

Sanction: Decision by Ofcom

Decision: Sanction: to be imposed on Loveworld Limited (“LL”)

For material broadcast on Loveworld Television Network (“Loveworld”) on 11 of February and 12 February 2021¹.

Ofcom’s Sanction Decision against: Loveworld Limited (the “Licensee”) in respect of its service **Loveworld UK** (TLCS000787BA/1).

For: Breach of the Ofcom Broadcasting Code (the “Code”)²:

Rule 2.1: “Generally accepted standards must be applied to the contents of television and radio services[...] so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.

Rule 2.2: “Factual programmes or items or portrayals of factual matters must not materially mislead the audience”.

Decision: To impose a financial penalty (payable to HM Paymaster General) of £25,000

¹ See [Ofcom Broadcast and on Demand Bulletin](#), 19 April 2021 (“the Breach Decision”).

² See [Ofcom Broadcasting Code](#)

Executive Summary

1. Loveworld is a religious television channel broadcast on satellite providing a service in the UK from an Evangelical Christian denomination with a global network of churches³. The Licence for the Loveworld service is held by Loveworld Limited (“LL” or “the Licensee”).
2. On 11 February 2021 at 17:00 and 12 February 2021 at 11:00, the licensee broadcast two episodes of the programme called *Full Disclosure* which were each one-hour long.
3. *Full Disclosure* is a current affairs programme featuring two presenters discussing topical news stories.

The Breach Decision

4. In Ofcom’s Decision (“the Breach Decision”) published on 19 April 2021 in Issue 424 of the Broadcast and On Demand Bulletin⁴, Ofcom found, following monitoring, that the programmes contained materially misleading statements about the Coronavirus pandemic and vaccine rollout, and that these statements had the potential to cause significant harm without providing adequate protection to viewers, in breach of Rules 2.1 and 2.2 of the Code.
5. The Breach Decision sets out specifically the broadcast material that was in breach, along with reasoning as to why the material had breached the applicable rules of the Code.
6. Ofcom is prioritising cases relating to the Coronavirus which could cause potential harm to audiences. As set out in our published guidance for broadcasters⁵, this could include: health claims related to the virus which may be harmful; medical advice which may be harmful; and inaccuracy or material misleadingness in programmes in relation to the virus or public policy regarding it.
7. Given this prioritisation we informed LL that we considered it was appropriate for us to depart from our normal published procedures to expedite the investigation. When we concluded our investigation, given the serious nature of the breaches in this case, and in order to remedy the potential harm caused as quickly as possible, Ofcom directed the Licensee to broadcast a summary of Ofcom’s Decision on 29 April at 11:00 and on 30 April at 11:00.
8. Ofcom put the Licensee on notice that it considered these breaches to be serious and would be considering whether to impose any further sanction in addition to the Direction. An Ofcom Sanctions Panel decided that, given the severity of the breaches and the Licensee’s recent compliance history, it would be appropriate to consider the imposition of a further sanction. This document sets out Ofcom’s Decision for the consideration of a further sanction.

The Sanction Decision

9. In accordance with Ofcom’s Procedures for the consideration of statutory sanctions in breaches of broadcast licences (the “Sanctions Procedures”⁶), Ofcom considered whether the Code breach was serious, deliberate, reckless or repeated so as to warrant the imposition of a further sanction on the Licensee in this case.
10. This paper sets out Ofcom’s Decision on the type and level of sanction to be imposed on the Licensee, taking into account all the relevant material in this case and Ofcom’s Penalty Guidelines⁷.

³ The Christian denomination, Loveworld Incorporated (also known as Christ Embassy) was founded by Pastor Chris Oyakhilome who is also its president. It runs seven television channels globally.

⁴ See footnote 1.

⁵ See [Broadcast standards during the coronavirus pandemic](#)

⁶ See Ofcom’s [Sanctions Procedures](#).

⁷ See footnote 3

11. Ofcom's Decision is that the appropriate sanction is a financial penalty of £25,000.

Legal Framework

Communications Act 2003

12. Ofcom's principal duty, set out in section 3(1) of the Communications Act 2003 ("the Act"), is to further the interests of citizens in relation to communications matters and the interests of consumers in relevant markets.
13. Ofcom has a specific duty under section 319 of the Act to set such standards for the content of programmes in television and radio services as appears to it best calculated to secure the standards objectives set out in section 319(2). These objectives include the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public from the inclusion of harmful material in such services (section 3(2)(e)).
14. The requirement outlined above is reflected in Section Two of the Code. Accompanying Guidance Notes⁸ to each section of the Code are published and from time to time updated on the Ofcom website. The Guidance Notes are non-binding but assist broadcasters to interpret and apply the Code.
15. In performing these duties, Ofcom is required to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principles representing best regulatory practice (section 3(3)); and, where relevant, to have regard to a number of other considerations including the need to secure that the application, in the case of television and radio services, of standards relating to harm and offence is in the manner that best guarantees an appropriate level of freedom of expression (section 3(4)(g)).

Human Rights Act 1998

16. As a public authority, Ofcom must also act in accordance with its public law duties to act lawfully, rationally and fairly, and it has a duty to ensure that it does not act in a way which is incompatible with the European Convention on Human Rights (the "Convention"). In particular, in the context of this case, Ofcom has taken account of the related right under Article 10 of the Convention.
17. Article 10 of the Convention provides for the right to freedom of expression. Applied to broadcasting, this right encompasses the broadcaster's freedom to impart and the audience's freedom to receive information and ideas without interference by a public authority and regardless of frontiers (Article 10(1))⁹. It applies not only to the content of information but also the means by transmission or reception¹⁰. And while subject to exceptions, the need for any restriction must be established convincingly¹¹. The exercise of these freedoms may be subject only to conditions and restrictions which are "prescribed in law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary" (Article 10(2)).
18. Ofcom must exercise its duties in light of these rights and not interfere with the exercise of these freedoms in broadcast services unless it is satisfied that the restrictions it seeks to apply are required by law and necessary to achieve a legitimate aim.

⁸ See: [Ofcom's Guidance Notes on the Code](#)

⁹ *Lindens v Austria* (1986) 8 EHRR 407

¹⁰ *Autronic v Switzerland* (1990) 12 EHRR 485

¹¹ *Steel & Morris v UK* (2005) EMLR 15

The Ofcom Broadcasting Code

19. Standards set by Ofcom in accordance with section 319 of the Act are set out in the Code.
20. As outlined in paragraph 14, accompanying Guidance Notes to each section of the Code are published, and from time to time updated, on the Ofcom website. The Guidance Notes are non-binding but assist broadcasters to interpret and apply the Code.
21. The relevant Code rules in this case are set out in full at the beginning of this Sanction Decision.

Remedial action and penalties

22. Under section 325 of the Act, a licence for a programme service issued by Ofcom under the Broadcasting Act 1990 or 1996 must include conditions for securing that the standards set under section 319 are observed by the licensee. In the case of a television licensable content service (“TLCS”) licence, Condition 6 of the licence requires the Licensee to ensure that provisions of any Code made under section 319 are complied with. The Licensee holds a TLCS licence.
23. Where Ofcom has identified that a condition of a TLCS licence has been contravened, its powers to take action are set out in sections 236 to 239 of the Act insofar as relevant to the case.
24. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom’s findings (or both), or not to repeat a programme which was in contravention of a licence condition. Ofcom imposed directions in the Breach Decision in this case to quickly remedy the potential significant harm to audiences.
25. Section 237 of the Act provides Ofcom with the power to impose a financial penalty on the holder of a TLCS licence. The maximum penalty which may be imposed in respect of each contravention of a licence condition is whichever is the greater of £250,000 and 5 per cent of the qualifying revenue from the licenced service for the licensee’s last complete accounting period falling within the period for which its licence has been in force.
26. Section 238 of the Act gives Ofcom a duty to revoke a TLCS licence if the licensee is in contravention of a condition of the licence or is failing to comply with a direction and Ofcom is satisfied that the contravention or failure, if not remedied, would justify the revocation of the licence.
27. Section 239 of the Act gives Ofcom a duty to suspend a TLCS licence, pending a decision on whether that licence should be revoked, if satisfied that that the holder of the licence has included in the service one or more programmes containing material likely to encourage or to incite the commission of crime, or to lead to disorder; that, in doing so, it has contravened licence conditions; and that the contravention is such as to justify the revocation of the licence.

Background - The Breach Decision

28. In the Breach Decision, Ofcom found that the broadcasts of *Full Disclosure* on Loveworld on 11 and 12 February 2021 were in breach of Rules 2.1 and 2.2 of the Code.
29. The Breach Decision set out specifically the broadcast material that was in breach, along with the reasoning as to why the material had breached the applicable rules in the Code.
30. Both episodes of the current affairs programme contained highly contentious, unevicenced statements about the Coronavirus and the vaccine rollout. Ofcom found that these claims were materially misleading and therefore potentially harmful, and the Licensee failed to provide sufficient context or adequate protection for viewers.
31. This included, but was not limited to, the following claims:
 - that the Coronavirus vaccine “*is just like getting Covid-19, Sars-Covid-2 virus*” and that it “*makes you ill as if you’ve caught coronavirus*”. One presenter said that the

vaccines were “based on this new experimental mRNA technology, which is really gene therapy”. Repeated assertions were made that having a vaccine is equivalent to being infected with the live Coronavirus, and that catching Coronavirus was as safe, and could even potentially be safer, than receiving a vaccine;

- that there had been a number of serious side effects or medical complications from taking a Coronavirus vaccine, including: “How many people have you heard about who are 80, of taking the vaccine and died as a result?”, “we’ve seen people dying. We’ve seen people with adverse reactions. We’ve seen people who no longer can walk”, and a claim that a pregnant woman had a miscarriage “within hours or within days” of taking a vaccine;
 - that alternative treatments for the Coronavirus were available but were being deliberately withheld from UK patients for financial reasons;
 - that in Wales, Coronavirus “was not even in the top ten biggest killers in the country” when it had been the leading cause of death at the time for the second consecutive month in Wales; and,
 - that young people “are not affected” by the Coronavirus.
32. As set out in our Breach Decision, the claims were broadcast without credible scientific or other sources, without sufficient context or challenge, and despite the fact they had been widely and consistently debunked. Ofcom was concerned that the promotion of these theories by the programme had the potential to harm viewers who may have been looking for reliable information about Coronavirus vaccinations, and may have based a decision on whether or not to accept a vaccine on this highly misleading information. Ofcom stated in the Breach Decision that the breaches of Rule 2.1 and Rule 2.2 of the Code were serious and repeated.
33. As explained above, Ofcom sanctioned the Licensee¹², and put it on notice that it would be considering whether to impose any further sanction in addition to the Direction. The Licensee was given the opportunity to provide representations on Ofcom’s Decision to impose a Direction and representations on whether a further sanction would be appropriate.
34. Ofcom also requested information about the Licensee’s compliance processes in light of assurances made in previous recent sanctions for the broadcast of potentially harmful material relating to the Coronavirus¹³. The Licensee replied to the information request, providing details of training that had been completed and a copy of its compliance handbook. It also said that the “work to improve compliance yet further at the channel continues” and said it “trust[ed] that the material in this letter gives sufficient confidence to the Sanctions Panel that Loveworld is taking compliance very seriously”.
35. In its representations, the Licensee said that “for the Panel to impose yet a further sanction on us is unnecessary, would be disproportionate and could even be seen by some as oppressive” and added that a further sanction “could not serve any useful purpose in strengthening our resolve to further improve compliance”. The Licensee said it “sincerely regret[s] that the *Full Disclosure* programmes breached the Code”.
36. An Ofcom Sanctions Panel decided, given the serious and repeated nature of the breaches, it would be appropriate to consider the imposition of a further sanction.

Ofcom’s Preliminary View to impose a Statutory Sanction

¹² As outlined in paragraph 7, the Licensee complied with the direction and broadcast Ofcom’s statement of findings on 29 April at 11:00 and on 30 April at 11:00.

¹³ See Ofcom’s Sanction Decision on [Global Day of Prayer](#) and Ofcom’s Sanction Decision on [Loveworld News and Your Loveworld](#)

37. As set out in paragraph 1.13 of the Sanctions Procedures¹⁴, the imposition of a sanction against a broadcaster is a serious matter. Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, repeatedly or recklessly breached a relevant requirement.
38. Ofcom issued a Preliminary View (“the Sanction Preliminary View”) that it was minded to impose on the Licensee a further statutory sanction in the form of a financial penalty. Ofcom sent a copy of the Sanction Preliminary View to the Licensee on 10 August 2021 and gave the Licensee the opportunity to provide written and oral representations on it. The Licensee provided its written representations to Ofcom on 2 September 2021 and declined the opportunity to provide oral representations.

The Licensee’s representations on Ofcom’s Preliminary View

39. In its written representations, the Licensee said that it was a “surprise” that Ofcom’s Preliminary View was to impose a financial penalty on Loveworld given the oral and written representations it had provided to Ofcom as part of a sanction process held in March 2021 for previous serious breaches of the Code. This was a reference to the sanction imposed on the Licensee in relation to the programme *Global Day of Prayer* broadcast on 1 December 2020 (see paragraph 52). The Licensee said during the March 2021 sanction process, it had “elaborated on the new compliance processes we had put in place” since the previous breaches and therefore it did not “feel it necessary to impose another penalty being that the purpose... is for deterrence”. LL said that it did, however, “recognise that it is for a different program and a different breach”.
40. LL added that in its Preliminary View, Ofcom said that it had been provided with evidence, since the imposition of a statutory penalty of £125,000, “Loveworld Ltd has significantly improved its compliance procedures and is therefore satisfied that the previous financial penalty has acted as a deterrent and encouraged the Licensee... to take the necessary steps to ensure that future programming complies with the Broadcasting Code”.
41. The Licensee said that when Ofcom had imposed a statutory sanction¹⁵ for the breaches within *Full Disclosure*, Ofcom had stated that it believed the sanction to be “appropriate and proportionate in the circumstances of this case and should send a clear message of deterrence to the Licensee”. Therefore, LL argued Ofcom had already stated that it believed the previous sanction issued had acted as a sufficient deterrent and questioned why Ofcom was proposing to impose a further financial penalty “to send the same clear message of deterrence since the previous penalty achieved that”.
42. Finally, the Licensee asked Ofcom to “kindly reconsider” the imposition of a financial penalty as LL had not breached the Code since the previous sanction process in March 2021, noting the episodes of *Full Disclosure* that are subject to this sanction process were broadcast before March 2021.

Ofcom’s Decision to impose a Statutory Sanction

43. We set out below Ofcom’s Decision on its reasons for considering that it is appropriate to impose a further statutory sanction and as to the type and level of sanction Ofcom considers should be imposed on the Licensee, taking into account all relevant material, including the Licensee’s representations, and Ofcom’s Penalty Guidelines¹⁶.
44. We first considered whether the breaches were serious, deliberate, reckless or repeated.

¹⁴ See footnote 7

¹⁵ Ofcom understands LL to be referring to the direction to broadcast summary of Ofcom’s Decision for the breaches of the Code in *Full Disclosure* (see paragraph 7).

¹⁶ See footnote 3

Serious nature of the breaches

45. The imposition of a sanction against a broadcaster is a serious matter and Ofcom may, following due process, impose a sanction if it considers that a broadcaster has seriously, deliberately, recklessly or repeatedly breached a relevant requirement.
46. Ofcom's Decision is that, for the reasons set out below, the breaches of Rules 2.1 and 2.2 were so serious as to warrant the imposition of a further statutory sanction.
47. As set out in paragraphs 30-32, the programme featured materially misleading, potentially harmful theories about the Coronavirus and the Coronavirus vaccine, without sufficient challenge or context. The promotion of a number of theories in the programme had the potential to harm viewers looking for information about vaccinations against Coronavirus by providing highly misleading information that one might base a decision on whether or not to accept an offer of a vaccine. Other misleading information included in the programme claimed that the UK Government was intentionally withholding alternative, effective treatments for the Coronavirus from patients and made incorrect claims about the rate of deaths as a result of the Coronavirus in England and Wales. Ofcom considered that the promotion of these theories had the potential to undermine confidence in public health advice about the Coronavirus, and compliance with measures intended to safeguard public health during the pandemic, which, in turn, could cause significant harm.
48. Ofcom considered the potential harm from this material was particularly significant given the ongoing Coronavirus crisis, and the status of the rollout of UK approved Coronavirus vaccines, which were in the process of being offered to high priority and at-risk or vulnerable groups. Ofcom considered that the potential for harm to viewers was significant in these cases as viewers were likely to be seeking information that would help them reach a decision as to whether to accept the offer of a vaccine against the Coronavirus and might base their decision about whether to take up the offer on highly misleading information included in these programmes.
49. The priority groups for vaccination between 15 January and 15 February 2021 included: older care home residents; care home workers; people aged over 80; health and social care workers; all people aged 70-79; and clinically extremely vulnerable people aged under 70. In considering the seriousness of the content in this case, Ofcom took into account that this stage of the rollout of Coronavirus vaccines was focusing on people in the UK that were the most vulnerable to becoming seriously ill from, or being highly exposed to, the Coronavirus. Ofcom considered, therefore, that the need for programming to ensure information in relation to the vaccine rollout was not materially misleading was acute.
50. We also considered that this case involved two episodes of the same programme, broadcast on consecutive days, which contained highly misleading and potentially harmful statements about the Coronavirus and vaccination against it. Ofcom considered this consistent and repeated messaging compounded the potential harm, adding to the serious nature of the breaches.
51. In view of the factors set out above, Ofcom provisionally considered that the breaches were serious and warranted the imposition of a further statutory sanction.

Repeated nature of the breaches

52. In reference to the repeated nature of the breaches, Ofcom considered that on 31 March 2021, LL had been sanctioned¹⁷ in the form of a financial penalty of £125,000 for serious, repeated and reckless breaches of the Code. LL was also directed to broadcast a statement of Ofcom's findings

¹⁷ See https://www.ofcom.org.uk/data/assets/pdf_file/0026/216890/Sanction-Decision-Loveworld-Limited-Global-Day-of-Prayer.pdf

in relation to these breaches of the Code for potentially harmful and inaccurate news content relating to the Coronavirus when the in-breach Decision was published on 15 January 2021¹⁸.

53. Ofcom also took into account that on 18 May 2020 LL had been sanctioned¹⁹ in the form of a direction to broadcast a statement of Ofcom's findings in relation to previous breaches of the Broadcasting Code for potentially harmful and inaccurate news content relating to the Coronavirus.
54. Given the repeated nature of LL's breaches of the Code, which amount to three published in-breach Decisions by Ofcom about five separate programmes, Ofcom was extremely concerned that despite ongoing engagement with the Licensee, in which LL made numerous assurances about their compliance processes during a compliance meeting with Ofcom following the first breach in May 2020 and in their representations, repeated breaches of such a serious nature about the Coronavirus had again occurred.
55. Therefore, Ofcom provisionally considered that the breaches were repeated and warranted the imposition of a further statutory sanction.

Reckless nature of the breaches

56. Following the breach and sanction decisions in relation to broadcasts on 1 December 2020²⁰ and 7 April 2020²¹, the Licensee was aware of the need to protect audiences from potentially harmful, inaccurate and materially misleading content, specifically in relation to the Coronavirus.
57. We took into account that the breach Decision for content broadcast on 1 December 2020 was published on 15 January 2021 and that after the publication, Ofcom was still considering whether a further sanction, in addition to the direction to broadcast a statement of findings, should be imposed. We therefore considered that at the time of both *Full Disclosure* programmes being broadcast, the Licensee should have been acutely aware of its compliance responsibilities given its ongoing engagement with Ofcom.
58. We also took into account that the Licensee had attended a compliance meeting²² as a result of the breaches and sanctions in relation to the broadcast on 7 April 2020 to discuss its compliance procedures with Ofcom.
59. Taking all of the above into account, we considered that LL had been engaging with Ofcom consistently about its lack of compliance in relation to its coverage of the Coronavirus pandemic over the ten months prior to these episodes of *Full Disclosure* being broadcast and therefore it was familiar with the requirements for compliance with Ofcom's harm rules and with the high potential for harm to audiences when discussing the global pandemic.
60. We also considered that the Coronavirus pandemic remained a subject of high public concern at the time these two episodes of *Full Disclosure* were broadcast, and that the impact that the pandemic was having on public health had not eased. In our view, audiences were likely to have been looking to broadcasters to provide accurate information regarding the Coronavirus, to help inform their decision of whether to accept the offer of a vaccine. We therefore considered that the Licensee should have been vigilant to protect audiences against content about the Coronavirus that might mislead or be potentially harmful, particularly in relation to vaccinations

¹⁸ See https://www.ofcom.org.uk/data/assets/pdf_file/0021/211188/loveworld-limited-sanction-decision.pdf

¹⁹ See <https://www.ofcom.org.uk/about-ofcom/latest/bulletins/content-sanctions-adjudications/decision-loveworld-limited>

²⁰ See [footnote 16](#)

²¹ See [Ofcom's Broadcast and On Demand Bulletin 402](#), 18 May 2020

²² This compliance meeting was held in August 2020

which were a rapidly developing news story of high public interest. As discussed in paragraph 43, at the time of broadcast vaccinations were being offered to high priority groups most vulnerable to becoming seriously ill from, or being exposed to, the Coronavirus.

61. For the reasons explained above Ofcom considered that the contravention occurred recklessly. We did not consider, however, that there was evidence that the breaches were deliberate.

Ofcom Decision on the appropriate sanction

62. Ofcom therefore considered which of the sanctions available to it were appropriate in the present case. The following paragraphs set out the enforcement action we have considered and the sanctions we have provisionally decided to impose.

Imposition of sanctions other than a financial penalty

Direction to licensee to take remedial action

63. Section 236 of the Act provides Ofcom with the power to direct the holder of a TLCS licence to broadcast a correction or a statement of Ofcom's findings (or both). Section 236 of the Act also provides Ofcom with the power to direct the licence holder not to repeat a programme which was in contravention of a licence condition.
64. The purpose of directing a licensee to broadcast a statement of Ofcom's findings in relation to harmful breaches is to inform audiences of Ofcom's findings and ensure they are aware of the specific way in which the programme breached the Code. As set out at paragraphs 7 and 33, as part of our Breach Decision and in order to remedy the potential harm caused to viewers as quickly as possible, Ofcom directed the Licensee not to repeat the programmes and to broadcast summaries of our Decision.
65. We took into account the Licensee's compliance with Ofcom's Directions. However, it is Ofcom's view that, on their own, these directions would not adequately reflect the level of seriousness and repeated and reckless nature of the breaches in this case or provide adequate deterrence to the Licensee or other broadcasters from repeating similar breaches of the Code in the future. Therefore, it is Ofcom's Sanction Decision that these directions should be combined with another category of sanction, to act as an effective deterrent and to incentivise compliance.

Revocation of a licence

66. Section 238 of the Act provides Ofcom with the power to revoke a TLCS licence where a licensee is failing to comply with a condition of such a licence or a direction thereunder and the failure, if not remedied, is such as to justify revocation of the licence.
67. In our consideration of whether it was appropriate to revoke LL's licence, we took account of the nature of the content that was broadcast, and considered the Code breaches in this case were very serious and capable of causing significant harm to viewers during a global pandemic.
68. Given the harmful theories about the Coronavirus and the Coronavirus vaccine set out in these programmes without sufficient challenge or context, Ofcom considered these breaches to be serious. While there was no evidence the breaches were deliberate, we considered this was the Licensee's third serious breach of the Code resulting in sanction consideration and was therefore repeated. We also considered it to be reckless. Despite previously being sanctioned for broadcasting potentially harmful and inaccurate content about the Coronavirus, the Licensee again presented materially misleading information and failed to adequately protect viewers from potential serious harm.
69. In this case, Ofcom must give careful consideration as to how to secure the application of standards that provide adequate protection to members of the public from the inclusion of

harmful material in television and radio services²³. Where a Licensee continues to contravene the Code rules in a serious and reckless manner, thus failing to comply with a condition of its TLCS license, and despite previous breaches, resulting sanctions and past engagement and assurances about improvements to its compliance procedures, revoking a license is a way for Ofcom to secure the application of such standards and protect the public from potentially harmful material.

70. Therefore, in our consideration of whether to impose a further sanction in this case, the Sanction Panel requested information on the Licensee's compliance processes given the assurances made to Ofcom in previous recent sanction cases regarding Breaches of the Code relating to the Coronavirus pandemic. Specifically, the following information and evidence was requested:
- details of the compliance training that has been undertaken by LL since the oral hearing on 19 March 2021, giving the dates upon which they were completed;
 - a list of the people who attended the training;
 - a copy of LL's compliance documents, including briefing documents for presenters and contributors and compliance guidance for editorial staff;
 - a copy of any written reports or recommendations in relation to that work; and
 - any other information considered relevant as part of this work to improve compliance measures.
71. LL responded to the information request and said that it had received initial, face-to-face compliance training in March 2021 and gave a summary of what the training consisted of. It said that "all pre-recorded material is reviewed and edited as necessary before broadcast by a member of staff" and it had sent "URL links of the Broadcasting Code and Guidance to attendees and print(ed) out two hard copies of both to be available for staff to consult 24/7 at open locations at the Loveworld studios". The Licensee said a compliance manual had been created for staff and enclosed a copy with its representations. Further online compliance training was provided in April and May 2021, and LL had put in place "delay function equipment (which) could be used to help ensure compliance". LL also confirmed the names of all staff who were present during compliance training.
72. The Licensee added that it had complied with Ofcom's direction to broadcast a statement of its findings in relation to the breaches and any further sanction by Ofcom would be "unnecessary... disproportionate and could even be seen by some as oppressive". It added it sincerely regretted that two episodes of *Full Disclosure* had been found in breach and any further sanction "could not serve any useful purpose in strengthening our resolve further to improve compliance, or deterring us or other licensees from breaching Ofcom rules", given the Licensee's previous sanction had resulted in a large financial penalty.
73. In considering whether to propose the revocation of a licence, Ofcom must have regard to the broadcaster's and the audience's rights under Article 10 of the Convention. We recognise revocation is a major interference with freedom of expression as it prevents the broadcaster from broadcasting and restricts the number of voices being heard and the range of programming available to audiences. There is therefore a high threshold for revoking a licence. In the consideration of this case, Ofcom took into account that the Licensee had demonstrated that it had made material changes to its compliance processes and training through Ofcom's information request.

²³ section 3(4)(g) of the 2003 Act.

74. Ofcom also undertook monitoring of the channel and did not find any further content which raised issues under the Code. We observed evidence that a delay function was in place and being used to comply some content. We also considered that no further breaches of the Code have been identified through complaints to Ofcom since this contravention.
75. A decision to revoke a licence may only be taken by Ofcom if it is satisfied that it is a proportionate response to the Licensee's failure to comply with its licence conditions. Any sanction we impose must be proportionate, consistent and targeted only at cases where action is needed. A relevant factor for Ofcom to consider in this regard is whether any sanction short of revocation could ensure that the Licensee would, in future, comply with the Code.
76. We carefully took into account the factors set out above. Given the high threshold for the revocation of a licence, the Licensee's compliance record prior to its repeated breaches in relation to the Coronavirus pandemic, and the Licensee's and the audience's Article 10 rights, we did not consider it proportionate to revoke the licence in the circumstances of this case. We considered a sanction short of revocation could protect audiences from harm and ensure that the Licensee would, in future, comply with the Code.

Suspension of a licence

77. Section 239 of the Act gives Ofcom a duty to suspend a TLCS licence, pending a decision on whether that licence should be revoked, if satisfied that that the holder of the licence has included in the service one or more programmes containing material likely to encourage or to incite the commission of crime, or to lead to disorder; that, in doing so, it has contravened licence conditions; and that the contravention is such as to justify the revocation of the licence.
78. We considered carefully whether the harm in this case was likely to encourage or to incite the commission of crime, or to lead to disorder. Despite significantly potential harmful and materially misleading material being broadcast in these programmes, we did not consider the content amounted to a call to action that would incite viewers to commit a crime or acts of disorder. Therefore, we considered this duty was not relevant in this particular case.

Imposition of a financial penalty

79. Ofcom next considered whether it would be appropriate to determine that a financial penalty should be applied in this case.
80. Section 237 of the Act provides Ofcom with the power to impose a financial penalty on the holder of a TLCS licence. The maximum penalty that can be imposed on the holder of a TLCS licence in respect of each contravention of a TLCS licence condition is the greater of either £250,000 or five per cent of the qualifying revenue from the licensed service for the licensee's last complete accounting period falling within the period for which its licence has been in force.
81. For the purposes of determining the maximum penalty in this case, Ofcom requested from Loveworld Limited financial data setting out its qualifying revenue for the last accounting period.
82. Based on the figure provided by the Licensee, the maximum penalty that Ofcom could impose in this case was £250,000.
83. Ofcom's Penalty Guidelines²⁴ state (in paragraph 11) that: "Ofcom will consider all the circumstances of the case in the round to determine the appropriate and proportionate amount of any penalty. The central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to compliance,

²⁴ See footnote 3

having regard to the seriousness of the infringement. Ofcom will have regard to the size and turnover of the regulated body when considering the deterrent effect of any penalty”.

84. In this case, Ofcom’s Decision is that a financial penalty is necessary to reflect the serious, repeated and reckless nature of the Code breaches recorded against the Licensee, and to act as an effective incentive to comply with the Code, both for the Licensee and other licensees (see paragraph 1.4 of the Penalty Guidelines).

Factors taken into account in determining the sanction penalty

85. In considering the appropriate sanction for the Code breaches in this case, Ofcom has taken account of the specific relevant factors set out at paragraph 12 of the Penalty Guidelines as set out below:

The seriousness and duration of the contravention

86. Ofcom regarded the breaches to be serious for the reasons set out in our full Breach Decision.
87. As stated in the Breach Decision, Ofcom took account of the audience’s and broadcaster’s right to freedom of expression set out in Article 10 of the European Convention on Human Rights, (“ECHR”). In applying the Code, Ofcom must seek to balance broadcasters’ rights, including freedom of expression, against our duties as regards the protection of audiences.
88. Ofcom also had regard in the exercise of its functions to the degree of significant potential harm which could be caused by this content.
89. Broadcasters may transmit programmes taking a critical view of any subject and may broadcast opinions about these subjects that challenge Government responses to a public health crisis, as it is clearly in the public interest to do so. However, when broadcasting material of this nature, broadcasters must comply with all relevant rules of the Code.
90. Ofcom regards breaches of Rule 2.1 and Rule 2.2 of the Code in relation to the Coronavirus pandemic as generally having the potential to cause significant harm, noting the public interest in receiving accurate and up to date information at a time when they have needed to make decisions about how best to protect their own and others’ health.
91. In this case, we were of the view that the breaches were serious for the reasons set out at paragraphs 39 to 45 above, Ofcom has placed particular weight on the fact that there were two programmes broadcast on consecutive days, which both contained highly misleading and potentially harmful claims about vaccination, at a time when they were being offered to the most vulnerable members of society in an effort to protect them from serious illness or death caused by the Coronavirus. Ofcom considered these breaches to be to be a serious failure of compliance.

The degree of harm, whether actual or potential, caused by the contravention, including any increased cost incurred by consumers or other market participants

92. Ofcom regarded the breaches of Rules 2.1 and 2.2 to be particularly serious in the context of a worldwide health emergency. The potential harm in this case was significant because the programme’s presenters made misleading and potentially harmful claims about the Coronavirus and vaccination against it, that had been widely discredited elsewhere, without challenge or sufficient context. The broadcasts came at a time when vaccinations were being rolled out in the UK at pace and therefore some viewers would have been actively considering how to respond to an invitation to receive a vaccine. As a result, the misleading and potentially harmful claims made in these programmes may have led viewers to refuse the offer of a vaccine based on inaccurate and misleading information, with potentially very serious consequences for their health.

93. Recent research into Covid-19 vaccination hesitancy²⁵ found evidence of greater vaccine hesitancy amongst those with strong religious beliefs. In response to data regarding vaccination acceptance, since the start of the UK vaccine rollout many UK faith leaders have worked to dispel vaccination concerns, particularly among minority ethnic groups²⁶. These factors suggest that the audience of a religious service such as Loveworld were potentially more susceptible to messaging that might encourage fear or suspicion around any potential Coronavirus vaccine. Ofcom considered that people with strong religious beliefs were potentially more likely to be at risk of harm from vaccine-related content breaching the Code where it involved misleading statements on a current affairs programme on a religious service.
94. Ofcom also took into account that this religious channel is associated with the Christian denomination Christ Embassy, which was founded and is headquartered in Lagos in Nigeria. Therefore, Ofcom considered it is likely that a significant proportion of the channel's audience are of Black British ethnicity and/or of Nigerian heritage. It has been widely reported that the Covid-19 death rate is higher among minority ethnic people, with the rate of death involving COVID-19 highest amongst people of Black African backgrounds in the first wave²⁷. Since the rollout of vaccinations for the Coronavirus in the UK began, it has also been widely reported that minority ethnic people have been less likely to take up the offer of a vaccine²⁸. Ofcom considered therefore that Loveworld's audience were likely to be more vulnerable to the Coronavirus and to have concerns about accepting a vaccination, and therefore to be particularly interested in receiving reliable information about vaccination. We considered that the potential heightened vulnerability of the audience in addition to the misleading and harmful messages related to a potential vaccine in this programme added to the seriousness of the harm in this case.

Any gain (financial or otherwise) made by the regulated body in breach (or any connected body) as a result of the contravention

95. We have no evidence to suggest that the Licensee made any financial or other gain from these breaches of the Code.

Whether in all the circumstances appropriate steps had been taken by the Licensee to prevent the contraventions

96. We considered that the Licensee's compliance procedures were inadequate to prevent the breach of the harm requirements in the Code. In particular, we were concerned that the breach was a repeated instance of LL failing to adequately protect audiences from misleading and potentially harmful content in relation to the Coronavirus.
97. Following the previous, recent breaches and sanction decisions related to its broadcast on 7 April 2020²⁹, Ofcom met with the Licensee to discuss its compliance in this area. The Licensee also gave Ofcom further assurances about its improved compliance procedures during the later breach and sanction process related to its broadcast of 1 December 2020³⁰. Accordingly, we considered that the Licensee ought to have been familiar with how to comply with the harm rules in relation to Coronavirus and ought to have taken appropriate steps to prevent further breaches of the Code in relation to these issues. We also took into account that in its

²⁵ See [Murphy, J., Vallières, F., Bentall, R.P. et al. Psychological characteristics associated with COVID-19 vaccine hesitancy and resistance in Ireland and the United Kingdom. Nat Commun 12, 29 \(2021\)](#)

²⁶ See [Guardian article](#)

²⁷ See [Office of National Statistics](#)

²⁸ See [Guardian Article](#) reporting on ONS data that found the lowest rate of vaccine uptake in England was among people identifying as black African, followed by those of black Caribbean heritage. Also see [BMJ article](#) that found black people over 80 in England are half as likely as white people to have been vaccinated.

²⁹ See footnote 20

³⁰ See footnote 19

representations on the Preliminary View of the breach decisions for the broadcasts on 7 April 2020 and on 1 December 2020, LL outlined a number of remedial steps it intended to take, detailed in paragraphs 100-102, which it had clearly failed to implement in its broadcast of *Full Disclosure*.

98. We noted that, unlike the previous breach for *The Global Day of Prayer*, the episodes of *Full Disclosure* were produced at the Licensee's own studios rather than being acquired from outside the UK. In this context, it was particularly concerning that guidance previously given appeared not to have been taken on board in producing the programmes in question.
99. Given the factors above, Ofcom was concerned that the circumstances of this case demonstrated that the Licensee had an ineffective approach to compliance with the Code and did not take appropriate steps to prevent the contraventions.

The extent to which the contravention occurred deliberately or recklessly, including the extent to which senior management knew, or ought to have known, that a contravention was occurring or would occur

100. Ofcom took into account that LL's previous breaches and sanctions since the start of 2020 all related to potentially harmful, misleading and/or inaccurate content about the Coronavirus pandemic. Ofcom considered that the Licensee should have taken into account the breach and sanction decisions related to its broadcasts on 7 April 2020 and 1 December 2020 in its consideration of how to comply *Full Disclosure*. In particular, we considered the Licensee should have been aware of the potential for content that discusses the Coronavirus, and in particular vaccination, to be harmful to viewers and therefore requires the Licensee to provide adequate protections, for example by providing context or challenge. We considered this was a significant failing in the Licensee's compliance processes given the clear similarities between the content of the previous programmes found in breach and the sanctions that followed.
101. We have no evidence that the breaches occurred deliberately or with the knowledge of Loveworld Limited's senior management. However, as noted above, these breaches were the third set of serious contraventions of the Code in relation to potentially harmful content about the Coronavirus. We did not consider the Licensee had taken adequate steps to ensure a serious breach of this nature would not occur again, despite a previous compliance meeting following the first breach and sanction for content broadcast on 7 April 2020 and further assurances provided during the Licensee's representations on the breach and sanction for content broadcast on 1 December 2020. We considered the repeated nature of these breaches raises significant questions about the Licensee's willingness and ability to comply with the Code. We therefore considered this third contravention to be reckless.

Whether the contravention in question continued, or timely and effective steps were taken to end it, once the regulated body became aware of it

102. The Licensee did not appear to be aware of the issues concerning the programme that Ofcom found in breach until we wrote to it on 17 February 2021 to inform it that, following monitoring carried out in light of previous breaches, Ofcom had identified content that it considered may raise potentially serious issues under the Code in relation to the Coronavirus pandemic. In response, it said that it had spoken to the presenters of the programmes and intended to review its "code of conduct policy" in regard to compliance with the Code.
103. Since becoming aware of the contravention, and also in the context of our breach and sanction decisions regarding the *Global Day of Prayer*, we understand the Licensee engaged the services of an experienced external consultant to report on and improve its compliance process. These steps are summarised in paragraphs 64-67 above. Ofcom considers this to be a positive development and, while its effectiveness can only be assessed over a longer timescale, at this

stage we are not aware of any specific content broadcast in the months following that are a cause for concern.

Any steps taken for remedying the consequences of the contravention

104. Ofcom is not aware of any steps taken by the Licensee to remedy the consequences of the broadcast beyond carrying out Ofcom's direction that the Licensee broadcast a summary of Ofcom's Decision on 29 April at 11:00 and on 30 April at 11:00.

Whether the regulated body in breach has a history of contraventions (repeated contraventions may lead to significantly increased penalties)

105. Ofcom has made the following findings in relation to Loveworld. These findings were published in Ofcom's Broadcast and On Demand bulletin:

106. In our breach and sanction decisions regarding the *Global Day of Prayer*³¹ broadcast on 1 December 2020 for 29 hours and 15 minutes, Ofcom found LL in breach of Rules 2.1 and 5.1 of the Code. Our investigation found that the programme contained potentially harmful, highly contentious and unevidenced conspiracy theories about the Coronavirus, without sufficient challenge or context. This included claims that the pandemic was "planned" and linked to 5G technology; that face masks were "evil" and harmed health; that Coronavirus testing was fraudulent and a way to deceive the public and that the vaccines contained nanochips and were part of a "New World Order". The programme also contained news reports that broadcast statements that were not duly accurate about the Coronavirus, without sufficient challenge or context. This included theories that: the Coronavirus pandemic was part of a "deep state" conspiracy; lockdown measures in response to the Coronavirus pandemic were fraudulent; testing for the Coronavirus was fraudulent; and the scale of the pandemic had been exaggerated. In its representations, LL gave a list of remedial steps it intended to take, including that it would:

- review its broadcasts in future "to omit any potentially harmful claims in relation to Covid";
- monitor live programmes, including Pastor Chris' sermons, and make use of a broadcast delay mechanism to omit potentially harmful claims about the Coronavirus;
- not broadcast the *Global Day of Prayer* again, or feature it on its website;
- brief its presenters on compliance with the Code, Ofcom's Guidance and Ofcom's recent decisions about content relating to Coronavirus;
- make use of on-screen disclaimers in future advising viewers to "consult qualified medical practitioners and/or official Government advice, before making any decisions based on any broadcasts relating to Covid";
- tell its presenters to provide appropriate challenge to "to guests making unproven claims, and/or expressing views contrary to official government advice and/or mainstream science"; and
- brief its presenters in the need for them to "take particular care and act responsibly" and to "give due weight to official Government advice and/or mainstream science".

³¹ See footnote 19

107. In our breach and sanction decisions regarding *Loveworld News* and *Your Loveworld*³² broadcast on 7 April 2020 at various times, Ofcom found LL in breach of Rule 2.1 in both programmes in addition to Rule 5.1 in the case of *Loveworld News*³³. Our investigations found that a report on *Loveworld News* included unsubstantiated claims that 5G was the cause of the pandemic, and that this was the subject of a “*global cover-up*”. Another report during the programme presented the anti-malarial medication hydroxychloroquine as a “*cure*” for Covid-19, without acknowledging that its efficacy and safety as a treatment was clinically unproven, or making clear that it has potentially serious side effects. These reports were presented as facts without evidence or challenge. A sermon broadcast on *Your Loveworld* also included unsubstantiated claims linking the pandemic to 5G technology; as well as claims which cast serious doubt on the need for lockdown measures and the motives behind official health advice on Covid-19, including in relation to vaccination. These views were presented as facts without evidence or challenge. In its representations on the Preliminary Views of the breach decisions for the broadcast of these programmes, LL gave a list of remedial steps it intended to take, which included:

- reviewing all of its broadcasts carefully in future to omit any potentially harmful claims in relation to COVID-19 and 5G, unless there is at the same time adequate protection for the public;
- ‘live’ parts of *Loveworld News* and “all other such programmes” would in future be monitored, and broadcast with a sufficient delay mechanism, to allow time for any potentially harmful claims in relation to COVID-19 and 5G to be omitted “unless there is in place adequate protection for the public”;
- “Pastor Chris...ha[d] generously agreed **not** to repeat the statements...identified or similar statements, during the course of any of his sermons...to be broadcast by the Licensee in future” (emphasis added by Licensee);
- it had taken “careful note” of Ofcom’s published guidance and had “briefed its presenters” on:
 - i. Ofcom’s guidance to broadcasters in relation to COVID-19;
 - ii. Ofcom’s recent published decisions covering programmes featuring COVID-19 discussions;
 - iii. the use of “disclaimers in future if appropriate, advising viewers to consult qualified medical practitioners and official government advice, before making any decision based on any broadcasts relating to Covid-19 or 5G”
 - iv. making appropriate challenges in response to guests making unproven claims, or expressing views contrary to official government advice or mainstream science; and,
 - v. taking account of the impact of “their role on viewers and the need for them to take particular care and act responsibly, in accordance with the Code, and giving due weight to official government advice and mainstream science”.

108. Given the above remedial steps the Licensee said that it would take on two separate occasions, we were particularly concerned following the latest breach that LL had clearly failed repeatedly to do the things that it said it would do as part of its representations in relation to the

³² See footnote 18

³³ For Ofcom’s final sanction decision, to impose no further sanction, see [Ofcom Broadcast and On Demand Bulletin Issue 405](#), 22 June 2020

previous breaches and sanctions against content broadcast on 7 April 2020 and 1 December 2020 in relation to the Coronavirus.

109. In our Decision *The Healing School* broadcast 10 November 2017 at 06:30 and 10:00³⁴, Ofcom found LL in breach of Rule 2.1. Our investigation found that two programmes about a place called The Healing School, described on its website at the time as “a healing ministry of Rev. Chris Orakhilome (Ph.D) which takes divine healing to the nation”³⁵ included accounts of people that had been healed of illnesses through attending The Healing School. Ofcom found that viewers of the programme may have been led to believe that conventional medicine was unlikely to be able to cure or treat their illnesses effectively, but that The Healing School was able to remedy those ailments completely. Although the programme contained no direct instruction to reject conventional medicine, there was the potential that viewers may have either failed to seek conventional medical advice or stopped following a course of recommended medical treatment as a result of what they had seen in the programmes. Ofcom considered that the Licensee had not taken steps to provide viewers with adequate protection from the claims made in the programme. For instance, no warning about seeking advice from a GP or additional information regarding the continuation of conventional medical treatments were included in the programmes.
110. The above investigations involved breaches of Rule 2.1 and concerned matters that had the potential to harm the audience in relation to physical health.
111. Ofcom has also found LL in breach of TLCS Licence Conditions in one decision. The Licence Conditions concerned late payment of licence fees (one breach)³⁶.
112. Ofcom has therefore recorded four breaches of standards rules and licence conditions and two sanctions decision against LL since its licence for Loveworld started on August 2004.

The extent to which the regulated body in breach has cooperated with our investigation.

113. In Ofcom’s view, the Licensee has been cooperative. For example, it provided representations on short timescales in response to Ofcom’s formal requests for information relating to the material broadcast and it complied with Ofcom’s direction to broadcast a statement of Ofcom’s findings on 29 April at 11:00 and on 30 April at 11:00.

Precedent

114. In accordance with the Penalty Guidelines, in coming to this Decision, Ofcom has had regard to relevant precedents set by previous cases including sanctions involving content about the Coronavirus pandemic, and other sanctions under Rules 2.1 of the Code. Ofcom noted the following decisions as being of particular relevance.

Sanctions involving content about the Coronavirus pandemic

115. **1 December 2020, Loveworld Limited (Loveworld)**³⁷ Ofcom imposed a financial penalty of £125,000 and directed the Licensee to broadcast a statement of Ofcom’s findings on its service Loveworld for a breach of Rules 2.1 and 5.1 of the Code for broadcasting *Global Day of Prayer*. See paragraph 101 above.
116. **1 November 2020, Afro Caribbean Millennium Centre (New Style Radio)**³⁸ Ofcom directed the Licensee to broadcast a statement of findings on its service New Style Radio for a breach of

³⁴ See [Ofcom Broadcast and On Demand Bulletin Issue 358](#), 18 July 2018

³⁵ Link quoted in the Decision, see <http://www.enterthehealingschool.org/about-us.html>

³⁶ See [Ofcom Broadcast and On Demand Bulletin 373](#), published on 25 February 2019

³⁷ See footnote 19

³⁸ See [Ofcom Broadcast an On Demand Bulletin Issue 416](#), 7 December 2020

Rule 2.1 of the Code³⁹. *The Family Programme* was a two-hour programme dedicated to the discussion of a number of highly contentious, unevidenced conspiracy theories about the Coronavirus, without sufficient challenge or context. The theories in the programme included claims that: the Coronavirus pandemic was “pre-planned” to decrease the global population and “facilitate a totalitarian takeover”; face masks caused “neurological and respiratory damage” and put “people’s lives and health at risk”; and, that a potential Coronavirus vaccination contained an “electronic cat nanochip marker, intended to mark and control seven-billion humans”. Ofcom found that the promotion of these theories by the programme had the potential to undermine listeners confidence in public health advice about the Coronavirus, and compliance with measures intended to safeguard public health during the pandemic.

117. **8 April 2020, ESTV Ltd (London Live)**⁴⁰ Ofcom directed the Licensee to broadcast a statement of findings on its service London Live for a breach of Rule 2.1 of the Code⁴¹. *London Real: Covid-19* featured an 80-minute interview with David Icke, who expressed his view that “a cult” was using the Coronavirus to establish a “beyond Orwellian global state in which a tiny few people dictate to everyone else” and that national governments and organisations such as the World Health Organisation (WHO) were all working to serve this covert agenda and not to protect public health. He also made statements that: cast doubt on the use of vaccines, suggested that the World Military Games in Wuhan may have served as a front for releasing the virus, and suggested that the significant impact of the virus in Iran was due to its geopolitical differences with Israel and the West. These statements went largely unchallenged and Ofcom found that the Licensee did not provide adequate protection for viewers from the inclusion of potentially harmful material in this programme.
118. **7 April 2020, Loveworld Limited (Loveworld)**⁴² Ofcom directed the Licensee to broadcast a statement of Ofcom’s findings on its service Loveworld for a breach of Rule 2.1 of the Code for its broadcast of *Your Loveworld* and a separate statement of Ofcom’s findings for its breach of *Loveworld News*⁴³. See paragraph 102 above.
119. **28 February 2020, Uckfield Community Radio Limited (Uckfield FM)**⁴⁴ Ofcom directed the Licensee to broadcast a statement of Ofcom’s findings on its service Uckfield FM for a breach of Rule 2.1 of the Code. A programme included a 20-minute segment in which the presenter interviewed a guest who was introduced as a “registered nurse” who: made claims that the Coronavirus outbreak was linked to the rollout of 5G technology, cast doubt over the reported symptoms of the Coronavirus being indicative of the virus and suggested to listeners that the public were being misled by information about the virus by governments and public health officials and organisations. Ofcom found that statements made by the guest in the interview had the potential to undermine people’s trust in the advice of public health officials and had the potential to cause significant harm. The presenter provided extremely limited challenge to the guest, which they immediately and robustly dismissed as incorrect, ignorant or not based on

³⁹ Ofcom did subsequently consider whether imposing any further sanction in addition to the direction would be appropriate in this case. Ofcom’s [decision not to impose any further sanction](#) on Afro-Caribbean Millennium Centre was published on 21 June 2021.

⁴⁰ See [Ofcom Broadcast and On Demand Bulletin](#), 20 April 2020

⁴¹ Ofcom did subsequently consider whether imposing any further sanction in addition to the direction would be appropriate in this case. Ofcom’s decision not to impose any further sanction on ESTV was published on 8 June 2020. See [Ofcom Broadcast and On Demand Bulletin, Issue 404](#).

⁴² See footnote 18

⁴³ Ofcom did subsequently consider whether imposing any further sanction in addition to the directions would be appropriate in this case. Ofcom’s decision not to impose any further sanction on Loveworld Limited was published on 22 June 2020. See footnote 326

⁴⁴ See [Ofcom Broadcast and On Demand Bulletin, Issue 400](#), 6 April 2020

facts. Overall, Ofcom concluded that the Licensee did not provide adequate protection for listeners from the inclusion of potentially harmful material in this programme.

Sanctions under Rule 2.1

120. **28 January 2018, Greener Technology Ltd (Ben TV)**⁴⁵ Ofcom imposed a financial penalty of £25,000, directed the licensee not to repeat the programme and directed the Licensee to broadcast a statement of Ofcom’s findings on its service Ben TV for a breach of Rule 2.1 of the Code. *Peter Popoff Ministries* included a series of invitations to viewers to order the ministry’s “FREE MIRACLE SPRING WATER”. These were broadcast alongside testimonies from attendees of Mr Popoff’s services about the effect of the water. The attendees claimed, or strongly implied, that the water had cured them of serious illnesses, such as cancer and kidney failure. Ofcom found that the claims had the potential to cause harm because members of the audience may have been led to believe that the “miracle spring water” alone was sufficient to cure their health conditions and that it was unnecessary to rely on, or continue receiving, conventional medical treatment. This could have a damaging effect on vulnerable viewers targeted by the presenter’s offer of the “miracle spring water”. The programme contained no information to alert viewers to the importance of seeking conventional medical advice from qualified doctors about the health conditions mentioned in the programme, nor was any challenge provided. Ofcom considered that given the religious nature of the programme, there was an increased risk that viewers would be susceptible to claims about the water’s effectiveness. Ofcom therefore found that Greener Technology Ltd had failed to adequately protect viewers from potentially harmful material in the programme.

Summary of sanctions precedents

121. Ofcom considered the nature and the content in the cases listed in paragraphs 108-113 to be of particular relevance to the current case. However, we note that under the Penalty Guidelines⁴⁶, Ofcom may depart from precedents set by previous relevant cases, depending on the facts and context of each case.
122. Ofcom considered that the previous decisions in which Ofcom had not imposed additional sanctions against licensees for breaches of protection from harm requirements in the Code in relation to the Coronavirus pandemic were of some relevance, as the nature of those breaches were, to some extent, similar in nature to the issues set out in this Decision. For example, a number of cases involved the broadcast of potentially harmful theories that had the potential to undermine people’s trust in the advice of public health officials and therefore had the potential to cause significant harm.
123. However, we noted that there were a number of significant differences in this particular case:
- the two episodes of *Full Disclosure* found to be in breach are the fourth and fifth programmes the Licensee has broadcast in breach of Rule 2.1 that included content with the potential to cause harm to audiences in relation to the Coronavirus pandemic;
 - despite repeated assurances made by Loveworld in their representations on the Breaches and Sanctions recorded in the preceding ten months in relation to their compliance processes, further and similar breaches of such a serious nature have occurred;

⁴⁵ See [Broadcast and On Demand Bulletin, Issue 367](#), 3 December 2018 and [Ofcom Sanction Decision October 2019](#)

⁴⁶ See footnote 3

- these pre-recorded programmes were broadcast on consecutive days and included very similar discussions containing multiple instances of harmful content and materially misleading information;
- the potential harm from this material was particularly significant given the ongoing Coronavirus crisis and the status of the vaccine roll-out in the UK which was, at the time of broadcast, working to reach people most at-risk of becoming seriously ill or being exposed to the Coronavirus at the point of broadcast. Ofcom also considered the material included in the programmes was likely to be particularly harmful given that people would be looking for factual information about the vaccines from current affairs programmes. In our view, the misleading and inaccurate content about the Coronavirus contained in these programmes had the potential to harm viewers making important decisions that might impact their health.

The size and turnover of the regulated body when considering the deterrent effect of any penalty

124. As set out in our Penalty Guidelines, the central objective of imposing a penalty is deterrence. The amount of any penalty must be sufficient to ensure that it will act as an effective incentive to ensure compliance, having regard to the seriousness of the infringement. Any proposed penalty must be proportionate taking into account the size and turnover of the Licensee, its rights under Article 10 of the Convention and the fact that deterrence is the central objective of imposing a penalty.
125. In reaching its Decision on the imposition and level of a sanction, Ofcom has taken account of the Licensee's qualifying revenue for the last accounting period. The maximum penalty which may be imposed in respect of each contravention of a licence condition is whichever is the greater of £250,000 and five per cent of qualifying revenue and, in this case, that means that the maximum penalty would be £250,000.
126. In March 2021, we imposed a financial penalty of £125,000 imposed on the Licensee for the broadcast of *Global Day of Prayer*⁴⁷, which also involved Coronavirus-related content with significant potential for serious harm. We considered that to be a sanction that was proportionate in light of the central objective of acting as a deterrent, and would normally be a starting point in sanctioning a further breach which is no less serious and covers similar ground.
127. We are aware that the *Full Disclosure* broadcasts occurred after the breach decision but before the sanction decision in relation to *Global Day of Prayer*. As such, it was before the Licensee was aware of the level of the penalty. Since that penalty was imposed, Ofcom has been provided with evidence that LL has significantly improved its compliance procedures, as outlined in paragraphs 64-67. This was a point that was reiterated in the Licensee's written representations on Ofcom's Preliminary View (paragraphs 39-42). Recent monitoring action by Ofcom indicates there have been improvements in LL's compliance. Ofcom is therefore satisfied that the previous financial penalty has acted as a deterrent and encouraged the Licensee to take the necessary steps to ensure that future programming complies with the Broadcasting Code.
128. However, despite positive improvements made by the Licensee, given the serious, reckless and repeated nature of these breaches and the significant potential harm to audiences, Ofcom does not consider a direction to broadcast a summary of findings to be a sufficient sanction in this case. As set out in Ofcom's procedures⁴⁸, whilst the central objective of a penalty is deterrence, (to both the contravening Licensee and other broadcasters), Ofcom will consider all the circumstances of the case in order to determine an appropriate and proportionate sanction. Ofcom took into consideration the positive compliance improvements LL has made since March 2021 however, our Decision is that it is appropriate and proportionate to impose a financial

⁴⁷ The sanction Decision was published on 30 March 2021.

⁴⁸ Ofcom's [Penalty Guidelines](#)

penalty in this case. This is in order to reflect the serious, reckless and repeated nature of the breaches and for all the reasons set out in paragraphs 85-113 above.

129. For all the reasons set out above, Ofcom considers it is proportionate to impose a financial penalty on the Licensee of £25,000. It is important to reiterate, however, that this is not an indicator that the breach is of a lesser degree of seriousness than that for which a substantially higher penalty was imposed in *Global Day of Prayer*. Instead, it is a recognition that the evidence we have indicates that the previous penalty has had a deterrent effect and has led to significant changes in the Licensee's approach to compliance.

Decision

130. To achieve Ofcom's central objective of deterrence, we have carefully considered the nature and level of statutory sanction that should be imposed. In doing so, we have taken account of the particular seriousness, recklessness and repeated nature of the breaches, the Licensee's representations, the Licensee's size and financial position, and relevant precedent cases. We have also had regard to our legal duties, as set out in the Breach Decisions, including the need to ensure that any sanction we impose is proportionate, consistent and targeted only at cases where action is needed.

131. Having regard to all the factors set out above, Ofcom's Decision is that it is appropriate to impose a statutory sanction for the Code breaches and it would be proportionate (i) to impose a financial penalty of £25,000 (payable to HM Paymaster General).

132. In Ofcom's view, this sanction is appropriate and proportionate in the circumstances of this case and should send a clear message of deterrence, both to the Licensee and also to other broadcasters, against any future breaches of a similar nature.

Ofcom
[5 October 2021]