

Ofcom Broadcast Bulletin

**Issue number 256
16 June 2014**

Contents

Introduction	3
--------------	---

Standards cases

In Breach

Sonia Poulton Live <i>The People's Voice, 29 November 2013, 17:00</i>	5
Jerry Springer <i>Pick TV, 27 January 2014, 13:00</i>	11
Sex and the City <i>Comedy Central Extra, 6 April 2014, 20:30</i>	18
Here Comes Honey Boo Boo <i>TLC, 18 April 2014, 20:00</i>	20
Community Announcement <i>Channel i, 18 to 21 January 2014, various times</i>	22

Broadcast Licence Conditions cases

In Breach

Provision of recordings <i>The People's Voice, 29 November 2013, 17:00</i>	25
--	----

Investigations Not in Breach	27
-------------------------------------	----

Complaints Assessed, Not Investigated	28
--	----

Investigations List	37
----------------------------	----

Introduction

Under the Communications Act 2003 (“the Act”), 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. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act².

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by ATVOD and the ASA on the basis of their rules and guidance for ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the 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.
- 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 advertising³.
- 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 can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) rules and guidance for both [editorial content and advertising content on ODPS](#). Ofcom considers sanctions in relation to ODPS on referral by the Authority for Television On-Demand (“ATVOD”) or the Advertising Standards Authority (“ASA”), co-regulators of ODPS for editorial content and advertising respectively, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters and ODPS, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant

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.

licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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

Standards cases

In Breach

Sonia Poulton Live

The People's Voice, 29 November 2013, 17:00

Introduction

The People's Voice is a linear internet television service that broadcasts a variety of discussion and general entertainment programmes. The licence for The People's Voice is held by The People's Voice Broadcasting Limited ("TPV" or "the Licensee").

A complainant alerted Ofcom to an episode of the series *Sonia Poulton Live* which featured a discussion regarding the legalisation of cannabis. The complainant considered that the presenter of the programme, Ms Sonia Poulton, was biased and "expressed strong views supporting the use of cannabis".

Ofcom noted that approximately the first 50 minutes of this two hour programme were dedicated to the subject of cannabis use. The presenter introduced the programme by saying:

"...we'll be looking at why so many people are being forced to live in pain and suffering when there's a solution available which doctors know can help them. The problem is that "drug" is commonly known as cannabis and it has been subject to a great deal of scaremongering over the years. If you're anti-cannabis use, keep watching, we've got people who may open your eyes to a few facts. If you're still not convinced, call us and join the debate".

Over the course of the programme, the presenter made the following comments:

"My objection to the criminalisation of cannabis users is this whole idea that people aren't adult enough to deal with it appropriately, this idea that it's a gateway drug, and I have lots of issues with that. But I think it's really obscene that there are certain true drugs such as nicotine, which is absolutely legal, and yet something we could grow in our back garden is criminalised..."

"What strikes me from the things I am being told tonight is that there is this level of confusion and subterfuge that is existing. So on the one hand there are prescriptions that are available for a form of it and then doctors are telling other patients behind the scenes that they should be taking it but don't reveal it publicly. I mean we are being treated like children about this. It's absolutely ridiculous".

"...we [The People's Voice] are going to launch a campaign in support of legalising cannabis, because I am very much pro cannabis..."

"Matthew [a contributor who joined the discussion via telephone], I appreciate you sharing that with us. I mean what that does is, your testimony, as indeed Sarah's earlier - in fact everybody whose joined me today, it just further boosts the fact that The People's Voice will be very much behind a campaign to have cannabis legalised and not just for medicinal reasons. People have a right, in my opinion, to take pleasure from a natural plant".

Over the course of the programme seven contributors joined the discussion, either by telephone or via video call. Many of these contributors were - or were related to people - suffering from severe illnesses and using marijuana for medicinal reasons. Each contributor supported the legalisation of cannabis.

We noted the following comments made by the contributors:

“...and then I was offered behind-the-scenes cannabis, as suggested by my doctors, and when I looked into it myself and actually tried it myself, I couldn’t believe the benefits. I can now walk my dogs and lead an independent life myself, just by using cannabis on a daily basis”.

“I’d like to add the fact that it is a totally unjust law [i.e. present UK cannabis legislation]”.

“...we are failing to protect our children from the bad effects cannabis can have on them by allowing criminals to run this business when we could tax it, legalise it, control it and take it away from the criminals...”

“I think if we spent the money that we were using to arrest people for cannabis, instead use it to regulate and test it and develop safer strains and also safer methods of consumption”.

“When I go into a pub with a friend for a drink...I’m talking about the legislation that is wrong about cannabis and why it’s wrong...”.

In light of these examples and as discussed in more detail below, it was Ofcom’s view that the programme was dealing with a matter of political controversy and a matter relating to current public policy i.e. the political debate as to whether or not the use of cannabis should be legalised in the UK. We considered this content raised issues warranting investigation under the following rule of the Code:

Rule 5.5: “Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service.... This may be achieved within a programme or over a series of programmes taken as a whole”.

We therefore asked the Licensee for its comments on how the content complied with this rule. We also asked Ms Sonia Poulton, as an interested third party, to comment.

Initial Response from TPV

TPV acknowledged that the programme “did not fully meet the standards set within section 5.5 of the Broadcasting Code”. The Licensee explained that this programme was part of a series, which as a whole was intended to cover the issue of cannabis legalisation from a neutral viewpoint with guests from both sides of the debate appearing.

TPV said that this particular programme failed to represent the “overall tone [it] was aiming for [...] due to [the] presenter’s inability to remain impartial” and this, along with other unrelated issues, had led to Ms Poulton leaving The People’s Voice. The Licensee said that as a result the series was cancelled at the beginning of 2014, and this had meant it was unable to broadcast the intended impartial debate on the subject of the legalisation of cannabis.

The Licensee apologised for the lack of impartiality shown in the programme: “given the bias shown by our presenter”. TPV said that after the programme was broadcast, presenters and producers had been retrained in how to deal with matters of political or industrial controversy and matters relating to current public policy.

Initial Response from Ms Sonia Poulton

Ofcom’s Procedures for investigating breaches of content standards¹ permit Ofcom to seek representations from third parties “who may be directly affected by the outcome of Ofcom’s investigation and determination of a complaint(s) and who may have interests independent of the relevant broadcaster of that programme (e.g. presenters, producers and/or independent programme-makers)”. In the circumstances of this case, Ofcom considered that the presenter of *Sonia Poulton Live*, Sonia Poulton, met these criteria and therefore gave her the opportunity to respond to both the original complaint and TPV’s response.

Ms Poulton strongly disagreed with the content of TPV’s response. In particular, she stated that her show was not cancelled because she had “refused to follow guidelines” and that TPV had not previously mentioned her coverage of the cannabis legalisation debate in connection with her departure.

Ms Poulton provided Ofcom with a link to a video², available on YouTube, in which two key contributors to The People’s Voice, David Icke and Richie Allen, discussed Ms Poulton’s departure from the broadcaster. Comments in the video suggested in summary that Ms Poulton left The People’s Voice after threatening to leave during a live telethon and having made allegations about financial irregularities at the channel.

In addition, Ms Poulton said that senior staff at The People’s Voice had been supportive of a proposed campaign to promote the legalisation of cannabis.

Ms Poulton told Ofcom that a follow-up to the 29 November 2013 programme had been planned which would feature the other side of the debate around the legalisation of cannabis by including a number of parties who opposed it. This programme had been scheduled for 14 January 2014, but as a result of Ms Poulton’s departure from The People’s Voice, this broadcast did not occur.

Comments on Ofcom Preliminary View (to record a breach of the Code)

In its representations on Ofcom’s Preliminary View, TPV disputed Ms Poulton’s initial representation that: “The People’s Voice had been supportive of a proposed campaign to promote the legalisation of cannabis”. Rather it said that: “Her bias towards the subject matter shown on the original broadcast did not leave TPV management with confidence that subsequent shows planned with opposing views would have been dealt with appropriately by Ms Poulton due to her established personal views on the matter”.

The Licensee requested that Ofcom take into consideration that “safeguards are in place” to ensure that such incidents do not happen again. Editorial staff must now refer all stories “which potentially deals with matters of political or industrial controversy” to senior management and compliance before running the story. TPV

¹ <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>

² <https://www.youtube.com/watch?v=bKEVP6lyRkI>

provided Ofcom with a link to a video³ available on YouTube, which contained a recording of an edition of the *Richie Allen Show*, broadcast on The People's Voice on 7 February 2014. In TPV's view, this programme had shown: "a much more balanced and impartial approach to the subject of cannabis legalization".

Response from Ms Sonia Poulton's comments on Ofcom Preliminary View

Ms Poulton confirmed that she had left The People's Voice because she had questioned how funds had been spent by the Licensee as well as: "other issues including workplace abuse and editorial decisions". She added that the YouTube video did not raise any points about Ms Poulton's impartiality when presenting programmes.

Decision

Under the Communications Act 2003 ("the Act"), 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 special impartiality requirements set out in section 320 of the Act are complied with. This objective is reflected in Section Five of the Code.

Broadcasters are required to comply with the rules in Section Five to ensure that the impartiality requirements of the Act are complied with, including that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

When applying the requirement to preserve due impartiality, Ofcom must take into account Article 10 of the European Convention on Human Rights. This provides for the broadcaster's and audience's right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without undue interference by public authority. The broadcaster's right to freedom of expression is not absolute. In carrying out its duties, Ofcom must balance the right to freedom of expression on one hand, with the requirement in the Code to preserve "due impartiality" on matters relating to political or industrial controversy or matters relating to current public policy.

Section Five of the Code acts to limit, to some extent, freedom of expression because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. Therefore, while any Ofcom licensee has the freedom to discuss any controversial subject or include particular points of view in its programming, broadcasters must always comply with the Code. In reaching decisions concerning due impartiality, Ofcom underlines that the broadcasting of comments either criticising or supporting the policies and actions of any political organisation or elected politician is not, in itself, a breach of due impartiality. Any broadcaster may do this provided it complies with the Code.

Rule 5.5 of the Code requires that: "Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service...This may be achieved within a programme or over a series of programmes taken as a whole".

³ <http://www.youtube.com/watch?v=lGaDhTnSuwE>

Depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints in an appropriate way to ensure that Rule 5.5 is complied with. In addition, in judging whether due impartiality has been preserved in any particular case, the Code makes clear that the term “due” means adequate or appropriate to the subject matter. Therefore “due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of the argument has to be represented. Due impartiality may be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures due impartiality is maintained.

Ofcom first considered whether the requirements of Section Five of the Code applied in this case, that is, whether this programme concerned matters of political or industrial controversy or matters relating to current public policy. The programme, which was 50 minutes in duration, dealt principally with the issue of the legalisation of cannabis. This substance is currently classified a Class B drug in the UK and it is illegal to possess, distribute or grow it. Ofcom notes that the present legal position is widely debated, with some groups seeking to bring about a change in the law. Therefore, Ofcom considered that the debate surrounding this subject is clearly a matter of political controversy and relating to current public policy.

Having concluded that the rules in Section Five were engaged, Ofcom went on to assess whether this programmes preserved due impartiality by, for example, containing sufficient alternative viewpoints.

We noted that, taken overall, this programme did not include any views that could reasonably and adequately be classed as supportive of the current policy of cannabis being classified as an illegal drug. Therefore, this programme gave a one-sided view on this matter of political controversy and matter relating to current public policy. Both Ms Poulton and TPV told Ofcom that a second programme was intended to provide alternative viewpoints on this issue. In particular, the Licensee said that a further programme on the issue of the legalisation of cannabis, the *Richie Allen Show*, had been broadcast on The People’s Voice on 7 February 2014, approximately 10 weeks after the original broadcast.. However, due to the considerable length of time between the broadcast of the two programmes, we considered that this programme could not be reasonably described as being editorially linked (i.e. being broadcast “within an appropriate period” of the original programme in this case) in relation to Rule 5.5. In summary, therefore, we considered that the edition of *Sonia Poulton Live*, broadcast on 29 November 2013, and the edition of the *Richie Allen Show*, broadcast on 7 February 2014, were not part of a series of programmes taken as a whole (defined by Ofcom, in relation to Rule 5.5, as more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience).

For all these reasons this programme breached Rule 5.5.

Ofcom noted the different versions of events given by TPV and Ms Poulton in relation to the circumstances of the broadcast itself, the editorial line that had been previously agreed and of Ms Poulton’s departure from The People’s Voice. For the purposes of deciding whether or not the Code was breached in this case, however, Ofcom did not need to reach a conclusion on the accuracy of either party’s account. Ultimate responsibility for compliance with the Code in relation to the channel’s output rests with the Licensee, not individual presenters. In this case, editorial control was not exercised by the Licensee in an effective way to secure compliance with Rule 5.5 of the Code: TPV should have had procedures in place to ensure compliance with the Code was maintained.

In reaching our decision, we took into account that TPV admitted that in this case it had not met the standard required of broadcasters in Rule 5.5, and that it has taken various measures to improve its compliance regarding Section Five of the Code. However, this was a clear case of due impartiality not being maintained and therefore Rule 5.5 was breached.

Breach of Rule 5.5

In Breach

Jerry Springer

Pick TV, 27 January 2014, 13:00

Introduction

Jerry Springer is a long running talk show shown on a number of Ofcom licensed channels including Pick TV. The licence for Pick TV is held by British Sky Broadcasting Limited (“Sky” or “the Licensee”).

A complainant alerted Ofcom to the “unacceptable” level of violence shown in this programme.

Ofcom noted that the broadcast was preceded by the following on-screen message:

“The Jerry Springer Show may contain adult themes or strong language. Parents are cautioned this program may not be suitable for children”.

We noted that over the course of its 55 minute duration violent altercations broke out on 12 separate occasions during the programme.

Ofcom noted in particular:

- Approximately six minutes into the programme two women, Chameer and her friend, TJ, began to fight. TJ struck Chameer around the side of the head and the two women continued to try to hit one another as security staff attempted to keep them apart. After around 10 seconds, the two women were separated. At this point, TJ removed her shoes, ran at Chameer, and tackled her to the ground.
- Around 32 minutes into the programme, Monique walked out onto the stage and passionately kissed another guest on the programme, Lauren. She then briefly flashed her bare breasts at the studio audience (although her breasts were pixelated in the broadcast). A fight then broke out between Lauren and Monique, and a third woman, Jessica. Jessica tried to land blows on Lauren and Monique but security staff intervened. The three women then grappled with each other, predominantly by pulling at one another’s hair. Jessica then pulled Monique onto the ground and dragged her along by her hair. After the women were finally separated by security staff, Jessica was shown to drop a clump of Monique’s hair onto the studio floor.
- Later, Jessica grabbed Monique by her hair once more. Security staff intervened as another fight broke out between the three women. A member of security picked up Lauren in an attempt to pull her away and Lauren appeared to try and kick out at Jessica. All three women also pulled at one another’s hair both before and after they fell to the floor. Jessica was again seen dropping a clump of Monique’s hair on to the studio floor.

There were a further five incidents where participants in the programme landed single punches or slaps on others before security had the opportunity to intervene. Many of these violent acts were also repeated in recaps and teasers at the beginning and end of each part.

Ofcom considered the programme raised potential issues under the following rules of the Code.

Rule 1.11: “Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast the watershed (in the case of television)...and must also be justified by the context”.

Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context (see meaning of “context” below). Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

We therefore requested comments from Sky as to how the material complied with these rules.

Response

Sky denied there was any breach of the Code as it believed that given likely audience expectations the level of violence in the programme was “within the bounds of acceptability”.

Sky said that *Jerry Springer* is a very well established programme and has been broadcast to UK viewers for a considerable number of years. In addition, the Licensee said that the programme format has remained consistent over this time with each episode featuring feuding families, partners or friends airing their grievances. Sky also highlighted that this episode of *Jerry Springer* had been broadcast on other channels “without being the subject of an adverse finding by Ofcom”.

Rule 1.11

Sky said that the show places emphasis on featuring a heavy security presence throughout “who act to quickly separate the contributors when/if necessary and ensure the ‘fighting/brawling’ does not result in any real physical harm to the contributors”.

The Licensee said that, although fights did break out on a number of occasions in this episode, the intervention of security staff meant that the altercations were broken up as quickly and safely as possible. The heavy security presence meant that the fights mostly consisted of unsuccessful attempts by the guests to hit one another, rather than meaningful punches being thrown.

Sky asserted that: “the continuous presence and actions of security staff and Jerry [Springer]’s work during the show to discuss [the guests]’ various issues, shows that violence is not being portrayed as a tool for settling disputes. Although altercations occurred, they are stopped and replaced with discussion until hopefully a resolution is reached through non-violent means”.

The Licensee made reference to an Ofcom investigation of an episode of *Jerry Springer* broadcast in May 2012. This episode, which was ultimately found not in

breach of the Code, had been broadcast on Sky Living at 07:00. (Ofcom did not publish its full decision on this matter in the Broadcast Bulletin). During the investigation, Ofcom highlighted its concern that 07:00 (the time when this May 2012 episode was broadcast) was “a time when children were available to view” and consequently there had been “a considerable risk that a small number of children could have been watching”. In response, Sky said it only scheduled *Jerry Springer* after 20:00 or between 09:00 and 16:00 during weekdays during school term time since that date.

The Licensee said that the broadcast of this most recent episode in the middle of a weekday during school term time meant that “children were not available to view this material and the chances of even a small number of children watching this programme is exceptionally low”. Sky said this was borne out by the child audience figures which recorded no children watching. Sky submitted that in such instances where “(1) the Programme was broadcast at a time when children were very unlikely to be watching; and (2) Ofcom acknowledges that the child audience was zero, [...] Rule 1.11 should not apply”.

In summary, Sky said when taking into account the speed at which the altercations were broken up, the fact that no guests appeared to be injured and the “clear message” that violence is not appropriate, it considered that the violence included in the programme had been appropriately limited.

Rule 2.3

Sky pointed out that every episode of *Jerry Springer* carries an on-screen warning (described above) at the beginning of the programme. The Licensee said that this information allowed viewers to make an informed choice as to whether or not to view the programme. In addition, Sky highlighted the fact that the words “*Jerry Springer*” and the title of the episode (“*Pretty Girls Fight Dirty*”) were shown on-screen throughout the programme, meaning that the programme and its likely content would have been identifiable to viewers who may have come across it unawares.

The Licensee concluded by saying that any potentially offensive elements within the show were wholly in line with previously aired episodes (including the episode investigated by Ofcom in 2012 and found not to be in breach). As the content of the programme was not atypical and is familiar to UK viewers, Sky said there was nothing in the programme that was likely to have caused widespread offence.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appears to it best calculated to secure the standards objectives, including that that “persons under the age of eighteen are protected” and that “generally accepted standards” are applied so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material.

In reaching a decision in this case, Ofcom has taken into account the fact that broadcasters have a right to freedom of expression which gives them a right to transmit and the audience a right to receive creative material, information and ideas without interference from a public body, but subject to restrictions prescribed by law and necessary in a democratic society. This is set out in Article 10 of the European Convention on Human Rights. However, although broadcasters and viewers have

this right, it is the responsibility of the broadcasters to ensure that the material they transmit is in accordance with the general law and the Code.

Rule 1.11

Rule 1.11 requires that violence, its after-effects and descriptions of violence must be appropriately limited in programmes shown before the watershed and must be justified by the context.

Ofcom first considered whether the violence had been appropriately limited. We noted that the programme featured three different sets of guests and in all cases, the guests resorted to violence. On 12 separate occasions, over the course of the programme's 55 minute duration (including advertisement breaks) fights broke out that required the intervention of security staff. In some instances, this intervention meant that the parties were separated before any significant violent acts could take place. However, Ofcom noted there were many cases where slaps, punches and, in some instances kicks were landed, despite the involvement of security staff. On a further five occasions, single punches or slaps were thrown before security personnel had the opportunity to step in.

In Ofcom's view, the cumulative effect of these very frequent violent altercations (including, on two occasions, particularly vicious fighting that resulted in clumps of a guest's hair being pulled out) resulted in a programme that contained a significant level of violence.

We noted the factors that Sky put forward in its comments as to why it considered that the violence had been appropriately limited, including the speed in which the altercations were broken up and that no guests appeared to be hurt. On the other hand, as described above, violence broke out frequently throughout the duration of the programme, and it included numerous punches and slaps being thrown in addition to two instances of visible injury caused to a guest by way of clumps of their hair being pulled out. Ofcom also noted that Sky provided no evidence that it had taken steps to limit the level of violence in this particular broadcast by, for example, editing out any violent content. Overall, therefore, Ofcom's opinion was that the factors laid out by the Licensee were not sufficient to limit appropriately the level of violence depicted on-screen in a programme shown at lunchtime.

Ofcom then considered whether the violence was justified by the context. Contextual factors include: the editorial content of the programme; the degree of harm likely to be caused by the material; the likely expectations of the audience; and any warnings given to the audience.

Ofcom accepts that *Jerry Springer* is a well-established and long running programme and that violence breaking out between guests is not uncommon. We noted that there was an on-screen message shown to viewers before the programme began:

"The Jerry Springer Show may contain adult themes or strong language. Parents are cautioned this program may not be suitable for children".

We also took into account that following an Ofcom investigation into an episode of *Jerry Springer* broadcast at 07:00 in May 2012 (which was found not in breach of the Code), Sky has only broadcast *Jerry Springer* after 20:00 or between 09:00 and 16:00 during school term time. Ofcom also noted that the child audience for this edition of the programme was zero.

In its representations, the Licensee described the May 2012 and January 2014 episodes as “almost identical”. By way of comparison, Ofcom conducted a detailed analysis of the content of these two episodes. We noted that there was a significantly greater level of violence in the 27 January 2014 episode. By Ofcom’s calculation in this programme there were 12 violent altercations shown between guests that required intervention from security staff, as opposed to four in the 3 May 2012 episode. Ofcom also considered that the most violent material in the 27 January 2014 episode (the two scenes described above which resulted in hair being pulled out) were substantially more graphic and aggressive than any material included in the episode broadcast on 3 May 2012. Therefore, Ofcom considered that the levels of violence contained in the 27 January 2014 episode far exceeded those of the 3 May 2012 episode which Ofcom found not to be in breach of the Code.

Ofcom also had regard to the fact that the warning before the programme began was general and generic. It said for example that the programme “**may** contain adult themes or strong language [emphasis added]” and did not refer at all to the violence.

Ofcom noted Sky’s suggestion that Rule 1.11 should not be applied to programmes that are shown when children are unlikely to be watching and when BARB audience figures indicate that there are no child viewers. One of our most important statutory duties is to ensure that people under eighteen are protected, and one of the most important ways of doing this is to ensure that broadcasters observe the watershed. Rule 1.11 explicitly refers to the watershed and is applicable to all programmes broadcast between 05:30 and 21:00. In applying this rule however Ofcom is able to take account of the likelihood of children watching and the child audience figures in assessing whether the violence was “appropriately limited” and “justified by the context.” In this case, although the broadcast was during the day while children were at school, there was clearly the potential for some children to be available to view this programme which contained a large number of violent, and in some cases very violent, altercations.

Taking all the factors into consideration, Ofcom concluded that the cumulative level of real violence featured within the programme was not justified by the context.

The programme was therefore in breach of Rule 1.11

Rule 2.3

Rule 2.3 of the Code requires that broadcasters ensure that material that may cause offence is justified by the context. Ofcom first considered whether the programme was capable of causing offence.

As noted in the Introduction, extended violent altercations broke out between guests on 12 separate occasions over the course of the programme’s duration. On another five occasions, single punches or slaps were landed before security staff had the opportunity to intervene.

Ofcom noted Sky’s argument that the programme conveyed: “the clear message that this violence is not appropriate”. We disagreed. During the fights, as is usual on *Jerry Springer*, a boxing bell was rung and the audience cheered and chanted the name of the host. Ofcom even noted a crew member encouraging this reaction from the audience as a fight took place. In Ofcom’s opinion, although some efforts were made to break up fights between guests, violence was encouraged to some extent and presented as entertainment, both for the studio audience and the audience at home. While this may be part of the appeal of *Jerry Springer* for some viewers, Ofcom

considered that showing violence in this manner had the potential to heighten the level of offence to others bearing in mind that *Jerry Springer* is presented as general entertainment. We therefore concluded that the broadcast of the numerous violent – including two very violent – altercations within the programme had the potential to cause offence.

We went on to consider whether this offence was justified by the context – factors such as: the editorial content of the programme; the degree of offence likely to be caused by the material; the likely expectations of the audience; and any warnings given to the audience.

Ofcom accepts that an adult audience for *Jerry Springer* may have a heightened expectation of violent content in the programme. However, the Licensee must still ensure that generally accepted standards are applied to ensure that offensive content is justified by the context in the case of each individual programme.

Ofcom took into account Sky's comment that: "there was nothing out of the ordinary in this [p]rogramme to suggest that it would exceed viewer expectations". Ofcom disagreed. In addition to the episode broadcast in May 2012 (referred to in detail above), Ofcom conducted a careful assessment of the episodes of *Jerry Springer* shown on the same channel at 13:00 on the four weekdays subsequent to the 27 January 2014 episode. We noted that the levels of violence varied to some extent, but in Ofcom's view the number of violent acts in each episode was demonstrably lower than on 27 January. Further, in terms of the nature of the violent acts, Ofcom considered that the incidents of hair being pulled out (in the episode broadcast on 27 January 2014, as described in detail above) were significantly more graphic than any of the violent incidents shown in the additional four episodes of *Jerry Springer* that Ofcom viewed.

Ofcom therefore considered that the frequent and repeated acts of violence contained in the episode broadcast on 27 January 2014 materially exceeded the typical levels of violence found in the programme. Consequently, in our opinion this broadcast was likely to have exceeded the expectations of a number of viewers for this programme shown on this channel at this time.

As already pointed out, this programme (like all episodes of *Jerry Springer*) was preceded by a generic warning, alerting viewers to "*adult themes or strong language*". The provision of such information – while it may be useful as a guide to viewers in some circumstances – is not, in itself, sufficient to provide contextual justification for the broadcast of potentially offensive content. In this case, we noted that the same warning was provided before every episode of *Jerry Springer* and therefore did not specifically and adequately inform viewers of the repeated scenes of violence – some of it strong – included within this particular programme. Ofcom noted Sky's argument that a combination of this warning, the title of the episode ("*Pretty Girls Fight Dirty*") being shown on-screen throughout the programme and a generally heightened audience expectation for violent content to be part of *Jerry Springer* "sufficiently brings the nature of the content in the Programme to the audience's attention". However, Ofcom considered (as noted above) that the levels of violence exceeded typical levels featured in other episodes of *Jerry Springer* and therefore in this case went beyond the heightened expectations of the audience.

Ofcom noted that the programme was broadcast at 13:00 on weekday on a general entertainment channel. Ofcom acknowledges that this is a regular slot for *Jerry Springer* on Pick TV and that, as noted above, viewers of the programme may have a heightened expectation of violent content. However, we considered that the levels

and nature of violence included in this episode would have exceeded audience expectations for a programme broadcast on a general entertainment channel well before the watershed.

For all these reasons we concluded that in the particular circumstances of this programme the violent content was not justified by the context. Therefore generally accepted standards were not applied and this programme was in breach of Rule 2.3.

Sky told Ofcom that this episode of *Jerry Springer* had been previously broadcast on other channels without being found in breach of the Code. Sky provided no information as to the times when, or channels on which, these broadcasts occurred (including importantly whether it was shown before the watershed). However, given that Ofcom has no record of formally investigating any previous broadcasts of this particular episode of *Jerry Springer*, we did not consider this information relevant to our decision in this case.

This Decision relates to the content of this particular episode and not the programme *Jerry Springer* in general. Having viewed other episodes, Ofcom is aware that while the nature of the material is broadly similar, the strength of the content, and particularly violent content, can differ between episodes. Ofcom reminds broadcasters of the potential for individual episodes of well-established series to raise potential issues under the Code and the need to comply episodes on a case by case basis.

Breaches of Rules 1.11 and 2.3

In Breach

Sex and the City

Comedy Central Extra, 6 April 2014, 20:30

Introduction

Sex and the City is an American comedy drama series following the lives of a group of four female friends in New York City aimed at an adult audience. Episodes were originally broadcast after the 21:00 watershed but repeats have been shown on Comedy Central Extra at various times of the day.

The licence for Comedy Central Extra is held by Paramount UK Partnership (“the Licensee”).

A complainant alerted Ofcom to the broadcast of offensive language during a pre-watershed broadcast of this episode. Having viewed the programme, Ofcom noted that it contained four instances of the word “fuck” or a related word.

Ofcom considered the material raised issues warranting investigation under Rule 1.14 of the Code, which states:

“The most offensive language must not be broadcast before the watershed...”.

Ofcom therefore invited the Licensee to make representations on this matter.

Response

The Licensee apologised unreservedly and assured Ofcom that it understood the seriousness of this situation.

The Licensee said it had implemented compliance refresher seminars so that all relevant staff understood their compliance obligations and the serious consequences that can arise from incidents such as this.

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 “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 of the Code states unequivocally that “the most offensive language must not be broadcast before the watershed...”. Ofcom research on offensive language¹ notes that the word “fuck” is considered by audiences to be amongst the most offensive language.

The four uses of the word “fuck” or a similar word in this programme broadcast before the watershed was therefore a clear breach of Rule 1.14.

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

In issue 240 of Ofcom's Broadcast Bulletin², Ofcom recorded a breach of Rule 1.14 for a previous pre-watershed broadcast on 29 June 2013 of the same version of this episode on Comedy Central Extra. The Licensee explained then that, following that incident, it had "deleted this version of the episode from its systems and discussed the matter at length with its digital operations staff." It also said that it had implemented new compliance training to prevent a recurrence of this problem.

Ofcom noted that in its response, the Licensee made no reference to the previous incident on 29 June 2013 nor offer any explanation for this repeated compliance failure. We are concerned that, despite the measures previously taken by the Licensee, the same version of this episode was again broadcast before the watershed on the same channel in breach of the Code.

Ofcom therefore puts the Licensee on notice that further breaches of the Code in this area will lead to Ofcom considering further regulatory action.

Breach of Rule 1.14

²<http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb240/obb240.pdf>

In Breach

Here Comes Honey Boo Boo

TLC, 18 April 2014, 20:00

Introduction

TLC is a general entertainment television channel and *Here Comes Honey Boo Boo* is a reality series that follows the exploits of Alana "Honey Boo Boo" Thompson and her family, who live in Georgia, USA. The licensee for TLC is Discovery Communications Europe Limited ("Discovery" or "the Licensee").

A complainant alerted Ofcom to offensive language in this programme, when their six-year old child was watching.

We noted that during this programme, the following language was used:

- five instances of "fuck" or "fucking";
- 11 instances of "shit"; and
- one instance of "bitch".

We considered the material raised issues warranting an investigation under the following rules of the Code:

Rule 1.14: "The most offensive language must not be broadcast before the watershed...".

Rule 1.16: "Offensive language must not be broadcast before the watershed...unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed".

We therefore asked Discovery how the programme complied with these rules.

Response

The Licensee extended its unreserved apologies to the viewer for any distress caused by the offensive language in this case. It added that it had investigated this incident, and had discovered "[r]egrettably" the programme had been broadcast as a result of human error. Discovery said that the post-watershed version of this programme had been incorrectly labeled as being suitable for broadcast pre-watershed. It added that the labeling of the programme: "should have been assessed after the edit to ensure there were no mistakes prior to its first transmission...but on this occasion, this failsafe was not correctly actioned".

As a result of this incident, the Licensee said that it was doing its utmost to ensure that: "this kind of error is not repeated". It said that it had: "reinforced the seriousness and importance of following [its] processes to all relevant teams". Discovery added that it was also reviewing all other episodes in this series, and said it had also introduced further changes to its compliance processes, such as introducing: "an integrated viewing and editorial sign off system". It said this which would attach "clear

metadata” to each version of a programme for the purpose of compliance checks, and would “act as an additional failsafe” in its compliance processes.

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: “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14

Rule 1.14 states that the most offensive language must not be broadcast on television before the watershed. Ofcom’s research on offensive language¹ notes that the word “fuck” and its derivatives are considered by audiences to be amongst the most offensive language. The broadcast of five instances of the word “fuck” were clear examples of the most offensive language being used in a programme broadcast before the watershed. This material therefore breached Rule 1.14.

Rule 1.16

Rule 1.16 states that offensive language must not be broadcast before the watershed, unless it is justified by the context; and that, in any event, frequent use of such language must be avoided before the watershed.

The words “shit” and “bitch” are considered by audiences to be mildly offensive terms². We noted that there were 12 instances of offensive language (“shit” and “bitch”) during the programme. We considered that this amounted to the frequent use of offensive language before the watershed. Ofcom also took into account that the effect of these frequent uses of offensive language was exacerbated by five uses of the most offensive language in the same programme. We were concerned that such frequent use of offensive language before the watershed was not justified by the context because it would have exceeded audience expectations. This material therefore breached Rule 1.16.

Ofcom noted that in this case Discovery accepted immediately that this programme breached Rules 1.14 and 1.16, apologised, and took various steps after the broadcast to ensure it was not shown again before it was re-edited and to improve compliance going forward. Nonetheless, we concluded that the programme breached Rules 1.14 and 1.16 of the Code.

Breaches of Rules 1.14 and 1.16

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 Ibid.

In Breach

Community Announcement

Channel i, 18 to 21 January 2014, various times

Introduction

Channel i is a news and general entertainment channel broadcast in Bangla and serving a Bangladeshi audience. The licence for Channel i is held by Prime Bangla Limited (“Prime Bangla” or “the Licensee”).

A complainant drew Ofcom’s attention to broadcast material that appeared to be an advertisement for the Bangladesh Awami League, the party that currently governs Bangladesh. The item was 20 seconds in duration with a prominent caption stating “*Community Announcement*” (in English) shown throughout the broadcast.

The item comprised a large photograph of Abdul Mannan, who had just been elected as an MP and State Minister of Finance in Bangladesh, and four small images of individuals including prominent members of the UK Awami League¹, together with on-screen text and a voice-over, of which Ofcom commissioned an independent translation.

As translated, the Bangla text and audio stated:

*“Congratulations, on behalf of the UK residents from Jagannath pur Sub-district, to people’s leader, Mr Abdul Mannan for having been elected as an MP and Minister from Sunamgonj 3.
On behalf of Jagannath pur
Abdul Ali Rouf
Hasmat Ahmad Chunu
Afjal Mia and
Ashik Chowdhury”*

Ofcom noted that Abdul Ali Rouf was reported by the UK publication, Bangla Mirror, to have presided over a meeting held by “Jagannathpur and Dakhin Sunamganj expats” on 13 January 2014 in East London, which was attended by both Hasmat Ahmad Chunu and “UK Awami League senior leaders”, to congratulate Mr Mannan as “new state Finance Minister” of Bangladesh².

The Licensee informed Ofcom that the item was transmitted on 22 occasions as “something related to [its] community and in their interest” and not in return for payment or other valuable consideration. We therefore concluded that the item must be regarded as programme material and therefore subject to the Code.

As the item consisted solely of a message broadcast on behalf of prominent members of the UK Awami League, we considered it raised issues warranting investigation under Rule 5.5 of the Code, which states:

¹ The UK Awami League is affiliated to the Bangladesh Awami League.

² <http://www.banglamirrornews.com/local-news/225-jagannathpur-and-dakhin-sunamganj-expats-congratulate-m-a-manna-as-state-finance-minister>

“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service... This may be achieved within a programme or over a series of programmes taken as a whole.”

We therefore sought Prime Bangla’s view on how the material complied with this rule.

Response

Prime Bangla said it did not consider Rule 5.5 was applicable, as the broadcast was “a generic community announcement” that contained no “reference to any political party or political message that can be contradicted...”. However, the Licensee added that, “as a small community channel”, it took “all necessary measures to stick to Ofcom rules”, and would “not broadcast such clip to avoid any further complaints.”

Decision

Under the Communications Act 2003 (“the Act”), 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 special impartiality requirements set out in section 320 of the Act are complied with. This standard is contained in Section Five of the Code. Broadcasters are required to ensure that they comply with the impartiality requirements of the Act, including that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

Ofcom therefore considered the broadcast material’s compliance with Rule 5.5 of the Code, which states:

“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service... This may be achieved within a programme or over a series of programmes taken as a whole.”

It is not Ofcom’s role to question or investigate the validity of the political views expressed in a case like the current one, but to require the broadcaster to comply with the relevant standards in the Code. The Code does not prohibit broadcasters from discussing any controversial subject or including any particular point of view in a programme. To do so would be an unacceptable restriction on a broadcaster’s freedom of expression.

However, the broadcaster’s right to freedom of expression is not absolute. In carrying out its duties, Ofcom must balance the right to freedom of expression with the requirement in the Code to preserve “due impartiality” on matters relating to political or industrial controversy or matters relating to current public policy. Ofcom recognises that Section Five of the Code, which sets out how due impartiality must be preserved, acts to limit, to some extent, freedom of expression. This is because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. Therefore, while any Ofcom licensee has the freedom to include and/or discuss matters of political or industrial controversy and matters relating to current public policy in its programming, broadcasters must, in doing so, always comply with the Code.

In this instance, Ofcom firstly had to ascertain whether the requirements of Section Five of the Code should be applied: that is, whether the content in this case was dealing with matters of political or industrial controversy and/or matters relating to current public policy. We noted that the broadcast was a brief statement that informed Channel i viewers of the election of a specific “*MP and Minister*” – Abdul Mannan. Just because editorial content refers to political organisations or figures does not necessarily mean that the rules in Section Five are applicable. Furthermore, in judging the applicability of Section Five in any case, Ofcom will take into account the manner in which political issues are dealt with, and how they are presented within programming.

We considered that the item, although brief, touched on matters relating to current political controversy in Bangladesh. Although the material broadcast did not state which political party Abdul Mannan represented, it offered congratulations from individuals including prominent members of the UK Awami League in celebration of his election. In being permitted to broadcast material dedicated to the electoral success of the State Minister of Finance, the item celebrated the success of a prominent member of the Bangladesh Awami League Government.

Secondly, having established that the requirements of Section Five of the Code should be applied, Ofcom had to consider whether due impartiality has been preserved. In this context, under the Code, the term “due” means adequate or appropriate to the subject and nature of the programme. Therefore, “due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. Due impartiality may be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures due impartiality is maintained.

Ofcom considered that the broadcast material in this instance served as a self-standing expression of a specific viewpoint – that of the Awami League – in relation to a matter of political controversy – i.e. the recent election in Bangladesh that was boycotted by a number of opposition parties. The effect of this content was compounded by the fact that the material was broadcast on 22 occasions over a four day period following that election (in January 2014). Further, the item did not contain any alternative view that could reasonably and adequately be classed as critical of, or counter to, the election that led to a Bangladesh Awami League Government. Neither did the Licensee, in its response, identify any comparable material broadcast on Channel i that had contained any opposing or alternative position in relation to that election.

In reaching our decision, we noted that the broadcast material was clearly described on-screen as a “*Community Announcement*” and we took account of the Licensee’s explanation that it was “something related to [the UK Bangladeshi] community and in their interest”. Ofcom recognises that broadcasters serving particular communities will want to provide content that presents issues of topical interest to their target audience. In Ofcom’s view, however, this cannot justify the inclusion of inherently partial material on a matter of political controversy in Bangladesh.

Ofcom therefore concluded that the broadcasts of this item were in breach of Rule 5.5 of the Code.

Breaches of Rule 5.5

Broadcast Licence Conditions cases

In Breach

Provision of recordings

The People's Voice, 29 November 2013, 17:00

Introduction

The People's Voice is a linear internet television service that broadcasts a variety of discussion and general entertainment programmes. The licence for The People's Voice is held by The People's Voice Broadcasting Limited ("TPV" or "the Licensee").

Ofcom received a complaint about a discussion programme broadcast on 29 November 2013. The complainant alleged that the programme contained positive references regarding the use of illegal drugs. Ofcom therefore requested a recording of the programme from the Licensee.

In response to requests from Ofcom, the Licensee twice provided us with incomplete recordings before supplying Ofcom with a recording of the full programme.

Licence Conditions 11(1) and (2)(b) of TPV's Television Licensable Content Service ("TLCS") Licence state that:

"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...

(2) ...the Licensee shall:

...(b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction..."

Ofcom considered that the time taken by the Licensee to provide a complete recording of the programme was unacceptable and warranted investigation under Condition 11(2)(b) of the Licensee's TLCS Licence. It therefore asked the Licensee for its comments with regard to this matter.

Response

The Licensee said it believed the recording it initially sent contained the programme in its entirety. It added that unfortunately its internal systems were "hacked" in the period directly afterwards and as a result it did not receive Ofcom's email requesting a replacement recording.

The Licensee said that upon being alerted to the problem, it supplied Ofcom with a digital version of the material straightaway and expressed its apologies for the delay.

The Licensee explained that to avoid a repetition of this problem, it has improved its email communication and recording systems so that it can respond to Ofcom's requests more promptly.

Decision

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster's licence there are conditions requiring the licensee to retain recordings of each programme broadcast, in a specified form and for a specific period after broadcast, and to comply with any request to produce such recordings issued by Ofcom. TLCS licences enshrine these obligations in Licence Condition 11.

Licence Condition 11(2)(b) requires licensees to produce such recordings to Ofcom forthwith upon request.

Breaches of Licence Condition 11(2)(b) are serious because they impede Ofcom's ability to assess in a timely way whether a particular broadcast raises potential issues under the relevant codes. This can therefore affect Ofcom's ability to carry out its statutory duties in regulating broadcast content.

Ofcom noted the Licensee's explanation for the delay in providing a recording and the measures taken to improve its compliance in this area.

In this case, however, the Licensee failed to provide Ofcom with a complete programme recording on two occasions. The Licensee clearly did not therefore provide the necessary recording "forthwith" and it accordingly breached Licence Condition 11(2)(b).

Breach of TLCS Licence Condition 11(2)(b)

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 20 May and 2 June 2014 and decided that the broadcaster did not breach Ofcom's codes, licence conditions or other regulatory requirements.

Investigations conducted under the Procedures for investigating breaches of content standards for television and radio¹

Programme	Broadcaster	Transmission date	Categories
Advertisement by London Borough of Tower Hamlets	Bangla TV	Various	Political advertising
Advertisement by London Borough of Tower Hamlets	CSH TV	Various	Political advertising
Sky News	Sky News	24/04/2014	Surreptitious advertising

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

¹ This table was amended after publication to correct factual inaccuracies.

Complaints Assessed, Not Investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 20 May and 2 June 2014 because they did not raise issues warranting investigation.

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

For more information about how Ofcom assesses conducts investigations about content standards, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Police Interceptors	5*	17/05/2014	Race discrimination/offence	1
Programming	Absolute Radio	n/a	Outside of remit / other	1
Station ident	Absolute Radio	19/05/2014	Materially misleading	1
Ziyarat Aale Yasin	Ahlulbayt TV	20/04/2014	Crime	1
Hamid Mir (Trailer)	ARY News	22/04/2014	Outside of remit / other	1
Focus Today	Bangla TV	12/05/2014	Advertising/editorial distinction	1
Music Station	Bangla TV	23/04/2014	Product placement	1
Coverage of UK Independence Party	BBC	n/a	Outside of remit / other	66
Coverage of UK Independence Party	BBC / Channel 4	n/a	Due impartiality/bias	1
BBC News	BBC 1	21/05/2014	Outside of remit / other	1
BBC News	BBC 1	23/05/2014	Outside of remit / other	1
BBC News	BBC 1	24/05/2014	Outside of remit / other	1
BBC News	BBC 1	27/05/2014	Outside of remit / other	1
BBC News	BBC 1	31/05/2014	Violence and dangerous behaviour	1
BBC News	BBC 1	02/06/2014	Generally accepted standards	1
BBC News at One	BBC 1	28/05/2014	Outside of remit / other	1
BBC News at Six	BBC 1	16/05/2014	Generally accepted standards	1
BBC News at Six	BBC 1	21/05/2014	Outside of remit / other	1
BBC News at Six	BBC 1	22/05/2014	Outside of remit / other	1
BBC News at Ten	BBC 1	19/05/2014	Outside of remit / other	2
BBC News at Ten	BBC 1	21/05/2014	Outside of remit / other	1
BBC News at Ten	BBC 1	22/05/2014	Outside of remit / other	1
BBC News at Ten	BBC 1	23/05/2014	Outside of remit / other	1
Crimewatch	BBC 1	22/01/2014	Outside of remit / other	1
Doctors	BBC 1	19/05/2014	Materially misleading	1
EastEnders	BBC 1	16/05/2014	Race discrimination/offence	1

EastEnders	BBC 1	16/05/2014	Generally accepted standards	1
EastEnders	BBC 1	20/05/2014	Scheduling	1
EastEnders	BBC 1	n/a	Undue prominence	1
Eurovision Song Contest 2014	BBC 1	10/05/2014	Generally accepted standards	1
Eurovision Song Contest 2014	BBC 1	10/05/2014	Voting	23
F1: Grand Prix	BBC 1	25/05/2014	Outside of remit / other	2
Fake Britain	BBC 1	20/05/2014	Disability discrimination/offence	1
Fifa World Cup Brasil (trailer)	BBC 1	01/06/2014	Generally accepted standards	1
Food Inspectors	BBC 1	15/05/2014	Materially misleading	2
Food Inspectors	BBC 1	29/05/2014	Outside of remit / other	1
Happy Valley	BBC 1	13/05/2014	Violence and dangerous behaviour	2
Happy Valley	BBC 1	20/05/2014	Violence and dangerous behaviour	2
Have I Got News for You	BBC 1	16/05/2014	Religious/Beliefs discrimination/offence	2
Have I Got News for You	BBC 1	16/05/2014	Generally accepted standards	1
Have I Got News for You	BBC 1	23/05/2014	Outside of remit / other	1
Have I Got News for You	BBC 1	30/05/2014	Generally accepted standards	1
Knife Crime ER - Reggie Yates's Extreme South Africa	BBC 1	04/05/2014	Generally accepted standards	1
Match of the Day	BBC 1	11/05/2014	Outside of remit / other	1
Mrs. Brown's Boys	BBC 1	17/05/2014	Offensive language	1
Parking Mad	BBC 1	08/05/2014	Materially misleading	1
Party Election Broadcast by the British National Party	BBC 1	13/05/2014	Outside of remit / other	1
Party Election Broadcast by the Scottish National Party	BBC 1	20/05/2014	Outside of remit / other	3
Question Time	BBC 1	08/05/2014	Outside of remit / other	1
Question Time	BBC 1	22/05/2014	Outside of remit / other	1
Question Time	BBC 1	29/05/2014	Generally accepted standards	1
Question Time	BBC 1	29/05/2014	Outside of remit / other	7
Question Time	BBC 1	n/a	Outside of remit / other	1
Quirke	BBC 1	25/05/2014	Outside of remit / other	3
Regional News and Weather	BBC 1	18/05/2014	Crime	1
Regional News and Weather	BBC 1	23/05/2014	Outside of remit / other	1
Room 101	BBC 1	23/05/2014	Generally accepted standards	1

The Big Questions	BBC 1	25/05/2014	Religious/Beliefs discrimination/offence	1
The Big Questions	BBC 1	25/05/2014	Outside of remit / other	1
The National Lottery: In It to Win It	BBC 1	17/05/2014	Outside of remit / other	1
Vote 2014 - Europe	BBC 1	22/05/2014	Outside of remit / other	1
Vote 2014 - Europe	BBC 1	23/05/2014	Outside of remit / other	1
Vote 2014 - Europe	BBC 1	25/05/2014	Generally accepted standards	1
Vote 2014 - Europe	BBC 1	25/05/2014	Outside of remit / other	4
Vote 2014 - Europe	BBC 1	26/05/2014	Outside of remit / other	1
Watchdog	BBC 1	14/05/2014	Generally accepted standards	1
Commonwealth City	BBC 1 Scotland	26/05/2014	Offensive language	1
Blurred Lines: The New Battle of the Sexes	BBC 2	23/05/2014	Generally accepted standards	1
Coast	BBC 2	19/05/2014	Outside of remit / other	1
In Our Name	BBC 2	04/05/2014	Religious/Beliefs discrimination/offence	1
Newsnight	BBC 2	12/05/2014	Race discrimination/offence	1
Newsnight	BBC 2	20/05/2014	Gender discrimination/offence	1
Springwatch	BBC 2	26/05/2014	Scheduling	1
The Fast Show Special	BBC 2	23/05/2014	Gender discrimination/offence	1
Newsnight Scotland	BBC 2 Scotland	22/05/2014	Outside of remit / other	1
Barely Legal Drivers	BBC 3	22/05/2014	Crime	1
Barely Legal Drivers	BBC 3	26/05/2014	Sexual orientation discrimination/offence	1
Jonah From Tonga	BBC 3	08/05/2014	Sexual orientation discrimination/offence	1
Jonah From Tonga	BBC 3	22/05/2014	Race discrimination/offence	1
Tyger Takes On	BBC 3	15/05/2014	Generally accepted standards	1
Frost on Satire	BBC 4	22/05/2014	Race discrimination/offence	1
Asian Network Reports	BBC Asian Network	30/05/2014	Religious/Beliefs discrimination/offence	1
BBC News	BBC News Channel	08/05/2014	Generally accepted standards	6
BBC News	BBC News Channel	20/05/2014	Generally accepted standards	1
BBC News	BBC News Channel	22/05/2014	Outside of remit / other	1
BBC News	BBC News Channel	23/05/2014	Outside of remit / other	1
BBC News	BBC News Channel	02/06/2014	Outside of remit / other	1
Party Election Broadcast by Vote No Borders	BBC News Channel	02/05/2014	Elections/Referendums	1
Sports News	BBC News Channel	21/05/2014	Outside of remit / other	1

Vote 2014 - Europe	BBC News Channel	25/05/2014	Generally accepted standards	1
Vote 2014 - Europe	BBC News Channel	25/05/2014	Outside of remit / other	1
Vote 2014 - Europe	BBC News Channel	25/05/2014	Outside of remit / other	1
Scott Mills	BBC Radio 1	19/05/2014	Generally accepted standards	1
The Chris Evans Breakfast Show	BBC Radio 2	28/05/2014	Offensive language	1
Just A Minute	BBC Radio 4	26/05/2014	Sexual material	1
Today	BBC Radio 4	23/05/2014	Generally accepted standards	1
Today	BBC Radio 4	23/05/2014	Outside of remit / other	1
Today	BBC Radio 4	26/05/2014	Outside of remit / other	1
5 Live Breakfast	BBC Radio 5 Live	24/05/2014	Outside of remit / other	1
Breakfast	BBC Radio 5 Live	30/05/2014	Race discrimination/offence	1
News	BBC Radio 5 Live	23/05/2014	Outside of remit / other	1
Capital Breakfast	Capital FM	15/05/2014	Scheduling	1
Dexter's Laboratory	Cartoon Network (Central Eastern Europe)	n/a	Generally accepted standards	1
Horrible Histories	CBeebies	25/05/2014	Scheduling	1
Dog and Beth: On the Hunt	CBS Reality	13/05/2014	Offensive language	1
8 Out of 10 Cats Does Countdown	Channel 4	22/05/2014	Race discrimination/offence	1
Alan Carr: Chatty Man	Channel 4	23/05/2014	Generally accepted standards	1
Cardinal Burns	Channel 4	21/05/2014	Generally accepted standards	2
Channel 4 News	Channel 4	05/05/2014	Generally accepted standards	2
Channel 4 News	Channel 4	12/05/2014	Due impartiality/bias	1
Channel 4 News	Channel 4	19/05/2014	Elections/Referendums	2
Channel 4 News	Channel 4	20/05/2014	Gender discrimination/offence	1
Channel 4 News	Channel 4	22/05/2014	Generally accepted standards	1
Channel 4 News Summary	Channel 4	05/05/2014	Due accuracy	1
Coppers	Channel 4	13/05/2014	Race discrimination/offence	1
Deal or No Deal	Channel 4	25/05/2014	Generally accepted standards	1
Embarrassing Bodies: Live From the Clinic	Channel 4	13/05/2014	Disability discrimination/offence	1
Embarrassing Bodies: Live From the Clinic	Channel 4	n/a	Sexual material	1
Four in a Bed	Channel 4	27/05/2014	Race discrimination/offence	1

Hollyoaks Omnibus	Channel 4	25/05/2014	Scheduling	1
Lexus' sponsorship of dramas on 4	Channel 4	18/05/2014	Flashing images/risk to viewers who have PSE	1
Posh Pawn	Channel 4	08/05/2014	Scheduling	2
Posh Pawn	Channel 4	22/05/2014	Promotion of products/services	1
The Island with Bear Grylls	Channel 4	12/05/2014	Animal welfare	13
The Island with Bear Grylls	Channel 4	15/05/2014	Animal welfare	1
The Island with Bear Grylls	Channel 4	19/05/2014	Animal welfare	5
The Island with Bear Grylls	Channel 4	26/05/2014	Animal welfare	1
Unreported World	Channel 4	23/05/2014	Transgender discrimination/offence	1
7/7 Commuter Carnage: Minute by Minute	Channel 5	07/05/2014	Generally accepted standards	1
Ace Ventura: Pet Detective	Channel 5	18/05/2014	Offensive language	1
Ace Ventura: Pet Detective	Channel 5	25/05/2014	Offensive language	1
Bangkok Brits	Channel 5	16/05/2014	Race discrimination/offence	2
Classic Car Rescue	Channel 5	12/05/2014	Offensive language	6
Classic Car Rescue	Channel 5	27/05/2014	Offensive language	5
Ice Road Truckers	Channel 5	02/05/2014	Offensive language	1
Longmire	Channel 5	24/05/2014	Scheduling	1
Party Election Broadcast by the Scottish National Party	Channel 5	13/05/2014	Elections/Referendums	1
Police Interceptors	Channel 5	22/05/2014	Offensive language	1
Sands of the Kalahari	Channel 5	03/05/2014	Scheduling	1
The Big Immigration Row	Channel 5	17/02/2014	Due impartiality/bias	1
The Dam Busters	Channel 5	26/05/2014	Race discrimination/offence	4
The Dam Busters	Channel 5	31/05/2014	Race discrimination/offence	3
The Wright Stuff	Channel 5	18/04/2014	Materially misleading	1
Mr. Bean	CITV	16/05/2014	Nudity	1
Programming	Classic FM	n/a	Outside of remit / other	1
England's Top 53 Footy Goals	Dave	27/05/2014	Race discrimination/offence	3
Sons of Guns	Discovery Channel	22/05/2014	Violence and dangerous behaviour	1
Doc McStuffins	Disney Junior	09/05/2014	Offensive language	1
Doc McStuffins	Disney Junior	13/05/2014	Offensive language	1
Iseria Online	DM Digital	10/04/2014	Materially misleading	1
2 Broke Girls	E4	15/05/2014	Race discrimination/offence	1

Channel ident	E4	19/05/2014	Generally accepted standards	1
Made in Chelsea	E4	12/05/2014	Violence and dangerous behaviour	1
Made in Chelsea	E4	19/05/2014	Drugs, smoking, solvents or alcohol	2
Troy (trailer)	E4	24/05/2014	Violence and dangerous behaviour	1
Benny's Video	Film4	29/05/2014	Animal welfare	1
Dark Star	Film4	20/05/2014	Nudity	1
Davidoff Cool Water Night Dive's sponsorship of dramas on Fox	Fox	n/a	Nudity	1
News	Geo News	03/03/2014	Due accuracy	1
Only Fools and Horses	GOLD	26/05/2014	Offensive language	1
Programming	Halton Community Radio	17/05/2014	Format	1
Heart Breakfast	Heart FM (Norwich and Great Yarmouth)	15/05/2014	Materially misleading	1
JC and Lucy	Heart London	19/05/2014	Scheduling	1
American Pickers	History	19/05/2014	Hypnotic and other techniques	1
Ant and Dec's Saturday Night Takeaway	ITV	22/03/2014	Offensive language	1
Benidorm	ITV	26/05/2014	Race discrimination/offence	1
Britain's Got Talent	ITV	17/05/2014	Offensive language	1
Britain's Got Talent	ITV	25/05/2014	Animal welfare	1
Britain's Got Talent	ITV	25/05/2014	Offensive language	5
Britain's Got Talent	ITV	25/05/2014	Outside of remit / other	1
Britain's Got Talent	ITV	26/05/2014	Gender discrimination/offence	4
Britain's Got Talent	ITV	26/05/2014	Religious/Beliefs discrimination/offence	1
Britain's Got Talent	ITV	26/05/2014	Animal welfare	1
Britain's Got Talent	ITV	26/05/2014	Generally accepted standards	2
Britain's Got Talent	ITV	26/05/2014	Outside of remit / other	1
Britain's Got Talent	ITV	26/05/2014	Violence and dangerous behaviour	2
Britain's Got Talent	ITV	27/05/2014	Advertising scheduling	1
Britain's Got Talent	ITV	27/05/2014	Competitions	1
Britain's Got Talent	ITV	28/05/2014	Age discrimination/offence	1
Britain's Got Talent	ITV	28/05/2014	Sexual orientation discrimination/offence	16
Britain's Got Talent	ITV	28/05/2014	Generally accepted standards	3
Britain's Got Talent	ITV	28/05/2014	Offensive language	2
Britain's Got Talent	ITV	28/05/2014	Outside of remit / other	1

Britain's Got Talent	ITV	29/05/2014	Race discrimination/offence	5
Britain's Got Talent	ITV	29/05/2014	Offensive language	5
Britain's Got Talent	ITV	29/05/2014	Outside of remit / other	1
Britain's Got Talent	ITV	31/05/2014	Outside of remit / other	1
Britain's Got Talent Results	ITV	29/05/2014	Scheduling	1
Coronation Street	ITV	23/05/2014	Disability discrimination/offence	1
Dickinson's Real Deal	ITV	19/05/2014	Fairness	1
Emmerdale	ITV	09/05/2014	Scheduling	1
Emmerdale	ITV	20/05/2014	Scheduling	1
Emmerdale	ITV	23/05/2014	Scheduling	1
Emmerdale	ITV	26/05/2014	Generally accepted standards	2
Emmerdale	ITV	26/05/2014	Scheduling	1
Emmerdale	ITV	n/a	Scheduling	1
FA Cup Final (Trailer)	ITV	12/05/2014	Materially misleading	1
FA Cup Final Live	ITV	17/05/2014	Generally accepted standards	1
FA Cup Final Live	ITV	17/05/2014	Outside of remit / other	2
Fearne and . . .McBusted	ITV	29/05/2014	Harm	1
ITV News and Weather	ITV	20/05/2014	Due impartiality/bias	1
ITV News and Weather	ITV	20/05/2014	Scheduling	1
ITV News at Ten and Weather	ITV	20/05/2014	Outside of remit / other	1
Loose Women	ITV	09/05/2014	Violence and dangerous behaviour	2
Loose Women	ITV	13/05/2014	Sexual orientation discrimination/offence	1
Loose Women	ITV	23/05/2014	Race discrimination/offence	1
Off Their Rockers	ITV	18/05/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	19/05/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	20/05/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	21/05/2014	Scheduling	1
The Jeremy Kyle Show	ITV	23/05/2014	Generally accepted standards	1
The Jeremy Kyle Show	ITV	27/05/2014	Disability discrimination/offence	1
The Paul O'Grady Show	ITV	26/05/2014	Scheduling	2
This Morning	ITV	19/05/2014	Under 18s in programmes	1
This Morning	ITV	27/05/2014	Gender discrimination/offence	3

UEFA Champions League Final	ITV	24/05/2014	Sexual orientation discrimination/offence	2
You've Been Framed!	ITV	26/05/2014	Generally accepted standards	1
ITV News London	ITV London	21/05/2014	Outside of remit / other	1
ITV News London	ITV London	28/05/2014	Outside of remit / other	1
ITV News London	ITV London	29/05/2014	Due impartiality/bias	1
Britain's Got More Talent	ITV2	27/05/2014	Violence and dangerous behaviour	2
Britain's Got More Talent	ITV2	28/05/2014	Generally accepted standards	1
Britain's Got More Talent	ITV2	28/05/2014	Offensive language	3
Celebrity Juice	ITV2	29/04/2014	Generally accepted standards	1
Celebrity Juice	ITV2	06/05/2014	Generally accepted standards	1
Celebrity Juice	ITV2	15/05/2014	Gender discrimination/offence	1
Justeat.co.uk's sponsorship of Take Me Out	ITV2	23/05/2014	Disability discrimination/offence	1
Viral Tap	itv2	24/05/2014	Generally accepted standards	1
You've Been Framed!	ITV2	13/05/2014	Generally accepted standards	1
Barbara	ITV3	n/a	Generally accepted standards	1
French Open Tennis 2014	ITV3	28/05/2014	Outside of remit / other	1
Midsomer Murders	ITV3	27/05/2014	Advertising scheduling	1
Cricket	ITV4	01/06/2014	Outside of remit / other	1
Partaj med Café Bärs	Kanal 5 (Sweden)	06/04/2014	Generally accepted standards	1
Iain Dale	LBC 97.3 FM	21/05/2014	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	16/05/2014	Elections/Referendums	2
Ken Livingstone and David Mellor	LBC 97.3 FM	24/05/2014	Gender discrimination/offence	1
James O'Brien	LBC 97.3FM	n/a	Due impartiality/bias	1
Steve Allen	LBC 97.3FM	06/05/2014	Disability discrimination/offence	1
Return to Zero (trailer)	Lifetime	18/05/2014	Scheduling	1
Wake Up London	London Live	07/05/2014	Product placement	1
Magic Breakfast with Neil Fox	Magic FM	09/05/2014	Generally accepted standards	1
The Restoration Man	More4	25/05/2014	Offensive language	1
Revenge of the Middle-aged Woman	Movie Mix	17/05/2014	Television Access Services	1
Eurotrash - The Sexiest Bits	Pick TV	24/05/2014	Sexual material	1
Cars that Rock with Brian Johnson	Quest	01/06/2014	Offensive language	1
United States of Bacon	Quest	31/05/2014	Violence and dangerous behaviour	1

Programming	Real Radio North West	n/a	Outside of remit / other	1
News	RT	07/05/2014	Due impartiality/bias	1
Derby Q&A	Sangat TV	20/04/2014	Religious/Beliefs discrimination/offence	3
Mr. Sloane	Sky Atlantic	23/05/2014	Outside of remit / other	1
Programming	Sky News	n/a	Elections/Referendums	1
Sky News	Sky News	19/05/2014	Offensive language	1
Sky News	Sky News	21/05/2014	Due accuracy	1
Sky News	Sky News	27/05/2014	Offensive language	3
Sky News with Kay Burley	Sky News	26/05/2014	Due impartiality/bias	3
Football: Championship Play-Off Final	Sky Sports 1	24/05/2014	Generally accepted standards	1
About a Boy	Sky1	25/05/2014	Offensive language	1
Soccer A.M.	Sky1	17/05/2014	Sexual material	1
Programming	Smooth Radio	23/05/2014	Outside of remit / other	1
Studio 66 Days	Studio 66 TV1	30/04/2014	Sexual material	1
Alan Brazil Sports Breakfast	Talksport	21/05/2014	Commercial communications on radio	1
Law and Order SVU	Universal Channel	26/05/2014	Violence and dangerous behaviour	1
Soaps	Various	n/a	Scheduling	1
Programming	VOAR 94 radio	n/a	Outside of remit / other	1
Who Do You Think You Are?	Yesterday	28/05/2014	Outside of remit / other	1

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

For more information about how Ofcom conducts investigations about broadcast licences, go to: <http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.

Licensee	Categories
Smooth Radio (various local AM licences)	Format compliance

Investigations List

If Ofcom considers that a broadcaster may have breached its codes, a condition of its licence 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 has done anything wrong. Not all investigations result in breaches of the licence or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 22 May and 4 June 2014.

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

Programme	Broadcaster	Transmission date
Advertising minutage	Colors TV	20 April 2014 and 25 April 2014
Advertising minutage	Rishtey	21 April 2014
Aey Shomoy	NTV	8 April 2014
Behind Enemy Lines 2 (trailer) and Hostel: Part 2 (trailer)	PRO4	Various
Business Talk with Safi	ATN Bangla	8 April 2014
Counter Strike GO: Pro League	Ginx TV	16 May 2014
Programming	Fadak TV	Various
The Daily Politics	BBC 2	22 May 2014
The Sentenced – Trap for the "Alpha" group	NTV Mir Lithuania	10 March 2014

For more information about how Ofcom assesses complaints and conducts investigations about content standards, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/standards/>.

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

Programme	Broadcaster	Transmission date
Khara Sach	ARY News	19 February 2014
Channel 4 News	Channel 4	22 January 2014

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/fairness/>.

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

Licensee	Licensed Service
Middlesex Broadcasting Corporation Limited	MATV (Punjabi)

For more information about how Ofcom assesses complaints and conducts investigations about broadcast licences, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/guidance/complaints-sanctions/general-procedures/>.