV1 | 07/10/2012 | Offensive language | 1 |
| The X Factor Results Show | ITV1 | 28/10/2012 | Scheduling | 1 |

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|--|-----------------|------------------------------|----------------------------------|----|
| The X Factor Results Show | ITV1 | 28/10/2012 | Voting | 1 |
| The X Factor Results Show | ITV1 | 04/11/2012 | Generally accepted standards | 1 |
| The X Factor Results Show | ITV1 | 04/11/2012 | Outside of remit / other | 17 |
| The X Factor Results Show | ITV1 | 11/11/2012 | Advertising scheduling | 2 |
| The X Factor Results Show | ITV1 | 11/11/2012 | Materially misleading | 12 |
| The X Factor Results Show | ITV1 | 11/11/2012 | Outside of remit / other | 1 |
| The X Factor Results Show | ITV1 | 11/11/2012 | Voting | 1 |
| The X Factor USA | ITV2 | 02/11/2012 | Advertising scheduling | 1 |
| The Xtra Factor Results | ITV2 | 28/10/2012 | Race discrimination/offence | 2 |
| This Morning | ITV1 | 24/10/2012 | Generally accepted standards | 1 |
| This Morning | ITV1 | 29/10/2012 | Due impartiality/bias | 1 |
| This Morning | ITV1 | 01/11/2012 | Materially misleading | 1 |
| This Morning | ITV1 | 06/11/2012 | Materially misleading | 1 |
| This Morning | ITV1 | 08/11/2012 | Scheduling | 2 |
| Today | BBC Radio 4 | 30/10/2012 | Outside of remit / other | 1 |
| Tony Horne in the Morning | NE1FM 102.5 | 27/10/2012 and 03/11/2012 | Outside of remit / other | 1 |
| Top Ten Bond Themes | Magic 105.4 FM | n/a | Voting | 1 |
| Traffic Cops | Watch | 26/10/2012 | Outside of remit / other | 1 |
| Trailer | BBC 1 and BBC 2 | n/a | Animal welfare | 1 |
| Tweenies | CBeebies | 01/11/2012 | Scheduling | 1 |
| Two and a Half Men (trailer) | Comedy Central | 06/11/2012 | Offensive language | 1 |
| Unsafe Sex in the City | BBC 3 | 31/10/2012 | Sexual material | 1 |
| Untitled | Sikh Channel | 25/10/2012 | Violence and dangerous behaviour | 1 |
| Unzipped (trailer) | BBC 1 | 09/10/2012 | Generally accepted standards | 1 |
| Urdu News | ARY News | 21/09/2012 | Generally accepted standards | 1 |
| Viewer interaction by telephone and post | Sky channels | n/a | Outside of remit / other | 1 |
| Wolfblood | CBBC | 06/10/2012 | Harm | 1 |
| Would I Lie to You? | BBC 1 | 02/11/2012 | Outside of remit / other | 1 |
| You've Been Framed! | ITV1 | 03/11/2012 | Scheduling | 1 |

Investigations List

If Ofcom considers that a broadcast may have breached its codes, it will start an investigation.

Here is an alphabetical list of new investigations launched between 8 and 21 November 2012.

| Programme | Broadcaster | Transmission Date |
|---|------------------------------------|--------------------------|
| 8 Out of 10 Cats | Channel 4 | 12/11/2012 |
| Advertising minutage | Attheraces | 19/09/2012 |
| Big Fat Gypsy Weddings (Series 2) | Channel 4 and More 4 | Various |
| Buzz Asia Breakfast | Buzz Asia Radio | 11/10/2012 |
| Dick and Dom's Hoopla | CBBC | 09/11/2012 |
| Emmerdale | ITV1 | 16/11/2012 |
| Free View | XXX First Timers | 22/09/2012 |
| Grimefighters | ITV1 | 03/08/2012 |
| Homes Under the Hammer | BBC 1 | 14/09/2012 |
| Lorraine | ITV1 | 08/11/2012 |
| Most Haunted | Pick TV | 17/10/2012 |
| Red Hot Freeview | Red Hot Amateur | 12/10/2012 |
| Red Light Central | Red Light 1 | 31/10/2012 |
| Sky Sports News | Sky Sports News | 29/10/2012 |
| Studio 66 2 Nights | Studio 66 TV 2 | 25/10/2012 |
| Television X Freeview | Television X | 12/10/2012 |
| The Ferret | ITV1 HTV Wales | 15/10/2012 |
| Thelma's Gypsy Girls | Channel 4 and More 4 | Various |
| Watchdog | BBC 1 | 03/06/2010 |
| WEC (trailer) | Extreme | 29/10/2012 |
| Weekend Out | Sony Entertainment Television Asia | 12/10/2012 |
| Zugos Microwave Panini's sponsorship of Friends | Comedy Central | 29/10/2012 |

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster has done anything wrong. Not all investigations result in breaches of the Codes being recorded.

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