

Ofcom Broadcast Bulletin

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Introduction

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

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

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

The BCAP Code is at: www.bcap.org.uk/The-Codes/BCAP-Code.aspx

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

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

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

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

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

Notice of Sanction

Satellite Entertainment Limited

Various 'adult chat' advertisements broadcast on Sport XXX Girls, Essex Babes and Northern Birds, various dates between 5 and 14 April 2011

Introduction

The services Sport XXX Girls, Essex Babes and Northern Birds all carry televised interactive 'adult chat' advertisements broadcast from 21:00. Viewers are invited to contact onscreen female presenters via premium rate telephony services ("PRS").

The licences for all three services are owned and operated by Satellite Entertainment Limited ("SEL"). These services are available freely without mandatory restricted access and are in the 'adult' section of the Sky Electronic Programme Guide.

Summary of Decision

In Ofcom's finding published on 18 July 2011 in Broadcast Bulletin 186¹, Ofcom found that ten 'adult chat' advertisements broadcast by SEL breached the following rules in the UK Code of Broadcast Advertising ("the BCAP Code"):

- 4.2: Advertisements must not cause serious or widespread offence against generally accepted standards.
- 32.3: Relevant timing restrictions must be applied to advertisements that are unsuitable for children.

In addition, a breach of Licence Condition 11 was recorded against the Licensee.

After considering all the evidence and all the representations made to it by the Licensee, Ofcom decided that the Code breaches were so serious and repeated that a financial penalty should be imposed in accordance with Ofcom's Procedures for the consideration of statutory sanctions in breaches of broadcast licences². Ofcom then also considered the level of the financial penalty to be imposed, in accordance with Ofcom's Penalty Guidelines³.

Having regard to: the serious and repeated nature of the breaches; the Licensee's representations; and Ofcom's Penalty Guidelines, Ofcom decided it was appropriate and proportionate in the circumstances to impose a financial penalty of **£130,000** on Satellite Entertainment Ltd in respect of the Code and licence breaches (payable to HM Paymaster General).

The full adjudication is available at:

<http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/satellite-entertainment-ltd.pdf>

¹ <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/obb186/>

² <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/854750/statutory-sanctions.pdf>

³ <http://www.ofcom.org.uk/files/2010/06/penguid.pdf>

Standards cases

In Breach

Advertisement for the Jatiya Party

Channel S, 18 to 21 August 2011, various times

Introduction

Channel S is a general entertainment channel serving the Bangladeshi community in the UK and Europe. The licence for Channel S is held by Channel S Global Limited (“Channel S” or “the Licensee”).

The Jatiya Party is a political party in Bangladesh. During routine monitoring, Ofcom noted that Channel S broadcast an advertisement for the Jatiya Party’s UK branch, inviting supporters to its Iftar party¹ at a restaurant in East London. The advertisement was broadcast ten times across a period of four days leading up to the event. It was broadcast in Bangla and stated:

“On behalf of the Jatiya Party, UK branch, an Iftar Party has been arranged on Sunday 21 August. All the leaders, workers, supporters and well-wishers of the Jatiya Party are invited to attend...”

The advertisement then detailed when the event would start, provided the full address of the venue and listed the Jatiya Party members issuing the invitation.

Ofcom has a statutory duty, under section 319(2)(g) of the Communications Act 2003 (“the Act”), to secure the standards objective “that advertising that contravenes the prohibition on political advertising set out in section 321(2) is not included in television or radio services.”

Political advertising is prohibited on radio and television under the terms of sections 321(2) and 321(3) of the Act and Rule 7.2 of the BCAP Code².

For most matters, the BCAP Code is enforced by the Advertising Standards Authority (“ASA”). However, Ofcom remains responsible, under the terms of a Memorandum of Understanding between Ofcom and the ASA, for enforcing the rules on “political” advertising.

In this instance, Ofcom considered that the material raised issues warranting investigation under Rule 7.2 of the BCAP Code, which states, among other things:

“Advertising that contravenes the prohibition on political advertising set out below must not be included in television or radio services;

¹ Iftar is an evening meal when Muslims break their fast during the Ramadan. It is a religious observance and members of the community often gather at an Iftar party to break their fast together.

² The UK Code of Broadcast Advertising, available at:
<http://bcap.org.uk/The-Codes/BCAP-Code.aspx>

- 7.2.1 An advertisement contravenes the prohibition on political advertising if it is:
- (a) an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature...;
- 7.2.2 For the purposes of this section objects of a political nature and political ends include each of the following:
- (a) influencing the outcome of elections or referendums, whether in the United Kingdom or elsewhere;
 - (b) bringing about changes of the law in the whole or a part of the United Kingdom or elsewhere, or otherwise influencing the legislative process in any country or territory;
 - (c) influencing the policies or decisions of local, regional or national governments, whether in the United Kingdom or elsewhere
 - (d) influencing the policies or decisions of persons on whom public functions are conferred by or under the law of the United Kingdom or of a country or territory outside the United Kingdom;
 - (e) influencing the policies or decisions of persons on whom functions are conferred by or under international agreements;
 - (f) influencing public opinion on a matter which, in the United Kingdom, is a matter of public controversy;
 - (g) promoting the interests of a party or other group of persons organised, in the United Kingdom or elsewhere, for political ends."

Response

Channel S said that Rule 7.2 of the BCAP Code "prohibits political advertising", adding that the Jatiya Party advertisement it broadcast "made no reference to any matters of a political nature as defined by Rule 7.2.2." The Licensee did not consider that Rule 7.2 applied, as its "provisions ... are clearly intended to prohibit advertising for any of the purposes listed in paragraph 7.2.2." Channel S added that, in reaching this conclusion, it had "read paragraphs 7.2.1 and 7.2.2 together and interpreted 7.2.2 as the definition of "political nature" which it did not think applied in this particular instance."

The Licensee noted that, following Ofcom's imposition of a financial penalty on Channel S in December 2008, for the repeated broadcast of an advertisement on behalf of the Liberal Democrat Party³, new procedures were put in place, requiring that "advertisements be vetted by fully qualified staff within the organisation." Channel S added that "full and further training was provided to its employees who make the executive decision with regard to the airing of advertisements."

³ Ofcom's Content Sanctions Committee adjudication can be found at:
http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/channel_s.pdf

Channel S therefore concluded that, in this instance, the advertisement “was not placed due to inadequate safeguards being in place but by an interpretation of Rule 7.2 of [the BCAP Code] … which led the company to running the advertisement.”

Decision

Under the Act, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure certain standards objectives, one of which is “that advertising that contravenes the prohibition on political advertising set out in section 321(2) is not included in television or radio services.” Section 321(2) of the Act states that, for the purposes of this standards objective, an advertisement contravenes the prohibition if it is:

- “(a) an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature;
- (b) an advertisement which is directed towards a political end; or
- (c) an advertisement which has a connection with an industrial dispute.”

Therefore, an advertisement may fall foul of the prohibition on political advertising either because of the character of the advertiser or because of the content and character of the advertisement.

This is replicated in Rule 7.2 of the BCAP Code, at paragraph 7.2.1. Likewise, in this context, what “political nature” and “political ends” includes is stated in paragraph 7.2.2, replicating the inclusive, non-exhaustive list of examples in section 321(3) of the Act, as follows:

- “(a) influencing the outcome of elections or referendums, whether in the United Kingdom or elsewhere;
- (b) bringing about changes of the law in the whole or a part of the United Kingdom or elsewhere, or otherwise influencing the legislative process in any country or territory;
- (c) influencing the policies or decisions of local, regional or national governments, whether in the United Kingdom or elsewhere;
- (d) influencing the policies or decisions of persons on whom public functions are conferred by or under the law of the United Kingdom or of a country or territory outside the United Kingdom;
- (e) influencing the policies or decisions of persons on whom functions are conferred by or under international agreements;
- (f) influencing public opinion on a matter which, in the United Kingdom, is a matter of public controversy;
- (g) promoting the interests of a party or other group of persons organised, in the United Kingdom or elsewhere, for political ends.”

Ofcom noted that the Jatiya Party advertisement broadcast by Channel S was not directed towards a political end (where ‘political end’ includes any of (a) to (g), above), as it simply promoted a social event (i.e. its Iftar party).

However, the Jatiya Party is one of the major political parties in Bangladesh⁴ and therefore a body “whose objects are wholly or mainly of a political nature” (where ‘political nature’ includes any of (a) to (g), above). The Jatiya Party advertisement broadcast by Channel S was therefore in breach of Rule 7.2 of the BCAP Code, which prohibits “an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature.”

On 10 December 2008, Ofcom imposed a statutory sanction on Channel S for its repeated broadcast (on Channel S) of an advertisement by, or on behalf of, the Liberal Democrat Party, in support of its 2008 Mayor of London and London Assembly election candidates.⁵ In that case, the advertisement had therefore not only been “inserted by or on behalf of a body whose objects are wholly or mainly of a political nature” but also “directed towards a political end” during an election period. Ofcom’s Content Sanctions Committee had considered the Licensee’s “compliance procedures … inadequate, given that the Advertisement was allowed to be shown at all”, and imposed a financial penalty of £12,000 on the Licensee.

While the advertisement in this instance was not “directed towards a political end”, Ofcom was concerned that, although Channel S said it had revised its compliance procedures in response to Ofcom’s imposition of a statutory sanction, its attempts to comply with Rule 7.2 of the BCAP Code appeared to remain inadequate. In particular, the Licensee had previously broadcast an advertisement “inserted by or on behalf of a body whose objects are wholly or mainly of a political nature” (i.e. the Liberal Democrat Party) but had failed to recognise the Jatiya Party as a body similarly prohibited from broadcast advertising.

Ofcom therefore puts Channel S on notice that any further breach of Rule 7.2 of the BCAP Code will result in consideration of a further statutory sanction.

Breaches of Rule 7.2 of the BCAP Code

⁴ Source – Foreign and Commonwealth Office, at:
<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/bangladesh/?profile=all>

⁵ Ofcom’s Content Sanctions Committee adjudication can be found at:
http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/channel_s.pdf

In Breach

Sponsorship of Isha Adhaan

Islam Channel, 22 July 2011, 21:55

Sponsorship of Maghrib Adhaan

Islam Channel, 23 July 2011, 22:05

Introduction

The Islam Channel broadcasts on the Sky digital satellite platform and is directed at a largely Muslim audience in the UK. Its output ranges from religious instruction programmes to current affairs and documentary programmes.

Isha Adhaan (Islamic prayers), broadcast on 22 July 2011 at 21:55, and *Maghrib Adhaan* (Islamic prayers), broadcast on 23 July 2011 at 22:05, were both four minutes and 30 seconds in duration, and were sponsored by Mark One Travel.

During both programmes a scroll bar containing information about the sponsor ran across the bottom of the screen for three minutes and ten seconds. The scroll bar stated:

“[Mark One Travel logo] *Mark One Travel.com Your one site travel solution, providing you with unbeatable offers to many worldwide destinations, hotel bookings, car hire, package holidays.* [Mark One Travel logo] *Mark One Travel.com Your one site travel solution, are the appointed consolidators for many major airlines including Virgin, British Airways, Etihad, Qatar Airways, American Airlines, Cathay Pacific and many more.* [Mark One Travel logo] *Mark One Travel.com Your one site travel solution offers competitive rates to travel agents* [Mark One Travel logo]”.

A complainant alerted Ofcom to the scroll bar in both programmes, because he was concerned that it was a sponsorship credit which was not distinct from the editorial content and therefore was not compliant with the Code.

Ofcom considered that this material raised issues warranting investigation under Rule 9.22(b) of the Code which states:

“Sponsorship credits broadcast **during programmes** must not be unduly prominent. Such credits must consist of a brief, neutral visual or verbal statement identifying the sponsorship arrangement. This can be accompanied by only a graphic of the name, logo, or any other distinctive symbol of the sponsor. The content of the graphic must be static and must contain no advertising messages, calls to action or any other information about the sponsor, its products, services or trade marks.”

Ofcom also noted that directly before *Isha Adhaan* on 22 July 2011, other content which referred to Mark One was broadcast. This consisted of a number of images which were shown on cards that were placed in shot by a pair of hands. The images illustrated holiday-related items including car hire, flights, and hotels, along with the Mark One logo and other logos at various points, such as airline logos, and words in text that were being spoken at various points in the voiceover. The voiceover was as follows:

"Does planning a holiday seem a never ending confusion? Well no more! Mark One Travel dot com is your one site travel solution offering unbeatable prices".

At this point the words “Unbeatable” and “Pric£\$s!” appeared on screen.

"Catering for all your holiday essentials is as easy as Mark one, two, three. At Mark One Travel dot com, we promise to beat any written quote. Yes, that's our promise Mark One Travel. Why pay more when you can get it cheaper with us? Please call us on [telephone number], or visit Mark One Travel dot com".

The text “Travel Agencies Welcome” appeared on screen.

The voiceover continued as follows:

“Mark One Travel dot com takes you to worldwide destinations”

At this point, the following on-screen text appeared:

“Mark One Travel. Latest Offers. Johannesburg £499. Sydney £626. Kingston £459. Delhi £399. Islamabad £425. Dubai £325. Your One Site Travel Solution. Markonettravel.com [telephone number]”.

The voiceover continued as follows:

“We are the appointed consolidators for some of the world’s major airlines.”

The following text appeared on screen:

“Mark One Travel. Main Agents [ten airline logos shown]. Your One Site Travel Solution. Markonettravel.com [telephone number].”

The voiceover concluded as follows:

“This Adhaan is brought to you by Mark One Travel dot com, your one site travel solution.”

The following text appeared on screen:

“This Adhaan was brought to you by Mark One Travel. Your One Site Travel Solution. Markonettravel.com [telephone number].”

Similar content containing varying amounts of the information detailed above was broadcast at the end of *Isha Adhaan* and at the beginning and end of *Maghrib Adhaan* broadcast on 23 July 2011.

Islam Channel Limited (“Islam Channel” or “the Licensee”) confirmed to Ofcom that the first part of the content detailed above was an advertisement for Mark One Travel, and the second part was the sponsorship credit broadcast around the programmes. The Licensee stated that the sponsorship credit therefore contained the following:

Voiceover: *“Mark One Travel dot com takes you to worldwide destinations.”*

On-screen text: “*Mark One Travel. Latest Offers. Johannesburg £499. Sydney £626. Kingston £459. Delhi £399. Islamabad £425. Dubai £325. Your One Site Travel Solution. Markonettravel.com [telephone number]*”.

Voiceover: “*We are the appointed consolidators for some of the world’s major airlines.*”

On-screen text: “*Mark One Travel. Main Agents [ten airline logos shown]. Your One Site Travel Solution. Markonettravel.com [telephone number]*”.

Voiceover: “*This Adhaan is brought to you by Mark One Travel dot com, your one site travel solution.*”

On-screen text: “*This Adhaan was brought to you by Mark One Travel. Your One Site Travel Solution. Markonettravel.com [telephone number]*”.

Ofcom considered that the adjacent Mark One Travel advertisements and sponsorship credit raised issues warranting investigation under Rule 9.22 of the Code which states:

“Sponsorship credits must be distinct from advertising...”

Further, Ofcom considered the content of the sponsorship credit, raised issues warranting investigation under Rule 9.22(a) of the Code which states:

“Sponsorship credits broadcast **around sponsored programmes** must not contain advertising messages or calls to action. Credits must not encourage the purchase or rental of the products or services of the sponsor or a third party. The focus of the credit must be the sponsorship arrangement itself. Such credits may include explicit reference to the sponsor’s products, services or trade marks for the sole purpose of helping to identify the sponsor and/or the sponsorship arrangement.”

We therefore asked the Licensee for its comments as to how the content detailed above complied with Rules 9.22, and 9.22(a) and (b) of the Code.

Response

In relation to the requirement that the sponsorship credit be distinct from advertising, the Licensee stated: “the sponsor card and the advert were separate and it is clear that this is the case as the vocal inflection of the voiceover artist signifies that the advert is coming to an end.... There is a pause that clearly shows the advert has ceased especially since a new image appears followed by the statement *this Adhaan is brought to you by Mark One.*”

Further, commenting on the content of the sponsorship credit, the Licensee said: “we can see how the sponsor card may have exceeded the limits set out by Ofcom [in Rule 9.22(a)] when it mentioned the ‘latest offers’ of the company”. The Licensee explained that as soon as it was made aware of the issue, it amended the sponsorship credit to remove the reference to the ‘latest offers’ of the sponsor.

The Licensee explained that as soon as it was made aware of the scroll bar during the programme, it removed this from the programme.

The Licensee submitted that it has updated its procedures so that this error does not occur again. All new sponsorship credits must now be approved by the Licensee's legal team before they are broadcast.

Decision

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

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

Rule 9.22 of the Code therefore requires that sponsorship credits must be distinct from advertising.

Further, Rule 9.22(a) requires that sponsorship credits broadcast around sponsored programmes must not contain advertising messages or calls to action, and that credits must not encourage the purchase or rental of the products or services of the sponsor or a third party.

In addition, Rule 9.22(b) of the Code requires that sponsorship credits broadcast during programmes must not be unduly prominent. Further, credits must not contain advertising messages or calls to action, and credits must not encourage the purchase or rental of the products or services of the sponsor or a third party.

Rule 9.22

Ofcom disagreed with the Licensee that it was clear which segments of the Mark One Travel content were advertisements and which segments were the sponsorship credits. Ofcom considered that the vocal inflection of the voiceover artist was insufficient to distinguish between the advertisements and the credit. Further, the visual images contained in the advertisements and the credit were very similar. Ofcom therefore considered that a split second pause between the advertisements and credit provided insufficient distinction between the two. As such, Ofcom was of the view that the audience was likely to understand the advertisements to be part of the sponsorship credit, and the credit was therefore not distinct from advertising, in breach of Rule 9.22.

Rule 9.22(a)

Ofcom considered that the sponsorship credit which was broadcast around both programmes was akin to an advertisement promoting the sponsor's business. The credit contained the following advertising messages:

- “*Mark One Travel. Latest Offers. Johannesburg £499. Sydney £626. Kingston £459. Delhi £399. Islamabad £425. Dubai £325. Your One Site Travel Solution. Markonettravel.com [telephone number].*”
- “*We are the appointed consolidators for some of the world’s major airlines.*”

As the credit contained advertising messages, it was clearly in breach of Rule 9.22(a).

Rule 9.22(b)

The scrolling sponsorship credit which appeared during each of the programmes was three minutes and ten seconds in duration in programmes which were four minutes and 30 seconds in duration. Ofcom therefore considered the appearance of the credit to be unduly prominent in both *Isha Adhaan* and *Maghrib Adhaan*.

In addition, the credit clearly went beyond a brief, neutral visual or verbal statement identifying the sponsorship arrangement. The scroll contained the advertising messages: “*Your one site travel solution, providing you with unbeatable offers to many worldwide destinations, hotel bookings, car hire, package holidays... Mark One Travel.com Your one site travel solution, are the appointed consolidators for many major airlines including Virgin, British Airways, Etihad, Qatar Airways, American Airlines, Cathay Pacific and many more... Mark One Travel.com Your one site travel solution offers competitive rates to travel agents*”

Ofcom therefore found the sponsorship credit broadcast during both *Isha Adhaan* and *Maghrib Adhaan*, in breach of Rule 9.22(b) of the Code.

Ofcom has published a number of findings in relation to sponsorship credits in recent years, and has made clear the need for broadcasters to exercise care to ensure that credits do not contain advertising messages. We note that the Licensee has amended the sponsorship credits around the programme and removed the scroll bar from its programming. We do not expect a recurrence of similar compliance issues on this channel.

Breaches of Rules 9.22, 9.22(a) and 9.22(b)

Advertising Scheduling Findings

In Breach

Breach findings table

Code on the Scheduling of Television Advertising compliance reports

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

“... time devoted to television advertising and teleshopping spots on any channel must not exceed 12 minutes.”

Channel	Transmission date and time	Code and rule / licence condition	Summary finding
Sun Music	6 September 2011, 18:00 and 20:00	COSTA Rule 4	<p>During monitoring, Ofcom noted that Sun Music included 35 seconds and 60 seconds more than the permitted advertising allowance, respectively.</p> <p>Finding: Breach</p>

Fairness and Privacy Cases

Upheld in Part

Complaint by Mr David Johnson, on his own behalf, on behalf of Mr Gordon Hunter and on behalf of the Essex County Fire and Rescue Service (“ECFRS”)

Soapbox with Chris Hossack, Phoenix FM (Brentwood), 1 July 2011

Summary: Ofcom has upheld in part the complaint made by Mr David Johnson on his own behalf, on behalf of Mr Hunter and on behalf of the Essex County Fire and Rescue Service (“ECFRS”) of unfair treatment and unwarranted infringement of privacy in the programme as broadcast.

Phoenix FM, a local community radio station, broadcast its live topical debate show “*Soapbox with Chris Hossack*”. This edition discussed the financial cuts that were being made to the Brentwood Fire Service in Essex.

Ofcom found as follows:

- The discussion in the programme was critical of the ECFRS but Ofcom considered that it would have been clear to listeners that the comments being made were the personal opinions of the presenter and contributors. In these circumstances the programme did not present, disregard or omit facts in a way that was unfair to Mr Johnson or the ECFRS.
- Whilst Ofcom acknowledged that playing the song “Gordon is a Moron” was hurtful to Mr Hunter, it was unlikely to materially affect listeners’ opinion of either Mr Hunter or the ECFRS and so, on balance, did not amount to unjust or unfair treatment of either Mr Hunter or the ECFRS.
- Mr Johnson had a legitimate expectation of privacy in relation to claims being broadcast concerning his matrimonial circumstances which was not outweighed by the broadcaster’s right to freedom of expression.

Introduction

On 1 July 2011, Phoenix FM, a local community radio station broadcasting in the Brentwood and Billericay areas in Essex, broadcast an edition of its topical debate programme entitled *Soapbox with Chris Hossack*. The programme included a discussion of financial cuts that were being made to the Fire Service, with particular reference to the Brentwood Fire Station in Essex. Discussing these issues with the host, Mr Chris Hossack, were Mr Nick Mayes, a representative from the Essex branch of the Fire Brigades Union, and a local Conservative Party Councillor, Mr Russell Quirk. Mr Hossack explained that Mr Gordon Hunter, the Deputy Chief Fire Officer of the ECFRS, had been invited to take part in the discussion but was unable to attend.

There was a discussion of the effects that the cuts were having on the Brentwood Fire Service and one of the consequences was the reduction of full time crews and

the use of retained fire fighters¹, which could result in an increase in the time taken to respond to emergencies. Councillor Quirk stated that:

"If retained crews are the way that we are going to go because of the Senior Management decisions at Essex County Fire and Rescue (then) up to 41 people in Essex every year will die that wouldn't have done."

Mr Mayes also stated:

"I think the people of Brentwood would (agree) that the sensible choice is to maintain those fire engines at full capacity for as long as possible and I would rather see a situation where we are down to one computer at headquarters...and our headquarters is a vastly reduced organization long before we ever think about reducing our frontline service".

Councillor Quirk made reference to a number of Freedom of Information requests he had made to the ECFRS concerning matters relating to pay, expenses and compromise agreements and went on to discuss specifically Mr David Johnson, the Chief Fire Officer of ECFRS. Councillor Quirk referred to Mr Johnson's salary at the ECFRS, his pension, a "£48,000 Audi QI" that was bought for him and expenses paid by the ECFRS related to Mr Johnson moving house. Councillor Quirk also said that Mr Johnson *"has now left that house because apparently he has had some matrimonial problems..."* The salaries and expenses of a number of directors of the ECFRS were also highlighted in the programme.

Towards the end of the discussion, Mr Hossack, who had been playing songs throughout the programme, introduced the song "Gordon is a Moron" by saying:

"Okay Russell [i.e. Councillor Quick], I was cueing you up, you've been itching to play this song...you wanted to have a swipe at somebody so I am going to go and do this now".

Following the broadcast of the programme, Mr David Johnson complained to Ofcom that the ECFRS was treated unjustly or unfairly in the programme as broadcast and that his privacy was unwarrantably infringed in the programme as broadcast.

Summary of the Complaint and Phoenix FM's response

Unjust or unfair treatment

In summary, Mr Johnson complained that the ECFRS was treated unjustly or unfairly in the programme as broadcast.

- a) Mr Johnson complained that material facts were presented, disregarded or omitted in a way that was unfair to the organisation.
 - i) Mr Johnson complained that the line of questioning and comments made by the host of the programme was biased, deliberately misleading in nature and overall negative towards the ECFRS and its employees. In particular, Mr Johnson said that the programme contained inaccurate information, such as the statement that the ECFRS is over-staffed at a senior level. In addition, the programme cited incorrect figures concerning pay and expenses, which

¹ Retained fire-fighters (who often have other occupations) only attend a fire-station when they have received an emergency call out.

portrayed the ECFRS as irresponsible and profligate. Mr Johnson also stated that neither Mr Hossack nor Councillor Quirk attempted to establish the truth behind the facts and figures they were referring to. Mr Johnson added that although Councillor Quirk had been provided with detailed and correct data with regard to the use of credit cards by ECFRS employees, he had chosen to ignore this information.

In response, Phoenix FM said that the presenter had no reason to take one side or another on the issue and that the station had broadcast opinions on both sides of the various matters discussed. Phoenix FM stated that comments made in the programme were not specifically targeted against the ECFRS or its employees, but related to expenditure about which details has been obtained under the Freedom of Information Act.

In response, Phoenix FM also said that they had made several attempts to get the views of the ECFRS on the subjects discussed but they had declined to give them. Mr Hunter, the Deputy Chief Fire Officer, had been due to appear on the programme. However, he had cancelled at very short notice, would not give a reason for the cancellation and refused to respond to further requests to talk on air. Mr Johnson, the Chief Fire Officer at ECFRS, had also failed to respond to requests from Phoenix FM.

- ii) Mr Johnson complained that the decision to play the song “Gordon is a Moron” in the programme was an unconcealed, unjust and unfair swipe at the organisation’s management and especially the Deputy Chief Fire Officer, Mr Gordon Hunter. By way of background, Mr Johnson said that as a consequence of the song being played, Mr Hunter had subsequently suffered the indignity of being the subject of a number of jokes.

In response, Phoenix FM said that the song in question, “Jilted John”, was chosen by one of Mr Hossack’ guests, Councillor Quirk, and not by Mr Hossack. Mr Hossack was given the song to play and was told that the song was to be played in reference to the policies of the former Prime Minister, Gordon Brown, who was discussed in the programme, and not in reference to Mr Hunter. Mr Hossack was not familiar with the song and only became aware of the words at the very last minute. He allowed it to play through, although he was aware in advance that the song was to be played because his guest wanted a *“swipe at somebody”*. In the circumstances, Phoenix FM said that the song was not played in order to “make a swipe” at the ECFRS.

In response, Phoenix FM also stated that they were aware that playing the song may have caused a misunderstanding and they had attempted to contact Mr Johnson to apologise for any confusion that may have arisen. The station also said that they had spoken to all their presenters to ensure that they were familiar with guests’ choice of music and did not play anything they may be unfamiliar with, so as to minimise the possibility of this happening again.

Unwarranted infringement of privacy

In summary, Mr Johnson complained that his privacy was unwarrantably infringed in the programme as broadcast.

- b) Mr Johnson said that the programme broadcast unfounded claims concerning his matrimonial circumstances which were offensive and deeply hurtful to him and his family.

In response, Phoenix FM stated that while Councillor Quirk accepted that Mr Johnson's personal situation was not the subject of the debate, it was relevant to the issue of expenditure by ECFRS on a house which Mr Johnson had to vacate soon after purchasing. Phoenix FM also stated that Mr Hossack felt that, because the comment was qualified with the word "*apparently*", there was no need to issue a retraction. In any event he did not know whether what Councillor Quirk had said was correct or not and he had not wanted to expand on this point. Phoenix FM said that they did not wish to cause undue embarrassment to anyone and apologised for any distress the comment may have caused.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript and both parties' written submissions.

Unjust or unfair treatment

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had regard to this Rule when reaching its decision on the individual heads of complaint detailed below.

- a) Ofcom considered the complaint that material facts were presented, disregarded or omitted in a way that was unfair to the organisation.

In considering this part of the complaint, Ofcom had regard to Practice 7.9 of the Code, which states that when broadcasting a factual programme broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

The Code also recognises the importance of freedom of expression and the need to allow broadcasters the freedom to broadcast matters of genuine public interest. However, in presenting material that could be regarded as amounting to significant allegations, reasonable care must be taken not to do so in a manner that causes unfairness to individuals or organisations.

Ofcom considered the following sub-heads of complaint in order to reach an overall decision as to whether the ECFRS was portrayed unfairly in the programme as broadcast.

- i) Ofcom considered the complaint that the line of questioning and comments made by the host of the programme was misleading and overall negative towards the ECFRS and its employees.

Ofcom acknowledged that Mr Johnson did not specifically state which sections of the programme he considered were misleading and negative. Ofcom therefore considered the programme overall and noted the following exchange between Mr Hossack and Councillor Quirk, which in Ofcom's view was typical of the style of questioning and comment made by Mr Hossack throughout the programme:

Councillor Quirk: *"You know the principle is that David Johnson, Gordon Hunter, Tony Hedley and so, have not come out at all and justified what they are doing. They haven't come out to certainly back up or explain or justify some of the stuff that I have unveiled as a result of the Freedom of Information requests about pay and earnings, about credit card spending, about salaries, alleged cronyism, trips around the world, pay offs, compromise agreements".*

Mr Hossack: *"Where did you hear that from, around the world? Sounds a bit extravagant? What's that?"*

Councillor Quirk: *"I've garnished lots of information Chris and what the information has inspired me to do is to put a Freedom of Information request to Essex County Fire and Rescue Service, the first batch I submitted back in February were blocked and Essex County Fire and Rescue Service....".*

Mr Hossack: *"Blocked by Essex?"*

Councillor Quirk: *"They didn't want to respond".*

Mr Hossack: *"I thought you can't do that....FOI's an obligation".*

Councillor Quirk: *"Well they tried to do that...it is an act of parliament, so if they are an act of parliament...I ended up having to break up the FOIs from 1 to 5 and I had to shorten the amount of time that I wanted them to be applicable to. Now bearing in mind that there are now 14 senior fire officers at Essex, bearing in mind there were 8 in 2055 when David Johnson started there were 8 there are now 14, so it had increased the number of this...".*

Mr Hossack: *"What all on the same pay grade?"*

Councillor Quirk: *"No there are a lot of SFOs who I think are on about £60,000. I think there were two of those there are now about six".*

Mr Hossack: *"What is the rationale for them to make the management top heavy like that? This is what we have been talking about, you look at the NHS and everything else, the management is top heavy, there (are) too many chiefs and not enough Indians".*

Ofcom acknowledged that the statements being made by Councillor Quirk were critical of the ECFRS and its employees in that they criticised the organisation's expenditure at a time when cuts were being made that affected the fire service's ability to respond effectively to emergencies. However, Ofcom took the view that listeners would have been aware that the discussion was based on information that Councillor Quirk had obtained from Freedom of Information requests.

Ofcom also noted that Mr Hossack' style of questioning and comments on the points made by both Councillor Quirk and Mr Mayes was consistent throughout the programme and considered that listeners would have been aware that Mr Hossack was expressing his own opinion or responding to points being made, rather than making any allegations of fact. In addition, Ofcom also noted that Mr Hossack introduced the contributors to the debate as Mr Mayes from the Fire Brigade Union and Councillor Quirk as "*the most vociferous Brentwood Councillor in Brentwood*" and also described Mr Quirk as a "*pioneer to all things opposing [front line] cuts at Brentwood Fire Service*". In Ofcom's opinion, viewers would have been aware from the outset who was participating in the programme, what viewpoint both contributors were likely to have on the debate and the fact that no one from the ECFRS was participating. Later in the programme, Ofcom also noted the following exchange:

Mr Hossack: *"So what I will say while we are on, I did invite on a Mr Gordon Hunter, who is one of the top chiefs in the actual Essex Brigade".*

Councillor Quirk: *"I was going to say there is someone missing here Chris".*

Mr Hossack: *"Yeah to be honest I wanted him to be on as I wanted it to be fair and balanced and I wanted him, he's obviously got a case to put forward and I wanted him to do that for whatever reason he couldn't make it, so he is not here tonight. So I will try and be fair and balanced, but there you go. You get your opportunity".*

Ofcom noted Mr Johnson's complaint that the programme contained a number of factual inaccuracies. However it is important to note that Ofcom's role is not to establish whether facts mentioned in the programme were correct or not, but to determine whether the broadcaster took reasonable care not to present, disregard or omit material facts in a way that was unfair to the ECFRS. Ofcom considered that the above exchange made it clear to listeners that the programme was missing a key contributor and that this would affect how "*fair and balanced*" the discussion might be. In Ofcom's view, listeners would have taken this into consideration when hearing criticisms levelled at the organisation and its employees. It also noted that the broadcaster had made several attempts to obtain the views of the ECFRS.

Taking into account all the factors above, Ofcom was satisfied that the programme had been presented in a way that enabled listeners to reach their own conclusions on the issues raised in the programme. Ofcom considered that listeners would have been mindful of the fact that many of the statements in the programme were the personal opinion of the contributors, rather than statements of fact.

Ofcom's decision therefore is that material facts in the programme overall were not presented in a way that was unfair to the ECFRS.

- ii) Ofcom considered the complaint that choosing to play the song "Gordon is a Moron" in the programme was an unconcealed, unjust and unfair swipe at the ECFRS's management and especially against the Deputy Chief Fire Officer, Mr Gordon Hunter.

Ofcom noted that Mr Hossack played the song in question, Jilted John by Jilted John, after Councillor Quirk told him that "*he wanted to have a swipe at somebody*". Ofcom also noted that the chorus of the song is "*Gordon is a moron*". Ofcom acknowledged there was no specific mention in the programme of who the song was aimed at and also Phoenix FM's statement that the song was aimed at Gordon Brown. However, Ofcom considered that, in the context of the discussion and given the fact that Mr Hunter did not participate in it, listeners would have been unlikely to think that the song was intended to refer to Mr Hunter.

Ofcom took the view that the choice of song would have been hurtful to Mr Hunter and that it would have been preferable for the station not to play the song, taking into account the chorus and the context of the discussion. Ofcom also acknowledged the broadcaster's assurances in relation to future requests for songs from guests. However Ofcom considered, on balance, that most listeners would not have attributed a great deal of significance to the song and took the view that the inclusion of the song was unlikely to have materially or adversely affected listeners' views of the ECFRS management or Mr Hunter in a way that was unfair to them.

Ofcom's decision therefore is that this complaint of unfair treatment in the programme as broadcast should not be upheld.

Unwarranted infringement of privacy

- b) Ofcom considered Mr Johnson's complaint that his privacy was unwarrantably infringed in that the programme broadcast unfounded claims concerning his matrimonial circumstances.

In Ofcom's view, the individual's right to privacy has to be balanced against the competing rights of the broadcasters to freedom of expression. Neither right as such has precedence over the other and where there is a conflict between the two, it is necessary to focus intensely on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate.

This is reflected in how Ofcom applies Rule 8.1 of the Code which states that any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.

Ofcom also considered practice 8.6 of the Code which states that if the broadcast of a programme would infringe the privacy of a person or organisation, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted.

In considering whether or not Mr Johnson's privacy was unwarrantably infringed in the programme as broadcast, Ofcom first considered the extent to which he could have legitimately expected that claims concerning his matrimonial circumstances would not be included in the programme.

Ofcom noted that Councillor Quirk said in the programme:

"There is David Johnson, when he was made chief fire officer, formally for Essex he already lived in Essex because he was here acting up as Fire Officer and he then decided, even though he made Essex Chief Fire Officer, that he would move to Suffolk which is ridiculous in itself, but he then put the bill in for the stamp duty for the estate agency fees, the solicitors fees and the curtains and carpets and so on, into the taxpayer. It was a total of, wait for it, £34,000. He has now left that house because apparently he has had some matrimonial problems as I understand it [emphasis added by Ofcom], and so just some months or a year or two since moving into that property and billing the tax payer for the move, he's moved out and sold the house".

Ofcom considered the reference to Mr Johnson's matrimonial circumstances to be private information, since it concerned Mr Johnson's personal relationships. In addition, the claims were not related to the discussion on the programme which concerned the alleged expenditure of the ECFRS and decisions being made by Mr Johnson in his capacity as Chief Fire Officer of the ECFRS. Taking these factors into account, Ofcom considered that Mr Johnson had a legitimate expectation of privacy that comments about his matrimonial circumstances would not be broadcast in the programme.

Having concluded that Mr Johnson had a legitimate expectation of privacy in relation to the broadcast of the claims concerning his matrimonial circumstances, Ofcom went on to consider whether any potential infringement of privacy was warranted, and to weigh the broadcaster's competing right to freedom of expression and the audience's right to receive information and ideas without unnecessary interference. Ofcom did not accept that, as Phoenix FM argued, reference to Mr Johnson's private life was justified on the grounds that the programme was discussing expenditure by ECFRS on a house which Mr Johnson vacated soon after purchasing, as it considered that this point could have been made without the reference to Mr Johnson's private circumstances. Ofcom also considered that, as Councillor Quirk's claim was not related to the discussion, it was not in the public interest to reveal Mr Johnson's alleged matrimonial circumstances.

Ofcom took into consideration the fact that the comments concerning Mr Johnson's matrimonial circumstances were made by a contributor (Councillor Quirk), who was invited to take part in the discussions on a live programme, and not the host of the programme. Ofcom also took into account the fact that Mr Hossack did not go into any further details about the allegations, and moved the discussion away from any comments concerning Mr Johnson's marriage.

However, in Ofcom's opinion, because there was no public interest justification for the intrusion into Mr Johnson's privacy and the allegations made were of a deeply personal nature and unfounded, Ofcom considered that Mr Johnson's legitimate expectation of privacy was not outweighed by the broadcaster's right to freedom of expression.

Taking the above factors into account, and balancing Mr Johnson's legitimate expectation of privacy against the broadcaster's right to freedom of expression, Ofcom considers that there has been an unwarranted infringement of Mr Johnson's privacy.

Accordingly, Ofcom has upheld in part Mr Johnson's complaint of unfair treatment and unwarranted infringement of privacy in the broadcast of the programme.

Not Upheld

Complaint by Mr Mel Bouzad *The One Show, BBC 1, 19 May 2011*

Summary: Ofcom has not upheld Mr Mel Bouzad's complaint of unjust or unfair treatment in the programme as broadcast.

This edition of the programme featured two couples who were dissatisfied with the photographs that had been taken at their weddings. The company that was hired to take the photographs belonged to Mr Bouzad. One of the couples said that the quality of the photographs was so bad that they did not want to show them to anyone. Another couple complained that a different photographer was sent to their wedding when they were expecting Mr Bouzad to attend. The programme also included the opinion of two experts in photography who had been sent unedited versions of the photographs that were taken.

Mr Bouzad complained to Ofcom that he was treated unjustly or unfairly in the programme as broadcast.

Ofcom found that the broadcaster had taken reasonable care to satisfy itself that the material facts were not presented, omitted or disregarded in a way that portrayed Mr Bouzad unfairly in the programme as broadcast.

Introduction

On 19 May 2011, BBC 1 broadcast an edition of its weekday evening magazine programme "*The One Show*". The programme included an item that reported the experiences of a number of couples who were dissatisfied with the quality of the photographs taken at their weddings and the overall service they received.

One couple, Mr and Mrs Ball, showed photographs of their wedding day. Mr Ball said they had booked Mr Mel Bouzad as their wedding photographer, but the result was a wedding album they did not really show to anybody. Another couple, Mr and Mrs Thompson, said that Mr Bouzad had failed to attend their wedding despite having confirmed that he would be taking the photographs himself. The reporter stated:

"It appears that Mel Bouzad makes a habit of not getting to the church on time. Four other couples told us though they booked him someone else turned up".

Mr and Mrs Thompson expressed their disappointment with the photographs that were taken by the other photographer, and criticised: "*bad lighting*"; people looking away from the camera; and "*lack of direction*" from the photographer.

The reporter then stated that all the photographs were sent to two experts who commented that the quality was what would be expected "*of someone with limited experience of wedding photography*". The reporter stated that:

"Mr Bouzad strongly refutes that the photos are sub standard. He claims once edited, they would be fine".

Mr and Mrs Ball said that Mr Bouzad had been aggressive towards them on their wedding day and afterwards to such an extent that they made a complaint about his

behaviour to the police. The programme also referred to five other couples who stated that Mr Bouzad had been rude to them. The reporter said that Mr Bouzad denied any rude or abusive behaviour and was unaware of any report being made to the police.

The programme stated that Mr and Mrs Thompson: had taken legal action against Mr Bouzad's company, Hampshire and Dorset Weddings Limited; were awarded most of their money back because the company did not turn up to court; and, were still waiting to be paid. The reporter went on to state that eight County Court Judgments ("CCJs") had been issued against Hampshire and Dorset Weddings Limited and that Mr Bouzad no longer traded as Hampshire and Dorset Weddings Limited. The reporter said that the programme makers had also spoken to couples who were not satisfied with the service they had received from Mr Bouzad's new company, H and D Wedding Photography, and that Bournemouth Trading Standards were taking action against Mr Bouzad after receiving a "*staggering forty complaints about his companies*".

The reporter summarised responses from Mr Bouzad as follows:

"Mr Bouzad says he has been a photographer for fifteen years and is very proud of his reputation...has been involved in seven hundred weddings with many happy customers...been used as an expert for wedding magazines...admits that due to unforeseen personal circumstances he was not able to attend a small portion of weddings".

The reporter said that Mr Bouzad explained that he always tried to find a suitable replacement and that he:

"...apologises for the upset caused to Mr and Mrs Thompson but that the replacement photographer that was sent had 25 years worth of experience".

The programme stated that Mr Bouzad was challenging the CCJs. It also said that Mr Bouzad said he had sent a replacement album to Mr and Mrs Ball, but that they said that this was not the case. The item concluded with the reporter stating that the National Wedding Show had contacted the programme to say it had terminated its contract with Mr Bouzad following a number of complaints it had received about him or his company.

The programme included a still photograph of Mr Bouzad and library footage of Mr Bouzad from a programme in which he had been interviewed by the BBC about his work as a celebrity photographer.

Summary of Mr Bouzad's Complaint and the BBC's Response

Mr Bouzad complained that he was treated unfairly or unjustly in the programme as broadcast in that:

- a) Material facts were presented and disregarded in the programme in a way which resulted in an unfair portrayal of Mr Bouzad. In particular:
 - i) Mr Bouzad was personally judged on Mr and Mrs Ball's album when in fact there had been a printing problem and Mr Bouzad had not had an opportunity to view the album before it was sent to them. He had offered a replacement album but this was not mentioned in the programme.

In response the BBC stated that the criticisms of Mr Bouzad and his companies were put to him beforehand and in the BBC's view Mr Bouzad had ample opportunity to respond to them. The BBC stated that at no point before the broadcast of the programme did Mr Bouzad claim there had been "a printing problem" with Mr and Mrs Ball's album. The BBC stated that in any event it was clear from the comments made by Mr and Mrs Ball in the programme that their dissatisfaction arose from features of Mr Bouzad's work which were independent of any printing problem and could not be corrected by any printing technique.

In relation to the offer of a replacement album, the BBC stated that this was reflected in the programme by the reporter, following a letter the programme makers received from Mr Bouzad's solicitor. The letter stated that Mr Bouzad had already offered to replace the album on the condition that the couple send the original album back to him. The letter then stated that to date Mr Bouzad had not received the album from Mr and Mrs Ball. The BBC said that it was not clear to Mr and Mrs Ball that they had received a conditional offer of a replacement album and referred to a number of emails between the couple and Mr Bouzad. The BBC stated that if there was a misunderstanding then Mr Bouzad did not make any effort to clarify the situation.

- ii) Mrs Ball incorrectly stated that Mr Bouzad was rude to her.

In reply, the BBC said that programme included a statement from Mrs Ball saying that Mr Bouzad had become so aggressive that they had to report this to the police. However the BBC said that Mrs Ball's statement was immediately followed by a statement in which Mr Bouzad denied being aggressive and said that he was unaware of any report being made to the police. The BBC said that, although the matter was probably not susceptible to conclusive proof, Mrs Ball's account was supported by the fact that she and her husband had a crime reference number in relation to their report concerning Mr Bouzad, and also by the fact that, as reported in the programme, five out of six other couples also reported similar behaviour on Mr Bouzad's part. The BBC went on to say that a further five couples had contacted the programme makers since transmission to report that Mr Bouzad behaved rudely or aggressively towards them.

- iii) Mr and Mrs Thompson had been informed that Mr Bouzad may not be able to personally attend their wedding and that a replacement photographer may be sent and they were aware that his company had a team of photographers.

The BBC stated in response that Mr and Mrs Thompson had no reason to doubt that Mr Bouzad himself would be the photographer at their wedding. The BBC said that Mr and Mrs Thompson sent an email to Mr Bouzad asking if it would be possible to send some photos via email of the actual photographer who would be attending their wedding, to which Mr Bouzad replied stating that it would be him who would cover the wedding. The BBC stated that the email exchange continued between the couple and Mr Bouzad and nothing in those exchanges hinted that there would be anyone but Mr Bouzad taking the photographs.

- iv) The programme stated that Bournemouth Trading Standards had received a number of complaints, but in fact they were enquiries.

The BBC said that the programme makers had received confirmation (via a Freedom of Information request) that “*approximately 40 complaints*” had been made against both Hampshire and Dorset Weddings Limited and H & D Wedding Photography.

- v) The photographs the programme makers sent to be judged by the expert were on the unedited CD. The programme makers did not allow the edited versions to be sent to the expert and did not afford Mr Bouzad the opportunity to view or comment on the reports on the unedited CDs.

In reply, the BBC stated that both experts reviewed both the edited and unedited versions of Mr and Mrs Ball’s photographs. In relation to the photographs on Mr and Mrs Thomson’s CD, the experts were aware that the versions they were reviewing were the unedited versions as there were no edited versions available. The BBC said that the programme made it clear that it was not Mr Bouzad who had taken the photographs of Mr and Mrs Thompson’s wedding and it was apparent from Mr Bouzad’s denial which was reported in the programme that at least some of the photographs that the experts had seen were unedited. However, in the BBC’s view the nature of the expert’s criticism made it clear that they were not contingent on whether the photographs were viewed in edited or unedited form. The BBC said that the substance of the expert’s criticism was put to Mr Bouzad (via his solicitor).

- vi) The expert judged Mr Bouzad personally on some of the photographs of Mr and Mrs Thompson’s wedding, when in fact these were taken by other photographers.

The BBC said in response that the programme made it entirely clear that Mr Bouzad had not taken the photographs in question and in fact this was the point being made in the complaint by the Thompsons. The BBC added that if viewers were to interpret the expert’s comments as an adverse reflection on Mr Bouzad’s company, then it would be no more than the facts warranted because it was his company that had provided the unsatisfactory service.

- vii) One of the couples shown in the programme had in fact left a positive review on the company’s Facebook page.

The BBC said that this related to Mr and Mrs Gaston who had contacted the programme makers before transmission and who were seen in a shot of still photographs, but were not identified or otherwise featured in the programme. The BBC said that the positive comment left by Mrs Gaston related to the wedding day itself and that the couple became dissatisfied with the service because they were still awaiting the delivery of eight “flick books”.

- viii) Mr Bouzad was linked to the Hampshire and Dorset Weddings Limited CCJs when in fact he was no longer a director of the company. In any event, he said that most of the CCJs related to magazine advertisements rather than weddings.

The BBC’ response stated that although Mr Bouzad resigned his directorship of Hampshire and Dorset Weddings Limited, he is still listed at Companies House as the sole shareholder in the company and whilst the company is no longer trading, it is not defunct and efforts to liquidate it having been stayed as a result of objections by creditors. The BBC added that as recently as 27 April 2011, Mr Bouzad signed an application on behalf of Hampshire and

Dorset Weddings Limited to Gloucester Crown Court for a judgment in favour of Mr and Mrs Thompson to be set aside. Further, Mr Bouzad's current company (H and D Wedding Photography) trades from the same premises as did Hampshire and Dorset Weddings Limited. In light of this, in the BBC's view there was no unfairness to Mr Bouzad in linking him with the CCJs that were made against that company. In addition, in the BBC's view there was no unfairness in not stating that most of the CCJs related to magazine advertisements rather than weddings, because an accumulation of unpaid CCJs, for whatever reason they may have been incurred, was a cause of concern and a matter of legitimate interest to actual and potential clients.

- ix) The programme's reference to 40 complaints amounted to only six percent of the weddings that Mr Bouzad and/or his company had attended.

The BBC stated in response that even if they were to accept Mr Bouzad's figure of six per cent, it would not represent the proportion of his customers who were, to some degree or other, dissatisfied with his service. In the BBC's view, this six per cent represented only the proportion who were so dissatisfied and so determined to pursue their grievance, as to complain to the Trading Standards authorities. In any event, as the programme suggested, this is an extraordinary figure.

- x) The programme wrongly stated that Mr Bouzad made a habit of not turning up to weddings. He said that the company covered weddings all over the UK and therefore had a team of photographers.

In reply, the BBC said that in addition to Mr and Mrs Ball, there were four other couples who had told the programme makers that they had been led to believe that Mr Bouzad would be their photographer, only to find that another photographer arrived on the day. This represented a total of five out of the eight couples that the programme makers spoke to before transmission, which the BBC believed justified the suggestion made in the programme that Mr Bouzad "*makes a habit*" of not attending in person when the couple in question were under the impression that he will be their photographer. The BBC also added that the Hampshire and Dorset Weddings Limited contracts that the programme makers had seen made no reference to "*a team of photographers*", and that Mr Bouzad had such a team only in the sense that he sub-contracted work to other photographers and therefore, to the best of the BBC and programme maker's knowledge, there was no other wedding photographer on the staff of Hampshire and Dorset Weddings Limited.

- xi) The BBC made Mr Bouzad out to be a poor photographer when in fact he had been a photographer for 15 years.

The BBC stated in reply that the length of time for which Mr Bouzad had been a photographer was immaterial to the issue of fairness. Both couples featured in the programme had complained about the quality of the photographs which has been either taken by Mr Bouzad or provided by his company, as had other couples the programme makers had spoken to. The BBC said that whether or not Mr Bouzad is a "poor photographer" the programme's experts, together with the examples of his work shown in the programme, justified the suggestion that he was a photographer who, on occasion, produced unacceptably poor pictures.

- xii) Mr Bouzad had pointed out a number of inaccuracies concerning the programme to the series producer but these were not considered.

The BBC stated that the complaint specified no inaccuracies other than those already addressed and the BBC could not identify any others of relevance to the content of the programme alleged in Mr Bouzad's statement of his complaint.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unjust or unfair treatment and unwarranted infringement of privacy in, or in connection with the obtaining of material in, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript, and both parties' written submissions.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had regard to this Rule when reaching its decision on the individual heads of complaint detailed below.

- a) Ofcom considered Mr Bouzad's complaint that he was treated unjustly or unfairly in the programme as broadcast, which resulted in an unfair portrayal of Mr Bouzad.

In considering this head of complaint, Ofcom had regard to whether the broadcaster ensured that material facts had not been presented disregarded or omitted in a way which was unfair to Mr Bouzad, as outlined in practice 7.9 of the Code.

The Code recognises the importance of freedom of expression and the need to allow broadcasters the freedom to broadcast matters of genuine public interest. However, in presenting material that could be regarded as amounting to significant allegations, reasonable care must be taken not to do so in a manner that causes unfairness to individuals or organisations.

Ofcom considered the following sub-heads of complaint in order to reach an overall decision as to whether Mr Bouzad was portrayed unfairly in the programme as broadcast.

- i) In relation to Mr Bouzad's complaint that he had been personally judged on Mr and Mrs Ball's wedding album when in fact there had been a printing problem and that a replacement album was offered by Mr Bouzad but this

was not mentioned in the programme, Ofcom noted the following in the programme:

Commentary: "*Back from the States, Mel Bouzad turned his hand to weddings and set up Hampshire and Dorset Weddings Limited. Jackie and Adam [Mr and Mrs Ball] handed the company £750 to capture their big day in an album. Something they now regret.*

Mr Ball: *There is not a good shot of me and the family at all and at no time [did Mr Bouzad] get us to re-stage the picture or take the picture again.*

Mrs Ball: *It's disgraceful, you get through the whole day without realising that you had your eyes shut, when you've got a camera that you can see the pictures you're taking, how can you miss that?"*

Ofcom recognised that selecting and editing material for inclusion in a programme was an editorial decision for the programme makers and the broadcaster but that such editing should be done in a fair manner.

Ofcom considered that viewers would have regarded Mr Bouzad as being responsible for the dissatisfaction that Mr and Mrs Ball experienced with their wedding album. Ofcom also considered that the source of their discontent with the album was related to how the pictures were taken at the time and were therefore not associated with a printing problem. In Ofcom's view, printing issues did not appear to be relevant to the matters being discussed in the programme, and it was therefore not incumbent on the broadcaster to mention a printing problem. Ofcom therefore considered that, as the printing problem was not a material fact in relation to the issues that were being discussed by the Mr and Mrs Ball, there was no unfairness to Mr Bouzad in the way this was presented.

In relation to the offer of a replacement album which Mr Bouzad stated was not mentioned in the programme, Ofcom noted that towards the end of the relevant section of the programme, the reporter stated the following:

"[Mr Bouzad] says he did offer Mr and Mrs Ball a replacement album when they complained but the couple says that was not the case."

Ofcom noted that the offer of a replacement album was referred to in the programme. In addition, in light of the emails between Mr and Mrs Ball and Mr Bouzad which the programme makers had seen, it was clear that there was some confusion over whether a replacement album had in fact been sent to the couple. Therefore, Ofcom considered that it was legitimate for the programme makers to reflect both Mr Bouzad's point that he had sent a replacement album and also Mr and Mrs Ball's view that he had not.

In conclusion, Ofcom considered in relation to this aspect of the complaint that the programme makers had taken reasonable steps to satisfy themselves that material facts had not been presented in a way that was unfair to Mr Bouzad.

- ii) Ofcom then went on to consider the complaint that Mrs Ball incorrectly stated that Mr Bouzad was rude to her.

Again, Ofcom recognises that programme makers and broadcaster can legitimately select whether to include or not include information or material in a programme. Ultimately this is an editorial decision for broadcasters to make prior to broadcasting the programme, however broadcasters must ensure that material facts are presented fairly.

Ofcom noted the following in the programme:

Commentary: *"We've spoken to another six unhappy couples and all but one of them says Mel Bouzad was rude to them. Jackie and Adam say he was aggressive on the day of the wedding and afterwards."*

Mrs Ball: *"When we dared to complain he then got very aggressive and abusive to the point that we'd reported it to the police."*

Commentary: *Mr Bouzad adamantly denies any alleged rude or abusive behaviour and says he's unaware of any report being made to the police".*

Ofcom considered that viewers would have understood from this exchange that some disagreement had taken place between Mr and Mrs Ball and Mr Bouzad and that there were conflicting views between them as to the extent of this disagreement.

Ofcom went on to consider whether the broadcaster had taken reasonable steps to satisfy itself that material facts had not been presented, disregarded or omitted in a way that was unfair to Mr Bouzad.

Ofcom observed that in the statement Mr Bouzad provided to the programme makers, the following was stated:

"With regards Mr and Mrs Ball, Mr Bouzad adamantly denies the comments that he is alleged to have made. At no time on the couple's wedding day did he use the abusive language alleged or act rudely to guests. Notwithstanding a number of emails being sent, no issue or complaint was ever raised by the couple concerning any alleged comments/rude behaviour such that this is the first he is aware of these allegations."

Ofcom took note of the fact that the programme makers had been provided with a crime reference number from Mr and Mrs Ball in relation to Mr Bouzad's alleged aggressive behaviour. The other five couples featured in the programme also detailed similar behaviour. Further, we took the view that Mr Bouzad's statement was also taken into account and the commentary provided in the programme reflected that Mr Bouzad "adamantly" denied any rude or aggressive behaviour. As a result, viewers would have been left in no doubt as to Mr Bouzad's position in relation to the claims that were being raised in the programme.

Therefore, in Ofcom's view, the programme makers had taken reasonable care to satisfy themselves that the programme presented the facts related to sub-head ii) of the complaint in a way that was not unfair to Mr Bouzad.

- iii) Ofcom considered the complaint that Mr and Mrs Thompson had been informed that Mr Bouzad may not be able to personally attend their wedding and that a replacement photographer may be sent and they were aware that his company had a team of photographers.

As already observed in sub-head ii) above, Ofcom recognises that while programme makers and broadcasters have editorial discretion as to what material to include in a programme, there is an obligation on them to ensure that material facts are presented fairly. Therefore, Ofcom considered whether stating that Mr Bouzad did not personally attend Mr and Mrs Thompsons' wedding was presented in a way that was unfair to him.

Ofcom noted the following commentary made in the programme:

Commentary: *"Tracie and Luke Thompson paid £900 to Hampshire and Dorset Weddings Limited to record their big day. They liked Mel Bouzad's photos on his website and he confirmed he'd be taking the photos himself."*

Mrs Thompson: *We'd spoken to him the day before on the phone; there was no - he didn't say that it wasn't going to be him. I said to him I'll see you tomorrow and he didn't turn up, we had another man come to the door".*

In considering whether programme makers had taken reasonable care to satisfy themselves that material facts had been presented in a way that was not unfair to Mr Bouzad, Ofcom took into account the information that was available to the programme makers at the time. In particular, Ofcom noted the following email exchange between Mr Bouzad and Mr and Mrs Thompson:

Mrs Thompson: *"Hi - I am just emailing to enquire as to whether it would be possible to be sent some photos via email taken by the actual photographer who will be photographing our wedding".*

Mr Bouzad: *"Hello am going to cover your wedding all the pictures on the site are mine talk soon Mel".*

Ofcom considered the above correspondence to be confirmation that Mr Bouzad would be attending Mr and Mrs Thompson's wedding and also be taking the photographs. In Ofcom's view there was nothing in either the above exchange or subsequently which would have altered this position and therefore the programme makers had taken reasonable steps to ensure that these material facts were presented in a way that not unfair to Mr Bouzad.

- iv) Ofcom considered the complaint that the programme stated that Bournemouth Trading Standards had received a number of complaints about Mr Bouzad but in fact they were enquiries.

Ofcom considers that the manner in which material and information is obtained in the making of a programme is a matter for the programme makers

and the broadcaster. It is an editorial decision and it would be undesirable, in Ofcom's view, for programme makers and broadcasters to cede editorial control over the way that material is gathered in the making of a programme. However, the broadcaster must ensure that the manner in which this material is presented in the programme as broadcast is done so in a way that does not result in unfairness to an individual or organisation.

In this context, Ofcom went on to consider whether the presentation of the information provided by Bournemouth Trading Standards to the programme makers as a result of a Freedom of Information request resulted in unfairness to Mr Bouzad.

Ofcom noted the following in the programme:

Commentary: *"Mr Bouzad no longer trades as Hampshire and Dorset Weddings Limited but we've spoken to two couples unhappy with the service they got from his latest venture - H and D Wedding Photography. And Bournemouth Trading Standards are taking action under the Enterprise Act after receiving a staggering 40 complaints about his companies".*

Ofcom reviewed the information the programme makers had received from Bournemouth Trading Standards. This showed that Bournemouth Trading Standards were aware of "approximately 40 complaints against Hampshire and Dorset Weddings Limited and H&D Weddings". It also stated that the information was not presented in such a way as to "identify or separate the complaints against the two trading entities or consolidate any possible duplicates".

Ofcom considered that this information made it clear that approximately 40 complaints had been received, although it was possible that the figure might be lower as the complaints had not yet been analysed to see if there was any duplication in the complaints. Further, the information made clear that Bournemouth Trading Standards had received "**complaints**" (emphasis added by Ofcom) and not enquiries as stated in Mr Bouzad's complaint.

Therefore, taking the above factors into account, Ofcom considered that the programme makers had taken reasonable steps to satisfy themselves that these material facts also had been presented in a way that not unfair to Mr Bouzad.

- v) Ofcom next considered the complaint that the photographs the programme makers sent to be judged by the experts were on an unedited CD, the programme makers did not allow the edited versions to be sent to the experts and did not afford Mr Bouzad the opportunity to view or comment on the experts' comments on the unedited CDs.

Ofcom recognised that sending photographs which had not been edited for the purposes of judging the quality of any final photographs made from them has the potential to be unfair. However, in considering this sub-head of complaint, Ofcom's role was not to establish conclusively from the programme as broadcast or from the submissions provided by the parties the quality of either the unedited or edited versions of the photographs. Instead, Ofcom's role is to decide whether the broadcaster took reasonable care to present the material facts in a way that was not unfair.

Ofcom noted the following commentary in the programme:

Commentary: "*We've shown the photos to two experts. They say the standard is what you'd expect of someone with limited experience of wedding photography. One expert says that whilst the images are in focus and properly exposed, this group photo is 'very poor indeed' with people lost in the shade, a big group in the sun in the middle and the happy couple hard to spot.*

He also says some shots show a lack of attention to detail. After looking at all of Jackie and Adam's photos from which they chose their album, they say the photos are unacceptable and show poor understanding of lighting and technique.

Mr Bouzad strongly refutes that the photos are sub-standard. He claims once edited, they would be better".

In Ofcom's view, the above commentary was concerned with issues that occurred when the photos were being taken, such as how and where people were positioned and the effect of lighting, and as such, could not necessarily be rectified with editing.

In addition, Ofcom considers that the inclusion of Mr Bouzad's statement that once photos were edited they would have been better, meant that viewers would have been aware that the photographs that were sent to the experts had not already been edited. Further, it was clear from Mr Bouzad's statement that he had an opportunity to comment on the quality of the photographs that were sent to the experts and his comments were accurately reflected with the inclusion of his statement.

Accordingly, Ofcom considered that the manner in which the experts' comments were presented in the programme was such that the broadcaster had taken reasonable care to ensure that the programme did not present, disregard or omit material facts with regards to sending unedited versions of the photographs to the experts in a way that was unfair to Mr Bouzad.

- vi) Ofcom considered the complaint that Mr Bouzad was judged personally on the photographs that were sent to the experts, when in fact these were taken by other photographers.

As already referred to in sub-head iv) above, Ofcom recognises that while programme makers and broadcasters have editorial discretion as to what material to include in a programme, there is an obligation on them to ensure that material facts are presented fairly. Therefore Ofcom considered whether or not the programme presented the material facts in a way that was unfair to Mr Bouzad.

Ofcom noted that one of the issues mentioned in the programme was that Mr Bouzad was not the photographer who attended the wedding. This was stated in the programme as follows:

Commentary: "*It appears Mel Bouzad makes a habit of not getting to the church on time. Four other couples have told us "though they booked him, someone else turned up."*

Tracie and Luke were not happy with the photos taken by the different photographer Mel Bouzad had sent".

Following the above commentary, the programme stated that the photographs were shown to two experts. In Ofcom's view, it was apparent from the commentary that Mr Bouzad was not at the weddings and therefore it would have been clear to viewers that the photographs would not have been taken by Mr Bouzad. Therefore, Ofcom considered that the programme did not present these facts in a way that was unfair to Mr Bouzad.

- vii) Ofcom considered the complaint that one of the couples referred to in the programme had in fact left a positive review on Mr Bouzad's company's Facebook page.

There is an obligation on broadcasters to ensure that material facts are not presented, disregarded or omitted in a way that is unfair. Therefore, Ofcom considered whether in deciding not to include the fact that a positive review had been left on Mr Bouzad's company's Facebook page, caused unfairness to Mr Bouzad.

Ofcom acknowledged that the BBC's case was that the review referred to by Mr Bouzad was in fact about the wedding day itself rather than the photographs that were taken, and therefore Ofcom did not consider this to be a material fact relevant to the issue being discussed in the programme. Further, Ofcom noted that Mr Bouzad's response to the points raised in the programme included the following:

Commentary: "[Mr Bouzad] says he's been involved in over 700 weddings with many happy customers".

Therefore, Ofcom took the view that viewers would have been made aware that there were other couples who were happy with the service they had received from Mr Bouzad.

Taking into account that the above factors, Ofcom considered that material facts were not disregarded or omitted in a way that was unfair to Mr Bouzad.

- viii) Ofcom went on to consider the complaint that Mr Bouzad was linked to the Hampshire and Dorset Weddings CCJs when in fact he was no longer a director of the company. Further and in any event, most of the CCJs related to magazine advertisements rather than weddings.

As already made clear, programme makers must ensure that they take reasonable steps to satisfy themselves that material facts are not presented, disregarded or omitted in a way that was unfair to an individual.

In considering this particular sub-head of the complaint, Ofcom noted the following section in the programme:

Commentary: "*Tracie and Luke had such difficulty resolving their concerns that they finally took Hampshire and Dorset Weddings to court. As the company didn't turn up the couple were awarded most of their money back-but they've never been paid.*

It's not an isolated case. In all 8, County Court Judgments have been issued against Hampshire and Dorset Weddings Limited and they've been ordered to pay a total of nearly £14,000. So far not a penny has been paid".

The application notice (dated 27 April 2011) to set aside the CCJ issued by Mr and Mrs Thompson to Hampshire and Dorset Weddings Limited was completed and signed by Mr Bouzad and his position was stated as "majority shareholder". Ofcom also took into account the fact that the programme makers had received confirmation from Companies House that, even though Mr Bouzad had resigned as director of Hampshire and Dorset Weddings Limited, he was still listed as the "sole shareholder". In addition, the programme reflected the relationship between Mr Bouzad and Hampshire and Dorset Weddings Limited by stating that Mr Bouzad "*no longer trades as Hampshire and Dorset Weddings*".

Ofcom considered that the programme's reference to "*County Court Judgments issued against Hampshire and Dorset Weddings Limited*" was, in Ofcom's view, unclear as to what exactly the CCJs related to - magazine advertisements or photography. (This was the only reference made to the CCJs in the programme, apart from Mr Bouzad's statement made in the programme that he was challenging them).

Ofcom recognises that this had some potential to cause unfairness to Mr Bouzad by not clarifying exactly what parts of the business of Hampshire and Dorset Weddings Limited the CCJs related to. However, CCJs are issued only following due process in the relevant court after a business or individual has not paid a debt or failed to fulfil a legal obligation. The numerous CCJs issued against Hampshire and Dorset Weddings Limited therefore provided some indication as to the financial state of this business and/or the way it was being run. Also, as was clear from sub-heads i) to vii) above, it was clear that the programme had already highlighted evidence of other concerns about the quality of service provided by Mr Bouzad. Consequently, in Ofcom's view, some imprecision as to whether the CCJs were related to advertisements or to photography at weddings would have been unlikely to have materially and adversely affected viewers' perception of Mr Bouzad in a way that was unfair to Mr Bouzad.

Taking these factors into account, Ofcom considered that reasonable care had been taken to ensure that material facts relating to the CCJs had not been presented, disregarded or omitted in a way that was unfair to Mr Bouzad.

- ix) Ofcom considered the complaint that the programme's reference to 40 complaints amounted to only six percent of the weddings that Mr Bouzad and/or his company had attended.

Ofcom has already indicated that in the preceding sub-heads of complaint above that we recognise that programme makers and broadcasters can legitimately select whether to include or not include information or material in a programme. However, such editorial discretion comes with an obligation on broadcasters to ensure that material facts are presented fairly. Therefore Ofcom considered whether the programme's reference to 40 complaints was presented in a way that was unfair to Mr Bouzad.

As stated above in sub-head iv) of the decision, information from Bournemouth Trading Standards confirmed that 40 complaints had been received about Mr Bouzad and the reference to this in the programme fairly reflected this fact. As a result, Ofcom did not, in the context of the programme which was related to the experience that the couples on the programme had recounted, consider that further analysis of this figure was needed in order to avoid any unfairness to Mr Bouzad.

Further, Ofcom considered that the programme featured two couples and made reference to “*another six unhappy couples*”. The programme also contained Mr Bouzad’s statement that he had been involved with over 700 weddings and had customers who were very satisfied with the service. As a result, Ofcom took the view that viewers would have understood that the 40 complaints may relate only to a small percentage of the weddings that Mr Bouzad attended.

These facts were not therefore presented in a way that caused unfairness to Mr Bouzad.

- x) The programme wrongly stated that Mr Bouzad made a habit of not turning up to weddings. He said that the company covered weddings all over the UK and therefore he had a team of photographers.

As stated in previous sub-headings above, Ofcom recognises that programme makers and broadcasters can legitimately select and edit material for inclusion in a programme. However there is an obligation on broadcasters and programme makers to ensure that they take reasonable steps to satisfy themselves that material facts are presented in a way that is not unfair to an individual.

Ofcom noted the following in the programme:

Commentary: *“It appears Mel Bouzad makes a habit of not getting to the church on time. Four other couples have told us that though they’d booked him, someone else turned up. On one occasion the replacement was so late he missed the bride getting ready”.*

In considering whether programme makers had taken reasonable steps to satisfy themselves that material facts were presented in a way that was not unfair to Mr Bouzad, Ofcom took account of the fact that five out of the eight couples the broadcaster had spoken to had made reference to the fact that Mr Bouzad had sent a replacement photographer. In addition, Mr Bouzad’s position was also made clear to the viewers with the following statement:

“[Mr Bouzad] admits that due to unforeseen personal circumstances he’s not been able to attend a small number of weddings but says he always tries to find a suitably experienced photographer”.

Consequently, Ofcom considered that programme makers and the broadcaster had taken reasonable steps to satisfy themselves that material facts were presented in a way that was not unfair to Mr Bouzad.

- xi) Ofcom considered the complaint that the BBC made Mr Bouzad out to be a poor photographer when in fact he has been a photographer for 15 years.

As already observed in sub-head x) above, there is an obligation on broadcasters to ensure that material facts are not presented, disregarded or omitted in a way that is unfair to an individual.

Ofcom noted that the expert made comments in relation to the photographs and referred to them as “*unacceptable*” and “*show[ing] poor understanding of lighting and technique*”.

However, Ofcom also noted that the programme had introduced Mr Bouzad as “*an ex paparazzo to the stars*” and also included Mr Bouzad’s own statement that he had been a photographer for 15 years and therefore viewers would also have been made aware of his experience. In addition, as discussed earlier in the sub-head vi) above, it was made clear that some of the photographs sent were taken by a replacement photographer.

Ofcom considered that most viewers would have taken all these factors into consideration and would not have automatically concluded that Mr Bouzad was himself always and in all respects a poor photographer. Consequently, Ofcom considered that facts had not been presented, disregarded or omitted in a way that was unfair to Mr Bouzad.

- xii) Ofcom went on to consider the complaint that Mr Bouzad had pointed out a number of inaccuracies concerning the programme to the series producer but these were not considered.

Programme makers and broadcasters must satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual.

Ofcom noted that the programme makers had given Mr Bouzad an opportunity to respond to the allegations before the programme was broadcast and Mr Bouzad had responded with a statement made on his behalf by his solicitor.

Ofcom also noted that Mr Bouzad did not specify the inaccuracies that he had pointed out. Ofcom therefore considered Mr Bouzad’s statement in its entirety and considered generally whether the programme makers had satisfied themselves that any material facts stated in Mr Bouzad’s statement had not been presented, disregarded or omitted in a way that was unfair to Mr Bouzad. In Ofcom’s view, Mr Bouzad’s statement in relation to all the issues raised in the programme was reflected accurately throughout the programme. For example, in relation to the issue of the quality of replacement photographers, Mr Bouzad was quoted as saying that “*the replacement photographer he sent had got 25 years experience*”. Therefore, it would have been clear to viewers watching the programme that Mr Bouzad strongly disagreed with a number of points raised.

Consequently, Ofcom considered that programme makers had taken reasonable steps to satisfy themselves that material facts had not been presented, disregarded or omitted in a way that was unfair to Mr Bouzad.

Accordingly, Mr Bouzad’s complaint of unjust or unfair treatment in the programme was not upheld.

Not Upheld

Complaint by Mr John Arthur Jones

Wales This Week, ITV1 Wales, 4 November 2010

Summary: Ofcom has not upheld this complaint of unfair treatment and unwarranted infringement of privacy made by Mr John Arthur Jones.

The programme examined the challenge facing troubleshooter Mr David Bowles when he went to run Anglesey Council and looked at the role played by Mr Jones, who had been both a Council officer and then a member of the Council. The programme included allegations that Mr Jones had: breached planning conditions; awarded contracts in breach of Council standing orders; committed criminal offences; and improperly influenced Mr Bowles.

Mr Jones complained to Ofcom that he was treated unfairly in the programme as broadcast and that his privacy was unwarrantably infringed in the making of the programme and in the programme as broadcast.

In summary, Ofcom found the following:

- Mr Jones was not portrayed unfairly as a result of the programme's analysis of his role at Anglesey Council, his dealings with Mr Bowles or through unfair editing or re-use of archive footage.
- Mr Jones was given an appropriate and timely opportunity to respond to allegations about him included in the programme.
- There was no unwarranted infringement of Mr Jones' privacy in the making of the programme, as footage of the Parc Cefni holiday development built by Mr Jones was filmed from a public footpath.
- There was no unwarranted infringement of Mr Jones' privacy in the programme as broadcast, because the programme did not reveal any private or personal information that was not already in the public domain, nor did it provide new information as to the location of Mr Jones' current home, use archive material out of context, nor use surreptitiously filmed footage.

Introduction

On 4 November 2010, ITV Wales broadcast an edition of its current affairs programme *Wales This Week*, entitled *The Anglesey Challenge*. The programme examined historic problems within Anglesey County Council ("the Council") and looked at the challenge facing "troubleshooter" Mr David Bowles who, as the Interim Managing Director, had been sent in to run the Council. The programme looked at Mr Bowles' background and the work he did in Anglesey.

The programme included footage of a chalet at Parc Cefni on Anglesey that Mr Bowles rented from Mr Jones. The programme then focused on Mr Jones for approximately five minutes before returning to Mr Bowles and the Council.

The programme stated that in 2006, when he was the Vice-Chairman of the Council's Planning Committee, Mr Jones had breached planning conditions at Parc Cefni. The

programme then showed footage from 2006 of an ITV Wales reporter attempting to interview Mr Jones, who asked the reporter several times if he was “*a paedophile*”. The programme also said that, in the late 1990s, when Mr Jones was Director of Housing and Property at the Council, the District Auditor investigated allegations against him that he had awarded millions of pounds of contracts in breach of the Council’s standing orders. The programme stated that, in light of the District Auditor’s report, “*the Council lost trust in John Arthur Jones and sacked him*”. The programme then stated that, following a police investigation in relation to a house Mr Jones had built on the island of Anglesey, he was charged with misconduct in public office, that he denied the charges and that the case collapsed.

The programme included two extracts of interview footage of Mr Jones, together with other footage of Mr Jones, both inside and outside his house.

The programme also referred to a letter written by Mr Bowles to all Councillors in which he told them “*that some people were suggesting that he might be influenced by John Arthur Jones*” and how he considered this to be an extraordinary attack on his integrity.

Following the broadcast of the programme, Mr Jones complained to Ofcom that he was treated unjustly or unfairly in the programme as broadcast and that his privacy was unwarrantably infringed during the making of the programme and in the programme as broadcast.

On 20 April 2011, ITV submitted a response to the complaint. Mr Jones commented on these submissions on 20 May 2011. ITV made its final comments on 15 June 2011.

The Complaint and Subsequent Correspondence

Unfair treatment

In summary, Mr Jones complained that he was treated unfairly in the programme as broadcast in that:

- a) He was portrayed unfairly as a result of the programme’s analysis of his role at Anglesey Council, his dealings with Mr Bowles or through unfair editing or re-use of archive footage in that:
 - i) The programme broadcast an unfair analysis of Mr Jones’ role at Anglesey Council, in that:
 - Even though the programme was about Mr Bowles, it revisited a series of allegations that had been made about Mr Jones over the last 12 years and misrepresented, disregarded and/or omitted material facts in relation to them.

ITV stated that the broadcast material was the latest in a long line of reports on the troubles with local government in Anglesey shown on *Wales This Week*. The programme’s aim was to examine “troubleshooter” Mr David Bowles who, as the Interim Managing Director, had been sent in to run the Council. In assessing Mr Bowles’ first year in the role, ITV said it was relevant to refer to Mr Jones who had been both a Council officer and then a member of the Council, as Mr Bowles had been renting a property from him, possibly in breach of planning controls.

- The programme wrongly alleged that in 2006, while Vice-Chairman of the Council's Planning Committee, Mr Jones breached planning conditions at his Parc Cefni development.

Both parties made substantial representations on this point. The material relevant to Ofcom's consideration of the complaint under the Ofcom's Broadcasting Code ("the Code") can be summarised as follows:

Mr Jones stated that the Council had commissioned an independent report by its auditors, PriceWaterhouseCoopers ("PWC"), to review his planning applications in 2007. The PWC report concluded that, as a member of the Council, Mr Jones had broken no Council procedures in connection with various planning applications.

ITV stated that it was widely reported at the time that a planning enforcement officer had written to Mr Jones in 2006 to say that he believed that certain conditions had not been discharged, that further work would be unlawful and advised him that work should cease immediately. Mr Jones did not cease construction. ITV said that the PWC report did not conclude that he was not in breach of the planning conditions referred to by the planning officer. ITV made reference to a second auditor's report which questioned Mr Jones' conduct.

ITV said that when ITV's reporter asked Mr Jones for his comments on the subject at the time, he responded by asking repeatedly whether it was true that the reporter was a "*paedophile*" (as could be seen from the broadcast material).

- The programme wrongly suggested that Mr Jones was sacked from his post as Director of Housing and Property at the Council for awarding millions of pounds worth of contracts in breach of the Council's standing orders.

Both parties made substantial representations on this point. The material relevant to Ofcom's consideration of the complaint under the Code can be summarised as follows:

ITV said that the programme fairly and accurately reflected the facts and appeared to echo Mr Jones' own position. ITV said that Mr Jones' reference to Employment Tribunal proceedings he brought against the Council and which were settled was irrelevant to his complaint of unfair treatment in the programme. Given that the District Auditor's conclusions had neither been rejected by the Council nor quashed by the court in a subsequent judicial review, it was legitimate for ITV to report them.

- The programme included reference to criminal charges Mr Jones faced in 1999 of misconduct in public office, intimidating witnesses and attempting to pervert the course of justice, without explaining what the charges were or why the case was stopped.

Mr Jones said that the charge was that he had employed two brothers to build a house, who turned out to be in receipt of housing benefit, and that Mr Jones should have known this.

ITV stated that the programme fairly and accurately reported the charges, Mr Jones' denial of them and the conclusion of the case.

- ii) The programme broadcast a claim that some people had suggested that Mr Bowles might be influenced by Mr Jones.

Mr Jones said that this was a made up story published by ITV in order to discredit him.

ITV stated that the suggestion was included in a letter from Mr Bowles to councillors. ITV said that the "local journalist" referred to in Mr Bowles' letter worked for a newspaper on the island.

- iii) Material, some dating back to 1998, was unfairly edited. In particular:

- An extract of footage of Mr Jones taken in 2006 was broadcast out of context and gave the false and misleading impression that Mr Jones was accusing the ITV Wales reporter of being a "*paedophile*".

ITV stated that there was little more to this exchange than appeared in the programme and that Mr Jones had behaved in precisely the way it appeared from the footage in the programme. ITV said that the "*paedophile*" comments had been repeated in several editions of *Wales This Week* and that Mr Jones had never previously complained about their use.

- Two extracts from an interview with Mr Jones in 1998, after he had been sacked by the Council, were broadcast out of context and gave the misleading impression that they had been recorded recently and were relevant to the programme about Mr Bowles.

ITV said that the first extract specifically referred to the District Auditor's involvement, fairly gave Mr Jones' explanation of why that happened and was self-evidently in context. The second extract, as Mr Jones acknowledged, was his response to his sacking by the Council and was also relevant and used in context.

ITV stated that both extracts had been broadcast before without complaint. This is denied by Mr Jones. ITV said that both extracts were clearly date-captioned and were broadcast fairly and in context.

- iv) The extracts from the 1998 interview recorded for one particular use were re-used out of context and carefully edited.

ITV stated that Mr Jones had not specified in what manner he believed these items were unfairly edited but in any case the quotations were relevant, used in context and were not re-edited for this programme.

- b) Mr Jones was not provided with an opportunity to respond to the significant allegations made about him in the programme.

Both parties made substantial representations on this point. The material relevant to Ofcom's consideration of the complaint under the Code can be summarised as follows:

ITV stated that the reporter had tried unsuccessfully to contact Mr Jones. ITV further stated that Mr Jones referred in a letter to Mr Bowles to the fact that he had received the message and commented that he did not reply to it. Mr Jones denied receiving any email or letters from the programme makers.

ITV said that as Mr Jones was not responding, the reporter had decided to approach him in person and went to film the Parc Cefni development from a public footpath. When the reporter met Mr Jones, Mr Jones turned down the opportunity to be interviewed and asked the reporter to leave.

Privacy

In summary, Mr Jones complained that his privacy was unwarrantably infringed in the making of the programme in that:

- c) Footage was filmed without his permission both on his private property and surreptitiously using long lenses.

ITV said that nothing was filmed for the programme on Mr Jones' property without his permission. General views of properties belonging to Mr Jones were filmed from a public footpath and none of the historical previously broadcast footage contained in the programme was filmed surreptitiously.

In summary, Mr Jones complained that his privacy was unwarrantably infringed in the programme as broadcast in that:

- d) He was identified in relation to allegations about him made in the programme as broadcast, despite the fact that he is a private individual and there was no public interest reason for doing so in the context of a programme about Mr Bowles.

ITV said that the Council had been surrounded by very public controversy for many years. Mr Jones had been a central figure in that history, as a senior council official (1996-1998) and a councillor (2004-2008). ITV said that the programme had not touched on any matter about which Mr Jones had a reasonable expectation of privacy or anything that was not already in the public domain. The programme was the latest in a very long line of reports examining the way the council has been run. The programme examined Mr Bowles' record in his first year as Interim Managing Director and highlighted the already public fact that he had rented a property from Mr Jones, which was in breach of planning control. The property had itself been highly controversial and featured in many previous editions of *Wales This Week*. In light of this, Mr Jones was publicly inextricably linked with Mr Bowles and the Council. ITV said that the programme was entitled to report on that and to explain the relevant historical context.

- e) Information was disclosed regarding the location of Mr Jones' home without permission.

ITV said that the set-up shots of Mr Jones in his former home had been used in earlier programmes without complaint and that nothing shot for this edition of *Wales This Week* provided new information as to the location of Mr Jones' current home at Parc Cefni.

- f) Material originally filmed for one purpose was used in the programme for another purpose.

ITV said that the material concerning Mr Jones was used for essentially the same purpose, namely a discussion of the troubled history of the Council and Mr Jones' involvement in it and that there was no breach of privacy in respect of this previously broadcast footage.

- g) Footage taken without Mr Jones' permission both on his private property and surreptitiously using long lenses was included in the programme as broadcast.

As stated above, ITV state that general views of properties belonging to Mr Jones were filmed from a public footpath and none of the historical previously broadcast footage contained in the programme was filmed surreptitiously.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast, a transcript and both parties' written submissions.

Unfair treatment

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had regard to this Rule when reaching its decisions on the individual heads of complaint detailed below.

- a) Ofcom first considered the complaint that Mr Jones was portrayed unfairly as a result of the programme's analysis of his role at Anglesey Council, his dealings with Mr Bowles or through unfair editing or re-use of archive footage.

In considering this part of the complaint, Ofcom had regard to Practices 7.6, 7.8 and 7.9 of the Code. Practice 7.6 states that when a programme is edited, contributions should be edited fairly. Practice 7.8 states that broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create unfairness. Practice 7.9 of the Code states that, before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

i) Unfair portrayal

- Ofcom considered the complaint that, even though the programme was about Mr Bowles, it revisited a series of allegations that had been made about Mr Jones over the last 12 years and misrepresented, disregarded and/or omitted material facts in relation to them.

Ofcom noted that the programme was one of a number of reports over many years, both on *Wales This Week* and in the local press, on local government in Anglesey. During the course of its examination of the role played by Mr Bowles, the programme referred to Mr Jones, who was introduced as follows:

"When David Bowles arrived on the island in October last year, he walked straight into controversy. He rented this chalet in the centre of the island while he was working on Anglesey. He said he found the property on the internet. What he didn't know is that the chalet has a chequered past and that the man who built it isn't allowed to rent it out on a long-term basis. The chalet is part of a holiday development called Parc Cefni and no one is allowed to live there permanently. It was built by John Arthur Jones".

Ofcom considered whether it was reasonable for the programme to include reference to Mr Jones. Although the stated aim of the programme was to look at Mr Bowles, his background and his work at the Council, some of the matters of controversy at the Council directly concerned Mr Jones. In these circumstances, Ofcom considered that it was reasonable in principle for the programme to refer, albeit relatively briefly, to Mr Jones in the context of the historical problems faced by the Council and given his dealings with Mr Bowles and his role as a senior officer of the Council and then a councillor.

- Ofcom considered the complaint that the programme wrongly alleged that in 2006, while Vice-Chairman of the Council's Planning Committee, he breached planning conditions at his Parc Cefni development.

Ofcom noted that, having referred to Mr Bowles renting Mr Jones' chalet, the programme said of Mr Jones:

"In 2006 he was vice chairman of the council's planning committee when the chalet hit the headlines. It emerged that he was in breach of the planning conditions on the site".

Ofcom noted the parties' extensive submissions on the issue of breached planning conditions including the PWC report and the second auditor's report.

Ofcom considered that, in the context of a programme about Mr Bowles, it was not incumbent on the programme makers to examine in detail the allegation that Mr Jones breached planning conditions at Parc Cefni. Ofcom took the view that ITV took reasonable care to satisfy itself that material facts regarding the issue of breached planning conditions had not been presented, disregarded or omitted in a way that is unfair to Mr Jones.

- Ofcom next considered the complaint that the programme wrongly suggested that Mr Jones was sacked from his post as Director of Housing and Property at the Council for awarding millions of pounds worth of contracts in breach of the Council's standing orders.

Ofcom noted that the programme stated:

"Even before Parc Cefni, John Arthur Jones had been making the headlines. In the late 1990s he was a council official – director of housing and property. District auditor Ceri Stradling began investigating allegations against him... The district auditor delivered a series of damning reports, pointing out that John Arthur Jones had awarded millions of pounds worth of contracts in breach of the council's standing orders".

Ofcom also noted that there was interview footage with Mr Jones from 1998 and the programme then referred to a criminal case against Mr Jones, which collapsed, and said:

"Nevertheless, in the light of the auditor's report, the council lost trust in John Arthur Jones and sacked him in 1998".

Ofcom noted that the parties extensive submissions on the issue surrounding Mr Jones' dismissal and specifically that Mr Jones himself had also described his dismissal as being as a result of the loss of confidence in him by the Council.

Ofcom considered that, in the context of a programme about Mr Bowles, it was not incumbent on the programme makers to examine in detail the circumstances surrounding Mr Jones' dismissal. Ofcom took the view that the broadcaster took reasonable care to satisfy itself that material facts regarding Mr Jones' dismissal had not been presented, disregarded or omitted in a way that is unfair to Mr Jones.

- Ofcom then considered the complaint that the programme included reference to criminal charges Mr Jones had faced in 1999 of misconduct in public office, intimidating witnesses and attempting to pervert the course of justice, without explaining what the charges were or why the case was stopped.

Ofcom noted that the programme said:

"Police were also called in to investigate a house he [Mr Jones] had built on the island. He was charged with misconduct in public office, intimidating witnesses and attempting to pervert the course of justice. He denied the charges. The case collapsed".

In Ofcom's view, although the programme did not go into detail about the charges or why the case "collapsed", it did make clear that Mr Jones denied the charges and that the case against him did not proceed. In the context of a programme looking at Mr Bowles' role in Anglesey, this was sufficient to present the material facts in a way that was not unfair to Mr Jones.

Ofcom therefore found no unfairness to Mr Jones in these respects.

- ii) Ofcom then considered Mr Jones' complaint that the programme broadcast a claim that some people had suggested that Mr Bowles might be influenced by Mr Jones, but that this was a made up story published by ITV in order to discredit him.

Ofcom noted that the programme said:

"David Bowles told councillors that some people were suggesting he might be influenced by John Arthur Jones. This was an extraordinary attack on his integrity, he said. He added 'This is a disgraceful example of an attempt to use an officer as the meat in the middle of the sandwich of personality-driven infighting".

Ofcom noted that Mr Bowles had written a letter addressed to "All County Councillors", in which he said:

"...Concerns have allegedly been expressed about John Arthur Jones and that I could be too close to him and that he could "put ideas in my head" and influence me to "get rid of different Councillors". I find these comments abysmal and an extraordinary and disgraceful attack upon my professionalism and integrity".

Ofcom considered that the programme accurately reflected the content of the letter from Mr Bowles to Councillors and what he said about Mr Jones.

Ofcom therefore found no unfairness to Mr Jones in this respect.

- iii) Ofcom then considered the complaint that material was unfairly edited.

- Ofcom considered the complaint that footage of Mr Jones filmed in 2006 was broadcast out of context and gave the false and misleading impression that Mr Jones was accusing the reporter of being a "paedophile".

The extract shown in the programme showed Mr Jones repeatedly asking the reporter if he was a "paedophile", in response to questions put to him about breaches of the Council's planning rules, as follows:

Reporter: *"How do you feel about these charges that you are breaking the rules and setting a bad example?"*

Mr Jones: *"Is it true you are a paedophile? I heard that you were a paedophile".*

Reporter: *"How do you respond to those accusations?"*

Mr Jones: *"Is it true? Are you a paedophile? Are you a paedophile? Are you a paedophile?"*

Reporter: *"How do you respond to the charges that you are bringing the council into disrepute?"*

Mr Jones: *"Is it true? Are you a paedophile?"*

The footage was clearly captioned as having been filmed in 2006.

Ofcom noted ITV's position that the programme contained, in effect, the entire incident. It also noted that Mr Jones had not stated what he considered was relevant and omitted from the broadcast. In any event, Ofcom noted that, even if the incident was not filmed or broadcast in full, it was entirely apparent that Mr Jones did not engage with the reporter's questions in any real sense but simply repeated his question as to whether the reporter was a "paedophile".

Ofcom took the view that there was no evidence that any material footage was omitted from the programme and that it accurately reflected Mr Jones' response.

- Ofcom considered the complaint that extracts from an interview with Mr Jones in 1998, after he had been sacked by the Council, were broadcast out of context and the misleading impression was given that they had been recorded recently and were relevant to the programme about Mr Bowles.

Ofcom noted that, after the commentary referred to the District Auditor's investigation, interview footage of Mr Jones (captioned as being filmed in 1998) showed him saying:

"Unfortunately there are many bad people on Anglesey who, having listened to malicious rumours and gossip and so on, have extended the rumours into lies and have written to the district auditor and to others I assume saying things like 'well this is not right this person had this I've tried to get all that and I can't have it' and it's all down to malicious rumours and gossips.."

Ofcom also noted that, after the reference to Mr Jones having been sacked, footage from the same interview was included, showing him saying:

"A man stood in front of Pilate two thousand years ago and Pilate said 'I can see nothing wrong in this man'. At that time, the Pharisees said 'crucify him'. Now then, the descendants of those Pharisees are living today on Anglesey. They are saying 'crucify him'".

Ofcom took note that the interview footage was clearly captioned as being from 1998 so that viewers would have been aware that it was archive footage. Ofcom also took the view that the matters raised in that interview were clearly relevant to the current programme as they dealt with the same issues, namely the District Auditor's investigation and Mr Jones' dismissal. Ofcom therefore did not consider that the footage was used out of context and, for the reasons set out under decision head a) i) above, it considered that it was reasonable for the programme to include reference to Mr Jones as part of the examination of Mr Bowles' work in Anglesey.

Ofcom noted Mr Jones' position that he made these comments in response to the interviewer's observation about the Chief Executive of the Council having been given a "golden handshake", while Mr Jones had been "crucified" by the same Councillors. ITV did not dispute that the interviewer had made that comment. Ofcom considered that it would have

been easier for viewers to understand the point Mr Jones was making, in particular about "Pharisees", if they had been aware of the point being made by the interviewer. However, Ofcom took the view that viewers would have understood that Mr Jones was responding to questions about the District Auditor's investigation and Mr Jones' sacking from the Council and expressing his view that he had been treated unfairly.

Ofcom therefore found no unfairness to Mr Jones in these respects.

- iv) Ofcom considered whether the extracts from the 1998 interview recorded for one particular use were re-used out of context and unfairly edited.

Ofcom noted that Mr Jones had not specified how he considered the footage from the 1998 interview was used out of context. However, for the reasons set out under decision head a) iii) above, Ofcom found that this footage was not unfairly edited. Ofcom noted that the interview addressed Mr Jones' views on the District Auditor's investigation and his sacking, and took the view that the extracts included in the programme complained of addressed precisely those issues. In these circumstances, Ofcom did not consider that the extracts were used out of context or unfairly edited.

Ofcom therefore found no unfairness to Mr Jones in these respects.

- b) Ofcom next considered Mr Jones' complaint that he was not given an appropriate and timely opportunity to respond to the significant allegations made about him in the programme.

In considering this part of the complaint Ofcom took account of Practice 7.11 of the Code, which states that if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

Ofcom considered that the programme made several serious allegations about Mr Jones, as referred to under decision head a) above, namely that he breached planning conditions, awarded contracts in breach of Council standing orders, committed criminal offences and improperly influenced Mr Bowles. Ofcom therefore took the view that it was incumbent upon ITV to provide Mr Jones an appropriate and timely opportunity to respond to those allegations.

Ofcom noted the parties' substantial comments, namely that the reporter had attempted to contact Mr Jones. Ofcom considered that it might have been preferable for the reporter to try to contact Mr Jones through the other contact details Mr Jones said he had, but noted that Mr Jones did receive the telephone message from the broadcaster and decided not to respond, as confirmed in his letter to Mr Bowles.

Given the lack of a response, Ofcom took the view that it was reasonable for the programme makers to visit Mr Jones. Ofcom considered that Mr Jones could have used that visit as an opportunity to respond to the allegations, but that he did not receive it in that spirit. In these circumstances, Ofcom considered that Mr Jones was offered an appropriate and timely opportunity to respond to the allegations made in the programme, but that he declined that opportunity. Notwithstanding that, Ofcom noted that Mr Jones' responses from previous occasions, where relevant, were included in the programme.

In these circumstances, Ofcom found that Mr Jones was given an appropriate and timely opportunity to respond to the allegations in the programme. There was no unfairness to Mr Jones in this respect.

Privacy

In Ofcom's view, the individual's right to privacy has to be balanced against the competing rights of the broadcasters to freedom of expression. Neither right as such has precedence over the other and where there is a conflict between the two, it is necessary to intensely focus on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate.

This is reflected in Rule 8.1 of the Code which states that any infringement of privacy in programmes or in connection with obtaining material included in programmes must be warranted. In considering complaints about the unwarranted infringement of privacy, Ofcom will consider whether there been an infringement of privacy, and if so, whether it was warranted. Ofcom also took into account Practice 8.5 of the Code which states that any infringement of privacy in the making of a programme should be with the person's and/or organisation's consent or be otherwise warranted.

- c) Ofcom considered the complaint that Mr Jones' privacy was unwarrantably infringed in the making of the programme.

Ofcom considered the complaint that footage was filmed without Mr Jones' permission both on his private property and surreptitiously using long lenses.

In considering this head of complaint, Ofcom took into account Practice 8.5 of the Code, which says that any infringement of privacy in the making of a programme should be with the person's and/or organisation's consent or be otherwise warranted.

In considering whether Mr Jones' privacy was unwarrantably infringed in the making of the programme, Ofcom first considered whether he had a legitimate expectation of privacy in relation to the footage that was filmed.

As regards the footage of Mr Jones' property, Ofcom noted that the programme included several shots of the chalet that Mr Bowles rented from Mr Jones. In Ofcom's view, it was clear from the footage included in the programme that the footage was filmed from a public footpath and that nothing was filmed that was not visible to people on the public path. There was one close up shot of the chalet, but Ofcom was satisfied, on the basis of the other shots included in the programme, that this was also filmed from a public footpath. Ofcom did not consider that Mr Jones had a legitimate expectation of privacy in relation to these shots that were filmed from a public footpath and his property would have been in clear view to anybody on that footpath.

Given this conclusion, it was not necessary for Ofcom to consider whether any intrusion of Mr Jones' privacy was warranted. Ofcom therefore found that there was no unwarranted infringement of Mr Jones' privacy in the making of the programme.

Ofcom next considered the complaints that Mr Jones' privacy was unwarrantably infringed in the programme as broadcast.

- d) Ofcom considered the complaint that Mr Jones was identified in relation to allegations made in the programme as broadcast about him, despite the fact that he is a private individual and there was no public interest reason for doing so in the context of a programme about Mr Bowles.

In considering this complaint Ofcom took into consideration Practice 8.6 of the Code, which states that if the broadcast of a programme would infringe the privacy of a person, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted.

In considering whether Mr Jones' privacy was unwarrantably infringed in the programme as broadcast in this respect, Ofcom first considered whether or not Mr Jones had a legitimate expectation of privacy.

Ofcom noted first that, for the reasons set out under decision head a) above, it had concluded that Mr Jones was not treated unfairly in relation to the allegations made about him in the programme. Ofcom also noted that Mr Jones had been a central figure in the widely publicised controversy that had surrounded the Council over a long period of time. Mr Jones had been both a senior council official and a councillor. The programme looked at allegations about Mr Jones that related to his activities while he was in these positions of public office and therefore took the view that the programme did not examine any matters that related to Mr Jones' personal and private life. Ofcom also took the view that the issues surrounding Mr Jones were relevant to an examination of Mr Bowles work for the Council. Furthermore, the allegations about Mr Jones were already in the public domain and, in Ofcom's view, the programme did not reveal any private or personal information that was not already available to the public.

Taking all these factors into account, Ofcom did not consider that Mr Jones had a legitimate expectation of privacy in relation to the inclusion of allegations about him in the programme.

Given this conclusion, it was not necessary for Ofcom to consider whether any intrusion of Mr Jones' privacy was warranted. Ofcom therefore found that there was no unwarranted infringement of Mr Jones' privacy in the broadcast in this respect.

- e) Ofcom next considered the complaint that information was disclosed regarding the location of Mr Jones' home without permission.

In considering this complaint Ofcom took into consideration Practice 8.6 of the Code, as set out at decision head d) above. It also took into account Practice 8.2, which states that information which discloses the location of a person's home or family should not be revealed without permission, unless it is warranted.

In considering whether Mr Jones' privacy was unwarrantably infringed in the programme as broadcast in this respect, Ofcom first considered whether or not Mr Jones had a legitimate expectation of privacy in relation to information regarding the location of his home.

Ofcom noted that the programme included footage of Mr Jones being interviewed in 1998 at his former home and that it also included shots of the chalet at Parc Cefni. As regards the 1998 footage, Ofcom considered that this was clearly filmed with Mr Jones' knowledge and consent and had been broadcast before. He therefore had no legitimate expectation of privacy in relation to the inclusion of

this footage in the programme. As regards the shots of Parc Cefni, it appears to Ofcom from the information provided by Mr Jones and ITV that the chalet shown was Mr Jones' and it is apparent from the information provided that it was a property owned by Mr Jones. Ofcom considered that the footage was shot from a public footpath. Ofcom also noted that the footage of the chalet did not provide new information as to the location of Mr Jones' current home at Parc Cefni, details of which were already in the public domain as a result of the controversy surrounding Mr Bowles' stay there.

Taking all these factors into account, Ofcom did not consider that Mr Jones had a legitimate expectation of privacy in relation to the inclusion of information about the location of his home in the programme.

Given this conclusion, it was not necessary for Ofcom to consider whether any intrusion of Mr Jones' privacy was warranted. Ofcom therefore found that there was no unwarranted infringement of Mr Jones' privacy in the broadcast in this respect.

- f) Ofcom next considered the complaint that material originally filmed for one purpose was used in the programme for another purpose.

In considering this complaint Ofcom took into consideration Practice 8.6 of the Code, as set out at decision head d) above. It also took into account Practice 8.10, which states that broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy.

In considering whether Mr Jones' privacy was unwarrantably infringed in the programme as broadcast in this respect, Ofcom first considered whether or not Mr Jones had a legitimate expectation of privacy regarding the re-use of the material.

Ofcom noted its decision, set out under decision heads a)iii) and iv) above, that the material recorded in 1998 and 2006 was not unfairly edited or used out of context. For the same reasons, Ofcom did not consider that Mr Jones had a legitimate expectation of privacy in relation to the inclusion of information about the location of his home in the programme.

Given this conclusion, it was not necessary for Ofcom to consider whether any intrusion of Mr Jones' privacy was warranted. Ofcom therefore found that there was no unwarranted infringement of Mr Jones' privacy in the broadcast in this respect.

- g) Ofcom considered the complaint that footage taken without Mr Jones' permission both on his private property and surreptitiously using long lenses was included in the programme as broadcast.

In considering this complaint Ofcom took into consideration Practice 8.6 of the Code, as set out at decision head d) above. It also took into account Practice 8.15, which states that surreptitious filming or recording should only be used where it is warranted.

In considering whether Mr Jones' privacy was unwarrantably infringed in the programme as broadcast in this respect, Ofcom first considered whether or not

Mr Jones had a legitimate expectation of privacy in relation to the use of the footage.

For the reasons set out under decision head c) above, Ofcom was satisfied that the footage complained of was filmed from a public footpath and that nothing was included in the programme which was not visible to people on the footpath. In these circumstances Ofcom took the view that there was no surreptitious filming and did not consider that Mr Jones had a legitimate expectation of privacy in relation to these shots that were filmed from a public footpath.

Given this conclusion, it was not necessary for Ofcom to consider whether any intrusion of Mr Jones' privacy was warranted. Ofcom therefore found that there was no unwarranted infringement of Mr Jones' privacy in the broadcast in this respect.

Ofcom has therefore not upheld Mr Jones' complaint of unwarranted infringement of privacy in the making and the broadcast of the programme.

Accordingly, Ofcom has not upheld Mr Jones' complaint of unfair treatment and unwarranted infringement of privacy in either the making or broadcast of the programme.

Not Upheld

Complaint by Mr Denzil Golding and Mrs Chantelle Golding *Four Weddings, Sky Living, 28 March 2011*

Summary: Ofcom has not upheld this complaint of unfair treatment made by Mr and Mrs Golding.

This programme featured four brides, Chantelle (Mrs Golding), Helen, Vicki and Jo. They scored each other's weddings with regard to four categories: the dress; the food; the venue; and the overall experience. The bride with the highest score at the end of the show (Helen) won a luxury honeymoon.

Mr and Mrs Golding complained that they were treated unfairly in the programme as broadcast.

In summary, Ofcom found that the programme did not portray Mr and Mrs Golding unfairly with regard to either the editing of the comments made by Mrs Golding, the other brides or the commentary which accompanied some of these comments in the programme.

Introduction

On 28 March 2011 Sky Living broadcast an edition of *Four Weddings*. Each edition of *Four Weddings* shows four brides competing to win a luxury honeymoon. Each bride attends the other brides' weddings as a guest and scores the day as a whole based on four categories: the dress; the food; the venue; and the overall experience. The bride with the highest score at the end of the show wins the luxury honeymoon.

Mrs Chantelle Golding was one of the competitors in this edition of the programme. She was shown making comments about the other brides' weddings; and her wedding to Mr Denzil Golding was featured in the programme alongside the comments made about it and scores awarded to it by the other competitors. The section of the programme showing Mr and Mrs Golding's wedding included footage of Mrs Golding and the pastor making some mistakes during the ceremony. In addition images of the caterers at the reception venue, who were wearing white overalls and white hats, were shown alongside the theme music to the programme *Grange Hill* (a children's programme set in a comprehensive school which was broadcast in the 1980s) and the narrator described the caterers as "dinner ladies".

In the last section of the programme the narrator revealed which couple had won the luxury honeymoon and the scores that each bride's wedding had been awarded. With respect to Mrs Golding's wedding the programme said:

"So Chantelle [Golding]'s Caribbean themed gospel church wedding was judged the worst. She scored an average of four out of ten for her venue, six and a half for her dress, five for her food and the overall experience of her day scored four and half, giving her a total score of twenty out of forty".

Following the broadcast of the programme, Mr and Mrs Golding complained to Ofcom that they were treated unjustly or unfairly in the programme as broadcast.

Summary of the Complaint and British Sky Broadcasting Ltd's response

The details of Mr and Mrs Golding's complaint are set out below, followed by British Sky Broadcasting Ltd's response on particular points.

Before addressing the specific heads of complaint, British Sky Broadcasting Ltd ("BSkyB"), which responded on behalf of Sky Living, made some general points. BSkyB said that the tone of the programmes, which had not changed since the first series¹, was upbeat and comedic with an irreverent and cheeky style of narration. It added that the series brought together brides from various backgrounds, with widely differing tastes and a range of budgets, who rated each other's weddings according to their subjective preferences. BSkyB said that the programmes focused on the competition between the four brides and that much of their entertainment and comedy value was derived from the juxtaposition of unusual or amusing incidents from each wedding with comments from the brides and/or the tongue-in-cheek commentary of the narrator.

- a) Mr and Mrs Golding complained that they were unfairly portrayed.

In particular, Mr and Mrs Golding said that:

- i) They had understood that a specific period of time was allocated to each wedding but the footage of their wedding in the programme was rushed and the Caribbean gospel element of the wedding (notably the singing, cakes, bridesmaids, ushers, the choir and the structured ceremony) was edited out of the programme. Mr and Mrs Golding said that the wedding lasted an hour but the programme showed only two incidents involving the pastor. They also said that the programme showed very little of the dancing at the wedding reception, in contrast to the other weddings featured.

In response, BSkyB said that each episode of *Four Weddings* dedicated approximately eight to ten minutes of coverage to each wedding. It also said that in this programme the duration of the coverage of each wedding was roughly the same (approximately eight minutes) regardless of the length of the individual ceremonies and that therefore the footage of the Goldings' wedding was no more or less rushed than that of the other weddings featured. BSkyB added that, given that it was not possible to include all aspects of the wedding ceremonies and receptions, the programme focussed on those aspects or incidents which the programme makers considered would be most entertaining to viewers and/or which related to comments made by the other brides. The other brides' comments on Mr and Mrs Golding's wedding focussed mainly on the pastor's mistakes, the food, the bride's dress and the dancing, all of which were included in the programme.

In addition, the broadcaster said that an unusually high number of guests at the Goldings' wedding asked not to be filmed or included in the final programme, which meant that filming at the wedding was restricted and some elements of Mr and Mrs Golding's wedding could not be included in the final programme.

With regards to the complaint that the programme showed very little of the dancing at the wedding reception, the broadcaster said that Mr and Mrs

¹ The programme about which this complaint was made was part of the third series of *Four Weddings*.

Golding were clearly shown dancing and this was made a feature of in the programme due to the fact that Mrs Golding had not danced at the previous two weddings. It added that the salsa dancers were also shown as a unique part of the wedding and that the dancing sequence as a whole constituted of almost two minutes of the footage of Mr and Mrs Golding's wedding in the programme.

Having received a copy of BSkyB's response to their complaint, Mr and Mrs Golding said that around five minutes of footage of their wedding was shown compared with around six and half minutes of footage of the other weddings, and what was shown of their wedding was not a true reflection of what happened and was edited, with the addition of the narrator's comments, to entertain viewers. Mr and Mrs Golding also said that, although some of their guests did not want to be filmed during the speeches, only one had told the film crew that he/she did not want to be filmed during the reception.

In response BSkyB acknowledged that certain elements of Mr and Mrs Golding's wedding, which were important to them, were not included due to the limited time allocated to each wedding.

- ii) The programme was edited in a biased manner in order to show a few specific incidents (notably the pastor and Mrs Golding making mistakes during the ceremony) and to exclude nice events which could have been shown briefly. Mr Golding added that the section in which Mrs Golding made a mistake was only a brief incident and that mistakes by the other brides were not included in the programme.

In reply BSkyB said the incidents at Mr and Mrs Golding's wedding that were most likely to entertain viewers or that related to comments made by the other brides were the pastor's mistakes, the food, the bride's dress and the dancing. These were therefore included in the programme, which also included some positive and touching moments from the ceremony, for example the groom wiping away a tear and the first kiss.

BSkyB said that the coverage of each wedding ceremony included some mistakes or embarrassing moments, accompanied by a tongue-in-cheek voice-over from the narrator, such as: a bride breaking down during her vows; Mr and Mrs Golding's pastor making a mistake; and a wedding performed by an Elvis impersonator in overly tight trousers.

In their further submission, Mr and Mrs Golding contrasted elements of the coverage of the other weddings (for example introducing a bride and groom with the song 'Take my breath away'; showing a bride breaking down as she spoke her vows; and showing an Elvis impersonator wearing overly tight trousers) with two elements of the coverage of their own wedding (showing the pastor making a mistake and showing food on the floor). Mr and Mrs Golding said that the clips referred to above from the other weddings were romantic, normal and reflected the reality of the circumstances, whereas the clips from their wedding showing the pastor making a mistake and the food on the floor were negative. Mr and Mrs Golding also said that other weddings were shown with upbeat music but theirs was accompanied by the music from *Grange Hill* and school bell noises to link it to the narrator's comment about dinner ladies.

BSkyB made no additional arguments following Mr and Mrs Golding's comments.

- iii) Most of the comments made about the wedding by the narrator and the other brides were negative and cold (for example, the characterisation of the food implied by both these comments and the use of the theme music for *Grange Hill* when the caterers were shown; the description of the length of the service; and, the references to the salsa dancers who performed as part of the first dance at the wedding reception). Mr Golding added that he believed the other brides' had also made positive comments about the wedding but that the negative comments were included to justify he and his wife coming last in the competition.

BSkyB denied that that negative comments from the other brides about Mr and Mrs Golding's wedding were included to justify them coming last in the competition. It said that the programme makers' practice was to include a range of views and comments on each of the weddings, to balance the negative with the positive, and to reflect accurately the opinions of the judging brides in an entertaining manner.

BSkyB said that in this case each bride made both positive and negative comments about each of the weddings that they attended, including Mr and Mrs Golding's wedding. It said that the subjective views of the other brides were clearly presented as their personal opinions and, due to the competition element of the programme, could occasionally be construed as gamesmanship, not to be taken too seriously. The broadcaster said that the tongue-in-cheek narration of *Four Weddings* was famously irreverent, added to the entertainment aspect of the programme and was not intended to be offensive but was rather merely comedic. It added that this style of narration coupled with quirky music was a standard part of the format of the programme, and that all of the weddings featured in this programme received the same comedy treatment.

Mr and Mrs Golding subsequently said that the comments made about the caterers' outfits, the reference to them as "dinner ladies", the comment about school dinners and the inclusion of the "lunch bell" were all offensive, as was a comment about Mr Golding's size (particularly given the inclusion of another groom of similar stature who was not subject to the same type of comment).

BSkyB, apologised if Mr Golding was offended by the comments made by the narrator but said that the tone of the narration was comedic and not meant to be offensive.

- iv) The programme incorrectly indicated that they had left the venue before their guests.

In response to this element of the complaint BSkyB acknowledged that the edition of this programme broadcast on 28 March 2011 included a scene which suggested that the Mr and Mrs Golding may have left their wedding before their guests. It also explained that following correspondence from Mr and Mrs Golding soon after the broadcast the master copy of the programme was edited to remove this scene and that therefore it would not be included in any future broadcasts of this programme.

Mr and Mrs Golding addressed a number of questions to BSkyB within their second submission, most of which were addressed in the submissions summarised above. However, Mr and Mrs Golding also asked why the programme included Jo saying of their wedding: "*Out of the four weddings I thought today would be really fun and vibrant and I wasn't left feeling that at all*", given that the unedited footage indicated that this comment did not reflect her impression of their wedding.

BSkyB said that having reviewed the unedited footage it was satisfied that the clip in the programme was a true reflection of Jo's impression of Mr and Mrs Golding's wedding and did not contradict what she said in the full interview.

- b) Mrs Golding complained that she was treated unjustly or unfairly in the programme as broadcast in that her comments on the other brides' weddings were constantly portrayed in a negative manner and the other brides' comments were not highlighted in the same light.

In response BSkyB said that Mrs Golding's comments in the programme accurately reflected the comments she made at each of the weddings. It added that each of the brides made both positive and negative comments regarding the weddings which they attended and that Mrs Golding's comments were not treated any differently to comments made by any of the other brides.

By way of background to the complaint, Mrs Golding said that she was aware that she found it difficult to relate to and fit in with the other brides and their guests due to a difference in ethnic background and culture. She also said that she understood that the programme needed "to make a show" and "to highlight a catfight" but that this was "overdone at her expense".

BSkyB made no comment with regard to this specific element of Mr and Mrs Golding's complaint. However it did say that prior to appearing on the programme, all of the contestants, including Mr and Mrs Golding, signed release forms which stated the following:

"you agree that you may be required to record truthful and honest views, opinions and experiences as part of your contribution to the programme and you agree that you have no objection to this forming part of the programme. Furthermore you acknowledge that parts of the programme may incorporate the views and opinions of other participants (including, without limitation, those of the other contributors) (the "Statements"). You accept that the Statements may include personal and subjective comments in relation to you and/or your contribution and the Statements may or may not depict you positively. You agree that the inclusion of the Statements is fundamental to the programme and therefore you agree to the inclusion of such statements within the programme. You acknowledge that we and/or you may and/or the Statements may reveal, disclose or relate, during the filming of the programme, information about you which you might deem personal, private, intimate, surprising, disparaging, embarrassing or of an otherwise unfavourable nature...".

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its preliminary view, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript, both parties' written submissions and a recording and transcript of the unedited footage.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had regard to this Rule when reaching its preliminary view on the individual heads of complaint detailed below.

Prior to considering the specific elements of this complaint, Ofcom noted that it would expect individuals who agreed to take part in a programme with an established format to have an understanding of the nature of the programme in question before they consented to participate. (In this case it was a light-hearted competition with candid opinions from and about each competing bride and their wedding day, often with additional comic commentary). In addition, Ofcom noted that in its response BSkyB made it clear that before appearing on the programme Mr and Mrs Golding signed release forms. These included a detailed description of the type of comments that each bride would be expected to make regarding the other bride's weddings and which would subsequently be used in the programme.

- a) Ofcom considered the complaint that Mr and Mrs Golding were unfairly portrayed.

In considering this part of the complaint, Ofcom had regard to Practices 7.6 and 7.9 of the Code. Practice 7.6 of the Code states that when a programme is edited, contributions should be represented fairly. Practice 7.9 provides that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to the individual or organisation. Broadcasters have the editorial freedom to select and edit material as they wish in making and broadcasting a programme provided they comply with these two Practices.

- i) Ofcom considered first the complaint that the footage of Mr and Mrs Golding's wedding in the programme was rushed and that the Caribbean gospel element (notably the singing, cakes, bridesmaids, ushers, the choir and the structured ceremony) was edited out of the programme.

Ofcom noted both parties' submissions regarding the duration of the footage of Mr and Mrs Golding's wedding and that of the other weddings featured in the programme. However, in considering this head of complaint, Ofcom was not concerned with the cumulative length of the different sections of footage of Mr and Mrs Golding's wedding ceremony included in the programme, but with whether the programme as broadcast resulted in any unfairness to them.

With regard to Mr and Mrs Golding's specific complaint that, although their wedding lasted an hour, the programme included only two incidents involving the pastor, Ofcom noted that many elements of Mr and Mrs Golding's

wedding ceremony (for example the gospel singing and large sections of the service) were not shown in the programme. However, Ofcom also noted that the same was true for the other wedding ceremonies featured in the programme and that several key aspects of Mr and Mrs Golding's wedding ceremony were included: notably, the bride walking down the aisle; both the pastor and the bride during the vows; and the bride and groom's first kiss. Ofcom considered that viewers would have understood that they were only seeing a snapshot of the entire ceremony and that it would not have been practicable to include all of the ceremony (or the other ceremonies) in the programme. In addition, Ofcom considered that the narration, Mrs Golding's comments and the other brides' comments about the ceremony would have made it clear to viewers that Mr and Mrs Golding had a Caribbean gospel wedding.

In addition, Ofcom noted that *Four Weddings* is a highly formatted programme with a relatively rigid running order which does not allow for significant amounts of time to be devoted to any single aspect of the wedding ceremonies and receptions featured. This edition of the programme followed the established format of including footage from each of the four weddings that was relevant to the other brides' comments about those ceremonies and receptions, and which the programme makers considered could be accompanied by comic commentary to entertain viewers.

With regard to the complaint that very little of the dancing at the complainants' wedding reception was shown in the programme in contrast to the other weddings featured, Ofcom observed that both the first part of Mr and Mrs Golding's first dance and a section of the salsa dancer's performance at the wedding reception were included in the programme. Further, Ofcom considered that, as with the wedding ceremony, given the well known format of the programme, viewers would have understood that they were only seeing a snapshot of this section of Mr and Mrs Golding's wedding reception.

Taking into account all of the factors noted above, Ofcom concluded that the programme was not unfairly edited with regard to the omission of specific aspects of Mr and Mrs Golding's wedding ceremony and reception. Ofcom also considered that the programme makers took reasonable care to satisfy themselves that the programme did not present, disregard or omit material facts, with regard to the portrayal of Mr and Mrs Golding's wedding.

- ii) Ofcom next considered the complaint that the programme was edited in a biased manner in order to show a few negative incidents (notably the pastor and Mrs Golding making mistakes during the ceremony) and to exclude positive events which could have been shown briefly. Mr Golding added that the section in which Mrs Golding made a mistake was only a brief incident and that mistakes by the other brides were not included in the programme.

Ofcom noted that the programme included the following elements of Mr and Mrs Golding's wedding day: the bride walking down the aisle; the pastor asking "*who giveth this ring*" and correcting this to "*who giveth this woman*"; the pastor mistakenly referring to the bridegroom as "*her*"; the bride missing out one of her middle names during her vows; the bride and groom's first kiss; the wedding breakfast, including food being served to the other brides featured in this programme by ladies wearing white food hygiene hats and an image of some plates of food on the floor; the groom serenading the bride;

and the bride and groom dancing on their own during the first part of the first dance and subsequently being joined by a pair of salsa dancers.

As set out at decision head a) i) above, Ofcom observed that as a consequence of the limited time available and the relatively rigid running order of *Four Weddings* many elements of Mr and Mrs Golding's wedding ceremony and reception were not shown in the programme. This was the same for the other wedding ceremonies and receptions featured in the programme.

With regard to the complaint that the programme was edited to show a few specific incidents and to exclude positive events, Ofcom observed that this programme has a well established format in which elements of each of the weddings featured are shown alongside light-hearted commentary and candid comments from the brides featured about their competitors' weddings. While Ofcom accepted that some of the elements of their wedding day which Mr and Mrs Golding may regard as negative were included in the programme (notably the pastor and Mrs Golding's making some mistakes during the ceremony), Ofcom noted that such mistakes are relatively common during weddings and that the programme included the warm laughter of the entire wedding party in response to these incidents. In light of this Ofcom did not consider that the inclusion of these incidents would have materially affected viewers' opinions of the complainants in an adverse way.

Ofcom also noted that the elements included in the programme reflected the aspects of the day about which the other brides commented, and the programme makers' legitimate editorial decisions to include footage of the wedding day which they believed would be entertaining to viewers.

In addition, Ofcom observed that several touching moments from Mr and Mrs Golding's wedding day were also included in the programme. For example, the programme showed the groom wiping away a tear at the end of the ceremony, the first kiss of the bride and groom, the groom serenading the bride and the bride and groom reflecting on the day and smiling happily.

Taking into account all of the factors noted above, Ofcom concluded that the programme was not unfairly edited with regard to the omission or inclusion of specific aspects of Mr and Mrs Golding's wedding ceremony and reception. Ofcom also considered that the programme makers took reasonable care to satisfy themselves that the programme did not present, disregard or omit material facts, with regard to the portrayal of Mr and Mrs Golding's wedding.

- iii) Ofcom considered next the complaint that most of the comments made about the wedding by the narrator and the other brides were negative and cold.

Ofcom observed that Mr Golding suggested that negative comments from the other brides were included in the programme to justify him and his wife coming last in the competition, and that BSkyB rejected this claim. However, in considering this complaint Ofcom was not concerned with the conduct of the competition between the brides, but with whether or not the narration and/or the comments made by the other brides about Mr and Mrs Golding's wedding day in the programme resulted in unfairness to them.

Ofcom recognised that Mr and Mrs Golding regarded parts of the narration and some of the comments made by the other brides about their wedding day

as being negative. In Ofcom's view the programme included a variety of comments by the other brides about Mr and Mrs Golding's wedding day some of which could be regarded as negative, some neutral and some positive. For example, when talking about the decoration Jo said: "*I didn't even realise they did artificial flowers for weddings*"; when talking about the ceremony beforehand Helen said: "*Chantelle's having a church service. She did say it was going to be short and it's going to be an hour and half so I'm not quite sure what that's going to be like*" and when talking about Mrs Golding's dress both Vicki and Helen were shown saying that she looked very beautiful in it. Ofcom observed that this mix of comments was typical of the *Four Weddings* programme and reflected both the candid nature of the comments made by the other brides who were competing for a luxury honeymoon, and the comic style of the programme.

With regard to the specific elements of the narration about which Mr and Mrs Golding complained, Ofcom observed that the commentary indicated that: the food, and most particularly the fact that it was served by ladies in white food hygiene hats, gave a similar impression to that of a school dinner (and that this indication was heightened by the use of a school bell and the theme music to *Grange Hill*); the church ceremony was relatively long; and it was unusual to have salsa dancers accompanying the bride and groom during their first dance.

However, Ofcom also noted that this style of commentary was consistent with the approach applied to the other brides and their wedding days. For example, after Jo was shown explaining that the budget for her wedding was coming from her divorce settlement the narrator said: "*Romantic, I see a pre-nup in your future*". With regard to Vicki's wedding the narrator said that the groom was "*dressed like a Hawaiian penguin*" and indicated that the reception was rather awkward because the competing brides formed half of the wedding party.

Ofcom also noted again that the narrator's comments reflected both the comments made by the brides about their experiences and impressions of Mr and Mrs Golding's wedding day and the comic style of the programme.

Ofcom observed that the narrator highlighted a particularly successful aspect of the complainants' wedding day, namely Mr Golding serenading his bride, saying: "...*the groom, Denzel, has a sweet surprise for his bride*". The narrator also turned some apparently negative comments by the other brides about Mr and Mrs Golding's wedding into amusing asides directed at the competing brides themselves. For example, after Helen was shown saying: "*One thing that was a bit strange was that there was no aisle for Chantelle to walk down - maybe that was a little bit lacking*", the programme showed footage of Mrs Golding walking down the aisle accompanied by the words: "*A bit lacking? I thought you just said there wasn't one! And right on cue here comes the Caribbean princess herself...walking down the erm...aisle*". The narrator also commented on Vicki's description of the dessert she ate at the wedding breakfast as "*just cheesecake*" by saying "*on that lemony sour note...*".

Ofcom noted that Mr and Mrs Golding gave only one example of a comment made by one of the competing brides in the programme which they believed did not accord with that bride's view of their wedding day. Specifically, they said that Jo was shown saying: "*Out of the four weddings I thought today would be really fun and vibrant and I wasn't left feeling that at all*" but that the

unedited footage indicated that this comment did not reflect her impression of their wedding. However, Ofcom viewed the unedited footage of Jo's interview and noted that she made several comments which clearly indicated that, while she enjoyed specific aspects of Mr and Mrs Golding's wedding, overall she was disappointed with it. For example, she said:

"Chantelle's wedding didn't really live up to my expectations. I hadn't really been to a gospel wedding before and I enjoyed the vibrancy of the singing in the church. I thought that was really good erm but then as the day went on we thought there'd be like the salsa dancing was for everybody and we thought there'd be loads of dancing, and this that and the other and it just didn't come across how we thought it was going to be so it just wasn't the day I thought it might be. Or as vibrant as I thought it might be either".

During this unedited interview Jo also indicated that the day left her feeling "quite flat" and that there was "nothing that really just wowed her". She gave the couple's wedding a score for the overall experience of four out ten. Given that the unedited footage included these comments and others in a similar style, Ofcom considered that the comment from Jo which was included in the programme gave a fair impression of her view of Mr and Mrs Golding's wedding day, and that the programme was not unfairly edited in this regard.

Taking into account all of the factors noted above, Ofcom concluded that the programme was not unfairly edited with regard to the comments made by the other brides about Mr and Mrs Golding's wedding ceremony and reception. Ofcom also considered that the programme makers took reasonable care to satisfy themselves that the programme did not present, disregard or omit material facts, with regard to the portrayal of Mr and Mrs Golding's wedding.

- iv) Ofcom considered the complaint that the programme incorrectly indicated that Mr and Mrs Golding left their reception venue before their guests.

Ofcom observed that at the end of the section of the programming featuring Mr and Mrs Golding's wedding reception the programme showed Jo saying:

"I thought the first dance really belonged to the salsa dancers – everyone was just fascinated with them...I noticed Denzel and Chantelle just seemed to disappear actually".

The programme then showed an image of taxi driving along a road near the reception venue while the narrator said:

"And with the bride and groom making a sharp exit, to do whatever it is brides and grooms do on their wedding night, it's time to score the venue, the food, the dress and the overall experience".

Ofcom considered that viewers would have understood Jo's remark and the narrator's subsequent comment (along with the image of the taxi) to indicate that Mr and Mrs Golding left their wedding ceremony relatively early and certainly before the majority of their guests. Ofcom observed that BSkyB acknowledged that this edition of programme included a scene which suggested that Mr and Mrs Golding may have left their wedding before their guests and explained that following a direct complaint from Mr and Mrs

Golding the master copy of the programme was edited to remove this scene, which would not be included in any future broadcasts of the programme.

Ofcom notes Mr and Mrs Golding's assertion that they did not leave their wedding reading reception early. Ofcom notes however that many newly married couples leave their wedding receptions before the majority of their guests and that they do so for numerous reasons. In light of this and taking into account the light-hearted nature of *Four Weddings*, Ofcom did not consider that the suggestion that Mr and Mrs Golding left their wedding reception early (even if erroneous) would have materially affected viewers' opinions of the complainants in an adverse way.

Ofcom therefore found that Mr and Mrs Golding were not treated unfairly in respect of their complaint of unfair portrayal.

- b) Ofcom went on to consider Mrs Golding's complaint that her comments on the other brides' weddings were constantly portrayed in a negative manner while the other brides' comments were not highlighted in the same light.

In considering this part of the complaint, Ofcom again had regard to Practice 7.9 of the Code, as set out under decision head a) above.

Ofcom observed that during the programme Mrs Golding was shown making a number of negative comments about the other brides' wedding days and that some were accompanied by asides from the narrator. For example, Mrs Golding was shown saying of Vicki's wedding in Las Vegas: "*I don't think being married by Elvis is right for a wedding. I think it's taking the mick out of the whole thing*". With regard to Jo's wedding in a boutique hotel, Mrs Golding was shown saying: "*It's definitely not a church, you can feel that, you can see that*" after which the narrator said: "*And the Sybil Fawlty award for the bleeding obvious goes to...Chantelle*".

However, Ofcom observed that the programme also included negative comments made by the other brides and a number of those comments were accompanied by amusing asides. For example, Helen was shown saying that she didn't really like the food at several of the weddings and was described by the narrator as a "*fussy eater*". In addition, as noted in decision head a) iii) above, a number of the negative comments made by the other brides about Mr and Mrs Golding's wedding in the programme were subject to the same treatment, whereby the narrator highlighted the amusing aspect of a criticism levelled by a competing bride.

The programme also showed Mrs Golding making several positive comments in relation to her experience of the wedding days of her fellow brides. For example, in addition to some negative comments, Mrs Golding said that the starter she had at Helen's wedding was "*lovely*", that Helen "*looked beautiful*" and that "*the church and the venue was perfect*". Ofcom considered that the inclusion of positive and negative comments was typical of the format of the programme and noted that the other brides' comments were used in a similar manner.

Ofcom considered that, given the established format of the programme, viewers would have been able to give appropriate weight to the comments each bride, including Mrs Golding, was shown making in the programme.

In light of this and taking into account its view that Mrs Golding's contributions were treated in the same way as those of the other brides, Ofcom did not consider that Mrs Golding's comments on the other brides' weddings were disproportionately portrayed in a negative manner or that the other brides' comments were treated differently.

Ofcom therefore found no unfairness to Mrs Golding in this respect.

Ofcom recognised that by way of background to the complaint, Mrs Golding said that she found it difficult to relate to and fit in with the other brides and their guests due to a difference in ethnic background and culture. She also said she understood that the programme needed "to make a show" and "to highlight a catfight" but that this was "overdone at her expense". However, in light of all the factors detailed above, Ofcom did not consider that the programme resulted in unfairness to either Mr or Mrs Golding.

Accordingly, Ofcom has not upheld Mr and Mrs Golding's complaint of unfair treatment in the broadcast of the programme.

Not Upheld

Complaint by Mr Leonard Harper

Channel Report, Channel TV, 17 August 2011

Summary: Ofcom has not upheld this complaint of unfair treatment made by Mr Leonard Harper.

Channel TV broadcast a news report on the cost of the police inquiry into allegations of sexual abuse in Jersey. The item reported on the progress of a Jersey Parliamentary Scrutiny Panel into overspending during the inquiry, the bill for which was £7.5 million. The report included interviews with Jersey's former Chief of Police, Mr Graham Power, and with Deputy Trevor Pitman, the Chairman of the Scrutiny Panel, who made a brief reference to Mr Leonard Harper, previously the senior investigator in the Inquiry.

In summary, Ofcom found as follows:

- The programme made no explicit criticisms of Mr Harper, nor were any criticisms of him implied.
- It was not incumbent on the programme makers to seek or include any response from Mr Harper, given that the programme made no criticisms of him. Nor was it unfair to him that the programme did not refer to a letter from the Chairman of the Scrutiny Panel to the programme makers, as this was received by Channel TV after the broadcast.

Introduction

On 17 August 2011, Channel TV broadcast an edition of its early evening news programme, *Channel Report*, which included a report on the cost of the police inquiry into allegations of sexual abuse in Jersey ("the Inquiry"). The item, which lasted just over four minutes, reported on the progress of a Jersey Parliamentary Scrutiny Panel ("the Scrutiny Panel") into overspending during the Inquiry, the bill for which was £7.5 million.

The report opened by stating that Jersey's former Chief of Police, Mr Graham Power, had spent the day giving evidence to the Scrutiny Panel about the overspend. The report included a brief clip from a telephone interview with Mr Power, in which he explained some of the problems the police had encountered during the Inquiry. The item continued with a studio interview with Deputy Trevor Pitman, the Chairman of the Scrutiny Panel, who referred to a number of issues it was concerned about. During this interview Mr Pitman said:

"BDO¹, the company that were doing this [an audit into the overspend on the Inquiry] were denied talking to Mr Harper [i.e. Mr Leonard Harper, the senior police investigator on the Inquiry until his retirement in 2008] by Mr Warcup². Mr Warcup says that's not true".

¹ BDO Alto, an accountancy firm

² Mr David Warcup was the acting chief police officer on the Inquiry when BDO asked to speak to Mr Harper.

Following the broadcast of the programme, Mr Harper, complained to Ofcom that he was treated unjustly or unfairly in the programme as broadcast.

Summary of the Complaint and Channel TV's response

In summary, Mr Harper complained that he was treated unjustly or unfairly in the programme as broadcast in that:

- a) He was portrayed unfairly because the programme suggested that he was responsible for “unjustified or tainted” expenditure as part of the £7.5m costs of the Inquiry. This was despite the fact that no budget was ever set for the Inquiry, even though attempts had been made to have one set, and also ignored the fact that over half of the cost was incurred after Mr Harper’s retirement. Mr Harper complained in particular that:
 - i) The programme criticised him for flying two officers first class to Australia but failed to mention that the flights were authorised at the highest level of government, this was publicly known and the flights were legitimate and cost effective.
 - ii) The programme quoted widely from an audit by a local accountancy firm [BDO] which had not interviewed Mr Harper. The Panel had been established to examine the circumstances of the audit and had found “much to disturb them” in the way the audit was set up. The programme gave the impression of wrong doing on Mr Harper’s part, despite knowing the facts, and several times spoke of the “overspend” of £7.5 million, without referring to the fact that Mr Harper was responsible for less than fifty per cent of this.
 - iii) The programme criticised “personal expenses” and stated that the £7.5 million included spending incurred dining in Michelin starred restaurants, but did not explain that the relatively small amounts spent on this were part of an officially approved hospitality budget. The programme also ignored information in the audit that the amount spent on trips was almost the same as Mr Harper’s counterpart in a small English force with no major enquiry to conduct and no need to cross the Channel to meet with colleagues.

In response, Channel Television said that the only mention of Mr Harper was a brief reference to him by Mr Pitman during his live interview and that the report focused on the fact that Mr Power was giving evidence to the Scrutiny Panel about the costs of the Inquiry. As Chief of Police, Mr Power had been the man ultimately in charge of the inquiry. He had been suspended in November 2008 and, although disciplinary proceedings against him were later dropped, he did not return to his post and retired from the force. Following Mr Power’s suspension, Wiltshire Police carried out an independent investigation into the way the Inquiry was handled (“the Wiltshire Report”) and an independent review of the costs of the Inquiry was later commissioned by the States of Jersey Home Affairs Department and carried out by auditors BDO Alto (the “BDO Alto Report”).

Channel Television said that the figure of £7.5 million was the published total cost of the Inquiry. The figure was relevant to the television report complained of by Mr Harper, which highlighted the fact that Mr Power was to give evidence to the Scrutiny Panel as the increase in funding to £7.5 million was requested in August 2008, before his suspension. The total cost of the Inquiry had been the cause of considerable public concern and both the Wiltshire Report and the BDO Alto Report were highly critical of the way the Inquiry was conducted and its cost. The

BDO Alto report had criticised many aspects of the costs of the Inquiry, including overtime, hired services and forensic costs. However, some of the costs that provoked the greatest public criticism at the time the BDO Alto Report was published included hotel, flight and restaurant costs, which the authors considered to be excessive. The BDO Alto report referred to trips made to London as part of the Inquiry, setting out the costs of meals, and stated:

“We...question the nature of the business that required the entertainment of UK officers three nights in a row at a cost to the public purse of almost £1,100”.

Channel Television said that the exposure of these costs had caused a public outcry. The BDO Alto report had also catalogued numerous examples of costs in other areas including overtime, hired services and excavation costs and concluded that:

“...very considerable elements of the total investigation spend...was questionable from a financial efficiency and effectiveness perspective”.

Channel Television said that the programme was justified in highlighting aspects of the two reports that had been the cause of such public concern and which served to illustrate the issues for which Mr Power had been held accountable. However, Mr Harper's role in contributing to those costs was not relevant in the programme's report as he was not the subject of the report nor was his role material to it. The report could not have criticised Mr Harper for flying officers first class to Australia, as he was not referred to. However the report did refer to this expenditure, as it had been one of those items of spending which had attracted public criticism. The BDO Alto report had said of this trip:

“We suggest that, in future, long-haul travel arrangements and costs be pre-approved by the SIO [Senior Investigating Officer] or Chief Officer, which would cause all alternative travel options (and dates of travel) to be properly considered and scrutinised”.

Channel Television said that it was the role of the media to highlight matters of public concern and to question those in authority on behalf of the public. Channel Television had set out to present an accurate and balanced picture of the issues.

In reply to Channel Television's response, Mr Harper said, in summary, that as a result of previous programmes on Channel Television, there was a widespread public perception on Jersey that when criticising an alleged overspend, the programme was referring to an overspend by him. He said that the programme made frequent references to issues that were seen in Jersey as being incontrovertibly linked to him and that it therefore amounted to an implied criticism of him. Mr Harper said that the BDO Alto review had been criticised by the Scrutiny Panel for not attempting to research the relevant issues with him. Mr Harper said that Channel Television had created a public outcry by selective and wrong reporting, which continued with this programme and that the Scrutiny Panel had been “scathing” about Channel Television's objectivity.

In summary, Channel Television said in response that Mr Harper had been highlighted in reports broadcast in 2008 and 2009 as the man responsible for many of the costs incurred by the Inquiry and that the reports had included criticisms of both Mr Harper and Mr Power. The makers of these programmes had sought a response from Mr Harper then but he had not returned their calls.

However, the 2011 news item Mr Harper complained about focused on Mr Power, who had been ultimately in charge of the Inquiry. As regards the Scrutiny Panel's reference to media reporting of the issues, Channel Television said that it was preparing a response outlining its concerns over the way the Scrutiny Panel report was compiled.

- b) Mr Harper complained that the programme had omitted relevant material, in that the Chairman of the Panel had published a letter he had sent to Channel Television criticising the inaccurate, unfair and one sided nature of the coverage of the story. Mr Harper had also set the programme makers "straight on the facts", but had been ignored.

In reply, Channel Television said that it did not receive the letter from the Scrutiny Panel Chairman until after the programme was broadcast. The letter related specifically to that programme and could not, therefore, have been referred to in the broadcast complained of by Mr Harper. Channel Television said that it did not accept the comments made by the Chairman of the Panel in his letter and had responded to him. Channel Television had also raised concerns over the Chairman's conduct with the Jersey States Privileges and Procedures Committee and the States Chairman's Committee, in that he had published his letter on an internet blog and issued a summons to Channel Television staff, which had since been withdrawn, to attend a public hearing to answer questions relating to the programme complaint.

As regards Mr Harper's complaint that he was ignored by the broadcaster, Channel Television said that Mr Harper's role in the historic abuse inquiry was not material to Channel Television's report; but that, whenever it had broadcast reports which had specifically involved Mr Harper, the production team had sought his comments and/or an interview with him.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript and both parties' written submissions.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had regard to this Rule when reaching its decision on the individual heads of complaint detailed below.

- a) Ofcom first considered the complaint that Mr Harper was portrayed unfairly because the programme suggested that he was responsible for "unjustified or

tainted" expenditure as part of the £7.5m costs of the Inquiry. This was despite the fact that no budget was ever set for the Inquiry, even though attempts had been made to have one set, and ignored the fact that over half of the cost was incurred after Mr Harper's retirement.

In considering this part of the complaint, Ofcom had regard to Practice 7.9 of the Code, which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

Ofcom noted that the programme opened with one of the presenters saying:

"Jersey's former Chief of Police has spent the day giving evidence to a scrutiny panel about the financial overspend in the historic abuse inquiry. Over seven million pounds was spent on the investigation. That included unnecessary overtime bills topping half a million, a dog handler paid more than a hundred thousand pounds and officers flying first class to Australia".

He then said:

"The much maligned overspend by Jersey police during the Haut de la Garenne historic abuse inquiry is back in the spotlight. First class travel to four star hotels, visits to Michelin star restaurants, huge police overtime costs. Just some of the flaws. Three years on and the blame game continues as to who was responsible for the £7.5 million bill that the taxpayer unwittingly had to sign for. The man in charge of the force at the time, Graham Power, gave his version of events, although not in person to the scrutiny panel this morning. He said it wasn't him but the Home Affairs Department who cleared those expenses and that any discrepancies should be discussed between the department and Mr Power, but he said that never happened".

The programme included a telephone interview with Mr Power, in which he set out some of the problems the police had encountered during the Inquiry. There was then a live interview with Mr Pitman, Chairman of the Panel, who said:

"Well one of the things we've learnt is with every question we've asked more questions have arisen. We've found a policeman who was appointed, a former policeman for four months he didn't know the terms of reference he was working to. We've found BDO, the other company doing this, were denied talking to Mr Harper by Mr Warcup. Mr Warcup says that's not true. Every time we uncover a stone, we find something else and there's just more and more so. We had an appalling performance I have to say from the Home Affairs Minister when he couldn't remember anything, so we need him in to answer the Home Affairs side".

In Ofcom's view, it was clear that the main focus and context of the report was Mr Power's evidence to the Panel. For example in examining the issues the report referred to Mr Power as "*the man in charge of the force at the time*". It was also evident from both what the presenters said and from Mr Pitman's interview that there were a number of issues about police expenditure on the Inquiry and that the Panel had a number of outstanding concerns. Mr Harper was referred to only once, and this was a passing reference by Mr Pitman, who was being interviewed live and who was explaining a number of questions that arose during the course of the Panel's examination of the issues. No mention was made of Mr Harper's

role in leading the Inquiry before his retirement or of any over-expenditure for which he was or may have been responsible.

Ofcom appreciated that there would be a high level of local knowledge of the Inquiry and of concerns about how much it cost and that a number of viewers were likely to be aware of Mr Harper's role in the Inquiry and criticisms that had been made of him in previous reports. Ofcom also appreciated that there had been other earlier programmes in the past that had included specific criticisms of Mr Harper. However, Ofcom's role was to consider whether there was any unfairness to Mr Harper only in the broadcast on 17 August 2011. Ofcom noted that this programme made no explicit criticisms of Mr Harper. Given this report's focus on Mr Power's evidence to the Scrutiny Panel about his role in the inquiry, and taking into account that there was only a very brief and passing reference to Mr Harper, Ofcom did not consider that any criticisms of him were implied.

As regards the specific issues referred to by Mr Harper in his complaint, Ofcom's decision is set out below.

- i) Mr Harper complained that the programme criticised him for flying two officers first class to Australia but failed to mention that the flights were authorised at the highest level of government, this was publicly known and the flights were legitimate and cost effective.

Ofcom noted that one of the presenters referred at the beginning of the item to officers flying first class to London and Australia. Although there were other references in the report to first class travel, this was the only mention in the item of flights to Australia. As set out above, Mr Harper was only mentioned once in the programme, when Mr Pitman referred to a suggestion that BDO Alto were not able to speak to Mr Harper. This was considerably later in the item than the reference to flights to Australia and, in Ofcom's view, nothing in the presenter's introductory remarks would have led viewers to think that a specific criticism was being made of Mr Harper in relation to the flights.

- ii) Mr Harper complained that the programme had quoted widely from the BDO Alto report, for which he had not been interviewed. He said that the Panel had been established to examine the circumstances of the audit and had found "much to disturb them" in the way the audit was set up. Mr Harper complained that the programme gave the impression of wrong doing on his part, despite knowing the facts, and several times spoke of the "overspend" of £7.5 million, without referring to the fact that Mr Harper was responsible for less than fifty per cent of this.

Ofcom noted that Mr Pitman referred in his interview to the BDO Alto report in the context of his explanation of some of the questions that had concerned the Scrutiny Panel as it considered the Inquiry. He did not quote extensively from it but said the Scrutiny Panel had found that BDO Alto had not been able to speak to Mr Harper. Mr Pitman said that Mr Warcup, who was acting chief police officer on the Inquiry when BDO asked to speak to Mr Harper, denied this but Mr Pitman did not expand further on his reference to Mr Harper. Mr Pitman then moved on to express his concerns about the performance of the Home Affairs Minister when he gave evidence to the Scrutiny Panel. In these circumstances, Ofcom did not consider that the fleeting reference to the BDO Alto Report resulted in any explicit or implied criticism of Mr Harper.

As regards the expenditure on the Inquiry, Ofcom noted that the programme referred to the total cost of the Inquiry as being £7.5 million. It also referred to the “*financial overspend in the historic abuse inquiry*” and the “*much maligned overspend by Jersey police during the Haut de la Garenne historic abuse inquiry*”. The programme did not however refer to an overspend of £7.5 million. The report referred to the cost of the Inquiry as being “*over seven million pounds*” and referred twice to the cost being “*seven and a half million pounds*”. As set out above, the programme mentioned Mr Harper only once, when Mr Pitman said the auditors had not been able to speak to him. The report also mentioned some of the police expenditure that had been criticised, for example on travel, restaurants and overtime. However, these references were all in the context of Mr Power giving evidence to the Panel about his leadership of the Inquiry and the report did not criticise Mr Harper or suggest that he was responsible for the costs of the Inquiry or any particular proportion of the costs.

- iii) Mr Harper also complained that the programme criticised “personal expenses” and stated that the £7.5 million included spending incurred dining in Michelin starred restaurants, but did not explain that the relatively small amounts spent on this were part of an officially approved hospitality budget. The programme also ignored information in the audit that the amount spent on trips was almost the same as Mr Harper’s counterpart in a small English force with no major enquiry to conduct and no need to cross the Channel to meet with colleagues.

Ofcom noted that the presenter referred to “*visits to Michelin star restaurants*”, when he set out some of the concerns about the overspend on the Inquiry by Jersey police. However this was one item in a list of expenditure incurred and about which the Scrutiny Panel had concerns, and the presenter did not go into any further details. Given that the item did not refer to Mr Harper and given that Ofcom took the view that the programme made no explicit or implied criticisms of him, Ofcom did not consider that the reference was unfair to him. Nor, therefore, did Ofcom consider that it was incumbent on the programme makers, in order to avoid any unfairness to Mr Harper, to refer to information in the report about other similar items of expenditure.

Ofcom’s decision is therefore that there was no unfairness to Mr Harper in this respect.

- b) Ofcom then considered the complaint that the programme had omitted relevant material, in that the Chairman of the Panel had published a letter he had sent to Channel Television criticising the inaccurate, unfair and one sided nature of the coverage of the story. Mr Harper said he had also set the programme makers “straight on the facts”, but had been ignored.

In considering this part of the complaint, Ofcom had regard to Practice 7.9 of the Code, as set out under decision head a) above.

As regards the letter to Channel Television from the Chairman of the Panel, Ofcom noted that the letter was received after the broadcast and was a response to the programme. In these circumstances, it would not have been possible for the programme to refer to the letter. Ofcom also noted that Channel Television had not accepted any criticisms made in the letter and had responded directly to the Chairman.

With reference to Mr Harper's complaint that the programme makers had ignored information he had provided to them, Ofcom again took into account its decision that the programme included no explicit or implied criticisms of Mr Harper. In view of this, Ofcom did not consider that it was necessary for the programme makers to seek or include any response from Mr Harper.

Ofcom therefore found that there was no unfairness to Mr Harper in this respect.

Accordingly, Ofcom has not upheld Mr Harper's complaint of unfair treatment in the programme as broadcast

Not Upheld

Complaint on behalf of The Fat Cat Bistro made by Ms Karen Conway and Mr Michael Neill

BBC Newsline, BBC1 Northern Ireland, 24 June 2011

Summary: Ofcom has not upheld this complaint of unfair treatment on behalf of The Fat Cat Bistro.

BBC1 (Northern Ireland) broadcast an edition of *Newsline*, which included a report on Ms Gillian Robinson. She had successfully sued her former boss, Mr Michael Neill, for discrimination at an employment tribunal but had not received her award payment because the company for which she worked had ceased trading. The report also said that Mr Neill now operated a new business, The Fat Cat Bistro.

In summary, Ofcom found that The Fat Cat Bistro was not treated unfairly in the programme as broadcast in that the report did not unfairly associate it with Ms Robinson's case.

Introduction

On 24 June 2011, BBC1 Northern Ireland broadcast an edition of its daily regional news programme, *Newsline*. This edition of the programme included a report about Ms Gillian Robinson, who, when pregnant, had been discriminated against by her former employer, Mr Michel Neill. The report said that, while Ms Robinson was pregnant, Mr Neill (who knew that she had previously suffered a miscarriage) “*implied that he needed to arrange maternity cover quickly in case she had another miscarriage*” and that he used “*crude language into the bargain*.”

The report showed a page from a “*government website*”, which the reporter said praised Mr Neill for the way in which he ran his business. This page included the words: “*Mr Michael Neill, Managing Director, The Frying Squad*” and a picture of Mr Neill holding an open box of fish and chips.

Following extracts of an interview with Ms Robinson, the programme showed the reporter standing outside The Fat Cat Bistro (“The Fat Cat”). The reporter said:

“*This is Michael Neill’s new business, The Fat Cat Bistro in Ballyholme. Let’s see if he’ll talk to us*”.

He then called Mr Neill from a mobile phone while standing outside The Fat Cat and informed viewers that Mr Neill had no comment to make. The reporter also said that what had happened to Ms Robinson was neither “*illegal*” nor “*an isolated case*”.

The report then showed a representative of the Law Centre¹ who explained that it was getting an increasing number of calls from people who had had successful employment tribunal claims, but had not received the compensation awarded to them because their employer was insolvent. The report closed with the reporter describing

¹ The Law Centre (NI) is a not for profit agency working to advance social welfare rights in Northern Ireland.

Ms Robinson as “*a victim of discrimination and a victim of the law which allows employers to limit their liability*”.

Following the broadcast of the programme, Mr Michel Neill and Ms Karen Conway complained to Ofcom that The Fat Cat was treated unjustly or unfairly in the programme as broadcast.

Mr Neill and Ms Conway informed Ofcom that: they are both directors of The Fat Cat and each owns fifty per cent of that business; that Mr Neill owns The Frying Squad Ltd; and, that The Frying Squad Ltd is not associated with Frying Squad (Franchising) Ltd, which was the defendant in Ms Robinson’s employment tribunal.

The Complaint and the BBC’s response

In summary, Mr Neill and Ms Conway complained that The Fat Cat was treated unjustly or unfairly in the programme as broadcast in that it unfairly associated The Fat Cat Bistro with Ms Robinson’s case.

The complainants said that: the respondent in the employment tribunal was Frying Squad (Franchising) Ltd and not The Frying Squad Ltd; contrary to the indication in the report The Frying Squad Ltd did not go out of business; the report did not make it clear that the tribunal made its award on 25 April 2010, over a year before the broadcast; and that The Fat Cat was not a new business but had started trading in August 2009.

By way of background, the complainants said that the report damaged the reputation of a well established company which had nothing to do with the tribunal case and that trade had fallen by £1000 a week.

In response and in summary, the BBC said that the item reported on Ms Robinson’s case of discrimination against her former employer, Mr Neill’s company Frying Squad (Franchising) Ltd, which had gone out of business. The report described how Ms Robinson had been awarded £27,000 by an employment tribunal following discrimination by Mr Neill but had been unable to obtain the award because the company had gone out of business.

The BBC said that the programme made no criticism of The Fat Cat or Ms Conway and that there was no suggestion that Ms Robinson’s case was in any way linked to The Fat Cat. The central point of the story was that, although Ms Robinson had been unable to secure her award from Mr Neill’s earlier company, Mr Neill had been able to carry on running a business. The BBC added that this was a matter of factual record and that in order to demonstrate that this claim had substance, the identity of the business in which he was currently engaged was mentioned.

The BBC argued that the report did not give a misleading impression that Frying Squad Ltd had gone out of business, as it did not give the name of the company which went out of business but merely said that the company which employed Ms Robinson had gone out of business. The broadcaster also said that the report did not mention either Frying Squad (Franchising) Ltd or The Frying Squad Ltd and that the website page citing Mr Neill, which was included in the report, gave only “Frying Squad” as his business.

In addition, the BBC said that, even if the report had given a misleading impression that The Frying Squad Ltd had gone out of business, this would not have resulted in

unfairness and that as a minor factual inaccuracy this matter would fall outside Ofcom's remit².

The broadcaster also said that the omission of the fact that the tribunal award was made a year before the broadcast was not capable of resulting in unfairness; and that in any case it was implicit in the story that there must have been a lapse of time between the award and the report, the time during which Ms Robinson had tried and failed to secure the money she had been awarded.

The BBC said that the description of The Fat Cat as Mr Neill's "*new business*" could not have resulted in unfairness. It added that the central point made in the report was that Mr Neill was able to carry on in another business while Ms Robinson was unable to collect the employment tribunal award which had been made against Mr Neill's company and that the reference to The Fat Cat being Mr Neill's new business was intended to reflect the fact that it had been set up after the incidents of discrimination complained of by Ms Robinson. The BBC said that even if the reference in the report had been understood as meaning that the business was set up after the tribunal's award, or even after the liquidation of Frying Squad (Franchising), the point about continuing to trade while failing to implement the tribunal's award would be unaffected.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript and both parties' written submissions.

When considering complaints of unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of Ofcom's Broadcasting Code ("the Code"). Ofcom had regard to this Rule when reaching its decision on the individual head of complaint detailed below.

Ofcom considered the complaint that The Fat Cat was treated unjustly or unfairly in the programme as broadcast in that it unfairly associated The Fat Cat with Ms Robinson's case.

In considering this complaint, Ofcom had regard to Practice 7.9. This provides that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to the individual or organisation, and that anyone

² Matters of due accuracy in news programmes broadcast on BBC services funded by the licence fee are regulated by The BBC Trust.

whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

Ofcom observed that the report focused on Ms Robinson's case against her former employer, Mr Michael Neill, for discrimination at work when she was pregnant.

The presenter of *Newsline* introduced the report with following words:

"A Bangor woman who was awarded £27,000 in compensation for discrimination won't receive a penny because the company she worked for has gone bust, even though the company owner is continuing in business".

Ofcom observed that the beginning of the report included a page from a "government website" which the reporter said praised Mr Neill for the way in which he ran his business. This page included the words "*Mr Michael Neill, Managing Director, The Frying Squad*" and a picture of Mr Neill holding an open box of fish and chips.

After some footage of Ms Robinson with her young child and a brief explanation of the treatment she received at work when she was pregnant, the reporter said:

"She sued for discrimination and won 27,000 pounds in compensation. But she hasn't received a penny because the company she worked for has gone out of business".

Ofcom also noted that following extracts of an interview with Ms Robinson the programme showed the reporter standing outside The Fat Cat and saying:

"This is Michael Neill's new business, The Fat Cat Bistro in Ballyholme. Let's see if he'll talk to us".

In Ofcom's opinion, viewers of this report would have understood that:

- The report suggested that Ms Robinson had worked for Mr Neill when he ran a business which traded as The Frying Squad.
- An employment tribunal had awarded Ms Robinson £27,000 for discrimination by her former employer, Mr Neill, when she was pregnant.
- Ms Robinson had not received any of this money because the company for which she formerly worked had gone out of business.
- Mr Neill was operating another business called The Fat Cat Bistro, which was set up after his former business (against which Ms Robinson's tribunal award had been made) stopped trading.

Ofcom recognised that the complainants had said that the correct respondent in the employment tribunal was Frying Squad (Franchising) Ltd and not The Frying Squad Ltd and that, contrary to the indication in the report, The Frying Squad Ltd did not go out of business. However, Ofcom noted that the report did not include the registered name of the company run by Mr Neill for which Ms Robinson worked. Rather, as noted above, Ofcom considered that the report suggested that Ms Robinson had worked for a company which traded as "The Frying Squad" and that this company (or the holding company which owned it) subsequently went out of business. Ofcom observed that the complainants did not dispute this understanding of the report within their complaint and that the BBC's response to the complaint indicated that Ms Robinson had worked for a company with the registered name of Frying Squad (Franchising) Ltd which went into liquidation in August 2010.

Ofcom also recognised that the complainants had said that the report did not make it clear that the tribunal made its award judgement over a year before the broadcast and that The Fat Cat was not a new business but had started trading in August 2009.

Ofcom noted the information included in the report, notably that a tribunal had awarded Ms Robinson £27,000, that she had not at the time of the report received any of the money and that she had been pregnant when the discrimination took place but was shown in the report with her young child, who was at the time of report a toddler. In these circumstances Ofcom considered that it would have been clear to viewers that a period of time had passed between the tribunal's award judgement and the broadcast of this report.

In addition, as noted above, Ofcom considered that viewers would have understood the description of The Fat Cat as a new business to have indicated that it had been set up after the business for which Ms Robinson had worked ceased trading. Ofcom observed that Frying Squad (Franchising) Ltd, which Ofcom understands to have traded as The Frying Squad and to have formerly employed Ms Robinson, went into liquidation in August 2010 and that The Fat Cat was set up in July 2009. However, while there was an overlap between the setting up of The Fat Cat and the liquidation of Frying Squad (Franchising) Ltd, Ofcom did not consider that this discrepancy would have affected viewers' understanding of the central point of the report, namely that Ms Robinson had been awarded money by an employment tribunal but had not received this money because the company which employed her had gone out of business and that, notwithstanding, this her former employer, Mr Neill, had been able to continue in business.

In light of its observations above, Ofcom considered that nothing in the report linked Ms Robinson's case to The Fat Cat other than the fact that her former boss operated The Fat Cat after he had run the business which had employed Ms Robinson. In these circumstances, Ofcom concluded that the programme did not unfairly associate The Fat Cat with Ms Robinson's case.

Taking account of all the factors noted above Ofcom did not consider that the report would have materially have affected viewers' opinion of The Fat Cat. Ofcom therefore found that The Fat Cat was not treated unfairly in the programme as broadcast.

Accordingly, Ofcom has not upheld this complaint of unfair treatment in the programme as broadcast on behalf of The Fat Cat Bistro.

Other Programmes Not in Breach

Up to 19 December 2011

Programme	Broadcaster	Transmission Date	Categories
Aces 'N' Eights	Channel 5	02/11/2011	Violence and dangerous behaviour
Charity appeal	Channel i	26/08/2011	Charity appeals
Advertising minutage	The Africa Channel	04/10/2011	Advertising minutage
International Arena: Cardiff	BoxNation	10/10/2011	Offensive language
News	Geo News	02/08/2011	Due impartiality/bias
Programming	Bangla TV	21/08/2011	Charity appeals

Complaints Assessed, Not Investigated

Between 29 November and 19 December 2011

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

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
4thought.tv	Channel 4	07/11/2011	Due impartiality/bias	1
5 News at 5	Channel 5	09/12/2011	Outside of remit / other	1
A Night with Beyonce	ITV1	04/12/2011	Generally accepted standards	1
A Very British Party	Watch	17/11/2011	Generally accepted standards	1
Ade in Britain	ITV1	29/11/2011	Harm	1
Advertisement	Various	n/a	Outside of remit / other	1
Advertisement for Ashoka foods	Colours TV	10/10/2011	Outside of remit / other	1
Advertisement for Call of Duty (video game)	Various	10/12/2011	Outside of remit / other	1
Advertisement for Girl with the Dragon Tattoo (film)	Various	10/12/2011	Outside of remit / other	1
Advertisement for Metropolitan Police	Various	n/a	Outside of remit / other	1
Advertisements	Various	n/a	Advertising scheduling/minutage	1
Alan Carr: Chatty Man	Channel 4	27/11/2011	Generally accepted standards	1
America's Next Top Model	Sky Living	16/12/2011	Generally accepted standards	1
Argumental	Dave	01/12/2011	Generally accepted standards	1
Aviva's sponsorship of ITV Drama Premiers	STV	04/12/2011	Sponsorship credits	1
Basement Jerxx	Somer Valley FM	02/11/2011	Sexual material	1
BBC News	BBC News Channel	01/12/2011	Generally accepted standards	1
BBC News	BBC News Channel	01/12/2011	Generally accepted standards	1
BBC News	BBC News Channel	01/12/2011	Outside of remit / other	1
BBC News	BBC News Channel	02/12/2011	Outside of remit / other	1
BBC News	BBC 1	03/12/2011	Outside of remit / other	1
BBC News	BBC 1	03/12/2011	Outside of remit / other	1
BBC News 24	BBC News 24	01/12/2011	Outside of remit / other	1
BBC News at One	BBC 1	30/11/2011	Outside of remit / other	1
BBC News at One	BBC 1	01/12/2011	Generally accepted standards	1
BBC News at One	BBC 1	08/12/2011	Outside of remit / other	1
BBC News at One	BBC 1	09/12/2011	Outside of remit / other	1
BBC News at Six	BBC 1	30/11/2011	Outside of remit / other	1

BBC News at Six	BBC 1	01/12/2011	Generally accepted standards	1
BBC News at Six	BBC 1	12/12/2011	Outside of remit / other	1
BBC News at Ten	BBC 1	16/12/2011	Outside of remit / other	1
BBC News Channel	BBC News Channel	11/12/2011	Outside of remit / other	1
BBC Radio 1	BBC Radio 1	23/11/2011	Generally accepted standards	1
BBC website	BBC	n/a	Outside of remit / other	1
Big Brother: Live Final	Channel 5	11/11/2011	Voting	64
Big Daddy	Gold	27/11/2011	Offensive language	1
Big Fat Gypsy Weddings	Channel 4	27/11/2011	Generally accepted standards	1
Blue Peter	CBBC	04/12/2011	Advertising/editorial distinction	1
Boogie in the Morning	Forth One	07/12/2011	Sexual material	1
Breakfast	BBC 1	02/12/2011	Outside of remit / other	2
Breakfast	BBC 1	07/12/2011	Crime	1
Ceefax Page 109	BBC 1	28/11/2011	Outside of remit / other	1
Channel 4 News	Channel 4	09/11/2011	Due impartiality/bias	1
Channel 4 News	Channel 4	26/11/2011	Due accuracy	1
Christmas Number 1s	Bliss	30/11/2011	Materially misleading	1
City Sisters 3	Islam Channel	03/12/2011	Materially misleading	1
Click	BBC World Service	22/11/2011	Outside of remit / other	1
Click	Channel 5	04/12/2011	Scheduling	1
Come Dine with Me	Channel 4	23/11/2011	Generally accepted standards	1
Competitions (General)	ITV1		Competitions	1
Continuity announcements	BBC Radio 4	15/11/2011	Outside of remit / other	1
Coronation Street	ITV1	21/11/2011	Drugs, smoking, solvents or alcohol	1
Coronation Street	ITV1	29/11/2011	Product placement	1
Coronation Street	ITV1	02/12/2011	Generally accepted standards	1
Coronation Street	ITV1	02/12/2011	Product placement	1
Coronation Street	ITV1	05/12/2011	Drugs, smoking, solvents or alcohol	1
Coronation Street	ITV1	09/12/2011	Animal welfare	2
Coronation Street	ITV1	n/a	Drugs, smoking, solvents or alcohol	1
Coronation Street	ITV2		Generally accepted standards	1
Countdown	Channel 4	22/11/2011	Generally accepted standards	1
Countdown	Channel 4	23/11/2011	Generally accepted standards	1
Countdown	Channel 4	25/11/2011	Crime	1
Countdown	Channel 4	25/11/2011	Generally accepted standards	1
Countdown	Channel 4	30/11/2011	Race discrimination/offence	1

Countryfile	BBC 1	04/12/2011	Outside of remit / other	1
Criminal Minds	Sky Living	16/12/2011	Outside of remit / other	1
CSI: Crime Scene Investigation	Channel 5	05/12/2011	Generally accepted standards	1
Dave's One Night Stand	Dave	01/12/2011	Generally accepted standards	1
Daybreak	ITV1	16/11/2011	Due accuracy	1
Daybreak	ITV1	25/11/2011	Product placement	1
Daybreak	ITV1	12/12/2011	Outside of remit / other	1
Deal or No Deal	Channel 4	22/11/2011	Materially misleading	1
Deal or No Deal	Channel 4	08/12/2011	Generally accepted standards	1
Desperate Scousewives	E4	28/11/2011	Generally accepted standards	2
Desperate Scousewives	E4	28/11/2011	Harm	2
Digital Switchover Promotion	Various	n/a	Outside of remit / other	1
Dog Squad	Pick TV	01/12/2011	Materially misleading	1
Don't Tell the Bride	BBC 3	08/12/2011	Harm	2
Don't Tell the Bride	BBC 3	13/12/2011	Race discrimination/offence	1
Double Standards	Press TV	12/12/2011	Generally accepted standards	1
E! News	E! Entertainment	09/11/2011	Sexual orientation discrimination/offence	1
EastEnders	BBC 1	24/11/2011	Drugs, smoking, solvents or alcohol	1
EastEnders	BBC 1	24/11/2011	Generally accepted standards	1
EastEnders	BBC 1	28/11/2011	Drugs, smoking, solvents or alcohol	1
EastEnders	BBC 1	29/11/2011	Generally accepted standards	1
EastEnders	BBC 1	06/12/2011	Generally accepted standards	1
EastEnders	BBC 1	13/12/2011	Generally accepted standards	4
Educating Essex	Channel 4	03/11/2011	Under 18s in programmes	1
Eggheads	BBC 2	29/11/2011	Religious/Beliefs discrimination/offence	1
Elite Days	Red Hot Mums	22/11/2011	Participation TV - Offence	1
Elvenquest	BBC Radio 4	08/12/2011	Scheduling	1
Emmerdale	ITV1	30/11/2011	Race discrimination/offence	1
Emmerdale	ITV1	01/12/2011	Scheduling	18
Emmerdale	ITV1	02/12/2011	Generally accepted standards	1
Emmerdale	ITV1	06/12/2011	Race discrimination/offence	1
Emmerdale	ITV1	08/12/2011	Generally accepted standards	1
ExGirlfriends	ExGirlfriends	28/10/2011	Participation TV - Offence	1
FA Cup 2nd Round	ITV1	04/12/2011	Offensive language	1

Filthy Rotten Scoundrels	BBC 1	11/11/2011	Fairness	1
Format	Radio Faza	n/a	Format	1
Format	Absolute Classic Rock	n/a	Format	1
Four Weddings	Pick TV	11/12/2011	Sexual material	1
Frank Skinner on George Formby	BBC 2	20/11/2011	Offensive language	1
Frank Skinner's Opinionated	BBC 2	08/12/2011	Generally accepted standards	2
Freshly Squeezed	Channel 4	10/11/2011	Sexual material	1
Frozen Planet	BBC 1	30/11/2011	Generally accepted standards	1
Game of Thrones	Sky Atlantic	n/a	Generally accepted standards	1
Geoff Lloyd's Hometime Show (trailer)	Absolute Classic Rock	30/11/2011	Race discrimination/offence	1
Good Morning Ulster	BBC Radio Ulster	02/12/2011	Generally accepted standards	1
Gordon's Christmas Cookalong Live	Channel 4	25/12/2011	Violence and dangerous behaviour	1
Gordon's Christmas Cookalong Live (trailer)	Channel 4	26/11/2011	Generally accepted standards	1
Granada Reports	ITV1	05/12/2011	Generally accepted standards	3
Grand Designs	Channel 4	08/12/2011	Offensive language	1
Grease	Channel 4	20/11/2011	Scheduling	1
Great TV Mistakes	BBC 3	04/12/2011	Offensive language	1
Hajj FM	Hajj FM	03/11/2011	Religious programmes	1
Harry Hill's TV Burp	ITV1	26/11/2011	Religious/Beliefs discrimination/offence	1
Harry Hill's TV Burp	ITV1	03/12/2011	Generally accepted standards	1
Harry Hill's TV Burp	ITV1	03/12/2011	Violence and dangerous behaviour	1
Harvey's Furniture Store's sponsorship of Coronation Street	ITV1	16/12/2011	Gender discrimination/offence	1
Have I Got a Bit More News for You	BBC 1	27/11/2011	Offensive language	1
Have I Got News for You	BBC 1	02/12/2011	Religious/Beliefs discrimination/offence	1
Have I Got News for You	BBC 1	09/12/2011	Generally accepted standards	1
Digital Onscreen Graphics	Channel 4	04/12/2011	Outside of remit / other	1
Heston's Christmas Feast	Channel 4	04/12/2011	Animal welfare	1
Heston's Christmas Feast	Channel 4	12/12/2011	Animal welfare	1
Highland Emergency	Channel 5	15/12/2011	Materially misleading	1
Him and Her	BBC 3	15/11/2011	Disability discrimination/offence	1
Him and Her	BBC 3	20/11/2011	Race discrimination/offence	1
Hitler Didi	Zee TV	07/11/2011	Generally accepted standards	1
Hits at Christmas: 50 Best Sellers of the 90s	Magic	07/12/2011	Generally accepted standards	1

Hollyoaks	E4	29/11/2011	Offensive language	1
Hollyoaks	Channel 4	13/12/2011	Offensive language	1
Home for the Holidays (trailer)	E4	12/12/2011	Sexual material	1
Home for the Holidays (trailer)	Channel 4	14/12/2011	Generally accepted standards	1
Hot Fuzz	ITV2	12/12/2011	Generally accepted standards	1
House	Sky1	06/11/2011	Flashing images/risk to viewers who have PSE	1
How I Met Your Mother	E4	06/12/2011	Scheduling	1
How to Take Stunning Pictures	Channel 5	06/12/2011	Advertising/editorial distinction	1
Iceland's sponsorship of I'm a Celebrity Get Me Out of Here	ITV1	13/11/2011	Sponsorship credits	1
I'm a Celebrity, Get Me Out of Here Now!	ITV2	29/11/2011	Gender discrimination/offence	1
I'm a Celebrity, Get Me Out of Here Now!	ITV2	30/11/2011	Generally accepted standards	1
I'm a Celebrity, Get Me Out of Here!	ITV1	25/11/2011	Race discrimination/offence	2
I'm a Celebrity, Get Me Out of Here!	ITV1	25/11/2011	Generally accepted standards	7
I'm a Celebrity, Get Me Out of Here!	ITV1	25/11/2011	Sexual material	14
I'm a Celebrity, Get Me Out of Here!	ITV1	27/11/2011	Sexual material	1
I'm a Celebrity, Get Me Out of Here!	ITV1	29/11/2011	Animal welfare	2
I'm a Celebrity, Get Me Out of Here!	ITV1	30/11/2011	Commercial references	1
I'm a Celebrity, Get Me Out of Here!	ITV1	01/12/2011	Advertising scheduling	1
I'm a Celebrity, Get Me Out of Here!	ITV1	02/12/2011	Violence and dangerous behaviour	1
I'm a Celebrity, Get Me Out of Here!	ITV1	03/12/2011	Animal welfare	2
I'm a Celebrity, Get Me Out of Here!	ITV1	03/12/2011	Voting	1
I'm A Celebrity, Get Me Out of Here!	ITV1	n/a	Animal welfare	1
In The Cut	Really	05/12/2011	Generally accepted standards	1
iPlayer promotion	BBC 1		Generally accepted standards	1
It's All About Amy	Channel 5	01/12/2011	Harm	2
It's All About Amy	Channel 5	08/12/2011	Harm	1
It's All About Amy	Channel 5	08/12/2011	Undue prominence	1
ITV Morning News	ITV1	02/12/2011	Due accuracy	1
ITV News	ITV1	09/04/2009	Fairness & Privacy	1
ITV News and Weather	ITV1	18/11/2011	Due accuracy	1
ITV News and Weather	ITV1	09/12/2011	Due accuracy	1
ITV Red Button Service	ITV1	20/11/2011	Premium rate services	1
ITV2 promotion	ITV1	26/11/2011	Scheduling	1
Jamie's Great Britain	Channel 4	29/11/2011	Offensive language	1

Jeff Randall Live	Sky News	28/11/2011	Due accuracy	1
Jeremy Vine Show	BBC Radio 2	05/12/2011	Generally accepted standards	1
Jeremy Vine Show	BBC Radio 2	05/12/2011	Outside of remit / other	1
Jeremy Vine Show	BBC Radio 2	06/12/2011	Generally accepted standards	1
Joop's sponsorship of NCIS	FX	12/12/2011	Sexual material	1
Ken Livingstone and David Mellor	LBC	19/11/2011	Disability discrimination/offence	1
Ken Livingstone and David Mellor	LBC	n/a	Due impartiality/bias	1
Live at the Apollo	BBC 1	02/12/2011	Generally accepted standards	1
Live at the Apollo	BBC 1	09/12/2011	Race discrimination/offence	1
Live European Tour Golf	Sky Sports 2	20/11/2011	Sponsorship	1
Live FA Cup Football: Newport vs Shrewsbury Town	ESPN	12/11/2011	Offensive language	2
Live Football: Chelsea v Manchester City	Sky Sports 1	12/12/2011	Due impartiality/bias	1
Live Olympia Horse Show	Eurosport	14/12/2011	Outside of remit / other	1
Look North	BBC 1	01/12/2011	Generally accepted standards	1
Loose Women	ITV1	09/12/2011	Generally accepted standards	1
Marks and Spencer Ad	ITV1	n/a	Outside of remit / other	1
Masterchef Australia	Watch	n/a	Offensive language	1
Masterchef: The Professionals	BBC 2	22/11/2011	Animal welfare	1
Matchday Live with Adrian Durham	Talksport	10/12/2011	Generally accepted standards	1
Medical Rookies	Really	03/12/2011	Offensive language	1
Meridian Tonight	ITV1	08/12/2011	Generally accepted standards	1
Mike and Chelsea in the Morning	Key 103	06/12/2011	Religious/Beliefs discrimination/offence	1
Mike Green	Skyline Community Radio	10/11/2011	Generally accepted standards	1
Miss Arab London	Al Alamia	29/10/2011	Competitions	1
Mongrels	BBC 3	09/12/2011	Generally accepted standards	1
Mongrels (trailer)	BBC 3	24/11/2011	Sexual orientation discrimination/offence	1
Mongrels (trailer)	BBC 3	28/11/2011	Sexual orientation discrimination/offence	1
Morning Briefing	BBC Radio Scotland	02/12/2011	Generally accepted standards	1
Murnaghan	Sky News	11/12/2011	Offensive language	1
Music video	4Music	01/12/2011	Scheduling	1
My Child's Not Perfect	ITV1	06/12/2011	Disability discrimination/offence	7
My Child's Not Perfect	ITV1	06/12/2011	Generally accepted standards	33
My Child's Not Perfect (trailer)	ITV1	29/11/2011	Disability	1

			discrimination/offence	
My Child's Not Perfect (trailer)	ITV1	29/11/2011	Materially misleading	1
NED Bank Golf	Sky Sports 3	03/12/2011	Generally accepted standards	1
Neighbours	Channel 5	02/12/2011	Generally accepted standards	1
News	Press TV	29/11/2011	Generally accepted standards	1
News	Various	n/a	Due impartiality/bias	1
Newsnight	BBC 2	06/12/2011	Outside of remit / other	1
Night Cops	Pick TV	28/11/2011	Outside of remit / other	1
North West Tonight	BBC 1	01/12/2011	Outside of remit / other	1
OK! TV	Channel 5	09/12/2011	Outside of remit / other	1
Oops TV	Sky1	01/12/2011	Animal welfare	1
Panjab Radio	Panjab Radio		Appeals for funds	1
Panorama	BBC 1	28/11/2011	Outside of remit / other	1
Phones 4 U's sponsorship of Harry Hill's TV Burp	ITV1	08/10/2011	Scheduling	1
Phones 4 U's sponsorship of Harry Hill's TV Burp	ITV2	10/12/2011	Scheduling	1
Phones 4 U's sponsorship of Harry Hill's TV Burp	ITV1	n/a	Scheduling	1
Phoneshop (trailer)	E4	08/12/2011	Sexual material	1
Plenty's sponsorship of The Cube	ITV1	27/11/2011	Sponsorship credits	1
Press Preview	Sky News	29/11/2011	Offensive language	1
Press Preview	Sky News	30/11/2011	Due impartiality/bias	1
Programmes	Television X / TVX Amateur	28/10/2011	Participation TV - Offence	1
Premier League Football	Sky Sports 1	18/12/2011	Gender discrimination/offence	1
Real Radio Scotland	Real Radio Scotland	28/11/2011	Generally accepted standards	1
Red Light	Red Light	n/a	Outside of remit / other	1
Red Light Central	Red Light 4	25/11/2011	Participation TV - Offence	1
Red Light Lounge	Red Light 3	17/11/2011	Participation TV - Offence	1
Red Light Lounge	Red Light 2	22/11/2011	Participation TV - Offence	1
Red Light Lounge	Red Light 2	22/11/2011	Participation TV - Offence	1
Red Light Lounge	Red Light 1	22/11/2011	Participation TV - Offence	1
Redhotfetish	Redhotfetish	28/10/2011	Participation TV - Offence	1
Reporting Scotland	BBC 1	07/12/2011	Generally accepted standards	1
Rude Tube	E4	29/11/2011	Race discrimination/offence	1
Sannig & Konsekvenser	TV3	09/11/2011	Materially misleading	1
Saturday Kitchen	BBC 1	26/11/2011	Outside of remit / other	1
Scott Mills	BBC Radio 1	04/10/2011	Fairness & Privacy	1

Secret Millionaire Australia	Channel 4	29/11/2011	Offensive language	1
Secret Millionaire Australia	Channel 4	02/12/2011	Offensive language	1
Sex: How To Do Everything	5*	24/11/2011	Sexual material	1
Shipwrecked: The Island	Channel 4	27/11/2011	Sexual orientation discrimination/offence	1
Shipwrecked: The Island	Channel 4	04/12/2011	Sexual material	1
Sky News	Sky News	01/12/2011	Due accuracy	1
Sky News	Sky News	05/12/2011	Generally accepted standards	1
Sky News at Ten	Sky News	11/12/2011	Due accuracy	1
Sky News with Andrew Wilson	Sky News	11/12/2011	Due impartiality/bias	1
Sky News with Colin Brazier	Sky News	02/12/2011	Generally accepted standards	1
Sky News with Kay Burley	Sky News	02/12/2011	Due accuracy	1
Sorority Girls	E4	28/11/2011	Gender discrimination/offence	1
Sorority Girls	E4	04/12/2011	Generally accepted standards	1
Sports Breakfast	Talksport	10/12/2011	Due impartiality/bias	1
St. Trinian's	Channel 4	27/11/2011	Scheduling	1
Stand Up for the Week	Channel 4	09/12/2011	Race discrimination/offence	1
Strictly Come Dancing	BBC 1	29/10/2011	Generally accepted standards	2
Strictly Come Dancing	BBC 1	27/11/2011	Offensive language	1
Strictly Come Dancing	BBC 1	03/12/2011	Generally accepted standards	1
Strictly Come Dancing	BBC 1	04/12/2011	Voting	1
Strictly Come Dancing	BBC 1	10/12/2011	Nudity	1
Strictly Come Dancing	BBC 1	10/12/2011	Voting	1
Strictly Come Dancing	BBC 1	17/12/2011	Generally accepted standards	2
Strictly Come Dancing	BBC 1	n/a	Materially misleading	1
Strictly Come Dancing	BBC 1	04/12/2011	Generally accepted standards	1
STV News at Six	STV	06/12/2011	Due accuracy	1
Sunrise	Sky News	29/11/2011	Disability discrimination/offence	1
Super Casino	Channel 5	27/11/2011	Participation TV - Misleadingness	1
Super Tiny Animals	ITV1	30/11/2011	Generally accepted standards	20
Super Tiny Animals (trailer)	ITV1	24/11/2011	Generally accepted standards	1
T4	Channel 4	27/11/2011	Generally accepted standards	1
T4 Movie Special	Channel 4	26/11/2011	Sexual material	1
Teenage Vampires	Channel 4	13/11/2011	Generally accepted standards	1
Ten News	Ten News (Australia)	n/a	Outside of remit / other	1
Terra Nova	Sky1	28/11/2011	Offensive language	1

Tetley's sponsorship of Batman	ITV4	02/12/2011	Sponsorship credits	1
That's Britain!	BBC 1	07/12/2011	Outside of remit / other	1
The Adventurer's Guide to Britain	ITV1	22/11/2011	Competitions	1
The Adventurer's Guide to Britain	ITV1	13/12/2011	Competitions	1
The Big Bread Experiment	BBC 2	05/12/2011	Offensive language	3
The British Woman on Death Row	Channel 4	28/11/2011	Generally accepted standards	7
The Choir	BBC 2	28/11/2011	Nudity	2
The Chris Moyles Show	BBC Radio 1	09/11/2011	Drugs, smoking, solvents or alcohol	1
The Cube	ITV1	04/12/2011	Materially misleading	1
The Fifth Element	Channel 5	04/12/2011	Scheduling	2
The Food Hospital	Channel 4	29/11/2011	Due impartiality/bias	1
The Food Hospital	Channel 4	29/11/2011	Materially misleading	1
The Food Hospital	Channel 4	13/12/2011	Materially misleading	2
The Football League Show	BBC 1	10/12/2011	Race discrimination/offence	4
The Gadget Show	DM Digital	24/11/2011	Advertising/editorial distinction	1
The Graham Norton Show	BBC 1	02/12/2011	Outside of remit / other	1
The Great British Property Scandal	Channel 4	06/12/2011	Due impartiality/bias	1
The Great British Property Scandal	Channel 4	06/12/2011	Materially misleading	1
The Hits Radio	The Hits Radio	18/12/2011	Outside of remit / other	4
The Jeremy Kyle Show	ITV1	28/11/2011	Advertising scheduling	1
The Jeremy Kyle Show	ITV1	12/12/2011	Generally accepted standards	2
The Million Pound Drop Live	Channel 4	07/12/2011	Animal welfare	2
The Million Pound Drop Live	Channel 4	08/12/2011	Age discrimination/offence	1
The Mummy Returns	ITV1	10/12/2011	Scheduling	1
The Now Show	BBC Radio 4	09/12/2011	Scheduling	1
The One Show	BBC 1	04/11/2011	Harm	1
The One Show	BBC 1	25/11/2011	Sexual material	1
The One Show	BBC 1	29/11/2011	Outside of remit / other	1
The One Show	BBC 1	09/12/2011	Religious/Beliefs discrimination/offence	2
The One Show	BBC 1	09/12/2011	Harm	1
The Only Way Is Essex (trailer)	ITV2	03/12/2011	Generally accepted standards	2
The Party's Over: How the West Went Bust	BBC 2	04/12/2011	Outside of remit / other	1
The Queen's Hidden Cousins	Channel 4	17/11/2011	Generally accepted standards	1
The Royal Variety Performance 2011	ITV1	14/12/2011	Generally accepted standards	1
The Simpsons	Sky1	04/12/2011	Scheduling	1
The Stake	Channel 4	n/a	Competitions	1

The Witch Doctor Will See You Now (Trailer)	National Geographic	24/11/2011	Generally accepted standards	1
The Wright Stuff	Channel 5	24/11/2011	Race discrimination/offence	1
The Wright Stuff	Channel 5	05/12/2011	Generally accepted standards	1
The Wright Stuff	Channel 5	07/12/2011	Race discrimination/offence	1
The X Factor	ITV1	23/10/2011	Generally accepted standards	1
The X Factor	ITV1	12/11/2011	Voting	50
The X Factor	ITV1	26/11/2011	Advertising/editorial distinction	1
The X Factor	ITV1	26/11/2011	Generally accepted standards	1
The X Factor	ITV1	27/11/2011	Disability discrimination/offence	1
The X Factor	ITV1	03/12/2011	Competitions	14
The X Factor	ITV1	03/12/2011	Materially misleading	1
The X Factor	ITV1	03/12/2011	Generally accepted standards	4
The X Factor	ITV1	03/12/2011	Offensive language	1
The X Factor	ITV1	03/12/2011	Voting	2
The X Factor	ITV1	04/12/2011	Voting	1
The X Factor	ITV1	10/12/2011	Drugs, smoking, solvents or alcohol	9
The X Factor	ITV1	10/12/2011	Offensive language	4
The X Factor	ITV1	10/12/2011	Voting	8
The X Factor	ITV1	11/12/2011	Voting	1
The X Factor	ITV1	n/a	Advertising/editorial distinction	1
The X Factor Results Show	ITV2	21/11/2011	Offensive language	1
The X Factor Results Show	ITV1	27/11/2011	Advertising/editorial distinction	1
The X Factor Results Show	ITV1	27/11/2011	Disability discrimination/offence	1
The X Factor Results Show	ITV1	27/11/2011	Nudity	1
The X Factor Results Show	ITV1	27/11/2011	Voting	1
The X Factor Results Show	ITV1	04/12/2011	Scheduling	30
The X Factor Results Show	ITV1	11/12/2011	Advertising/editorial distinction	1
The X Factor Results Show	ITV1	11/12/2011	Offensive language	16
The X Factor Results Show	ITV1	11/12/2011	Voting	10
The X Factor USA	ITV2	01/12/2011	Race discrimination/offence	1
The Xtra Factor	ITV2	04/12/2011	Under 18s in programmes	1
This is England '88	Channel 4	13/12/2011	Under 18s in programmes	1
This Morning	ITV1	25/11/2011	Sexual material	1
This Morning	ITV1	28/11/2011	Due impartiality/bias	2
This Morning	ITV1	15/12/2011	Competitions	1
This Morning	ITV1	15/12/2011	Materially misleading	1

This Morning	ITV1	16/12/2011	Religious/Beliefs discrimination/offence	1
Today	BBC Radio 4	25/11/2011	Outside of remit / other	1
Tony Robinson's Gods and Monsters	Channel 4	26/11/2011	Exorcism, the occult and the paranormal	1
Tony Robinson's Gods and Monsters	Channel 4	26/11/2011	Scheduling	1
Tool Academy	E4	06/12/2011	Generally accepted standards	1
Top Gear	Dave	04/12/2011	Offensive language	1
Turner and Hooch	Channel 4	04/12/2011	Offensive language	1
TV Licensing promotion	BBC 1	13/12/2011	Harm	1
Vakna med the Voice/Mix	Kanal 5	21/10/2011	Under 18s in programmes	1
Various	Various	n/a	Animal welfare	1
Various	Press TV	n/a	Due impartiality/bias	1
Various	Various	n/a	Religious/Beliefs discrimination/offence	1
Waqia Karbaka by Molana Jafrey	Fever FM	06/12/2011	Religious/Beliefs discrimination/offence	1
Warren Knight	Radio Verulam	27/07/2011	Outside of remit / other	1
Weekend Breakfast Show	BBC Radio Five Live	20/11/2011	Outside of remit / other	1
Why Is Sex Fun? (trailer)	Discovery	05/12/2011	Scheduling	1
Why Is Sex Fun? (trailer)	Discovery	09/12/2011	Scheduling	1
Why Is Sex Fun? (trailer)	DMAX	11/12/2011	Scheduling	1
Wonga.com's sponsorship of Channel 5 drama	Channel 5	28/11/2011	Generally accepted standards	1
Wonga.com's sponsorship of Channel 5 drama	Five USA	29/11/2011	Age discrimination/offence	1
Wonga.com's sponsorship of Channel 5 drama	Five USA	30/11/2011	Generally accepted standards	1
Wonga.com's sponsorship of Channel 5 drama	5*	01/12/2011	Generally accepted standards	1
Wonga.com's sponsorship of Channel 5 drama	5*	11/12/2011	Generally accepted standards	1
Wonga.com's sponsorship of Channel 5 drama	Channel 5	n/a	Age discrimination/offence	1
Wonga.com's sponsorship of Channel 5 drama	Channel 5	n/a	Generally accepted standards	1
World at One	BBC Radio 4	01/12/2011	Generally accepted standards	1
World at One	BBC Radio 4	01/12/2011	Generally accepted standards	1
The X Factor	ITV1	n/a	Generally accepted standards	1
Young Apprentice	BBC 1	12/12/2011	Race discrimination/offence	1
You've Been Framed!	ITV1	26/11/2011	Generally accepted standards	1
Zaika He Zaika	DM Digital	12/11/2011	Product placement	1
Zane Lowe	BBC Radio 1	23/11/2011	Offensive language	1

Investigations List

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

Here is an alphabetical list of new investigations launched between 15 December 2011 and 4 January 2012.

Programme	Broadcaster	Transmission Date
Advertising minutage	Cartoon Network	12 November 2011
Advertising scheduling	ESPN	Various
Advertising scheduling	The Africa Channel	Various
Anglia Tonight	ITV1 (Anglia)	30 November 2011 and 1 December 2011
Charley Boorman's Extreme Frontiers	Channel 5	12 December 2011
Party 2Nite Top 50	Kiss TV	2 December 2011
Real Crime	ITV1	21 November 2011
Sponsorship credits for Zaika He Zaika	DM Digital	12 November 2011
To The Stage: Eminem	Flava	7 December 2011

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

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

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

For fairness and privacy complaints go to:

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