

Ofcom Broadcast Bulletin

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Contents

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

Standards cases

In Breach

Channel 4 News

<i>Channel 4, 17 November 2014, 19:00</i>	5
---	---

Reel Film

<i>Made in Tyne and Wear, 3 January 2015, 18:00</i>	10
---	----

Brits Behind Bars

<i>Made In Cardiff, 8 December 2014, 19:00</i>	15
--	----

Ice Road Truckers

<i>Channel 5, 21 November 2014, and 5 and 12 December 2014, 20:00</i>	20
---	----

Box of Truth

<i>Vox Africa, 3 December 2014, 14:30</i>	23
---	----

Breakfast Show

<i>Lyca Radio 1458, 8 August 2014 to 15 January 2015, various times</i>	24
---	----

Broadcast Licence Conditions cases

In Breach

Production of recordings

<i>DM News Plus, 21 July 2014, 21:00</i>	27
--	----

Providing a service in accordance with Format

<i>Asian Sound Radio, 29 to 31 October 2014</i>	29
---	----

Providing a service in accordance with 'Key Commitments'

<i>Irvine Beat FM, 11 to 13 January 2015</i>	32
--	----

Investigations Not in Breach	34
-------------------------------------	----

Complaints Assessed, Not Investigated	35
--	----

Investigations List	46
----------------------------	----

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

Channel 4 News

Channel 4, 17 November 2014, 19:00

Introduction

On 17 November 2014, Channel 4 (or “the Licensee”) included a report in *Channel 4 News* on Russia’s foreign and military policy in Eastern and Western Europe. This followed the early exit from the G20 summit in Brisbane Australia of the Russian President Vladimir Putin¹.

A complainant was concerned that the news report was not duly accurate. The complainant alerted Ofcom that Channel 4 had inaccurately illustrated its report with an audio clip of a RAF pilot in British airspace intercepting and giving a warning not to a Russian aircraft but a “Latvian transport plane”.

The report was introduced by Channel 4 News presenter Cathy Newman who said:

“Rebuked by world leaders, Russia’s leader Vladimir Putin made an early exit from the G20 summit in Australia this weekend, warned by President Obama, ‘you don’t invade other countries and finance proxies’. The impact of Russia’s aggression in Ukraine and elsewhere has been felt across Eastern Europe – not least in Prague 25 years after it broke free from the former Soviet bloc”.

Behind Cathy Newman was a still image showing the text “*Russia roars*”, set against an image of President Putin.

The report itself was about five minutes long and was by Channel 4 News’ foreign affairs correspondent.

The first three minutes focused on events in Eastern Europe and included footage of protesters in Prague holding up red cards in protest against the President of the Czech Republic, Milos Zeman, for allegedly allowing Prague “*to drift to close to President Putin*” on the 25th anniversary of the so-called Velvet Revolution². The item also included footage of President Putin at the G20 Summit, a clip of an interview with President Putin, and footage of a convoy of unmarked tanks allegedly being moved by Russia over its border into eastern Ukraine. This footage was accompanied by the reporter explaining the growing tension between President Putin and the international community over Russian influence in eastern Ukraine, and Russia’s denial of any military involvement in this region.

¹ On 15 November 2014 to 16 November 2014 the G20 heads of government attended the G20 Brisbane Summit in Australia. The Group of 20 (“G20”) is an international forum consisting of Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, Turkey, UK, USA, European Commission and the European Central Bank.

² This was the non-violent transition of power in 1989 in the former Czechoslovakia from communist rule to a parliamentary republic.

Our concern focused on a segment in the second part of the report. This second part was introduced by the reporter as follows:

“Perceptions of Vladimir Putin’s bare-chested bravado are not confined to Ukraine. The chill winds of Cold War style frozen conflict are blowing from the Baltics all the way to the Caucasus”.

A map was rotated to show successively silhouettes of Georgia, Azerbaijan, Armenia, and the Baltics. These were intercut with footage of protests in Georgia, an Armenian plane shot down by Azerbaijan forces for allegedly violating its airspace, and photographic evidence released by Sweden *“of a mystery submarine illegally snooping around its territorial waters”*.

The map then changed to focus on the United Kingdom and the correspondent stated:

“NATO says its aircraft have intercepted more than 100 Russian military planes over Northern Europe this year, three times as many as last year, and back to Cold War levels this year. They included several incursions into British air space”.

At this point the report featured an audio clip, lasting eight seconds, of an RAF pilot giving a warning to an aircraft in British airspace:

“I’m instructed by Her Majesty’s Government of the United Kingdom to warn you that if you do not respond immediately to my order you will be shot down”.

As the audio clip was played the pilot’s words were shown on screen next to the map of the United Kingdom.

The news report concluded with footage of President Putin, and a clip of an interview with the Russian journalist Dmitry Babich of the Sputnik International media agency, who explained President Putin’s popularity in Russia.

Ofcom considered that the material raised issues warranting investigation under Rule 5.1 of the Code, which states:

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

We therefore sought the comments of Channel 4 (“the Licensee”) as to how, in light of concerns that the audio clip concerned a Latvian rather than a Russian plane, the use of this material complied with Rule 5.1 with regard to due accuracy.

Response

Channel 4 said it sincerely apologised for the false impression given by the use of the audio clip in the news report. It said that although the “audio formed a small part of a wider report” on Russia and “was not the main focus or central point” of the report, it accepted that “it was not the correct choice of audio to illustrate the point”.

By way of background, Channel 4 explained that the audio included in the news report related to an incident on 29 October 2014 involving the interception of a

“civilian Latvian cargo plane that was Russian-made”, by the RAF, over Kent³. The Licensee added that on 30 October 2014 it had been widely reported that the previous day “two Russian aircraft had been subject to interception by RAF aircraft and that NATO announced an increase in interceptions of Russian military aircraft over the North Sea [and] Atlantic⁴”.

Channel 4 stated the “reporter and producer were under the misunderstanding that the audio in issue related to an aeroplane under Russian control”. Channel 4 acknowledged that “the warning was to a Russian-made aircraft in British territory...under the control of Latvia – not Russia”. It added that “the misimpression...[was] compounded...” by the announcement made by NATO and “the RAF being used to intercept two Russian bombers...around the same time”. Channel 4 said that there had been an escalation of concerns about the increase in Russian military incursions and that the “audio was used in good faith to illustrate this point”.

Following the broadcast, Channel 4 said its editorial team had been made aware of the importance and seriousness of due accuracy in news reporting. It also said that the news report had been withdrawn from its website, the audio removed and the following correction added when reinstated:

“Correction: The report above broadcast on 17 November 2014 previously included an audio of a warning given to an aircraft. The impression given was that the warning was directed at a Russian aeroplane. In fact the recording was directed at a Latvian-controlled plane not a Russian- controlled plane. We apologise for the misimpression given and are happy to set the record straight⁵”.

Channel 4 added that the Independent Television News’ (“ITN”)⁶ internal system for archiving reports had also been amended.

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, one of which is that news included in television and radio services is reported with due accuracy and presented with due impartiality. This objective is reflected in Section Five of the Code.

When applying the requirement to report news with due accuracy and present news with due impartiality, Ofcom must take into account the broadcaster’s and the audience’s right to freedom of expression. This is set out in Article 10 of the European Convention on Human Rights. In carrying out its duties, Ofcom must balance the right to freedom of expression on one hand, with the requirements in the Code to report news with due accuracy and present news with due impartiality.

³ As reported by the BBC. See: <http://www.bbc.co.uk/news/uk-29825021>

⁴ <http://www.telegraph.co.uk/news/uknews/defence/11198855/RAF-Typhoons-intercept-Russian-bombers.html>

⁵ <http://www.channel4.com/news/ukraine-russia-ceasefire-whats-happened-since?x>

⁶ ITN produces news programmes for Channel 4.

Rule 5.1 contains the requirement on broadcasters to report the news with “due accuracy”. In assessing “due” accuracy, due means adequate or appropriate to the subject matter.

This requirement is primarily to ensure that viewers can trust news broadcasters to report the facts of the news, and the factual background to it, with appropriate accuracy. It goes to the heart of the relationship of trust between a news broadcaster and its audience. Accordingly, breaches of this requirement can be amongst the most serious that can be committed by a broadcaster, because audiences of news programmes are likely to place a particularly high degree of trust in the broadcaster’s editorial integrity.

Given the tensions between the West and Russia, and President Putin’s early exit from the G20 summit, *Channel 4 News* understandably wished to report on Russia’s more assertive foreign and military policy. In particular, given the controversy over Russia’s involvement in the Ukraine, and the reactions of Europe and the USA to that involvement, it is not surprising that the Licensee would wish to include in the report examples of recent incidents involving Russia and the West to illustrate the consequent heightened tensions. However, all news items must be “reported with due accuracy”.

We noted that the audio clip of the RAF pilot was heard immediately after the following voiceover:

“NATO says its aircrafts have intercepted more than 100 Russian military planes over Northern Europe this year, three times as many as last year, and back to cold war levels this year. They included several incursions into British air space”.

Although specific details, such as the date and time of the incident were not disclosed in the report, in Ofcom’s view the audio clip was clearly used to be a dramatic but factual illustration of a recent “*incursion into British air space*” by Russia. We therefore considered there to have been a potential for the audience to have been misled by the way in which the audio clip was presented.

Channel 4 acknowledged that the audio clip featured in the news report related to an incident on 29 October 2014 involving a Latvian cargo plane and not a Russian aircraft. The Licensee stated however that its reporter and producer were under the “misunderstanding” that the audio clip related to the incident involving RAF’s interception of two Russian bombers, rather than the Latvian cargo plane, and used it “in good faith”.

Ofcom understands that on 29 October 2014 a Latvian cargo plane was on a routine flight to Birmingham when it lost communication with air traffic control upon entering UK airspace. Due to the loss of communication, RAF pilots intercepted the aircraft before escorting it to Stansted Airport⁷. On the same day RAF jets from RAF Lossiemouth escorted Russian bombers (which formed part of large Russian military formation intercepted by Norwegian aircrafts) through British airspace. Ofcom also

⁷ See: <http://www.itv.com/news/story/2014-10-29/raf-jets-scrambled-at-super-sonic-speed-to-escort-latvian-plane/> and <http://www.theguardian.com/uk-news/2014/oct/29/sonic-boom-kent-raf-latvian-plane>

understands that in 2014 there were three further reported incidents⁸ of RAF interceptions of Russian aircrafts in the North Sea (in international airspace), including an incident on 31 October 2014⁹. This involved the interception of two Russian Bear Bombers, flying in international airspace towards the UK and escorted through the UK flight information region¹⁰ which was widely reported in the media at the time.

In reaching our decision, we were therefore mindful of the fact that it was widely acknowledged that NATO had concerns about a recent and significant increase in Russian incursions into UK airspace. We also took into account Channel 4's comments that that RAF audio clip was not the "main focus" of the item and "formed a small part" of the report to illustrate "concerns about incursions by Russian military".

However, the RAF audio clip was intended to – and did – give the impression to viewers that it was of the interception of a Russian military aircraft. In fact it was a Latvian cargo plane. Latvia is a member of NATO and therefore a member of the organisation set up in 1949 at the start of the Cold War to counter the perceived military threat from the then Soviet Union. Viewers were therefore misled about the factual background to the audio clip. Given that this news report was pre-recorded, and broadcast three weeks after the incident involving the Latvian plane that had widely reported in the press, we considered that Channel 4 News could and should have identified the error before broadcast.

We noted Channel 4's admission that "it was not the correct choice of audio". Ofcom also acknowledged the steps taken by Channel 4 to remove the audio clip from the report, the correction placed on its website, and the amendment to its archives. However, we were concerned that this breach follows a recent breach of the Code because of a lack of due accuracy in another *Channel 4 News* programme¹¹. News broadcasters must exercise great vigilance at all times to ensure due accuracy in all their reporting.

For the reasons set out above, the use of the RAF audio clip in this news report was not duly accurate and there was a breach of Rule 5.1.

Breach of Rule 5.1

⁸The European Leadership Network policy brief noted three aircraft incidents involving Russia and the UK over the North Sea: 23 April 2014 over the North Sea, 19 September 2014 and 31 October 2014. See: <http://www.europeanleadershipnetwork.org/medialibrary/2014/11/09/6375e3da/Dangerous%20Brinkmanship.pdf>

⁹ See: <http://www.bbc.co.uk/news/uk-scotland-29864731> and <http://www.theguardian.com/uk-news/2014/nov/01/raf-russian-bomber-uk-airspace>.

¹⁰ A flight Information region is a specified region of airspace in which a flight information service and alerting service are provided for the safe and efficient conduct of flights. The division of airspace is allocated through an international agreement with the International Civil Aviation Organisation.

¹¹ <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb273/Issue273.pdf>

In Breach

Reel Film

Made in Tyne and Wear, 3 January 2015, 18:00

Introduction

Made in Tyne and Wear is a local television service for Newcastle and surrounding areas. The licence for Made in Tyne and Wear is held by Made Television Limited (“Made TVL” or “the Licensee”).

Reel Film was a programme showcasing a number of short films made by local amateur film makers. A viewer alerted Ofcom to repeated instances of offensive language and scenes of masturbation in one of the short amateur films featured in the programme and titled *Robin Hoodie*. This film started just after 18:00 and lasted around 25 minutes in total.

The film, about an ex-convict who takes a stand against drug dealers on a housing estate, featured:

- an opening scene of a man inside a sleeping bag lying on the sofa in front of the television in a darkened room watching a pornographic film and apparently masturbating (an edited version of the same sequence was repeated at 18:21);
- ten instances of the words “fuck”, “fuck’s sake” or “fucking”; and
- three instances of the word “bastard(s)” and seven instances altogether of other offensive language i.e. “prick”, “bitch”, “shithead/shit/dipshit”, “knobheads”, and “arseholes”.

Ofcom noted the following text broadcast before the start of the film:

“The following content may contain elements that are not suitable for some audiences. Viewer discretion is advised.”

Ofcom considered the broadcast of this material before the watershed raised issues warranting investigation under the following rules of the Code:

- Rule 1.3: “Children must also be protected by appropriate scheduling from material that is unsuitable for them”.
- 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 (in the case of television...unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed”.

We therefore requested comments from the Licensee about how this film complied with these rules.

Response

Made TVL expressed its “sincerest regret” that this material was broadcast and stated that it took the broadcast of unsuitable material pre-watershed very seriously. An apology to viewers was broadcast on 17 January 2015 in the same timeslot as *Reel Film* as “an effort at re-establishing the trust we have with our audience”.

The Licensee explained that the film originally scheduled for broadcast at this time did not arrive in a format that could be transmitted and therefore a member of the scheduling team replaced it with *Robin Hoodie*, a film which had been previously scheduled for post-watershed broadcast. This resulted in material being broadcast which was “not appropriate for the time”.

Made TVL was of the view that it had “a robust scheduling system in place”, however, on this occasion human error was to blame. Following this error, it had taken measures “to eliminate the likelihood of” a similar mistake occurring. For example: the staff member who scheduled the film had been retrained; further controls on the scheduling process had been introduced; the way in which programme files are named has been amended; and, a colour-coding system in the playout software has been introduced to make it easier to identify pre and post watershed content.

The Licensee stated that these improvements to the scheduling process would ensure that a post watershed item could not “travel up the broadcast chain” without the production, scheduling and compliance teams “being fully aware of the restrictions” regarding the broadcast of post watershed content.

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.

Ofcom noted this film was intended for post-watershed broadcast and was scheduled in error. As a post-watershed film it contained language, content and themes which were intended for an adult audience.

Rule 1.14

Rule 1.14 of the Code states that “the most offensive language must not be broadcast before the watershed...”. Ofcom research on offensive language¹ notes that the word “fuck” and similar words are considered by audiences to be amongst the most offensive language and unacceptable for broadcast pre-watershed. In this case the word “fuck” and related words were broadcast on ten separate occasions during this short film. This material was therefore clearly in 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>).

Rule 1.16

Rule 1.16 of the Code states that “offensive language must not be broadcast before the watershed (in the case of television)...unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed.”

Consistent with the broadcaster’s and audience’s right to freedom of expression, there is no prohibition on mild or moderately offensive language being broadcast before the watershed, as long as it is justified by the context. Ofcom’s Guidance on Rule 1.16 states: “Milder language in the early part of the evening may be acceptable, for example, if mitigated by a humorous context. However, in general, viewers and listeners do not wish to hear frequent or regular use of such language, including profanity, before 2100²”.

In this case, we noted ten instances of mild or moderately offensive language in total broadcast from the start of the film and throughout i.e. “bastard(s)”; “prick”; “bitch”; “arseholes”; “knobheads” and “shithead/shit/dipshit”. We considered that ten instances of offensive language broadcast during this 25 minute short film constituted frequent use.

We went on to consider whether the frequent use of this offensive language broadcast before the watershed was justified by the context.

In coming to a view, we took into account Ofcom research on offensive language. We noted that generally audiences consider that “arse(holes)” is unlikely to cause offence, even when used in programmes before the watershed. In comparison, however, the words “bitch”, “prick”, “shit”, and “bastard”, although not considered to be among the most offensive language, had far greater potential to be considered unsuitable in programmes broadcast before the watershed.

In terms of the editorial context of the programme, Ofcom noted that this was an amateur short film, set on a housing estate in the north-east of England where drug related crime had adversely affected many aspects of people’s lives. Therefore, some relatively low level offensive language might be expected by the audience in a programme broadcast before the watershed on this subject.

As Ofcom’s Guidance on Rule 1.16 makes clear, milder offensive language in the early part of the evening may be acceptable, if, for example, it is mitigated by a humorous context. In this case, however, we noted that the majority of instances where offensive language was used was in a more threatening and serious context. In our view, this aggressive use of offensive language significantly increased the potential for this material to be unsuitable for broadcast pre-watershed.

The frequent use of offensive language in this context was therefore in breach of Rule 1.16.

Rule 1.3

Rule 1.3 requires that children must be protected by appropriate scheduling from material that is unsuitable for them. Ofcom first assessed whether the film contained material unsuitable for children.

² Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>).

In addition to the broadcast of the most offensive language and the frequent use of offensive language as set out above, Ofcom noted two scenes which we considered clearly unsuitable for broadcast before the early evening when children were available to view:

- the opening scene of the short film, shown at 18:00, which featured a man lying on a sofa in a sleeping bag in a darkened room watching a pornographic film on television. The adult film itself was not visible to viewers but the audio of the film which featured sounds of people having sex was clearly audible. The character then lowered his hand into the sleeping bag and appeared to start masturbating. Although no detail of the masturbation was visible, the character's actions inside the sleeping bag, taken together with his groaning as he appeared to ejaculate, clearly indicated that he was performing a sexual act on himself. The character then leaned over, and ripped some paper from a toilet roll, which he used inside the sleeping bag to appear to clean himself. The scene ended with a close up of the discarded tissue; and
- an edited version of the same scene shown again at 18:20 although the depiction of masturbation was not included in this clip.

We then considered whether this material was appropriately scheduled. Appropriate scheduling is judged by a number of factors including: the likely number and age range of the audience; the start and finish time of the programme; and, likely audience expectations.

As a new local television service³ attracting a small audience it was not possible to determine the audience profile of the Made in Tyne and Wear service, and therefore how many children may have watched this material. However, as this film was broadcast from 18:00 there was a significant likelihood that children were available to view at this time. We also noted that the channel is freely available on the digital terrestrial platform and therefore it was clearly possible for children in the locality to come across it unawares.

We also took into account that the short film was preceded by a text warning, indicating to viewers that the material "*may contain elements that are not suitable for some audiences*" and advising "*viewer discretion*". In Ofcom's view, such a warning was not in any way sufficient to ensure this material was appropriately scheduled.

Ofcom was also of the view the audience for this local television service would not have expected either such scenes depicting masturbation, or the most offensive language or frequent use of offensive language, in a programme shown at 18:00.

For these reasons this unsuitable content was not appropriately scheduled. It therefore breached Rule 1.3.

Ofcom noted the Licensee's explanation that this material was broadcast in error, that it was not scheduled appropriately, and the on-air apology which was transmitted, albeit almost two weeks after transmission. **Nevertheless, this case follows a number of other recent Code breaches for programming broadcast**

³ Made in Tyne and Wear launched 12 November 2014.

on local television services provided by this Licensee⁴. We are therefore requesting that the Licensee attends a meeting to discuss its compliance arrangements.

Breaches of Rules 1.3, 1.14 and 1.16

⁴ See two previous breach decisions published in issue 275 of Ofcom's Broadcast Bulletin (<http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb275/>) and a further breach decision published in this issue of the Broadcast Bulletin.

In Breach

Brits Behind Bars

Made In Cardiff, 8 December 2014, 19:00

Introduction

Made in Cardiff is a local television service that provides a variety of programming for the community in the Cardiff area. The licence for Made in Cardiff is held by Made Television Limited (“Made TVL” or “the Licensee”).

Brits Behind Bars was a documentary which followed ten British petty criminals who were sent to America to experience life in a tough detention centre in Arizona.

Ofcom received a complaint about a brief scene of nudity in the programme in which the participants were seen taking a shower.

During our review of the programme, we also noted the following:

- A scene in which a strip search of the participants was conducted. This included a shot of one of the participants spreading his naked buttocks ready for inspection. Although a bed post in the foreground of the shot blocked the camera’s view to some degree, some detail of the man’s anus was visible.
- During an interview, an American prison inmate said of the British criminals:
“I think all of them is a bunch of cry-babies, you know what I mean, because if you fucking do some crime you gotta do the time, you know what I mean?”
- In addition, the programme featured 78 uses of ‘bleeped’ offensive language over the course of its hour long slot.

Ofcom considered this material raised issues under the following rules of the Code:

Rule 1.3: “Children must...be protected by appropriate scheduling from material that is unsuitable for them”.

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

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

Response

In its initial comments to Ofcom, the Licensee acknowledged that the broadcast of the word “fucking” before the watershed “was an oversight made by their compliance team”. Otherwise Made TVL argued the programme complied with the Code, saying that it was “confident that the imagery was within the code and that the unedited language and masking was justified”. In support of this, the Licensee said that “the instances of offensive language are not done in an aggressive or violent context” and “the introduction to the programme and re-entry from commercial breaks is clearly narrated so viewers are aware of the content of the material they are watching”.

In response to Ofcom's Preliminary View (that there were breaches of Rules 1.3 and 1.14) however, Made TVL reconsidered its position. The Licensee said that it had "made a judgement call that the bleeping of the offensive language would suffice" but "following the [Ofcom] investigation and feedback" it "made sure the programme would be strictly scheduled post-watershed". Made TVL added that it had also reviewed its compliance arrangements and now "adopted an 'err on the side of caution' approach", and would no longer schedule "anything with overtly adult themes in a pre-watershed slot".

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 1.3

Rule 1.3 requires that children must be protected by appropriate scheduling from material that is unsuitable for them. Appropriate scheduling is judged by a number of factors including: the nature of the content; the likely, number and age range of the audience; the start and finish time of the programme; and likely audience expectations.

We considered first whether the material broadcast was suitable for children.

We noted that this programme was acquired by Made TVL having been first broadcast in a post-watershed slot by another broadcaster. Ofcom's guidance "Protecting the Under-Eighteens: Observing the watershed on television and music videos"¹ ("the Guidance") deals specifically with the issue of post-watershed content edited for pre-watershed transmission. It states:

"Broadcasters should take particular care if they wish to show before the watershed content originally produced for a post-watershed audience. In principle, material which has been previously shown after the watershed can be broadcast during the day and comply with the Code, provided all necessary edits have been made or other necessary measures taken to ensure it is appropriate for daytime audience, which may include children. Some programmes or content, however, even if rigorously edited or carefully scheduled, may not be suitable for broadcast pre-watershed because of their adult themes or repeated offensive language (even if 'bleeped')".

Ofcom considered that the subject matter of the programme (i.e. petty criminals experiencing life in an American prison) was not necessarily unsuitable for broadcast before the watershed. However, given that the programme was originally aimed at an adult audience and not intended for broadcast before the watershed, careful editing was required in order to ensure compliance with Rule 1.3.

As noted above, the programme included 78 uses of bleeped offensive language. The Guidance also deals with this specific issue of masked offensive language in pre-watershed programming. It states:

¹ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/watershed-on-tv.pdf>

“Masking offensive language is one way in which broadcasters may edit post-watershed material to make it suitable for broadcast pre-watershed. If the use of the masked offensive language in a programme is frequent, such that the programme requires multiple instances of bleeping, there can be a cumulative effect on viewers similar to that of the offence caused by repeated broadcast of the unedited offensive language. In programmes where there is frequent use of offensive language, broadcasters may need either to edit the programmes more rigorously for pre-watershed transmission to take account of this cumulative effort, or consider whether the programme is in fact appropriate for pre-watershed broadcast at all”.

In its initial comments, the Licensee said that it considered “the instances of offensive language are not done in an aggressive or violent context”. We disagreed. For example, we noted the following statements broadcast in the programme:

“They were quite hostile towards us and saying: ‘You go home you British, we’re gonna rip a [bleep] in your backs. And watch yourselves, you ain’t gonna be sleeping tonight. We’ve got the locks for the keys. We’re gonna pick these padlocks and come in and do you, slash you’. Giving it all this gang [bleep] and the rest of it”.

“A lot of [bleep] happens inside too. One guy went in the showers and one of our people just ...bink, bink, bink... knocked him the [bleep] out. He was bleeding from his eyes, he was bleeding out of his ear. His head bounced off the floor, started going in convulsions, and he was probably in the showers 30 minutes, bleeding heavily. I think he stole some tobacco from somebody”.

The following comments were made during a heated argument between the British criminals and the existing inmates of the detention facility:

“We’ve had you geezers slating us of a night time, throwing stones at the tent, slating out [bleep] family! That is [bleep] nasty! So sort your own [bleep]!”.

“If you lot go on the yard, in a new yard, yeah, you’ve never been there before, yeah, you get some [bleep] or [bleep] – are you gonna turn round and say ‘Oh hold on a minute, I’ve done nothing, I’ve been at [inaudible] for about four years’. Are you gonna say [bleep] or are you gonna turn round and say ‘Hey you [bleep], I’m a [bleep] and I’m gonna batter all of you!’”.

We considered these descriptions of violence and aggressive confrontations in combination with the frequent bleeped offensive language were strongly indicative of the programme being unsuitable for children.

Ofcom also noted the scenes of nudity within the programme. Although the Code places no prohibition on scenes of nudity being broadcast before the watershed, the broadcast of these scenes needed to be approached with care. In this case, we concluded that the cumulative effect of both the offensive language and the scenes of nudity resulted in content with an adult tone that was unsuitable for child viewers.

We then went on to consider whether the material was appropriately scheduled.

We took into account: that this content was broadcast at 19:00 on a weekday; the adult tone of the programme; and, the likelihood of there being children available to view this programme.

We noted the Licensee's initial comments that it considered that "the introduction to the programme and re-entry from commercial breaks is clearly narrated so viewers are aware of the content of the material they are watching". We accepted that the programme's narration did make the subject matter of the programme (i.e. the experience of life in an American prison) clear to viewers. However, in our view the programme's narration did not clearly alert viewers, in particular parents or carers, to either the specific material or that some viewers might consider that aspects of the broadcast were unsuitable for children.

As a new local television service² attracting a small audience it was not possible to determine the audience profile of the Made in Cardiff service, and therefore how many children may have watched this material. However, as this programme was broadcast from 19:00 there was a significant likelihood that children were available to view at this time. We also noted that the channel is freely available on the digital terrestrial platform and therefore it was clearly possible for children in the locality to come across it unawares.

Taking into account these points, in Ofcom's view, aspects of this broadcast meant that it exceeded the likely expectations of the audience for a programme broadcast in the early evening on a local television service.

For all these reasons we considered that this material was not appropriately scheduled. Rule 1.3 was therefore breached.

Rule 1.14

Rule 1.14 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language³ clearly notes that the word "fuck" and other variations of this word are considered by audiences to be among the most offensive language.

In this case, the word "fucking" was broadcast at approximately 19:40. We noted the Licensee's original assertion that even though this example of the most offensive language was not removed because of an oversight by its compliance team, "the unedited language was justified". However, Rule 1.14 makes no provision for the use of the most offensive language before the watershed to be justified by the context.

The broadcast was therefore in breach of Rule 1.14.

We noted in its response to Ofcom's Preliminary View that the Licensee said it "agreed with Ofcom's assessment and immediately made sure the programme would be strictly scheduled post-watershed". However, we were concerned that the Licensee's initial representations indicated some fundamental misunderstandings about the Code and the obligations it places on broadcasters to protect under-eighteens.

This case follows a number of other recent Code breaches for programming broadcast on local television services provided by this Licensee⁴. We are

² Made in Cardiff launched in October 2014.

³ <http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>

⁴ See two previous breach decisions published in issue 275 of Ofcom's Broadcast Bulletin (<http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb275/>) and a further breach decision published in this issue of the Broadcast Bulletin.

therefore requesting that the Licensee attends a meeting to discuss its compliance arrangements.

Breaches of Rules 1.3 and 1.14

In Breach

Ice Road Truckers

Channel 5, 21 November 2014, and 5 and 12 December 2014, 20:00

Introduction

Ice Road Truckers is a documentary series focusing on drivers who operate seasonal routes across frozen bodies of water in remote regions of Alaska and Canada. The truckers compete among themselves to haul the greatest number of loads before the ice melts in the spring.

Ofcom received a total of eight complaints about repeated offensive language and repeated instances of 'bleeped' language in the three episodes broadcast pre-watershed and detailed above. The bleeped language was, at times, identifiable given that in some cases the sound of the first letter ("f") and the sound of the last letter ("k") were audible. We reviewed the content in question and noted the following:

21 November 2014

Five instances of "shit"; one of "piss"; four instances of "asses" and one of "bastard" as well as 21 instances of bleeped language.

5 December 2014

Four instances of "shit"; four of "frickin"; one instance of "dick"; one of "pissed off"; and three instances of "asses" as well as 14 instances of bleeped language.

12 December 2014

Ten instances of "shit"; five of "frickin"; two of "prick"; one of "ass" and 21 instances of bleeped language.

We considered the material raised potential issues warranting investigation under Rule 1.16 of the Code. This states:

"Offensive language must not be broadcast before the watershed (in the case of television)...unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed".

We therefore asked Channel 5 (or "the Licensee") how this broadcast material complied with Rule 1.16.

Response

Channel 5 accepted that this was "a most serious matter". It said that the episodes broadcast on 21 November, and 5 and 12 December 2014 should not have been broadcast and, in its opinion, did not comply with the Code.

The Licensee explained that the member of staff who reviewed these programmes and prepared these programmes for broadcast did not comply with Channel 5's internal guidelines or the Code.

Channel 5 stated that it wished to make it clear that "these episodes were broadcast contrary to Channel 5's procedures", there had been no referral to the Content Legal

Team and the three episodes “were not complied appropriately or correctly”. Although “some attempt” was made to ensure the episodes were compliant “it was unacceptably inadequate”.

In particular, Channel 5 made clear that it did not consider it was “appropriate or permissible” for the word “fuck” or any variations of this word to be discernible in a pre-watershed broadcast, adding that this was not “a case where Channel 5 was seeking to push the boundaries in terms of appropriate scheduling”.

The Licensee apologised for the errors made in this instance. It said that the master tapes for each programme had been amended and none of these episodes would be broadcast pre-watershed again in the form in which they were originally broadcast.

Channel 5 said finally that, in response to this incident, it had considerably “reviewed and tightened” its internal compliance procedures about the broadcast of offensive language before the watershed.

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 1.16 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.

Consistent with the broadcaster’s and audience’s right to freedom of expression, there is no prohibition on mild or moderately offensive language being broadcast before the watershed, as long as it is justified by the context. Ofcom’s Guidance on Rule 1.16 states: “Milder language in the early part of the evening may be acceptable, for example, if mitigated by a humorous context. However, in general, viewers and listeners do not wish to hear frequent or regular use of such language, including profanity, before 2100¹”.

In this case we noted first that all three programmes began at 20:00, well before the 21:00 watershed and there were multiple instances of offensive language broadcast from the start of the three 60 minute episodes as set out in the Introduction.

We took into account the 2010 Ofcom research on offensive language concerning the offensive words used in these programmes². We noted that generally audiences consider that “ass/asses” (as a substitute for “arse”) is unlikely to be considered unsuitable when used in a programme before the watershed. In comparison, however, the words “piss” or “pissed off”, “dick/prick”, “shit”, and “bastard”, although not considered to be among the most offensive language, had greater potential to cause offence in programmes before the watershed.

In addition, we also noted that there were multiple uses of bleeped offensive language broadcast in these programmes, with 21 in each of the 21 November and 12 December episodes. In some cases the multiple bleeps occurred consecutively

¹ <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section1.pdf>

² <http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>

during heated exchanges between the truck drivers, and the word bleeped was clearly identifiable as “fuck” because it had been inadequately edited and the “f” and the “k” sounds at the start and end of the word were audible. All of this content taken together, in our view, and especially the identifiable bleeped words, therefore had the potential to cause significant offence.

We went on to consider whether the multiple and frequent uses of offensive language in this case were justified by the context.

In terms of the editorial context of these programmes, Ofcom accepted that the documentary series focuses on truck drivers working in stressful conditions, and in some cases risking their lives to deliver loads using temporary frozen ice roads. Therefore occasional use of relatively low level offensive language might be expected in a pre-watershed programme.

Ofcom considered that the use of offensive language and bleeped language (as set out above) constituted frequent use in each of the three programmes. They were broadcast on a public service channel to an audience which included significant numbers of young children aged 4 to 15, and in particular of those aged 4 to 9 years. For example: the episode on 21 November attracted a total child audience (aged 4 to 15) of 103,000 which represented 8.1% of the audience, and of these, 49,000 were children aged 4 to 9; the episode of 5 December had a child audience (aged 4 to 15) of 60,000 which represented 6.1% of the audience and of this number, 45,000 were children aged 4 to 9; and, the episode of 12 December attracted a child audience (aged 4 to 15) of 31,000 which represented 2.9% of the audience of which 21,000 were children aged 4 to 9.

As Ofcom’s Guidance on Rule 1.16 makes clear, milder language in the early part of the evening may be acceptable, if, for example, it is mitigated by a humorous context. In this case, we noted that the majority of instances where offensive language was used, particularly the bleeped instances, were within heated altercations between the truck drivers. In our view, this aggressive use of offensive language would have made it more unsuitable for broadcast before the watershed.

Clearly broadcast of the most offensive language before the watershed is in breach of the Code. However, bleeping of this language does not necessarily ensure compliance with the Code. In this case, Ofcom considered that the frequency of the bleeped language, which in some instances was identifiable as “fuck”, had a cumulative effect on viewers similar to that of the offence caused by repeated broadcast of the un-bleeped offensive language itself. It is Ofcom’s view that where such frequent bleeping of offensive language is required for pre-watershed transmission broadcasters face challenging scheduling decisions.

Ofcom noted that Channel 5 has taken various steps to ensure better compliance in future as regards the broadcast of offensive language before the watershed. Nonetheless, for the reasons set out above, these programmes were clearly in breach of Rule 1.16.

Breaches of Rule 1.16

In Breach

Box of Truth

Vox Africa, 3 December 2014, 14:30

Introduction

Vox Africa is a digital satellite channel aimed at the African community that broadcasts a variety of news and entertainment programming. The licence for Vox Africa is held by Vox Africa Plc (“Vox Plc” or “the Licensee”).

Box of Truth was a two-part Nigerian drama about various characters seeking a mysterious box that may bring peace to the world. The episode broadcast on 3 December 2014 was approximately 60 minutes in duration.

A complainant alerted Ofcom to offensive language in the programme which the viewer considered inappropriate for the time of broadcast.

Ofcom noted the following dialogue in the programme:

“Listen. I can see you’re fucking jealous”.

Ofcom considered that 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...”.

We therefore sought comments from the Licensee as to how the material complied with this rule.

Response

Vox Plc said that an internal investigation had found the issue was caused due to human error during its compliance process. The Licensee apologised and said it took “full responsibility for this mistake”.

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 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly notes that the word “fuck” and related words are considered by audiences to be among the most offensive language. Ofcom therefore considered that the broadcast of the most offensive language at 14:30, was a clear breach of Rule 1.14.

Breach of Rule 1.14

¹ <http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>

In Breach

Breakfast Show

Lyca Radio 1458, 8 August 2014 to 15 January 2015, various times

Introduction

Lyca Radio 1458 is a local commercial radio station that serves the Asian community in Greater London. The licence for the service is held by Lyca Media II Limited (“Lyca” or “the Licensee”).

Between August 2014 and January 2015, a commercial reference for Rishtey TV was broadcast during the *Breakfast Show*. It stated:

“Lyca Radio 1458. The Breakfast Show is sponsored by Rishtey TV – available free on Sky, Virgin and Freesat – standard equipment required”.

A complainant, who subscribed to Virgin Media’s basic TV package, claimed that the commercial reference was misleading. She said that Rishtey TV was not available to her for free, adding that, if she wanted to view the channel, she would need to purchase a more expensive package.

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

- Rule 10.7: “Commercial references in programming must comply with the advertising content and scheduling rules that apply to radio broadcasting”.
- Rule 10.8: “Commercial references that require confirmation or substantiation prior to broadcast must be cleared for broadcast in the same way as advertisements”.

The advertising content and scheduling rules that apply to radio broadcasting are set out in the UK Code of Broadcast Advertising (“the BCAP Code”)¹, which includes the following:

- Rule 3.1: “Advertisements must not materially mislead or be likely to do so”.
- Rule 3.9: “Broadcasters must hold documentary evidence to prove claims that the audience is likely to regard as objective and that are capable of objective substantiation. The ASA may regard claims as misleading in the absence of adequate substantiation”.

¹ The Advertising Standards Authority (“ASA”) and Broadcast Committee of Advertising Practice (“BCAP”) regulate the content of broadcast advertising, under a Memorandum of Understanding with Ofcom. Specifically, BCAP supervises and reviews the codes that govern the regulation of broadcast advertising. The regulation of commercial references on radio, including sponsorship credits, remains with Ofcom, as such references form part of radio broadcasters’ editorial content (i.e. they are not spot advertisements).

Rule 3.26: “Advertisements must not describe an element of a package as “free” if that element is included in the package price, unless consumers are likely to regard it as an additional benefit because it has recently been added to the package without increasing its price”.

Ofcom requested comments from the Licensee about how it complied with these rules.

Response

Lyca confirmed that Rishtey TV had been first available through Sky Digital on 3 September 2012, through Virgin Media on 13 December 2012 and on Freesat from 13 December 2013.

Lyca said it had “checked relevant press statements in which Rishtey TV was widely described as...part of ‘Virgin’s basic package’”, adding that when it became aware the channel was only available to Virgin customers on a more expensive package, “the sponsorship was immediately dropped from [its] schedules...”.

The Licensee said it “[regretted] the erroneous message and [had] taken steps to ensure any similar claims [would be] more stringently tested in future.” However, it considered that, “given the presence of Rishtey TV free-to-air on other platforms and on the majority of popular Virgin Media packages, few, if any, consumers will have been inconvenienced”. Lyca therefore accepted that the commercial reference was in breach of Rule 10.7 of the Broadcasting Code, with reference to Rule 3.1 of the BCAP Code, as “the announcement was misleading to [this] limited extent”. Further, the Licensee accepted that the material was in breach of Rule 10.8 of the Broadcasting Code, with reference to Rule 3.9 of the BCAP Code, “to the extent that [its] in-house clearance procedure did not fully appreciate the significance of the word ‘free’ in this particular context”, adding that it recognised its “reliance on the advertiser’s own publicity...was inadequate substantiation”.

Lyca said Rule 3.26 of the BCAP Code “went to the heart of its confusion in this case”, adding that “[it did] not believe...a consumer would have been misled into ordering a new Virgin Media installation without first deciding on the level of service (i.e. number of channels) they required and therefore the amount they were willing to pay”. It therefore considered “the cost would...have been apparent before purchase and there [was] no suggestion that this price was identifiably higher as a result of the inclusion of Rishtey TV in any Virgin Media package”. The Licensee also considered there was “no suggestion that either the advertiser or Lyca Radio 1458 would benefit from any additional Virgin Media revenue from any consumer resulting from their viewing Rishtey TV”. Lyca noted there had been “no commercial advantage to [it] from the unfortunate wording” of the commercial reference.

Rishtey TV did not submit comments on the matter.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including “that generally accepted standards are applied to the contents of ... radio services so as to provide adequate protection for members of the public from the inclusion in such services of...harmful material” and “that the inclusion of advertising which may be misleading, harmful or offensive in...radio services is prevented”. These objectives are reflected in Section Ten of the Ofcom Broadcasting Code in

relation to commercial communications in radio programming and the BCAP Code in relation to advertisements.

Rule 3.26 of the BCAP Code makes clear that no advertisement (or commercial reference on radio) may describe an element of any package as 'free' if it is included in the package price, adding that the only exception is where "consumers are likely to regard it as an additional benefit because it has recently been added to the package without increasing its price". Further, the rule applies to all advertisements, not only those from which the advertiser or the Licensee necessarily gain commercial advantage.

In this case, Ofcom noted that, although Rishtey TV was available at no cost to consumers with either a Freesat or Freesat from Sky receiver, it was available only as an element of a purchased package through Virgin Media. We also noted that Rishtey TV had been available as part of the Virgin Media package for over 18 months before the commercial reference was first broadcast. As a result, we considered consumers were unlikely to regard the channel as an additional benefit recently added to a Virgin Media package.

Ofcom noted Lyca's view that "few, if any, consumers [would] have been inconvenienced" by the commercial reference. However, the commercial reference was inaccurate and therefore had the potential to mislead. We concluded that each broadcast of the commercial reference breached Rule 10.7 of the Broadcasting Code, with reference to Rules 3.1 and 3.26 of the BCAP Code.

Further, as the claim was inaccurate, it followed that Lyca failed to hold documentary evidence to prove the availability of Rishtey TV claimed in the commercial reference. Ofcom therefore concluded that the Licensee was in breach of Rule 10.8 of the Broadcasting Code, with reference to Rule 3.9 the BCAP Code.

Breaches of Rule 10.7 of the Broadcasting Code, with reference to Rules 3.1 and 3.26 of the BCAP Code; and Breach of Rule 10.8 of the Broadcasting Code, with reference to Rule 3.9 of the BCAP Code

Broadcast Licence Conditions cases

In Breach

Production of recordings

DM News Plus, 21 July 2014, 21:00

Introduction

DM News Plus is a satellite television service primarily aimed at the Asian community in the UK. The licence for DM News Plus is held by DM Global Media Limited (“the Licensee”).

Ofcom received a complaint about footage of the aftermath of violence in the programme *Penny Appeal* broadcast on DM News Plus on 21 July 2014.

Ofcom requested a recording of the relevant programme from the Licensee to assess the broadcast material. A considerable period of time had elapsed before the Licensee provided a recording of the programme to Ofcom.

Ofcom considered this matter raised issues warranting investigation under Condition 11(2)(b) of the Licensee’s Television Licensable Content Service (“TLCS”) licence, which states that:

“11(2) ...the Licensee shall:...

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

Ofcom therefore asked the Licensee for its comments with regard to this incident.

Response

The Licensee said it had not deliberately failed to provide Ofcom with the recording and attributed the delay to staff illness and the hacking of its email account that it used for correspondence with Ofcom.

The Licensee added that it considered it had provided Ofcom with an adequate explanation for the delay.

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.

It is incumbent on all licensees to have systems in place to ensure they receive requests from Ofcom and respond to them in a timely manner. Ofcom did not therefore consider the Licensee had provided an adequate explanation for the extended delay in supplying a recording.

Because the Licensee clearly did not provide the requested recording “forthwith”, Ofcom’s Preliminary View is that it breached Licence Condition 11(2)(b) in this case.

Ofcom is already considering a number of other breaches of this licence condition by this Licensee for the imposition of a statutory sanction.

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

In Breach

Providing a service in accordance with Format

Asian Sound Radio, 29 to 31 October 2014

Introduction

Asian Sound Radio is a local commercial radio station licensed on the AM band to provide a locally-oriented music and information service for Asian listeners in East Lancashire. It is owned by Asian Sound Radio Limited (“Asian Sound Radio” or “the Licensee”).

Ofcom received a complaint which alleged that the station was failing to provide local news or community coverage in its programming.

Under the Communications Act 2003, Ofcom has a statutory duty to ensure “a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests.” In local commercial radio, Ofcom secures this by the use of Formats. These may be varied over time, but only with Ofcom’s approval.

Asian Sound Radio’s Format contains the specific requirement for local news to be broadcast:

“Local News: At least hourly during daytime weekdays and peak-time weekends...”

In all analogue commercial radio licences, Ofcom defines ‘daytime’ as being between 06:00 and 19:00, and ‘peak-time’ as being weekday breakfast and afternoon drivetime, plus weekend late breakfast.

We requested recordings of three days of Asian Sound Radio’s output, covering Wednesday 29 October, Thursday 30 October and Friday 31 October 2014. After monitoring these recordings we identified a number of weekday daytime hours which did not appear to contain any local news.

Ofcom considered that this issue warranted investigation under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Asian Sound Radio’s 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 therefore wrote to the Licensee to request its comments on how it was complying with these conditions, with particular reference to the local news requirements contained in Asian Sound Radio’s Format.

Response

The Licensee said that, “local news is usually included in presenter-read bulletins on the half-hour in daytime hours Monday-to-Friday, on Saturday afternoons between 1 pm and 5 pm and on Sunday mornings between 10 am and 1 pm”.

However, it explained that due to the temporary absence of a programme controller and a period of expansion for the company, “some important elements of [Asian Sound’s] service were temporarily neglected in some hours” during the period in question. More specifically, it acknowledged that due to a “misunderstanding of [Asian Sound’s licence] obligations”, the Licensee had not scheduled any local news bulletins at 06:30, 15:30 or 18:30 on weekdays during the period in question. The Licensee said that it intended to re-introduce these bulletins.

Asian Sound Radio noted that a new presentation manual and training for on-air personnel had been introduced in December 2014, but that the Christmas period had disrupted its implementation. It said that it had “now revised [its] compliance procedures, established a new programme management structure and introduced new scheduling procedures and guidelines”.

The Licensee also informed Ofcom that it is currently in the process of appointing a new programme controller and compliance consultant.

Decision

As noted above, under the Communications Act 2003, Ofcom has a statutory duty to ensure “a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests.” In local commercial radio, Ofcom secures this by the use of Formats.

Asian Sound Radio’s Format contains the requirement for local news to be broadcast: “At least hourly during daytime weekdays and peak-time weekends.”

We noted that the Licensee confirmed there were no local news bulletins scheduled at 06:30, 15:30 or 18:30 on weekdays during Ofcom’s monitoring period. However, across the three days of monitoring we also noted a number of other hours where, contrary to the Format requirements, no local news bulletins had been broadcast. These included hours within peak listening periods such as the weekday breakfast show (07:00 to 10:00) and afternoon drivetime (16:00 to 19:00).

We also took into account the Licensee’s comments that “local news is usually included ... on Saturday afternoons between 1 pm and 5 pm”. Unfortunately, this does not satisfy the Format requirement for local news to be broadcast at peak-time on weekends, given that Ofcom defines weekend peak-time as being “late breakfast.”

While we noted the Licensee’s explanation that the failure to meet its Format requirements was in large part due to the temporary absence of a programme controller, and that this issue was being addressed, it was very clear from our own monitoring and the representations made by the Licensee that Asian Sound Radio had not been delivering the local news service required by the terms of its licence.

We are putting the Licensee on notice that, should similar issues arise in future, we may consider taking further regulatory action.

Breaches of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the commercial radio licence held by Asian Sound Radio Limited (licence number AL183)

In Breach

Providing a service in accordance with ‘Key Commitments’

Irvine Beat FM, 11 to 13 January 2015

Introduction

Irvine Beat FM is a community radio station licensed to provide a service for people in the Fullarton, Harbourside, Redburn, Vineburgh, Springside and Castlepark areas of Irvine, Scotland. The licence is held by Irvine Beat FM (SCIO) (“Irvine Beat FM” or “the Licensee”).

In common with other community radio stations, Irvine Beat FM is required to deliver the ‘Key Commitments’ which form part of its licence.¹ These set out how the station will serve its target community and include a description of the programme service; social gain (community benefit) objectives such as training provision; arrangements for access for members of the target community; opportunities to participate in the operation and management of the service; and accountability to the community.

Ofcom received a complaint that Irvine Beat FM’s output was comprised overwhelmingly of music, and that it was therefore not meeting the 30% speech level required by its Key Commitments. The complainant also felt that the station’s commitment to provide “health and well-being” programmes was not being delivered.

We asked Irvine Beat FM for a sample of its output across three days so we could assess the complaint. The audio provided raised issues with regard to Irvine Beat FM’s compliance with the following Key Commitments:

- “Output typically comprises 70% music and 30% speech during the day (‘speech’ excludes advertising, programme/promotional trails and sponsor credits). The proportion of music may be greater in the evenings and overnight.”
- “Speech output includes health and well-being related programmes and features throughout the broadcasting period...”.

Ofcom considered that these issues warranted investigation under Conditions 2(1) and 2(4) in Part 2 of the Schedule to Irvine Beat FM’s 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 therefore requested comments from Irvine Beat FM on how it complied with these conditions, with reference to the specific Key Commitments set out above.

¹ The Key Commitments are contained in an annex to Irvine Beat FM’s licence. They can be viewed in full at:
<http://www.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000263.pdf>

Response

The Licensee stated that, while it had been confident that it had been meeting the Key Commitment that “Output typically comprises 70% music and 30% speech output during the day”, after listening to the audio for the relevant days and timing the speech content, it agreed with Ofcom’s assessment (i.e. that it was not meeting this requirement).

Commenting on its compliance with the Key Commitment which requires that: “Speech output includes health and well-being related programmes and features throughout the broadcasting period...”, the Licensee noted that a discussion about smoking in prisons and hospital grounds took place during *The Sunday Talk-in* show on Sunday 11 January (12:00 to 14:00). We noted that this programme also included discussions about the NHS, A&E provision, GP surgeries, and women’s health.

The Licensee added that it would “normally broadcast live health and well-being interviews at 1.30pm from Monday to Friday” but that, due to extreme adverse weather conditions on the days Ofcom assessed, the planned interviewees cancelled at short notice. It also provided Ofcom with records of relevant interviews broadcast over the previous three months which it stated “is a typical representation of interviews...broadcast over the past year.”

Irvine Beat FM outlined its intention to improve its speech output by making various programming changes.

Decision

Ofcom has a number of duties in relation to radio broadcasting, including securing a diverse range of local radio services which are calculated to appeal to a variety of tastes and interests, along with the optimal use of the radio spectrum. These matters are reflected in the licence condition requiring the provision of the specified licensed service. Provision by a licensee of its licensed service on the frequency assigned to it is the fundamental purpose for which a community radio licence is granted.

We were broadly satisfied, based on our monitoring period and other information provided by the Licensee, that Irvine Beat FM had been delivering the “health and well-being related programmes and features” required by its Key Commitments. However, we concluded that, during our monitoring period, Irvine Beat FM had not been delivering the 30% speech requirement during daytime hours.

The Licensee has told us it is now taking steps to ensure that significantly more speech content is provided each day on Irvine Beat FM.

Nevertheless, we are putting the Licensee on notice that, should similar issues arise in future, we may consider taking further regulatory action.

Breaches of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by Irvine Beat FM (SCIO) (licence number CR000263BA/1).

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 17 March and 6 April 2015 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 radio

Programme	Broadcaster	Transmission date	Categories
November 1984 charity appeal	Akaal Channel	15/10/2014	Charity appeals
Advertising	Bonanza Bonanza	28/12/2014	Advertising minutage
Capital Breakfast with Rob Ellis	Capital FM 102	16/02/2015	Sexual orientation discrimination/offence
The Jeremy Kyle Show	ITV	01/02/2015	Materially misleading
This Morning	ITV	03/02/2015	Scheduling
Destroyed in Seconds	Quest	28/01/2015	Violence and dangerous behaviour
Sky News	Sky News	07/01/2015	Violence and dangerous behaviour

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

Complaints Assessed, Not Investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 17 March and 15 April 2015 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
Showtime: Party Down South (trailer)	4Music	14/03/2015	Offensive language	1
Showtime: Party Down South (trailer)	4Music	16/03/2015	Offensive language	1
UK Hot 40: The Top 20	4Music	08/03/2015	Violence and dangerous behaviour	1
Showtime: Party Down South (trailer)	4Music / Magic	Various	Offensive language	1
Cheaper By The Dozen 2	5*	22/03/2015	Offensive language	1
Competition	5USA	16/03/2015	Competitions	1
News	Al Jazeera Eng	07/01/2015	Violence and dangerous behaviour	1
Sherlock	AXN	26/03/2015	Materially misleading	1
News	Bangla TV	02/12/2014	Due accuracy	1
Party Election Broadcast by the UK Independence Party	BBC	15/04/2015	Outside of remit	1
News	BBC / ITV / Channel 4	Various	Elections/Referendums	1
News	BBC / ITV / Sky News	09/01/2015	Violence and dangerous behaviour	1
BBC London News	BBC 1	09/04/2015	Elections/Referendums	1
BBC News	BBC 1	21/12/2014	Offensive language	1
BBC News	BBC 1	11/01/2015	Generally accepted standards	1
BBC News	BBC 1	16/03/2015	Due impartiality/bias	1
BBC News	BBC 1	17/03/2015	Due impartiality/bias	1
BBC News	BBC 1	29/03/2015	Due impartiality/bias	1
BBC News	BBC 1	30/03/2015	Due impartiality/bias	1
BBC News	BBC 1	04/04/2015	Elections/Referendums	1
BBC News at One	BBC 1	13/01/2015	Religious/Beliefs discrimination/offence	1
BBC News at One	BBC 1	17/03/2015	Generally accepted standards	1
BBC News at One	BBC 1	30/03/2015	Elections/Referendums	1
BBC News at Six	BBC 1	09/01/2015	Violence and dangerous behaviour	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
BBC News at Six	BBC 1	26/02/2015	Generally accepted standards	1
BBC News at Six	BBC 1	23/03/2015	Due impartiality/bias	1
BBC News at Six	BBC 1	23/03/2015	Gender discrimination/offence	1
BBC News at Six	BBC 1	26/03/2015	Crime	1
BBC News at Six	BBC 1	26/03/2015	Generally accepted standards	1
BBC News at Six	BBC 1	01/04/2015	Elections/Referendums	1
BBC News at Six	BBC 1	10/04/2015	Elections/Referendums	1
BBC News at Ten	BBC 1	07/01/2015	Violence and dangerous behaviour	1
BBC News at Ten	BBC 1	13/01/2015	Generally accepted standards	1
BBC News at Ten	BBC 1	13/01/2015	Religious/Beliefs discrimination/offence	1
BBC News at Ten	BBC 1	03/03/2015	Generally accepted standards	1
BBC News at Ten	BBC 1	20/03/2015	Generally accepted standards	1
BBC News at Ten	BBC 1	07/04/2015	Elections/Referendums	1
BBC News at Ten	BBC 1	10/04/2015	Elections/Referendums	1
Breakfast	BBC 1	24/02/2015	Crime	1
Breakfast	BBC 1	01/04/2015	Elections/Referendums	1
Crimewatch	BBC 1	02/03/2015	Crime	1
EastEnders	BBC 1	02/03/2015	Disability discrimination/offence	1
EastEnders	BBC 1	05/03/2015	Generally accepted standards	1
EastEnders	BBC 1	18/03/2015	Generally accepted standards	1
EastEnders	BBC 1	26/03/2015	Violence and dangerous behaviour	1
Holby City	BBC 1	17/03/2015	Television Access Services	1
MasterChef	BBC 1	20/03/2015	Religious/Beliefs discrimination/offence	1
Match of the Day Live	BBC 1	16/03/2015	Promotion of products/services	1
Panorama	BBC 1	12/01/2015	Religious/Beliefs discrimination/offence	1
Panorama	BBC 1	30/03/2015	Elections/Referendums	1
Poldark	BBC 1	08/03/2015	Animal welfare	1
Poldark	BBC 1	08/03/2015	Violence and dangerous behaviour	1
Poldark	BBC 1	15/03/2015	Generally accepted standards	1
Question Time	BBC 1	02/04/2015	Elections/Referendums	1
Question Time	BBC 1	09/04/2015	Elections/Referendums	1
Regional News and Weather	BBC 1	16/03/2015	Generally accepted standards	1
Regional News and Weather	BBC 1	07/04/2015	Elections/Referendums	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Regional News and Weather	BBC 1	08/04/2015	Elections/Referendums	1
Sunday Politics	BBC 1	22/03/2015	Surreptitious advertising	5
Sunday Politics	BBC 1	29/03/2015	Generally accepted standards	1
Tennis	BBC 1	01/02/2015	Offensive language	2
The Big Questions	BBC 1	22/03/2015	Due impartiality/bias	3
The Billion Dollar Chicken Shop	BBC 1	25/03/2015	Outside of remit	1
The Edge	BBC 1	26/03/2015	Generally accepted standards	1
The One Show	BBC 1	19/03/2015	Promotion of products/services	1
The One Show	BBC 1	25/03/2015	Violence and dangerous behaviour	1
The One Show	BBC 1	27/03/2015	Animal welfare	1
The Sheriffs are Coming	BBC 1	23/03/2015	Outside of remit	1
The Voice UK	BBC 1	21/02/2015	Flashing images/risk to viewers who have PSE	1
The Voice UK	BBC 1	21/03/2015	Generally accepted standards	1
The Voice UK	BBC 1	28/03/2015	Outside of remit	1
The Voice UK	BBC 1	28/03/2015	Race discrimination/offence	1
This Week	BBC 1	05/03/2015	Generally accepted standards	1
WPC 56	BBC 1	25/02/2015	Violence and dangerous behaviour	1
BBC News	BBC 1	06/04/2015	Elections/Referendums	1
BBC News	BBC 1 / BBC News Channel	n/a	Elections/Referendums	2
Boogaloo and Graham	BBC 1 Northern Ireland	22/02/2015	Animal welfare	1
Nolan Live	BBC 1 Northern Ireland	25/02/2015	Crime	1
Bluestone 42	BBC 2	15/03/2015	Offensive language	1
Dara and Ed's Great Big Adventure	BBC 2	24/03/2015	Outside of remit	1
Food and Drink	BBC 2	20/02/2015	Race discrimination/offence	2
Newsnight	BBC 2	30/03/2015	Elections/Referendums	1
Nurse	BBC 2	10/03/2015	Generally accepted standards	1
Nurse	BBC 2	17/03/2015	Disability discrimination/offence	1
See Hear	BBC 2	02/04/2015	Elections/Referendums	1
The Daily Politics	BBC 2	11/03/2015	Promotion of products/services	1
The Daily Politics	BBC 2	23/03/2015	Due impartiality/bias	1
The Daily Politics	BBC 2	26/03/2015	Generally accepted standards	1
The Daily Politics	BBC 2	30/03/2015	Due impartiality/bias	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Daily Politics	BBC 2	13/04/2015	Elections/Referendums	2
Top Gear	BBC 2	01/03/2015	Generally accepted standards	7
Top Gear	BBC 2	01/03/2015	Offensive language	11
Top Gear	BBC 2	n/a	Outside of remit / other	133
A Nation Divided? The Charlie Hebdo Aftermath	BBC 3	30/03/2015	Due impartiality/bias	1
Free Speech	BBC 3	31/03/2015	Elections/Referendums	1
How Safe are My Drugs?	BBC 3	10/12/2014	Under 18s in programmes	1
I Survived a Zombie Apocalypse	BBC 3	15/02/2015	Flashing images/risk to viewers who have PSE	1
Top Gear	BBC 3	25/03/2015	Outside of remit	1
Climate Change	BBC 4	04/03/2015	Materially misleading	1
Storyville: India's Daughter	BBC 4	04/03/2015	Generally accepted standards	7
Storyville: The Great European Disaster Movie	BBC 4	01/03/2015	Due impartiality/bias	1
News	BBC Channels	n/a	Elections/Referendums	1
BBC News	BBC News Channel	07/01/2015	Generally accepted standards	2
BBC News	BBC News Channel	26/02/2015	Generally accepted standards	10
BBC News	BBC News Channel	13/04/2015	Elections/Referendums	1
Alice Levine	BBC Radio 1	22/03/2015	Offensive language	1
News	BBC Radio 1	13/03/2015	Generally accepted standards	1
BBC News	BBC Radio 2	04/03/2015	Scheduling	1
BBC News	BBC Radio 2	01/04/2015	Elections/Referendums	1
Jeremy Vine	BBC Radio 2	24/02/2015	Crime	1
Jonathan Ross sits in for Steve Wright in the Afternoon	BBC Radio 2	19/03/2015	Generally accepted standards	2
BBC News	BBC Radio 4	30/03/2015	Elections/Referendums	1
Just A Minute	BBC Radio 4	30/03/2015	Scheduling	1
PM	BBC Radio 4	03/04/2015	Elections/Referendums	1
The Today Programme	BBC Radio 4	09/01/2015	Generally accepted standards	1
The Today Programme	BBC Radio 4	02/04/2015	Elections/Referendums	3
Today	BBC Radio 4	27/03/2015	Due impartiality/bias	1
Today	BBC Radio 4	N/A	Due impartiality/bias	1
Woman's Hour: 15 Minute Drama	BBC Radio 4	31/03/2015	Elections/Referendums	1
World at One	BBC Radio 4	08/04/2015	Elections/Referendums	1
The Huey Show	BBC Radio 6 Music	04/04/2015	Elections/Referendums	1
Iain Lee	BBC Three Counties Radio	03/03/2015	Outside of remit	1
Programming	Brit Asia TV	14/03/2015	Materially misleading	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Dumping Ground	CBBC	06/03/2015	Generally accepted standards	1
Brainiac Science Abuse	Challenge	07/02/2015	Scheduling	1
Advertisement	Channel 4	21/03/2015	Advertising content	1
Advertisement	Channel 4	26/03/2015	Advertising content	3
Advertisement	Channel 4	30/03/2015	Advertising content	1
Being Bipolar	Channel 4	04/03/2015	Disability discrimination/offence	9
Britain's Racist Election	Channel 4	15/03/2015	Due impartiality/bias	2
Cameron and Miliband Live: The Battle for Number 10	Channel 4	26/03/2015	Due Impartiality/Bias	460
Channel 4 News	Channel 4	24/02/2015	Due impartiality/bias	1
Channel 4 News	Channel 4	27/02/2015	Due impartiality/bias	1
Channel 4 News	Channel 4	05/03/2015	Violence and dangerous behaviour	1
Channel 4 News	Channel 4	06/03/2015	Due impartiality/bias	1
Channel 4 News	Channel 4	09/03/2015	Generally accepted standards	1
Channel 4 News	Channel 4	10/03/2015	Generally accepted standards	1
Channel 4 News	Channel 4	14/04/2015	Elections/Referendums	1
Coach Trip	Channel 4	20/03/2015	Animal welfare	2
Coalition	Channel 4	28/03/2015	Due impartiality/bias	1
Cucumber (trailer)	Channel 4	Various	Scheduling	1
Domino's sponsorship of Hollyoaks	Channel 4	25/02/2015	Generally accepted standards	1
First Dates	Channel 4	Various	Violence and dangerous behaviour	1
Food Unwrapped	Channel 4	23/02/2015	Materially misleading	1
Gogglebox	Channel 4	27/02/2015	Generally accepted standards	12
Gogglebox	Channel 4	05/03/2015	Generally accepted standards	1
Gogglebox	Channel 4	27/03/2015	Race discrimination/offence	3
Kevin McCloud's Man Made Home	Channel 4	18/03/2015	Generally accepted standards	1
Manhunt: Closing in on a British Paedophile	Channel 4	16/12/2014	Under 18s in programmes	1
Mary Portas: Secret Shopper	Channel 4	10/03/2015	Offensive language	1
My Tattoo Addiction	Channel 4	19/02/2015	Generally accepted standards	1
The Crabbie's Grand National Festival (trailer)	Channel 4	27/03/2015	Generally accepted standards	1
Things We Won't Say About Race That are True	Channel 4	19/03/2015	Offensive language	2
Things We Won't Say About Race That are True	Channel 4	19/03/2015	Outside of remit	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Things We Won't Say About Race That are True	Channel 4	19/03/2015	Race discrimination/offence	4
Things We Won't Say About Race That are True	Channel 4	19/03/2015	Violence and dangerous behaviour	1
Advertisement	Channel 5	30/03/2015	Advertising content	1
Celebrity Big Brother	Channel 5	Various	Television Access Services	1
Dream Bingo's sponsorship of Neighbours	Channel 5	06/03/2015	Gambling	1
Guilty at 17	Channel 5	16/02/2015	Scheduling	1
Holiday Love Rats Exposed	Channel 5	19/03/2015	Materially misleading	3
Ice Road Truckers	Channel 5	13/02/2015	Offensive language	1
Most Shocking TV Moments	Channel 5	17/03/2015	Generally accepted standards	1
Patricia Cornwell's Deadly Encounter	Channel 5	20/02/2015	Scheduling	1
Police Interceptors	Channel 5	24/03/2015	Generally accepted standards	1
Programme trailers	Channel 5	23/03/2015	Scheduling	1
The Wright Stuff	Channel 5	19/03/2015	Race discrimination/offence	1
Top 20 Funniest (trailer)	Channel 5	14/03/2015	Violence and dangerous behaviour	1
Halfords' sponsorship of Happy Motoring on Dave	Dave	10/03/2015	Materially misleading	1
Lizard Lick Towing	Dave	24/02/2015	Violence and dangerous behaviour	1
Programming	DMAX	Various	Television Access Services	1
End of the World Night (trailer)	E4	30/03/2015	Generally accepted standards	1
End of the World Night (trailer)	E4	31/03/2015	Generally accepted standards	1
Showtime: Party Down South (trailer)	E4	22/03/2015	Offensive language	1
Showtime: Party Down South (trailer)	E4	29/03/2015	Offensive language	1
Troy	E4	14/02/2015	Product placement	1
Programming	Ideal Extra	16/03/2015	Advertising content	1
1000 Heartbeats	ITV	27/03/2015	Generally accepted standards	1
Advertisement	ITV	16/03/2015	Advertising content	1
Advertisement	ITV	18/03/2015	Advertising content	1
Advertisement	ITV	25/03/2015	Advertising content	2
Advertisement	ITV	26/03/2015	Advertising content	1
Ant and Dec's Saturday Night Takeaway	ITV	28/02/2015	Competitions	1
Ant and Dec's Saturday Night Takeaway	ITV	28/02/2015	Generally accepted standards	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Ant and Dec's Saturday Night Takeaway	ITV	28/02/2015	Race discrimination/offence	1
Ant and Dec's Saturday Night Takeaway	ITV	21/03/2015	Competitions	1
Ant and Dec's Saturday Night Takeaway	ITV	28/03/2015	Competitions	1
Arthur and George	ITV	02/03/2015	Animal welfare	5
Arthur and George	ITV	09/03/2015	Generally accepted standards	1
Arthur and George	ITV	09/03/2015	Outside of remit	1
Aunt Bessie's sponsorship of The Chase	ITV	17/03/2015	Crime	1
Bear Grylls: Mission Survive	ITV	27/02/2015	Violence and dangerous behaviour	1
Big Star's Little Star	ITV	01/04/2015	Elections/Referendums	2
Britain's Got Talent (trailer)	ITV	29/03/2015	Generally accepted standards	2
Comparethemarket.com's sponsorship of Coronation Street	ITV	09/03/2015	Generally accepted standards	1
Comparethemarket.com's sponsorship of Coronation Street	ITV	16/03/2015	Race discrimination/offence	1
Emmerdale	ITV	26/02/2015	Scheduling	89
Emmerdale	ITV	13/03/2015	Generally accepted standards	1
Emmerdale	ITV	27/03/2015	Generally accepted standards	1
Emmerdale	ITV	30/03/2015	Generally accepted standards	2
Exposure: Charities Behaving Badly	ITV	18/02/2015	Due accuracy	6
Exposure: When Pregnant Women Drink	ITV	03/03/2015	Materially misleading	1
Good Morning Britain	ITV	26/02/2015	Scheduling	1
Good Morning Britain	ITV	09/03/2015	Gender discrimination/offence	1
Good Morning Britain	ITV	27/03/2015	Due impartiality/bias	1
ITV News and Weather	ITV	08/01/2015	Violence and dangerous behaviour	1
ITV News and Weather	ITV	14/03/2015	Crime	1
ITV News and Weather	ITV	18/03/2015	Nudity	1
ITV News and Weather	ITV	19/03/2015	Generally accepted standards	1
ITV News and Weather	ITV	08/04/2015	Elections/Referendums	1
ITV News at Ten and Weather	ITV	04/03/2015	Generally accepted standards	1
ITV News at Ten and Weather	ITV	06/03/2015	Due accuracy	1
ITV News at Ten and Weather	ITV	06/03/2015	Due impartiality/bias	1
ITV News at Ten and Weather	ITV	18/03/2015	Materially misleading	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
ITV News at Ten and Weather	ITV	24/03/2015	Generally accepted standards	1
ITV News at Ten and Weather	ITV	30/03/2015	Elections/Referendums	1
ITV News at Ten and Weather	ITV	02/04/2015	Elections/Referendums	1
ITV News at Ten and Weather	ITV	07/04/2015	Elections/Referendums	1
Loose Women	ITV	19/03/2015	Generally accepted standards	1
Loose Women	ITV	24/03/2015	Due impartiality/bias	1
Lorraine	ITV	09/03/2015	Generally accepted standards	1
Lorraine	ITV	16/03/2015	Gender discrimination/offence	1
Mr Selfridge	ITV	08/02/2015	Violence and dangerous behaviour	1
Mr Selfridge	ITV	15/03/2015	Television Access Services	1
Off Their Rockers	ITV	01/03/2015	Generally accepted standards	1
Off Their Rockers	ITV	22/03/2015	Generally accepted standards	1
Off Their Rockers	ITV	22/03/2015	Scheduling	1
Off Their Rockers	ITV	22/03/2015	Violence and dangerous behaviour	1
Off Their Rockers	ITV	29/03/2015	Generally accepted standards	7
Regional ITV on Sky platform	ITV	16/02/2015	National/regional/local issues	1
The Agenda	ITV	09/04/2015	Elections/Referendums	1
The Chase	ITV	Unknown	Competitions	1
The ITV Leaders' Debate	ITV	02/04/2015	Elections/Referendums	12
The Jeremy Kyle Show	ITV	26/01/2015	Materially misleading	1
The Jeremy Kyle Show	ITV	Various	Generally accepted standards	1
The Jonathan Ross Show	ITV	28/03/2015	Offensive language	3
The Mafia with Trevor McDonald (trailer)	ITV	23/03/2015	Crime	3
This Morning	ITV	16/03/2015	Generally accepted standards	1
UEFA Champions League (trailer)	ITV	08/03/2015	Materially misleading	1
You're Back in the Room	ITV	14/03/2015	Outside of remit	2
You're Back in the Room	ITV	21/03/2015	Outside of remit	1
Advertisement	ITV / Channel 4	30/03/2015	Advertising content	1
News	ITV / Channel 4	31/03/2015	Elections/Referendums	1
News	ITV / Channel 4	01/04/2015	Elections/Referendums	1
Dr Finlay	ITV Encore	19/03/2015	Outside of remit	1
ITV News London	ITV London	23/03/2015	Generally accepted standards	2
ITV News Meridian	ITV Meridian	27/03/2015	Outside of remit	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Take Me Out: The Gossip	ITV2	08/03/2015	Scheduling	1
The Girl with the Dragon Tattoo	ITV2	22/03/2015	Violence and dangerous behaviour	1
The Jeremy Kyle Show	ITV2	12/02/2015	Generally accepted standards	1
You've Been Framed!	ITV2	29/03/2015	Generally accepted standards	1
You've Been Framed!	ITV2	02/04/2015	Elections/Referendums	1
News	Jack FM (Bristol)	18/03/2015	Due accuracy	1
Call Clegg	LBC 97.3 FM	05/02/2015	Due accuracy	1
Duncan Barks	LBC 97.3 FM	23/03/2015	Race discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	14/01/2015	Religious/Beliefs discrimination/offence	2
Nick Ferrari	LBC 97.3 FM	23/02/2015	Race discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	02/04/2015	Elections/Referendums	2
Blue (trailer) and Preachers' Daughters (trailer)	Lifetime	13/03/2015	Scheduling	1
Programming	Madani Channel	18/03/2015	Generally accepted standards	1
Ubeat TV	Made in Tyne and Wear	13/02/2015	Competitions	1
Big Fat Gypsy Weddings	More4	16/03/2015	Animal welfare	1
Big Fat Gypsy Weddings	More4	30/03/2015	Animal welfare	1
News	NDTV24X7	03/02/2015	Generally accepted standards	1
Drivetime	Raaj FM (Sandwell)	13/03/2015	Offensive language	1
Drivetime	Raaj FM (Sandwell)	20/03/2015	Offensive language	1
Ghost Adventures (trailer)	Really	04/03/2015	Scheduling	1
Mid-Morning Show	Rother FM, Trax FM, Dearne FM and Ridings FM	Various	Materially misleading	1
Anthems at 11	Signal 1	09/03/2015	Offensive language	1
Fortitude	Sky Atlantic	04/03/2015	Television Access Services	1
Fortitude	Sky Atlantic	05/03/2015	Offensive language	1
Fortitude	Sky Atlantic	05/03/2015	Violence and dangerous behaviour	5
Fortitude	Sky Atlantic	11/03/2015	Violence and dangerous behaviour	1
Stalker (trailer)	Sky Living	15/03/2015	Scheduling	1
Cameron and Miliband Live: The Battle for Number 10	Sky News	26/03/2015	Due impartiality/bias	38
Election Debate Special	Sky News	02/04/2015	Elections/Referendums	1
Election Special	Sky News	08/04/2015	Elections/Referendums	1
Press Preview	Sky News	30/03/2015	Elections/Referendums	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Sky News	Sky News	08/01/2015	Generally accepted standards	5
Sky News	Sky News	23/03/2015	Due impartiality/bias	1
Sky News	Sky News	24/03/2015	Generally accepted standards	1
Sky News at 11	Sky News	30/03/2015	Elections/Referendums	1
Sky News at Nine	Sky News	04/04/2015	Elections/Referendums	1
Sky News Tonight with Adam Boulton	Sky News	01/04/2015	Elections/Referendums	1
Sky News Tonight with Adam Boulton &	Sky News	18/02/2015	Due impartiality/bias	1
Sky News with Colin Brazier &...	Sky News	08/01/2015	Due impartiality/bias	1
Sky News with Kay Burley	Sky News	26/02/2015	Generally accepted standards	1
Sky News with Kay Burley	Sky News	11/03/2015	Due impartiality/bias	1
Sunrise	Sky News	18/12/2014	Offensive language	1
Sunrise	Sky News	10/03/2015	Generally accepted standards	1
Sunrise	Sky News	27/03/2015	Crime	1
Sunrise	Sky News	04/04/2015	Elections/Referendums	1
Sunrise	Sky News	08/04/2015	Elections/Referendums	1
Week in Review	Sky News	20/03/2015	Generally accepted standards	1
Premier League Football	Sky Sports 1	15/03/2015	Generally accepted standards	1
Moone Boy (trailer)	Sky Sports 2	08/03/2015	Scheduling	1
The Enfield Haunting (trailer)	Sky Sports News	28/03/2015	Scheduling	1
Decision Time (trailer)	Sky1	10/04/2015	Elections/Referendums	1
Sun Perks' sponsorship of The Simpsons	Sky1	16/03/2015	Generally accepted standards	1
Sun Perks' sponsorship of The Simpsons	Sky1	Various	Generally accepted standards	1
The Simpsons	Sky1	23/03/2015	Drugs, smoking, solvents or alcohol	1
Programming	Starz	16/03/2015	Generally accepted standards	1
Studio 66 Nights	Studio 66 TV	10/03/2015	Materially misleading	1
Euro 2016 Qualifier Live	STV	27/03/2015	Outside of remit	1
Scotland Debates	STV	07/04/2015	Elections/Referendums	2
Scotland Tonight	STV	09/03/2015	Due impartiality/bias	1
STV News	STV	01/03/2015	Due accuracy	1
Advertisement	TCM	17/03/2015	Advertising content	1
Breakfast Show	Team Rock Radio	13/02/2015	Race discrimination/offence	1
Showtime: Party Down South (trailer)	The Box	14/03/2015	Offensive language	1
The Box+ Streaming Chart	The Box	15/03/2015	Generally accepted standards	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Unity FM	Unity FM 93.5 Birmingham	13/02/2015	Due impartiality/bias	1
News	Various	Various	Outside of remit	1
Dracula Untold (trailer)	Virgin On Demand	01/03/2015	Scheduling	1
I Am Hip Hop	Westside 89.6FM	22/10/2014	Offensive language	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	Licensed service	Categories	Number of complaints
Celador Radio (South West) Limited	The Breeze	Format	1
Celador Radio Ltd	Fire Radio	Format	1
Radio City (Sound of Merseyside) Limited	Radio City 2	Format	1

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 19 March and 8 April 2015.

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

Programme	Broadcaster	Transmission date
Doctors	BBC 1	27 February 2015
Dermot Dances for Comic Relief	BBC 1 Red Button	13 March 2015
Programming	Ben TV	Various
Advertising minutage	Bonanza Bonanza	12 February 2015
Advertising minutage	Brit Asia TV	Various
Super Scoreboard	Clyde 1	14 March 2015
NBC Nightly News	CNBC	24 February 2015
Advertising minutage	GEO TV	14 February 2015
Robin Galloway	Heart 100-101 (Scotland West)	24 February 2015
Off Their Rockers	ITV	22 March 2015
Drivetime	Panjab Radio	6 March 2015
Advertising minutage	Prime TV	Various
The Territory of Misrepresentation - Teritoria Zabluzhdenii	REN TV Baltic	19 November 2014
Station idents	SAM FM 106 (South Coast)	4 April 2015
Advertising minutage	Samaa	9 February 2015

Programme	Broadcaster	Transmission date
Breakfast Show	Team Rock Radio	16 March 2015
Competitions	U105	07 March 2015

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
Immigration Street	Channel 4	24 February 2015
Sikh Channel News	Sikh Channel	21 November 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
Radio West Suffolk Limited	RWS FM 103.3

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/>.