

OFCOM BROADCAST AND ON DEMAND BULLETIN

Issue number 385
27 August 2019



Contents

Introduction	3
Notice of Sanction	
Autonomous Non-profit Organisation TV-Novosti	5
Broadcast Standards cases	
In Breach	
The No Repeat 9 to 5 on Sam FM <i>Sam FM Bristol, 20 May 2019, 12:34</i>	7
Journey for Iqra <i>Iqra Bangla, 28 March 2019, 20:00</i>	9
Resolved	
The Music Marathon <i>Gold, 27 May 2019, 12:45</i>	15
Advertising Scheduling cases	
In Breach	
Advertising minutage <i>ATN Bangla UK, various dates between 27 January 2019 and 10 March 2019</i>	19
Advertising minutage <i>Sony Entertainment Television, various dates between 24 February 2019 and 14 April 2019</i>	20
Broadcast Licence Conditions cases	
In Breach	
Providing a service in accordance with 'Key Commitments' <i>EAVA FM, St Mathews Community Solution Centre Ltd, 6 to 12 May 2019</i>	22
Retention and production of recordings <i>ATN Bangla UK, ATN Bangla UK Limited</i>	25
Tables of cases	
Complaints assessed, not investigated	27
Complaints outside of remit	38
BBC First	40
Investigations List	42

Introduction

Under the Communications Act 2003 ("the Act"), Ofcom has a duty to set standards for broadcast content to secure the standards objectives¹. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act².

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
 - the prohibition on 'political' advertising;
 - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
 - gambling, dating and 'message board' material where these are broadcast as advertising³.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom's website for [television](#) and [radio](#) licences.
- e) Ofcom's [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority ("ASA"), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, 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.

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

² The relevant legislation can be found at Part 4A of the Act.

³ 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.

It is Ofcom's policy to describe fully television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.

Notice of Sanction

Autonomous Non-profit Organisation TV-Novosti

Introduction

RT is a global news and current affairs channel produced in Russia and funded by the Federal Agency for Press and Mass Communications of the Russian Federation. The channel is made for UK audiences, providing a Russian perspective on UK and global news and current affairs related programming. In the UK, the channel broadcasts on satellite and digital terrestrial platforms. The licence for RT is held by Autonomous Non-profit Organisation TV-Novosti ("TV Novosti" or the "Licensee").

This sanction related to seven programmes which were concerned with the following issues: the poisoning of Sergei and Yulia Skripal in Salisbury on 4 March 2018 (*Sputnik*, 17 March and 7 April 2018); the armed conflict in Syria (*Crosstalk*, 13, 16 and 20 April 2018; *News*, 18 March 2018); and the Ukrainian Government's position on Nazism and its treatment of Roma Gypsies (*News*, 26 April 2018).

In the decisions published on 20 December 2018 in [Issue 369 of the Broadcast and On Demand Bulletin](#) (the "Breach Decisions"), Ofcom found that each of the seven programmes listed above had failed to maintain due impartiality and had breached Rule 5.1 and/or Rules 5.11 and 5.12 of the Code:¹

Rule 5.1: "News, in whatever form must be reported with due accuracy and presented with due impartiality".

Rule 5.11: "...due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service...in each programme or in clearly linked and timely programmes".

Rule 5.12: "In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. View and facts must not be misrepresented".

In accordance with Ofcom's penalty guidelines, Ofcom decided that it was appropriate and proportionate in the circumstances to impose a financial penalty of £200,000 on the Licensee in respect of these serious Code breaches (payable to HM Paymaster General). In addition, TV Novosti is directed to broadcast a statement of Ofcom's findings in this case, on dates and in a form to be determined by Ofcom.

¹ Specifically, Ofcom found that *Sputnik*, 17 March and 7 April 2018 and *Crosstalk*, 13, 16 and 20 April 2018, breached Rules 5.11 and 5.12, *News*, 18 March 2018 breached Rules 5.1, 5.11 and 5.12, and *News*, 26 April 2018 breached Rule 5.1. Ofcom's investigation also considered a further three programmes that Ofcom concluded were not in breach of the Code.

Ofcom will not enforce this sanction until legal proceedings regarding the Breach Decisions have been concluded.

The full sanction decision [was published on 26 July 2019](#).

Broadcast Standards cases

In Breach

The No Repeat 9 to 5 on Sam FM *Sam FM Bristol, 20 May 2019, 12:34*

Introduction

Sam FM (Bristol) is a local commercial station providing a music and news service for the over-35s in and around Bristol. The licence for Sam FM (Bristol) is held by Celador Radio Ltd ("Celador" or "the Licensee").

Ofcom received a complaint that the broadcast of the song *2All* by Catfish and the Bottlemen, as played during 'The No Repeat 9 to 5 on Sam FM' show, included lyrics which contained the most offensive language.

The song contained one use of the word "*fuck*".

We considered that this material raised potential issues under Rule 2.3 of the Code¹:

Rule 2.3: "In applying generally accepted standards, broadcasters must ensure that material which may cause offence is justified by the context...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

We asked the Licensee for its comments on how the material complied with this rule.

Response

The Licensee apologised for the broadcast of the song. It acknowledged that the version of the song broadcast included lyrics that were "unacceptable for broadcast on Sam FM at that time". The Licensee said that this occurred when the offensive lyric was "inadvertently missed during a routine compliance check of the song".

The Licensee said that the song was broadcast during "automated, presenter-free programming" and the offensive lyric was not spotted at the time. The Licensee said that the offensive lyric was "detected the following day" and the song was "immediately pulled" from the Licensee's system to prevent this from being broadcast again. The Licensee said that it had "taken steps" to tighten the compliance process for clearing songs so that this "unfortunate error is not repeated in future".

In response to Ofcom's Preliminary View, the Licensee said it had no further comment to make, but noted that Celador uses the word "automated" as opposed to "automatic" to describe their output at the time the offending song was broadcast and the on-air show

¹ We did not consider this material raised issues under Rule 1.14 ("The most offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio)...") because this broadcast at 12:34 fell outside the times indicated in [Ofcom's guidance](#) as being when children are particularly likely to be listening to radio programming.

name was 'The no repeat 9 to 5 on Sam FM' rather than 'Downsy's afternoon show'. Ofcom updated its decision to reflect this.

Decision

Reflecting our duties under the Communications Act 2003 (Section 319), Section Two of the Code requires that generally accepted standards are applied to the content of television services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

Ofcom takes account of the audience's and the broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights when considering a broadcaster's compliance with Section Two of the Code.

Under Rule 2.3, broadcasters must ensure that potentially offensive material is justified by the context. Context is assessed by reference to a range of factors including the editorial content, the service on which the material is broadcast, the time of broadcast and the likely expectation of the audience.

We first considered whether the material had the potential to cause offence. [Ofcom's research on offensive language](#) indicates that the word "fuck" is considered by audiences to be among the most offensive language. The use of the word "fuck" in this case clearly had the potential to cause offence to listeners.

Ofcom therefore considered whether this offence was justified by the context. [Our guidance on offensive language on radio](#) states: "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". We considered that listeners to Sam FM, a local commercial radio station playing a broad range of music, were unlikely to have expected to hear a music track broadcast on the station to contain the most offensive language at this time in the early afternoon. We acknowledged that the Licensee had accepted that the material should not have been broadcast at this time. For all these reasons, we considered that the broadcast of this language was not justified by the context.

We recognised the various actions the Licensee said it had taken following this incident. However, the selection of content to broadcast during "automated, presenter-free programming" requires appropriate compliance oversight, especially given that no apology can be made in the course of this type of programming if an unforeseen event occurs.

Our decision is therefore that this content was in breach of Rule 2.3.

Breach of Rule 2.3

In Breach

Journey for Iqra

Iqra Bangla, 28 March 2019, 20:00

Introduction

Iqra Bangla is a religious channel for the Bengali community in the UK. The licence for the service is held by Runners TV Limited ("Runners TV" or "the Licensee").

Journey for Iqra discussed an Umrah¹ tour organised by Iqra Bangla that was taking place during Ramadan. Ofcom received a complaint that the programme promoted the tour.

The programme featured a presenter and guests discussing the tour. For example:

Presenter: *"First, I would like to ask [Guest 1], we had some journeys with Iqra before but I am finding this journey a bit different. We never had it in Ramadan. So, if you could kindly discuss the significance of this journey".*

Guest 1: *"There is a famous Hadith² of the prophet Muhammad (peace be upon him). Imam Bukhari narrated this Hadith. If someone performs Umrah in Ramadan, Allah will give the full reward of Hajj³".*

Guest 1: *"If Hajj is obligatory for someone, he cannot say that this [the tour] is enough though, he has to perform Hajj. The prophet (peace be upon him) wanted to boost the interest of people. If you go there you will pray in Baitullah⁴. You will perform other rituals and get busy in worship. That is why the prophet (peace be upon him) encouraged us by mentioning these rewards. There are other Hadiths as well. He said, if one performs Umrah in Ramadan, one will get the reward of performing Hajj with me. Glory to God. So, performing Umrah in Ramadan is equal to performing Hajj with prophet (peace be upon him). God is great!"*

Guest 1: *"We have very limited seats. We are only taking a very small group of 25 people".*

¹ Umrah is an Islamic pilgrimage to Mecca, which may be performed at any time of the year.

² The Hadith are accounts of the actions and sayings of the Prophet Muhammad which help interpret the Qur'an.

³ Hajj is an annual Islamic pilgrimage to Mecca, which is a mandatory religious duty for Muslims that must be carried out at least once in their lifetime.

⁴ A reference to The Kaaba, Islam's most sacred site situated at the heart of the Grand Mosque in Mecca.

Guest 2: *"We will take 23 people from outside. Two will be our crew".*

Presenter: *"...Dear viewers, we have been hearing that this journey will be a special journey. This would be the month of Ramadan. Rewards are increased many fold anyway. On top of that you have the reward of Umrah and praying in the house of Lord. Glory to God. We will hear more from [Guest 1], but now we will go to [Guest 2], you had many journeys from Iqra, I would request you to describe them and also speak in detail about this year's journey".*

Guest 2: *"Thank you. This is a very unique educational tour. You will visit the place where the Qur'an was revealed. The first 10 days are days of blessings in Ramadan, our scholar will accompany you".*

Guest 2: *"...When we go to Mecca, and after the first Umrah, we make prayers and then we make another one on the day we return. These are really special prayers. If anyone has the chance, it would be a lifelong experience. This is a very unique opportunity in my opinion that you need to grab. Another side is visiting historical places. It is not only visiting but also hearing about the historical stories, details about where any verse was revealed, where the prophet (peace be upon him) was tortured...".*

Guest 1: *"...You can find out all the information by calling the information line...".*

Presenter: *"Dear viewers, we have heard about the experience of previous tours, and also the significance of performing Umrah during Ramadan. I hope my brothers and sisters who have the ability will make the intention and will join. Performing Umrah during Ramadan is very rewarding. Firstly, you get a reward for Ramadan and then you get a reward for performing prayer in special mosques in Mecca and Madinah. You get it all in one package. God is great. We will go to a small break now and then when we come back we will hear more about journey with Iqra. We will give you more information. After the break, the line will be open. If you have any questions, or if you want to share something, you can do so. There will be a number, and you will be able to know how to book the tour in detail. Stay with us. We will see you after the break. Peace be upon you...".*

Presenter: *"[addressing Guest 3, the sales manager of the tour]...if you could give us information about all the facilities so that those who are interested can hear. If you could just explain things like how long you are going to stay in Mecca, what facilities are there etc".*

Guest 3: *"...This package is for first 10 days of Ramadan. The tour will start on 4th May and will finish on 15th May. Six days in Mecca and four days in*

Madinah. You will fly from Heathrow to Jeddah. You will get transport from Jeddah. Transportation, hotel, visiting etc. will be included. In both cities you will stay in a five-star hotel".

Presenter: *"This is a very special programme, Journey for Iqra. An Umrah package for the first 10 days of Ramadan. In this tour, familiar face, [Guest 1], will accompany you. Iqra Bangla will also make a documentary based on this tour. This will be a souvenir for your journey, and that will be a bonus. [Guest 2] has already talked about this documentary. Twenty-three places are available. As it is Ramadan, we will not take a big group, we will take a small group of 23 people. So, places are limited. I will request you that if you intend to go, book as early as possible. On the screen, we have numbers for our information hotline and the studio. By calling the studio you can talk to us directly. We have here with us [Guest 1], and representative of the partner of Iqra Bangla, GoUmrahHajj, [Guest 3]. If you have any question, you can ask our panel. To find out more about the booking details and other information, and to book the tour, you can call the information hotline. If you have performed Umrah, you can call and share your experience by calling us. If you encourage a good deed, you get a reward. God has told us in the Qur'an to encourage and help each other for good deeds. We should not encourage or help anyone for bad things. Umrah during Ramadan is very important and blessed".*

Presenter: *"The information line is now open and you can call and ask about all the information about the package in detail. The date is 4th May, isn't it?"*

Guest 3: *"Yes, to 15th May".*

Presenter: *"4th May. 15th May is the return date. You will stay six days in Mecca and four days in Madinah. Where is the hotel in Mecca?"*

Guest 3: *"The name of the hotel is [hotel name]. It is very close to the mosque".*

Presenter: *"If you Google it, you can check in the map, and whoever has already gone there, you know it. Where is the hotel in Madinah?"*

Guest 3: *"The name of the hotel there is [hotel name]".*

Presenter: *"Now you know the names of the hotels. Dear scholar, we are almost at the end of the programme now. I don't know how long we have left. Can you please give a message to the viewers in two minutes?"*

Guest 1: *"I think whoever has the ability to join in this blessed journey should not delay. There are only few places are left. Whoever books early will be able to join".*

Guest 3: *"–Sorry to interrupt. Many people have the intention and then they call us. From my experience, I have seen people who want to go sometimes tell us that they need to think before they commit. Next time they call, there is no place left. If you intend to go to Umrah during Ramadan, you should act on it quickly".*

During advertising breaks around the programme, advertisements for the tour were broadcast, which included similar information as within the programme.

We requested information from the Licensee about commercial arrangements related to references in the programme to the tour. Based on the information provided by the Licensee, Ofcom considered that the material raised potential issues under the following Code rules:

Rule 9.2: "Broadcasters must ensure that editorial content is distinct from advertising".

Rule 9.4: "Products, services and trade marks must not be promoted in programming".

Rule 9.5: "No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:

- the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
- the manner in which a product, service or trade mark appears or is referred to in programming".

We requested comments from the Licensee on how the content complied with these rules.

Response

Runners TV said that it did not have any commercial interest in broadcasting the programme, which it said was a live Islamic religious and educational programme focusing on "Umrah Hajj". The intention of the programme, it said, was to educate, inform and encourage Muslims who were keen to perform "Umrah Hajj as a ritual". It explained that it invited an experienced guest to speak about the "challenge and opportunity during Umrah Hajj in Makkah and Madina".

The Licensee added that it is committed to ensuring that editorial content is distinct from advertising but that the nature of the programme required "specific information including available packages and offers" and that, without this information "the holy journey or the entire tour would be incomplete". It said it had "placed the advertisement of the package offers during the show as information rather than promotion".

Runners TV said that prior to the programme, it asked "a number of relevant tour operators to share their packages" so that its viewers could have "an informed choice if they decide[d] to rely on tour operators". It said that the programme may have seemed to give undue prominence to a product/service but this was because it "had to go for a particular package/offer because other operators did not respond despite its repeated requests".

The Licensee added that the advertising breaks within the programme contained advertisements for the tour package that was discussed in the programme: the reason was to inform its audience about the packages available.

Decision

Reflecting our duties under the Communications Act 2003, Section Nine of the Code requires that a distinction is maintained between programmes and advertising. The rules in Section Nine help ensure that viewers are easily able to differentiate between advertising and editorial material and also support [rules](#) that restrict the amount of advertising broadcasters can transmit.

Rule 9.2

Rule 9.2 requires editorial content to be distinct from advertising, preventing programmes from being used as promotional vehicles. The Licensee submitted that the premise of the programme was to educate viewers about, and encourage them to undertake, Umrah during Ramadan. However, in doing so, the programme focused very heavily on a specific tour, including details of the tour's features and positive qualities (e.g. "five-star accommodation" led by a "famous scholar"), the tour dates, itinerary and the number of places available. It also included invitations to book a place on the tour.

In Ofcom's view, the programme was more akin to advertising in that its purpose appeared to be to sell the tour. This was compounded by the scheduling of advertisements around the programme for the tour, which reinforced the information given in the programme.

Ofcom's Decision is therefore that the programme was in breach of Rule 9.2 of the Code.

Rule 9.4

Rule 9.4 requires that products, services and trade marks must not be promoted in programming. [Ofcom's published guidance on Rule 9.4](#) states: "Where a reference to a product or service features in a programme...the extent to which a reference will be considered promotional will be judged by the context in which it appears. In general, products or services should not be referred to using favourable or superlative language and prices and availability should not be discussed".

Ofcom accepts that a discussion about Umrah in a programme might justify some reference to how viewers may undertake this pilgrimage. However, such a discussion does not justify the promotion of a specific tour: such promotions should be reserved for advertising.

Ofcom considered that throughout the course of the hour-long programme the material directly promoted a specific tour, its features and positive qualities, and included invitations to viewers to contact an information line for further details. Ofcom's Decision is therefore that the programme breached Rule 9.4 of the Code.

Rule 9.5

Rule 9.5 requires that references to products, services or trade marks in programming must not be unduly prominent. Undue prominence may result from such references where there is no editorial justification, or from the manner in which they are referred to. [Ofcom's](#)

[published guidance on undue prominence](#) makes clear that where a product, service or trade mark appears in a programme “there must be editorial justification for its inclusion. The level of prominence given to a product, service or trade mark will be judged against the editorial context in which the reference appears”.

The Licensee said that the programme was designed to “inform and educate” the audience about pilgrimages. As reflected above, Ofcom recognises that there may be legitimate editorial grounds for programmes to include references to the way in which viewers can undertake Umrah. In this case, although there were references to what could be expected when participating on a pilgrimage, the focus of the programme was the specific tour. Our Decision is that the focus on the tour and its features was not justified on editorial grounds and the programme was also in breach of Rule 9.5 of the Code.

Breaches of Rules 9.2, 9.4 and 9.5

Resolved

The Music Marathon Gold, 27 May 2019, 12:45

Introduction

The Music Marathon is a music programme on Gold which is broadcast on AM radio in Manchester, London, Derby and Nottingham and nationally on DAB. The licences for these services are held by Global Radio Limited ("Global" or "the Licensee").

Ofcom received a complaint about offensive language ("*yellow Chinkies*") in the music track *Melting Pot* by Blue Mink. No introduction to the track was broadcast, or any other content discussing it. The track included the following lyrics:

*"Take a pinch of white man,
Wrap him up in black skin,
Add a touch of blue blood,
And a little bitty bit of Red Indian boy.
Oh, Curly Latin kinkies,
Mixed with yellow Chinkies,
If you lump it all together
And you got a recipe for a get along scene;
Oh what a beautiful dream
If it could only come true, you know, you know.*

*What we need is a great big melting pot,
Big enough to take the world and all it's got
And keep it stirring for a hundred years or more
And turn out coffee-coloured people by the score".*

We considered that references in the lyrics (including "*yellow Chinkies*", "*Red Indian boy*", "*curly Latin kinkies*" and "*coffee-coloured people*") raised potential issues under Rule 2.3 of the Code. This states:

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, but is not limited to, offensive language...discriminatory treatment or language (for example on the grounds of...race...) Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

Ofcom requested comments from the Licensee about how the content complied with this rule.

Response

Global said that it understood some of the lyrics in this song had the potential to cause offence but said that the other lyrics and the context of the time it was written and released mitigated the potential for offence.

Global said that the offensive language was not intended to be used in a derogatory fashion in the song. It said that the term "*yellow Chinkies*" was not used as an "insulting term directed at a person of Chinese origin". The Licensee said that it is clear from the lyrics of the song that the message of the song is "racial harmony, inclusivity and equality" and quoted the following lyric by way of example:

"Lump it all together and you got a recipe for a get along scene; Oh what a beautiful dream; If it could only come true, you know, you know; What we need is a great big melting pot; Big enough [...] to take the world and all its got".

Global acknowledged that the use of the language in this song would not be acceptable on a mainstream radio station. However, it said that Gold's position as a "station well-known and loved for its playlist of hits from the 60's and 70's" meant that the track was unlikely to cause offence to its audience.

The Licensee said that following the complaint notification from Ofcom, it had permanently removed the track from Gold's playlist.

Decision

Reflecting our duties under the Communications Act 2003, Section Two of the Code requires that generally accepted standards are applied to provide adequate protection for members of the public from the inclusion of offensive and harmful material in programmes.

Ofcom takes account of the audience's and the broadcaster's right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights, when considering a broadcaster's compliance with Section Two of the Code.

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is 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 and the likely size and composition of the potential audience and the likely expectation of the audience.

We first considered whether references in the track to "*yellow Chinkies*", "*Red Indian boy*", "*curly Latin kinkies*" and "*coffee-coloured people*" had the potential to cause offence. [Ofcom's research on offensive language](#) makes clear that the word "chinky" is considered by audiences to be among the most offensive language and highly unacceptable without strong contextualisation. The research also states that "racist terms were the most unacceptable". Ofcom considered that the word "*Chinkies*" is widely understood as a racial slur to refer to Chinese people and therefore had clear potential to cause offence. We considered that the use of the term "*yellow*" was a derogatory reference to the skin colour of Chinese people. We therefore considered that the phrase "*yellow Chinkies*" had the potential to be highly offensive.

Ofcom's research does not provide direct evidence for the offensiveness of the terms "*Red Indian boy*", "*curly Latin kinkies*" and "*coffee-coloured people*". However, Ofcom considered that "*Red Indian*" is generally understood to be a pejorative term in modern speech and is frequently replaced with 'Native American'. Although the terms "*curly Latin kinkies*" and "*coffee-coloured people*" are not widely understood to be racial slurs in modern society, unlike the terms "*Chinky*" and "*Red Indian*", we considered that they had the potential to

cause offence because they could also be considered derogatory references to particular ethnic groups.

In our view, the potential offence caused by these lyrics may have been heightened by the cumulative effect of the repeated use of this language during the verse and chorus (as set out in the Introduction, above).

Ofcom then considered whether this potential offence was justified by the context.

[Our guidance on offensive language on radio](#) states that: "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". It also states that words considered offensive on the grounds of race and ethnicity should "normally be broadcast only in limited circumstances and in context, for example in news, drama, or documentary programmes to explore or expose prejudice".

We took into account the Licensee's argument that the nature of the radio station (well-known for playing music from the 1960s and 70s) meant that the track would have been unlikely to cause offence to its audience. We considered the demographic of the station as per its Licence, which makes clear that it primarily targets 35-54 year-olds. We acknowledged that some listeners to a radio station known for playing 1960s and 70s music may have been less likely to be offended by the use of such language, given established expectations for lyrics associated with this era. We considered that the nature of the station did therefore provide some context to justify the broadcast of the track. However, [Ofcom's offensive language research](#), which was conducted with people of all age groups, shows that the use of derogatory language to describe ethnic groups carries a widespread potential for offence. Therefore, in Ofcom's view, the likely audience expectations did not sufficiently mitigate the potential for offence in this case.

In considering the context of the broadcast, Ofcom took into account that *Melting Pot* was released in 1969 by Blue Mink, and reached number three in the UK Singles chart and number 11 in Ireland in 1970. We considered that, although this song was popular at the time, the passage of time (nearly 40 years) may have not made it sufficiently well-known today to mitigate the potential for offence.

Ofcom also considered Global's argument that any offence was mitigated in this case by the positive intention of the song, which was a message of racial harmony. Ofcom acknowledged other lyrics in the track that reflected this. After the first chorus, the following lyrics were played:

*"If you lump it all together
And you got a recipe for a get along scene;
Oh what a beautiful dream
If it could only come true, you know, you know.*

*What we need is a great big melting pot,
Big enough to take the world and all it's got
And keep it stirring for a hundred years or more
And turn out coffee-coloured people by the score".*

We did not agree that this provided sufficient context to mitigate the potential for offence. The title *Melting Pot*, which may have provided an indication of the track's overall message, was not broadcast, nor was the song introduced with any contextual information that would have highlighted its overall message to listeners. There was also no other context provided to justify the broadcast of the offensive language.

For all of the reasons above, Ofcom's Decision is that this potentially offensive material was not justified by the context.

However, we took into account the steps taken by the Licensee following notification of the complaint from Ofcom. We acknowledged that it said it had removed the track permanently from Gold's playlist.

Our Decision therefore, is that this case is resolved.

Content from previous decades can be broadcast under the Code. However generally accepted standards clearly change significantly over time, and audience expectations of older content may not be sufficient to justify its broadcast. Where older material contains content, such as language, which has the potential to cause offence to today's audiences, broadcasters should consider carefully how to provide sufficient context to comply with Rule 2.3 of the Code.

Resolved

Advertising Scheduling cases

In Breach

Advertising minutage

ATN Bangla UK, various dates between 27 January 2019 and 10 March 2019

Introduction

ATN Bangla UK is a general entertainment channel broadcast in Bengali. The licence for the service is held by ATN Bangla UK Ltd ("ATN Bangla" or "the Licensee").

Rule 2 of the Code on the Scheduling of Television Advertising (COSTA) states that:

"Time devoted to advertising and teleshopping spots on any channel in any clock hour must not exceed 12 minutes".

During routine monitoring Ofcom identified 16 instances when the amount of advertising broadcast on ATN Bangla UK appeared to exceed the permitted allowance. Ofcom considered that this raised issues under Rule 2 of COSTA and therefore sought comments from the Licensee on how the content complied with this rule.

Response

The Licensee said that the instances resulted from long programmes pushing advertising that should have appeared in one clock hour into the next clock hour. ATN Bangla assured Ofcom that its compliance team was now monitoring output to ensure that advertising minutage does not exceed the maximum amount in the future.

Decision

Reflecting our duties under the Communications Act 2003, COSTA restricts the amount of advertising that can be broadcast on television. It includes rules that limit the amount of advertising that can be shown across a broadcasting day as well as during any clock hour.

ATN Bangla UK broadcast more advertising in a clock hour than is permitted on 16 occasions. Ofcom's view is that the Licensee therefore breached Rule 2 of COSTA.

We were concerned that the Licensee's compliance processes had not identified the issue, but we acknowledge that it has taken steps to improve compliance in this area. We will continue to monitor the Licensee's compliance with COSTA.

Breaches of Rule 2 of COSTA

In Breach

Advertising minutage

Sony Entertainment Television, various dates between 24 February 2019 and 14 April 2019

Introduction

Sony Entertainment Television is an entertainment channel for the South Asian community. Its licence is held by MSM Asia Limited ("MSM" or "the Licensee").

Rule 2 of the Code on the Scheduling of Television Advertising (COSTA) states that:

"Time devoted to advertising and teleshopping spots on any channel in any clock hour must not exceed 12 minutes".

During routine monitoring Ofcom identified instances when the amount of advertising broadcast on Sony Entertainment Television in a clock hour appeared to exceed the permitted allowance. We considered that this raised issues under Rule 2 of COSTA and sought comments from the Licensee on how the content complied with this rule.

Response

MSM acknowledged that on six occasions a clock hour included more advertising than permitted.

MSM explained that:

- three incidents were the result of human error attributed to staff covering absence; and
- the remaining three incidents resulted from a system error.

MSM said it had taken the following corrective measures:

- training more staff in UK guidelines to cover for when their regular schedulers are on leave;
- ensuring log checks are carried out by two people, including a supervisor; and
- producing reports to validate their scheduling process.

The Licensee added that the incidents were isolated, and that across the broadcasting days in question, the total amount of advertising broadcast was compliant with COSTA requirements.

Decision

Reflecting our duties under the Communications Act 2003, COSTA restricts the amount of advertising that can be broadcast on television. It includes rules that limit the amount of advertising that can be shown across a broadcasting day as well as during any clock hour. Irrespective of the total amount of advertising Sony Entertainment Television transmitted on the days in question, more than 12 minutes of advertising were broadcast in a clock hour on six occasions. Ofcom's Decision is therefore that the Licensee breached Rule 2 of COSTA.

We acknowledged the steps taken by MSM to improve its compliance procedures. We will continue to monitor its compliance with COSTA.

Breaches of COSTA Rule 2

Broadcast Licence Conditions cases

In Breach

Providing a service in accordance with 'Key Commitments' EAVA FM, St Mathews Community Solution Centre Ltd, 6 to 12 May 2019

Introduction

EAVA FM is a community radio station licensed to provide a service to "Leicester's inner-city new migrant and refugee communities, particularly those from East Africa and related areas". The licence is held by St Mathews Community Solution Centre Ltd ("St Mathews" or "the Licensee").

As with all community radio stations, St Mathews is required to deliver the 'Key Commitments' which form part of its licence. The Key Commitments set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint that St Mathews was not broadcasting the service described in its Key Commitments, in particular, that it had failed to meet its character of service and was not delivering the programming requirements set out in its Key Commitments during the month of Ramadan. We therefore requested a programme schedule for the week 6 to 12 of May 2019, and recordings of three days of EAVA FM's output from 6, 7 and 8 May.

It appeared that St Mathews was not delivering the following of its Key Commitments:

- Character of service: "EAVA FM is for Leicester's inner-city new migrant and refugee communities, particularly those from East Africa and related areas... It combines music, local news and information with cultural, faith and educational programming...".
- "The main type of music broadcast over the course of each week is: music from East Africa and other genres relevant to the target community, including music of Black origin".

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) in Part 2 of the Schedule to St Mathews' licence. These state, respectively:

"The Licensee shall provide the Licensed Service specified in the Annex for the licence period". (Section 106(2) of the Broadcasting Act 1990); and

"The Licensee shall ensure that the Licensed Service accords with the proposals set out in the Annex so as to maintain the character of the Licensed Service throughout the licence period". (Section 106(1) of the Broadcasting Act 1990)".

We requested comments from the Licensee on how it was complying with this condition.

Response

St Mathews explained that, while "EAVA FM had mainly targeted the mentioned communities of intent", the service "goes beyond our local community... from the diverse community of East European to Far East, Middle East and [the] whole of Africa". It said that "indigenous communities become people of one voice through EAVA FM initiatives". Also, that it had worked to serve its target community all year round, but had covered seasonal cultural events over particular periods so that the target community may "enjoy and learn from each other for cultural diversity of that faith and culture". The licensee said that the Ramadan period was the time in which it had received the largest boost to its listenership, and also that, while it had broadcast more varied content regularly over the course of the year, this "special programme period" reflected its "audience needs" with the audience for this content being made up of nearly 85% of the East African community that St Mathews intended to serve.

The licensee said that, throughout the year, it had broadcast programmes promoting local and international music of black origin and from East African communities "be it Somali, Swahili and other...East African communities". However, that it also had a "special programme period for targeting celebration of different events like Diwali, Ramadan and Christmas time". Similarly, it said it had tried to provide local information throughout the year, but that Ramadan was a period which enabled the licensee to "get listeners and promote our services".

Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the licensed service specified in their Key Commitments. This is a fundamental purpose for which a community radio licence is granted.

During the period monitored, there was no local news broadcast as required by the character of service. Additionally, all of the programming broadcast during the days monitored, including music, local information and cultural, faith and educational programming, appeared to be aimed specifically at the Islamic community. No secular programming, or programming catering to followers of any other religion, was featured.

Further, St Mathews is required under its Key Commitments to broadcast, over the course of each week, music from "East Africa and other genres relevant to the target community, including music of Black origin". However, the only music output broadcast over the period monitored consisted of Islamic Nasheeds¹. We recognise the prominence and existence of Islamic music from East Africa, and from within other genres which might be relevant to the Licensee's target community. However, the Licensee's target community is wide-ranging and it is Ofcom's view that the broadcast of solely Islamic religious music during this period did not fulfil the Licensee's music output requirement. We acknowledged the Licensee's representations in which it explained that it fulfilled this music requirement over the course of the year, however, this requirement is one which the licensee is required to meet "over the course of each week".

¹ A Nasheed is a piece of devotional vocal music that is sung either acapella or accompanied by percussion instruments.

Ofcom accepted that the content broadcast on the service over the period monitored was likely to appeal to the Islamic community within the “inner-city new migrant and refugee communities” of Leicester, particularly during Ramadan. Additionally, Ofcom accepted that it was legitimate for the output to have an increased focus on Islamic religious programming over this period, particularly given the increased demand for this type of programming during this time. However, we considered that the absence of local news, music or any other programming aimed at serving those members of the Licensee’s target community who were not of the Islamic faith, meant that the Licensee had failed to meet both its character of service and its requirements for the broadcast of music output.

Ofcom’s Decision is therefore that St Mathews is in breach of Licence Conditions 2(1) and 2(4).

We also noted that the Licensee was previously found in breach of Licence Conditions 2(1) and 2(4) on [21 December 2015 for failing to broadcast local news and music aimed at serving its entire target community during the period of Ramadan](#). In that Decision the Licensee was put on notice that, should similar issues arise in future, we may consider taking further regulatory action. Given that our Decision in this case is that the Licensee has breached Licence Conditions 2(1) and 2(4) for the same reasons, we are putting the Licensee on notice that we are minded to consider this breach for the imposition of a statutory sanction.

Breaches of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by St Mathews Community Solution Centre Limited (licence number CR000178)

In Breach

Retention and production of recordings *ATN Bangla UK, ATN Bangla UK Limited*

Introduction

ATN Bangla UK is a Bengali-language general entertainment and news channel, the licence for which is held by ATN Bangla UK Limited ("ATN Bangla UK" or "the Licensee").

Ofcom received a complaint about uncensored violence during a news programme broadcast on 16 March 2019 which covered the mosque attacks in Christchurch, New Zealand the previous day. Therefore, on 21 March 2019, we requested a recording of the programme from the Licensee to assess the content. ATN Bangla UK failed to respond to Ofcom's request by the given deadline of 28 March 2019.

In response to a further request for the recording sent on 1 April 2019, the Licensee provided a very low quality nine-minute segment of the hour-long programme we requested.

We wrote to the Licensee a third time on 8 April 2019, requesting a broadcast quality recording of the full programme as broadcast. On 17 April 2019, we received a recording of the full programme. However, the Licensee explained that the recording provided was of low resolution due to a fault with its compliance recording machine.

On inspection, the recording submitted to Ofcom was of a very poor quality. The images on the screen were blurred and the scrolling text along the bottom of the screen was, for the most part, illegible.

Ofcom considered that this raised potential issues under Condition 11(1) of ATN Bangla UK's licence, which states:

"11(1) The Licensee shall adopt procedures acceptable to Ofcom for the retention and production of recordings in sound and vision of any programme which is the subject matter of a Standards Complaint".

We requested comments from the Licensee on how it was complying with this condition.

Response

The Licensee did not respond to Ofcom's request for comments.

Decision

In each broadcaster's licence there are conditions requiring the licensee to have procedures in place to record programming that has been broadcast and provide it to Ofcom on request. For Television Licensable Content Service licences, this is reflected in Licence Condition 11(1).

Additionally, paragraph 2.38 of Ofcom's published [Guidance notes for Television Licensable Content Service licensees](#) states that recordings "must be of a standard and in a format, which allows Ofcom to view the material as broadcast".

Breaches of Licence Condition 11(1) are significant because they impede Ofcom's ability to assess whether a particular broadcast raises potential issues under the relevant codes. This affects Ofcom's ability to carry out its statutory duties in regulating broadcast content.

In this case, ATN Bangla UK did retain a recording of the programme and provided it to Ofcom. However, the Licensee failed to provide the recording in response to Ofcom's first request. In response to our second request for the recording, the Licensee did not provide the entire programme as requested. When the recording of the entire programme was provided, it was of such poor quality that Ofcom was prevented from assessing it fully. While Ofcom was able to assess the images, the scrolling text along the bottom of the screen was, for the most part, illegible. Given these failures, Ofcom's Decision is that the Licensee was in breach of Licence Condition 11(1).

Breach of Licence Condition 11(1) of the Television Licensable Content Service licence held by ATN Bangla UK Limited (licence number TLCS001029)

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 29 July and 18 August 2019 because they did not raise issues warranting investigation.

Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission Date	Categories	Number of complaints
People & Power: The Forgotten Heroes of Empire	Al Jazeera English	19/07/2019	Materially misleading	1
Forged in Fire	Blaze	10/08/2019	Violence	1
Treasure Hunters (trailer)	Blaze	13/08/2019	Offensive language	1
Rich Griffin	Bridge FM (Dundee)	29/06/2019	Offensive language	1
What's on Guide	Cando FM	09/08/2019	Commercial communications on radio	1
We Bare Bears	Cartoon Network	22/07/2019	Offensive language	1
My Reality	CBS Reality	30/07/2019	Scheduling	1
24 Hours in Police Custody	Channel 4	29/07/2019	Race discrimination/offence	1
24 Hours in Police Custody	Channel 4	06/08/2019	Generally accepted standards	1
8 Out of 10 Cats Does Countdown	Channel 4	26/07/2019	Generally accepted standards	1
Ackley Bridge	Channel 4	25/06/2019	Dangerous behaviour	1
Ackley Bridge	Channel 4	06/08/2019	Materially misleading	1
Channel 4 News	Channel 4	17/07/2019	Generally accepted standards	1
Channel 4 News	Channel 4	18/07/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	24/07/2019	Due impartiality/bias	3
Channel 4 News	Channel 4	25/07/2019	Due impartiality/bias	2
Channel 4 News	Channel 4	29/07/2019	Generally accepted standards	1
Channel 4 News	Channel 4	30/07/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	05/08/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	06/08/2019	Race discrimination/offence	2
Channel 4 News	Channel 4	08/08/2019	Due impartiality/bias	1
Channel 4 News	Channel 4	09/08/2019	Due impartiality/bias	3
Food Unwrapped	Channel 4	05/08/2019	Race discrimination/offence	1

Programme	Service	Transmission Date	Categories	Number of complaints
George Clarke's Old House New Home	Channel 4	25/07/2019	Materially misleading	1
I Am Hannah	Channel 4	06/08/2019	Offensive language	1
Jade: The Reality Star Who Changed Britain	Channel 4	07/08/2019	Generally accepted standards	1
Jade: The Reality Star Who Changed Britain	Channel 4	07/08/2019	Materially misleading	1
Kirstie's Celebrity Craft Masters	Channel 4	18/07/2019	Race discrimination/offence	1
Lateish Show with Mo Gilligan	Channel 4	26/07/2019	Generally accepted standards	18
Lateish Show with Mo Gilligan	Channel 4	09/08/2019	Generally accepted standards	1
Leaving Neverland: Michael Jackson and Me	Channel 4	06/03/2019	Materially misleading	1
The Handmaid's Tale	Channel 4	28/07/2019	Generally accepted standards	1
The Simpsons	Channel 4	11/08/2019	Generally accepted standards	1
The Tez O'Clock Show	Channel 4	25/07/2019	Sexual orientation discrimination/offence	1
The Tez O'Clock Show	Channel 4	01/08/2019	Drugs, smoking, solvents or alcohol	1
The Tez O'Clock Show	Channel 4	01/08/2019	Generally accepted standards	1
The Tez O'Clock Show	Channel 4	01/08/2019	Race discrimination/offence	4
The Tez O'Clock Show	Channel 4	01/08/2019	Religious/Beliefs discrimination/offence	1
The Tez O'Clock Show	Channel 4	03/08/2019	Drugs, smoking, solvents or alcohol	1
Age Gap Love	Channel 5	08/08/2019	Materially misleading	1
Ashes Highlights	Channel 5	01/08/2019	Materially misleading	1
Britain's Parking Hell	Channel 5	01/08/2019	Offensive language	1
Channel 5 News	Channel 5	26/07/2019	Advertising/editorial distinction	1
Chris Tarrant's Extreme Railways	Channel 5	08/08/2019	Race discrimination/offence	1
Cyclists: Scourge of the Streets?	Channel 5	09/07/2019	Materially misleading	1
Friends	Channel 5	23/07/2019	Disability discrimination/offence	1
Jeremy Vine	Channel 5	15/07/2019	Race discrimination/offence	1
Jeremy Vine	Channel 5	25/07/2019	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
Jeremy Vine	Channel 5	30/07/2019	Due impartiality/bias	2
Jeremy Vine	Channel 5	30/07/2019	Generally accepted standards	2
Jeremy Vine	Channel 5	15/08/2019	Gender discrimination/offence	1
Nightmare Tenants, Slum Landlords	Channel 5	15/07/2019	Generally accepted standards	1
Nightmare Tenants, Slum Landlords	Channel 5	03/08/2019	Crime and disorder	1
Restless Legs Syndrome: The New Cure?	Channel 5	23/07/2019	Materially misleading	2
The Great Gardening Challenge	Channel 5	30/07/2019	Offensive language	1
Project Z	CITV	01/07/2019	Scheduling	1
Project Z	CITV	13/08/2019	Scheduling	1
News	Classic FM	24/06/2019	Due impartiality/bias	1
News	Clyde 1	18/07/2019	Due impartiality/bias	1
News / Super Scoreboard	Clyde 1	02/07/2019	Due impartiality/bias	1
Super Scoreboard	Clyde 1	22/07/2019	Due impartiality/bias	1
Cop Car Workshop	Dave	06/08/2019	Disability discrimination/offence	1
Judge Romesh	Dave	18/07/2019	Generally accepted standards	1
The Bad Skin Clinic (trailer)	DMAX	08/08/2019	Advertising content	1
Big Rich Texas	E!	02/07/2019	Under 18s in programmes	1
Blackish	E4	23/07/2019	Race discrimination/offence	1
Celebs Go Dating	E4	05/08/2019	Crime and disorder	1
Celebs Go Dating	E4	08/08/2019	Generally accepted standards	1
Celebs Go Dating	E4	09/08/2019	Generally accepted standards	1
Hollyoaks	E4	12/07/2019	Scheduling	1
Broadcast Competition	Heart	26/07/2019	Competitions	1
Sian Welby Breakfast Show	Heart (West Midlands)	28/07/2019	Commercial communications on radio	1
A Confession (trailer)	ITV	27/07/2019	Scheduling	1
Catchphrase	ITV	27/07/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Coronation Street	ITV	26/07/2019	Generally accepted standards	1
Coronation Street	ITV	26/07/2019	Sexual material	1
Coronation Street	ITV	07/08/2019	Other	1
Coronation Street	ITV	07/08/2019	Race discrimination/offence	1
Coronation Street	ITV	12/08/2019	Materially misleading	1
Dickinson's Real Deal	ITV	05/08/2019	Competitions	1
Emmerdale	ITV	23/07/2019	Generally accepted standards	1
Emmerdale	ITV	25/07/2019	Disability discrimination/offence	1
Emmerdale	ITV	26/07/2019	Generally accepted standards	1
Emmerdale	ITV	30/07/2019	Generally accepted standards	2
Emmerdale	ITV	30/07/2019	Race discrimination/offence	1
Emmerdale	ITV	30/07/2019	Violence	1
Emmerdale	ITV	02/08/2019	Offensive language	1
Emmerdale	ITV	08/08/2019	Generally accepted standards	2
Gemma Collins: Diva Forever (trailer)	ITV	27/07/2019	Generally accepted standards	2
Gemma Collins: Diva Forever (trailer)	ITV	31/07/2019	Generally accepted standards	1
Gemma Collins: Diva Forever (trailer)	ITV	01/08/2019	Generally accepted standards	1
Good Morning Britain	ITV	01/05/2019	Generally accepted standards	1
Good Morning Britain	ITV	08/07/2019	Generally accepted standards	1
Good Morning Britain	ITV	24/07/2019	Sexual material	1
Good Morning Britain	ITV	31/07/2019	Generally accepted standards	1
Good Morning Britain	ITV	01/08/2019	Competitions	1
Good Morning Britain	ITV	01/08/2019	Race discrimination/offence	1
Good Morning Britain	ITV	06/08/2019	Generally accepted standards	1
Good Morning Britain	ITV	07/08/2019	Generally accepted standards	1
Good Morning Britain	ITV	08/08/2019	Generally accepted standards	112
Good Morning Britain	ITV	09/08/2019	Due impartiality/bias	2

Programme	Service	Transmission Date	Categories	Number of complaints
Good Morning Britain	ITV	09/08/2019	Race discrimination/offence	1
Good Morning Britain	ITV	13/08/2019	Generally accepted standards	1
Good Morning Britain	ITV	15/08/2019	Violence	1
ITV News	ITV	24/07/2019	Due accuracy	1
ITV News	ITV	26/07/2019	Offensive language	1
ITV News	ITV	05/08/2019	Generally accepted standards	1
ITV News	ITV	14/08/2019	Gender discrimination/offence	1
ITV News	ITV	15/08/2019	Generally accepted standards	1
ITV News	ITV	29/07/2019	Generally accepted standards	1
Loose Women	ITV	18/07/2019	Generally accepted standards	1
Loose Women	ITV	24/07/2019	Generally accepted standards	3
Loose Women	ITV	29/07/2019	Race discrimination/offence	1
Loose Women	ITV	30/07/2019	Offensive language	1
Loose Women	ITV	07/08/2019	Generally accepted standards	2
Loose Women	ITV	07/08/2019	Other	1
Lorraine	ITV	29/07/2019	Generally accepted standards	8
Lorraine	ITV	09/08/2019	Generally accepted standards	1
Lorraine	ITV	12/08/2019	Generally accepted standards	1
Lorraine	ITV	13/08/2019	Generally accepted standards	1
Tenable	ITV	26/07/2019	Scheduling	1
The Best Little Prison in Britain?	ITV	31/07/2019	Crime and disorder	1
The Best Little Prison in Britain?	ITV	31/07/2019	Generally accepted standards	1
The Best Little Prison in Britain?	ITV	04/08/2019	Generally accepted standards	1
The Best Little Prison in Britain?	ITV	07/08/2019	Offensive language	3
This Morning	ITV	18/07/2019	Generally accepted standards	3
This Morning	ITV	18/07/2019	Offensive language	1
This Morning	ITV	26/07/2019	Scheduling	1

Programme	Service	Transmission Date	Categories	Number of complaints
This Morning	ITV	29/07/2019	Generally accepted standards	1
This Morning	ITV	30/07/2019	Animal welfare	29
This Morning	ITV	31/07/2019	Race discrimination/offence	6
This Morning	ITV	02/08/2019	Crime and disorder	2
This Morning	ITV	05/08/2019	Generally accepted standards	1
This Morning	ITV	06/08/2019	Generally accepted standards	1
This Morning	ITV	12/08/2019	Generally accepted standards	1
This Morning	ITV	15/08/2019	Materially misleading	1
Tipping Point	ITV	14/08/2019	Generally accepted standards	1
Tonight at the London Palladium	ITV	04/08/2019	Race discrimination/offence	1
Wild Bill	ITV	10/07/2019	Religious/Beliefs discrimination/offence	1
Yorkshire Airport	ITV	23/07/2019	Privacy	1
Zone of Champions	ITV	03/08/2019	Animal welfare	2
ITV Anglia News	ITV Anglia	24/06/2019	Due impartiality/bias	1
ITV News Central	ITV Central	24/07/2019	Due impartiality/bias	1
Granada Reports	ITV Granada	31/07/2019	Due impartiality/bias	1
ITV London News	ITV London	06/08/2019	Due impartiality/bias	1
ITV News Meridian	ITV Meridian	23/07/2019	Drugs, smoking, solvents or alcohol	1
ITV News Meridian	ITV Meridian	01/08/2019	Violence	1
Hey Tracey!	ITV2	22/07/2019	Race discrimination/offence	1
Love Island	ITV2	01/06/2019	Generally accepted standards	1
Love Island	ITV2	03/06/2019	Generally accepted standards	1
Love Island	ITV2	11/07/2019	Promotion of products/services	1
Love Island	ITV2	23/07/2019	Generally accepted standards	1
Love Island	ITV2	24/07/2019	Competitions	1
Love Island	ITV2	25/07/2019	Generally accepted standards	53
Love Island	ITV2	26/07/2019	Generally accepted standards	10
Love Island	ITV2	26/07/2019	Harm	1
Love Island	ITV2	26/07/2019	Product placement	1

Programme	Service	Transmission Date	Categories	Number of complaints
Love Island	ITV2	26/07/2019	Voting	2
Love Island	ITV2	28/07/2019	Generally accepted standards	2
Love Island	ITV2	28/07/2019	Voting	2
Love Island	ITV2	29/07/2019	Generally accepted standards	1
Love Island	ITV2	29/07/2019	Voting	2
Love Island	ITV2	Various	Generally accepted standards	2
Love Island: Aftersun	ITV2	28/07/2019	Advertising/editorial distinction	1
Love Island: The Reunion	ITV2	04/08/2019	Generally accepted standards	6
Love Island: Unseen Bits	ITV2	27/07/2019	Generally accepted standards	1
Shopping with Keith Lemon	ITV2	25/07/2019	Generally accepted standards	1
Shopping with Keith Lemon	ITV2	31/07/2019	Generally accepted standards	1
Poirot	ITV3	14/08/2019	Gender discrimination/offence	1
Gemma Collins: Diva Forever	ITVBe	14/08/2019	Generally accepted standards	13
Gemma Collins: Diva Forever (trailer)	ITVBe	04/08/2019	Generally accepted standards	1
Darren Adam	LBC 97.3 FM	31/07/2019	Disability discrimination/offence	1
Eddie Mair	LBC 97.3 FM	23/07/2019	Sexual material	1
Eddie Mair	LBC 97.3 FM	12/08/2019	Generally accepted standards	6
James O'Brien	LBC 97.3 FM	24/07/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	29/07/2019	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	31/07/2019	Due accuracy	1
James O'Brien / Shelagh Fogarty / Eddie Mair	LBC 97.3 FM	23/07/2019	Due impartiality/bias	1
Maajid Nawaz	LBC 97.3 FM	14/07/2019	Generally accepted standards	1
Maajid Nawaz	LBC 97.3 FM	20/07/2019	Due impartiality/bias	2
Maajid Nawaz	LBC 97.3 FM	27/07/2019	Generally accepted standards	1
Maajid Nawaz	LBC 97.3 FM	03/08/2019	Due impartiality/bias	1
Maajid Nawaz	LBC 97.3 FM	04/08/2019	Generally accepted standards	1
Nigel Farage	LBC 97.3 FM	07/07/2019	Due impartiality/bias	1

Programme	Service	Transmission Date	Categories	Number of complaints
Nigel Farage	LBC 97.3 FM	10/07/2019	Due impartiality/bias	1
Nigel Farage	LBC 97.3 FM	25/07/2019	Due impartiality/bias	2
Programming	LBC 97.3 FM	05/08/2019	Generally accepted standards	1
Shelagh Fogarty	LBC 97.3 FM	29/07/2019	Due impartiality/bias	1
Steve Allen	LBC 97.3 FM	23/07/2019	Generally accepted standards	1
Steve Allen	LBC 97.3 FM	30/07/2019	Race discrimination/offence	1
Morning Islamic Programme	Link FM	01/07/2019	Religious/Beliefs discrimination/offence	1
Magic Soul Party	Magic Soul	03/08/2019	Generally accepted standards	1
Supergirl	Pick	07/08/2019	Advertising minutage	1
The Bad Skin Clinic (trailer)	Quest	08/08/2019	Generally accepted standards	1
The Chris Moyles Show	Radio X	30/07/2019	Offensive language	1
Helicopter Heroes	Really	03/08/2019	Animal welfare	1
Documentary: Shadow World	RT	21/07/2019	Violence	1
News	RT	29/07/2019	Due accuracy	1
Senior Open Championship	Sky Golf Channel	27/07/2019	Dangerous behaviour	1
All Out Politics	Sky News	11/07/2019	Due impartiality/bias	1
Hotspots: On the Frontline	Sky News	09/08/2019	Violence	2
Kay Burley	Sky News	29/07/2019	Due impartiality/bias	1
Kay Burley	Sky News	07/08/2019	Generally accepted standards	4
Sky News	Sky News	17/07/2019	Offensive language	1
Sky News	Sky News	18/07/2019	Due accuracy	2
Sky News	Sky News	18/07/2019	Due impartiality/bias	1
Sky News	Sky News	24/07/2019	Due impartiality/bias	3
Sky News	Sky News	25/07/2019	Due impartiality/bias	6
Sky News	Sky News	30/07/2019	Due impartiality/bias	1
Sky News	Sky News	01/08/2019	Due accuracy	1
Sky News	Sky News	02/08/2019	Advertising placement	1
Sky News	Sky News	03/08/2019	Due impartiality/bias	1
Sky News	Sky News	05/08/2019	Generally accepted standards	1
Sky News	Sky News	06/08/2019	Due accuracy	1
Sky News	Sky News	09/08/2019	Generally accepted standards	3

Programme	Service	Transmission Date	Categories	Number of complaints
The News Hour with Mark Austin	Sky News	13/08/2019	Generally accepted standards	1
Sky News / ITV News	Sky News / ITV	30/07/2019	Due impartiality/bias	1
International Rugby Union	Sky Sports Action	11/08/2019	Due impartiality/bias	2
Sky Sports News	Sky Sports News	17/07/2019	Due accuracy	1
Sky Sports News	Sky Sports News	31/07/2019	Drugs, smoking, solvents or alcohol	1
Sky Sports News	Sky Sports News	31/07/2019	Generally accepted standards	1
Patiala Babes	Sony TV	31/07/2019	Scheduling	1
Studio 66 TV	Studio 66	10/07/2019	Participation TV - Offence	1
The Late Night Alternative with Iain Lee	Talk Radio	01/08/2019	Generally accepted standards	1
Hawksbee and Jacobs	Talksport	12/08/2019	Offensive language	1
The Alan Brazil Sports Breakfast	Talksport	24/07/2019	Due impartiality/bias	1
Programming	TBN UK	04/08/2019	Generally accepted standards	1
News	Various	28/02/2019	Due impartiality/bias	1
Chris Evans Breakfast Show	Virgin Radio UK	26/07/2019	Generally accepted standards	1
Emma Willis: Delivering Babies (trailer)	W	30/07/2019	Scheduling	1
Programming	Zack FM	02/06/2019	Generally accepted standards	1

[How Ofcom assesses complaints about content standards on television and radio programmes](#)

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	01/07/2019	Due impartiality/bias	1
Climate Change: The Facts	BBC 1	18/04/2019	Due impartiality/bias	1
Money For Nothing	BBC 1	03/04/2019	Dangerous behaviour	1
Our Next Prime Minister	BBC 1	18/06/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Panorama: Salisbury Nerve Agent Attack – the Inside Story	BBC 1	22/11/2018	Due accuracy	1
The Graham Norton Show	BBC 1	31/05/2019	Generally accepted standards	1
Newsnight	BBC 2	28/03/2019	Due impartiality/bias	1
Empire of the Seas	BBC 4	01/04/2019	Due accuracy	1
BBC News	BBC channels	12/04/2019	Due impartiality/bias	1
BBC News	BBC News Channel	05/05/2019	Due accuracy	1
BBC News	BBC News Channel	24/05/2019	Due impartiality/bias	1
Front Row	BBC Radio 4	27/02/2019	Generally accepted standards	1
Macpherson: What Happened Next	BBC Radio 4	11/03/2019	Materially misleading	1
Today	BBC Radio 4	18/01/2019	Due accuracy	1
Today	BBC Radio 4	n/a	Due impartiality/bias	1
Kat Cowan	BBC Radio Sheffield	02/03/2019	Gender discrimination/offence	1
Good Morning Ulster	BBC Radio Ulster	21/05/2019	Due impartiality/bias	1

[How Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS](#)

Complaints assessed under the General Procedures for investigating breaches of broadcast licences

Here is an alphabetical list of complaints that, after careful assessment, Ofcom has decided not to pursue between 29 July and 18 August 2019 because they did not raise issues warranting investigation.

Licensee	Licensed service	Categories	Number of complaints
British Telecommunications Plc	BT	Television Access Services	1
Chorley FM	Chorley FM	Key Commitments	1
Chorley FM	Chorley FM	Provision of licensed service	1
High Peak Radio Limited	High Peak Radio / Ashbourne Radio	Format	3
Proper Community Media (Lancaster) Limited	Beyond Radio (Lancaster)	Key Commitments	1
Smooth Radio Limited	Smooth Radio (North West)	Format	1

Licensee	Licensed service	Categories	Number of complaints
Talking Pictures TV Ltd	Talking Pictures	Television Access Services	1
University of Lincoln	Siren FM	Provision of licensed service	1

[How Ofcom assesses complaints about broadcast licences](#)

Complaints assessed under the Procedures for investigating breaches of rules for On Demand programme services

Service provider	Categories	Number of complaints
ITV Hub	Generally accepted standards	1
Unknown On Demand service provider	Protection of under 18s	1

[How Ofcom assesses complaints about on demand services](#)

Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Advertisement	5 USA	08/08/2019	Advertising content	1
Advertisement	All 4	25/07/2019	Advertising content	1
ICC Cricket World Cup: Day 38 – Sri Lanka v India, Australia v South Africa	All 4	07/07/2019	Advertising content	1
Programming	Attheraces.com	25/07/2019	Non-editorial	1
Panorama	BBC 1	n/a	Outside of remit	1
World Swimming Championships	BBC 1	Various	Outside of remit	1
BBC News	BBC channels	06/08/2019	Outside of remit	1
Newsbeat	BBC Radio 1	25/03/2019	Scheduling	1
BBC News	BBC Radio 2	28/07/2019	Outside of remit	1
Programming	BigL.co.uk	09/08/2019	Outside of remit	1
Advertisement	Channel 4	07/08/2019	Advertising content	1
Advertisement	Channel 4	13/08/2019	Advertising content	1
Train Your Baby Like a Dog (pre-tx)	Channel 4	20/08/2019	Outside of remit	32
Charles and Di: The Truth Behind Their Wedding	Channel 5	26/07/2019	Outside of remit	1
Advertisement	Comedy Central	26/07/2019	Advertising content	1
Advertisement	E4+1	11/08/2019	Advertising content	1
Tour de France	Eurosport	28/07/2019	Outside of remit	2
Advertisement	Greatest Hits Radio (Liverpool)	26/07/2019	Advertising content	1
Programming	HOT92	13/08/2019	Outside of remit	1
Hovercraft Drone Pick of the Day	Ideal World Shopping Channel	11/08/2019	Teleshopping	1
Advertisement	ITV	13/08/2019	Advertising content	2
Advertisement	ITV	14/08/2019	Advertising content	1
Emmerdale / Coronation Street	ITV	12/08/2019	Outside of remit	1
Good Morning Britain	ITV	02/08/2019	Outside of remit	1
Ideal World	ITV	16/08/2019	Teleshopping	2
ITV News	ITV	29/07/2019	Outside of remit	1
Tenable	ITV	01/08/2019	Outside of remit	1
Advertisement	ITV2	05/08/2019	Advertising content	1
Advertisement	ITV3	05/08/2019	Advertising content	1

Programme	Service	Transmission Date	Categories	Number of complaints
Advertisements	ITV3	Various	Advertising content	1
Advertisement	Kanal 5 (Sweden)	08/08/2019	Advertising content	1
Advertisement	Kids Doodle (App)	08/07/2019	Advertising content	1
Advertisement	n/a	29/07/2019	Advertising content	1
n/a	n/a	n/a	Outside of remit	1
SpongeBob SquarePants	Nicktoons	05/06/2019	Outside of remit	1
Non-editorial	NOW TV	10/07/2019	Non-editorial	1
Time Gentlemen Please	Pumpkin FM	30/07/2019	Offensive language	1
QVC Food Fest	QVC	13/08/2019	Race discrimination/offence	1
Advertisement	Sky News	08/08/2019	Advertising content	1
Dillian Wyhte vs Oscar Rivas	Sky Sports Live Event	19/07/2019	Outside of remit	1
Football League	Sky Sports Main Event	10/08/2019	Outside of remit	1
Advertisement	Sky Sports News	07/08/2019	Advertising content	1
Advertisements	Various	07/08/2019	Advertising content	1
Advertisements	Various	Various	Advertising content	2
Programming	Various	16/07/2019	Outside of remit	1
Programming	Various	01/08/2019	Outside of remit	1
Advertisement	YouTube	02/08/2019	Advertising content	1
Amy's Camping Fordingbridge	YouTube	17/04/2019	Other	1

[More information about what Ofcom's rules cover](#)

BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of complaints
BBC News	BBC	02/05/2019	Due impartiality/bias	1
Programming	BBC	23/07/2019	Due impartiality/bias	1
BBC Breakfast	BBC 1	21/06/2019	Due impartiality/bias	1
BBC Breakfast	BBC 1	28/07/2019	Due accuracy	1
BBC News	BBC 1	19/03/2019	Due impartiality/bias	1
BBC News	BBC 1	07/07/2019	Due impartiality/bias	1
BBC News	BBC 1	01/08/2019	Due impartiality/bias	1
BBC News	BBC 1	04/08/2019	Materially misleading	1
BBC News	BBC 1	04/08/2019	Race discrimination/offence	1
BBC News / Panorama	BBC 1	Various	Due impartiality/bias	1
EastEnders	BBC 1	30/07/2019	Generally accepted standards	1
EastEnders	BBC 1	09/08/2019	Religious/Beliefs discrimination/offence	1
EastEnders	BBC 1	12/08/2019	Religious/Beliefs discrimination/offence	1
Look North	BBC 1	18/07/2019	Generally accepted standards	1
Muzlamic	BBC 1	12/08/2019	Race discrimination/offence	1
Panorama	BBC 1	12/07/2019	Due accuracy	1
Panorama: Is Labour Anti-Semitic?	BBC 1	10/07/2019	Due impartiality/bias	4
BBC News / Victoria Derbyshire	BBC 2	07/08/2019	Race discrimination/offence	1
Horizon: Britain's Next Air Disaster? Drones	BBC 2	20/07/2019	Due impartiality/bias	1
Newsnight	BBC 2	12/08/2019	Due impartiality/bias	1
Politics Live	BBC 2	07/05/2019	Due impartiality/bias	1
Radcliffe & Maconie	BBC 6 Music	27/07/2019	Disability discrimination/offence	1
Programming	BBC channels	24/07/2019	Due impartiality/bias	1

Programme	Service	Transmission or Accessed Date	Categories	Number of complaints
Programming	BBC channels0	Various	Generally accepted standards	1
Programming	BBC channels	Various	Other	1
Live at the Apollo	BBC iPlayer	25/07/2019	Generally accepted standards	1
Panorama: Is Labour Anti-Semitic?	BBC iPlayer	11/07/2019	Due impartiality/bias	1
BBC News	BBC News Channel	10/07/2019	Due impartiality/bias	1
BBC News	BBC News Channel	28/07/2019	Due impartiality/bias	1
BBC News	BBC News Channel	29/07/2019	Due impartiality/bias	1
BBC News	BBC News Channel	31/07/2019	Generally accepted standards	1
BBC News	BBC News Channel	09/08/2019	Due impartiality/bias	1
Dateline London	BBC News Channel	10/08/2019	Due impartiality/bias	1
Various	BBC News Channel	10/08/2019	Due impartiality/bias	1
Sara Cox	BBC Radio 2	28/07/2019	Offensive language	1
Today	BBC Radio 4	31/07/2019	Generally accepted standards	3
Today	BBC Radio 4	07/08/2019	Due impartiality/bias	1
Today	BBC Radio 4	10/08/2019	Due impartiality/bias	1
News	BBC Radio 5 Live	04/06/2019	Disability discrimination/offence	1
Pienaar's Politics	BBC Radio 5 Live	09/06/2019	Due impartiality/bias	1
F1	BBC Red Button	29/07/2019	Materially misleading	1
Programming	BBC World Service	11/08/2019	Offensive language	1

Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 29 July and 18 August 2019.

Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date
News	92 News	29/05/2019
Pujya Shyam Sundar Parashar	Aastha TV	23/06/2019
Live: Shootout Pool	Freesports	06/07/2019
Beyond Sport	Front Runner	12/07/2019
Nick Ferrari	LBC 97.3 FM	09/07/2019

[How Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes](#)

Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

Programme	Service	Transmission date
24 Hours in Police Custody	Channel 4	08/04/2019
Gogglebox	Channel 4	12/04/2019

[How Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes](#)

Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
Castledown Radio	Castledown FM Ltd

How Ofcom assesses complaints and conducts investigations about broadcast licences

Discontinued Investigation:

In [Issue 376 of Ofcom's Broadcast and On Demand Bulletin](#), Ofcom announced it would be launching an investigation under its Procedures for investigating breaches of content standards for television and radio into *Catfish: The TV Show* broadcast on MTV on 24 February 2019. This investigation has been discontinued.