

# **Ofcom broadcast bulletin**

**Issue number 82  
10 April 2007**

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## Introduction

Ofcom's Broadcasting Code took effect on 25 July 2005 (with the exception of Rule 10.17 which came into effect on 1 July 2005). This Code is used to assess the compliance of all programmes broadcast on or after 25 July 2005. The Broadcasting Code can be found at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>

The Rules on the Amount and Distribution of Advertising (RADA) apply to advertising issues within Ofcom's remit from 25 July 2005. The Rules can be found at <http://www.ofcom.org.uk/tv/ifi/codes/advertising/#content>

The Communications Act 2003 allowed for the codes of the legacy regulators to remain in force until such time as Ofcom developed its own Code. While Ofcom has now published its Broadcasting Code, the following legacy Codes apply to content broadcast before 25 July 2005.

- Advertising and Sponsorship Code (Radio Authority)
- News & Current Affairs Code and Programme Code (Radio Authority)
- Code on Standards (Broadcasting Standards Commission)
- Code on Fairness and Privacy (Broadcasting Standards Commission)
- Programme Code (Independent Television Commission)
- Programme Sponsorship Code (Independent Television Commission)
- Rules on the Amount and Distribution of Advertising

From time to time adjudications relating to advertising content may appear in the bulletin in relation to areas of advertising regulation which remain with Ofcom (including the application of statutory sanctions by Ofcom).

## Standards cases

### Sanctions

#### Notice of Revocation

In the case of Gamecast UK Ltd (TLCS918)

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##### Summary

Ofcom has decided in accordance with section 238 of the Communications Act 2003 that the Licence held by Gamecast UK Ltd (“the Licensee”) to provide the service known as You TV 2 (TLCS 746) (“the channel”) should be revoked for the following reason:

Gamecast UK Ltd has failed to pay the financial penalty imposed on it by Ofcom for the sum of £100,000 (payable to HM Paymaster General) or any part of such sum within the time specified by Ofcom for such payment. This penalty was imposed in respect of serious breaches by the Licensee of the terms of its Ofcom Licence and of the Broadcasting Code (“the Code”).

The final deadline for payment of the financial penalty was 14 February 2007. No payment was received. The Licensee was notified on 23 February 2007 that Ofcom was minded to revoke the Licence for this reason. The Licensee was given a reasonable opportunity to make representations to Ofcom, and to remedy the failure to pay the fine, until 2 March 2007. The Licensee did not pay the fine and did not make any representations. Accordingly, the Licence was revoked by Ofcom on 12 March 2007.

##### Background

- 1) At the time of the fine, You TV 2 was a free-to-air TV channel operating in the entertainment section of the Electronic Programme Guide.<sup>1</sup>
- 2) Gamecast UK Ltd was found to have committed the following serious breaches of the Broadcasting Code and the terms of the You TV 2 Licence:
  - the broadcast of sexually explicit material equivalent to BBFC-rated R18 before the watershed on an unlicensed, unencrypted service (You TV 3) that was situated in the entertainment section of the EPG;
  - the failure to inform viewers that an on-air quiz, broadcast on 28 July 2005 on You TV 2 was pre-recorded; and
  - the failure to supply Ofcom with adequate recordings of You TV 2’s output for 1 September 2005.

The full adjudication can be found at:

[http://www.ofcom.org.uk/tv/obb/ocsc\\_adjud/gamecast.pdf](http://www.ofcom.org.uk/tv/obb/ocsc_adjud/gamecast.pdf)

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<sup>1</sup> You TV 2 subsequently changed its content and moved into the adult section of the Electronic Programme Guide, promoting adult chat lines and content. Please see further Findings.

- 3) On 18 December 2006, Gamecast attended an oral hearing before the Content Sanctions Committee for consideration of a sanction in respect of these breaches as a result of which, on 17 January 2007, Ofcom imposed a financial penalty on Gamecast of £100,000.
- 4) The Licensee failed to pay the penalty, or any part of it, within the timeframe specified by Ofcom. On 23 February 2007 Ofcom wrote to the Licensee advising that the failure to pay the penalty by the date specified by Ofcom was a breach of Condition 28(3) of the Licence. In accordance with Condition 29(1) of the Licence Ofcom notified the Licensee that it was minded to revoke the Licence in respect of the service 'You TV2' (TLCS 918) on the ground that the Licensee failed to pay the fine as required under the Licence. Ofcom gave the Licensee a reasonable opportunity to remedy the breach by paying the financial penalty in full, and gave the Licensee an opportunity to make representations on the grounds for revocation until 2 March 2007. The Licensee neither paid the financial penalty nor did it make any representations on the grounds for revocation.
- 5) On 1 March 2007, the Licensee advised Ofcom that it had switched off the channel and appointed a firm of business recovery professionals with a view to placing the company into Creditors Voluntary Liquidation.

#### **Decision**

- 6) On 12 March 2007 Ofcom revoked Television Licensable Content Service Licence TLCS918 with immediate effect on the grounds detailed in the letter of 23 February 2007.

## **Finding and consideration of sanction against You TV 2 for material transmitted between September – December 2006**

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On 19 June 2006 and 8 September 2006 Ofcom wrote to You TV 2, and all other broadcasters who provide free-to-air 'Babe' – type programmes based upon premium rate telephony services, due to serious concerns about their compliance with the Broadcasting Code ("the Code"). In particular, Ofcom was concerned about the degree of sexual content on these channels (both pre and post the 2100 watershed) and the separation of advertising from programme content. Ofcom's second letter made very clear that if, following the letter, a broadcaster was found to breach the Code on the grounds detailed, its actions may be considered to be a repeated, deliberate or serious breach of the Code and that in such a case statutory sanctions would be considered. Broadcasters were reminded that Ofcom has the ability to fine or revoke Licences where appropriate.

Prior to the revocation of Gamecast's Licence for You TV2, Ofcom had separately recorded a number of additional Broadcasting Code and Licence breaches in respect of the You TV 2 service and was in the process of considering a further statutory sanction against Gamecast UK Ltd in respect of those breaches, which are detailed below:

### **19 September 2006, 14:00-17:00**

#### **Issue**

Ofcom received a complaint about material broadcast on You TV 2 pre-watershed on 19 September 2006. The complainant objected that that the presenter behaved, and was dressed, in an overtly sexual manner.

#### **Response**

The Licensee stated that it had strict rules during day time programming, which included making sure that presenters did not behave in a provocative manner and were dressed appropriately for the time of day. The Licensee acknowledged that on the day in question it was clear that the presenter on screen was wearing clothes that were overly provocative and some of her positions were questionable. The Licensee assured Ofcom that it took compliance with the Code very seriously and that on this occasion, as soon as it received Ofcom's letter, it removed its day time programming until it could guarantee compliance. The Licensee also stated that both the producer and the presenter of the show had been removed from day time programming.

#### **Decision**

Ofcom noted that the presenter's clothing (underwear and a low cut top) and posing was overtly sexually provocative (as the Licensee accepted) and considered the content totally inappropriate pre-watershed. Ofcom concluded that the material broadcast was in breach of the Code because:

- the sexual behaviour was not appropriately limited for a programme broadcast before the watershed (in breach of Rule 1.17); and
- the overt sexual content was offensive in terms of generally accepted standards for daytime broadcast (in breach of Rule 2.3);

## **8 December 2006, 21:00 and 10/11 December 2006, 23:00**

### **Issue**

Ofcom noted that shortly after the watershed on 8 December 2006 a semi-naked programme presenter acted in an extremely sexual manner (thrusting her bottom and crotch in front of the camera and touching herself intimately). Just before 22:00 the presenter was topless and sucking a dildo and around 22:00 she removed her knickers and appeared to masturbate.

On 10/11 December 2006 between 23:00-01:00, Ofcom noted that a presenter was naked and clearly appeared to be inserting a dildo into both her vagina and anus.

Ofcom sought the Licensee's comments on the broadcasts in respect of Sections One (Protecting the Under-Eighteens) and Two (Harm and Offence) of the Broadcasting Code.

### **Response**

In relation to the broadcast on 8 December 2006, the Licensee stated that it believed the material was compliant because:

- it was situated within the adult section of the EPG;
- it was broadcast after the watershed;
- it was preceded by presenter led adult chat programming;
- it was similar to output on various other adult chat channels in the adult chat sector;
- the telephone calls the presenters received could not be heard during the programme; and
- no complaints have been made about the content by members of the public.

In relation to the broadcast on 10/11 December 2006, the Licensee re-iterated the arguments stated above and contended that Rule 1.24 of the Code (adult sex material) applied only to programming broadcast on premium subscription services and pay per view/night services and was therefore not relevant in this case.

### **Decision**

In relation to the material broadcast from 21:00 on 8 December 2006, Ofcom considered the presenter's behaviour and attire could only be described as overtly sexual and the editorial basis for the programming appeared solely to be the sexual gratification of viewers.

In response to the Licensee's view that the material was justified by the context, Ofcom noted that while the channel was situated in the adult section of Sky's Electronic Programme Guide (EPG), it was available for all Sky customers to view freely. Although the positioning of a channel on the EPG provides viewers with an indication of the type of material broadcast, it was Ofcom's view that the material broadcast on 8 December 2006 went beyond what is generally expected on free-to-air channels.

In relation to the use of the watershed, Ofcom drew the Licensee's attention to Ofcom's published Code Guidance that states "*although the watershed is a useful tool for regulating viewing amongst older children, it is one of many factors taken into account when regulating their viewing.*" The Licensee was made aware that rules 1.2 and 1.3 of the Code (relating to the protection of under 18s) may continue to apply to programmes broadcast after 21:00.

Regarding the Licensee's argument that the material it broadcast on the channel was similar to that shown on other channels, the Licensee was reminded that Ofcom's letters of June and September 2006 to all broadcasters in the sector made it extremely clear that Ofcom had serious concerns about this type of programming and its compliance with the Code. It was not acceptable to base compliance decisions on standards applied by other broadcasters, particularly after Ofcom had made clear that the standards within the sector gave cause for concern.

In relation to the material broadcast on 10 -11 December 2006 between 23:00-01:00, Ofcom drew the Licensee's attention to the guidance published to accompany Rule 1.24. This explains that material whose primary purpose is sexual arousal or stimulation should be broadcast on premium subscription services and pay per view/night services that have specific protection measures in place. It was Ofcom's view that the primary purpose of the material transmitted on 10-11 December 2006 was sexual arousal and therefore the content was suitable only for broadcast on a premium subscription/pay per view service with appropriate protection mechanisms in place such as PIN protection.

Ofcom concluded that the following breaches of the Code had occurred:

**8 December 2006**

- 1.2 (reasonable steps to protect the under 18)
- 1.3 (appropriate scheduling to protect children)
- 2.1 (generally accepted standards)
- 2.3 (offence)

**10/11 December 2006**

- 1.24 (adult sex material)
- 2.1 (generally accepted standards)
- 2.3 (offence)

The material transmitted on You TV2 (and specifically on 10-11 December 2006) was totally unacceptable for broadcast on an unencrypted channel. The licensee had been clearly warned previously by Ofcom about what was acceptable in this programme genre. Ofcom considered the Licensee's actions to be a flagrant disregard for Ofcom's warnings. Those broadcasters which operate in this 'adult' market should be aware of the importance Ofcom attaches to compliance with the Codes with respect to protection of children, harm and offence and encryption. They should be aware that Ofcom will not tolerate deliberate and/or repeated breaches of the Codes, especially where those involved have been the subject to directions and/or warnings

**Ofcom TLCS Licence Condition 11 - Supply of recordings**

## Issue

Ofcom investigated material broadcast on the channel on 18 and 19 September 2006. During the investigation, it became clear that recordings provided by the Licensee were not broadcast quality and the recording of 18 September 2006 contained a gap of approximately 40 minutes. In addition, the recordings provided by the Licensee during the investigation of the material transmitted on 8-10 December 2006 were also not of broadcast quality.

Ofcom sought the Licensee's comments on its failure to supply satisfactory recordings of material, as required under Condition 11 of its Licence. The Licensee was reminded that it was at the time under consideration of a statutory sanction for a number of matters, including its failure to supply adequate recordings.

## Response

The Licensee stated that it supplied recordings of the material transmitted on 18 and 19 September 2006 within the deadline specified by Ofcom but that it was not made aware that the quality of these recordings was unacceptable until 15 December 2006, by which time the original recordings were no longer held.

The Licensee provided a copy of an email from EBS, the subcontractor it used for recordings, stating that EBS had previously supplied recordings to Ofcom for other clients and had received no notice of any problems. The Licensee advised that it had instituted an extra layer of compliance by taking its own secondary recordings and it provided additional recordings of the material broadcast on 8-10 December 2006.

## Decision

Ofcom viewed the supplementary recordings of 8-11 December 2006 supplied by the Licensee and noted that these were also not of "broadcast quality". Because of the Licensee's continued failure to supply adequate recordings, the Executive considered the Licensee in breach of Condition 11 of its Ofcom Licence.

## Consideration of a statutory sanction

Ofcom's letter of 8 September 2006 made clear to broadcasters that:

*"... where a breach is upheld following due process we will consider whether in the light of the notice given in my last letter, the actions of the broadcaster in including such content in the service amount to a repeated deliberate or serious breach of the code. We would in such a case consider imposing a statutory sanction..."*

Taking into account that the breaches recorded above occurred following this letter of 8 September 2006, with its very clear warning and the separate Sanctions adjudication, in which similar breaches were recorded, Ofcom considered the Licensee had seriously, repeatedly and recklessly breached both the Code and condition 11 of its Ofcom Licence. Ofcom was therefore minded, subject to any further representations the Licensee wished to make, to recommend that this case be referred for consideration of a statutory sanction to the Content Sanctions Committee.

Because the Licensee company has now been placed in liquidation and the Licence in respect of the service 'You TV 2' has been revoked, Ofcom has discontinued its consideration of a statutory sanction for this service. However, the serious and repeated nature of the Licensee's breaches of the Code and the terms of its Licence appear to Ofcom to indicate an inability by the Licensee (including the persons managing and/or controlling the Licensee) to ensure compliance with the Conditions of the Licence and the relevant Codes and Rules.

Under the Communications Act 2003, Ofcom is entitled to refuse an application for a Television Licenseable Content Service Licence where, amongst other things, Ofcom is satisfied that if the Licence were granted, the provision of the service would be likely to involve contraventions of the Broadcasting Code. Ofcom is required by the Broadcasting Acts (as amended) to do all it can to secure that those applying for broadcasting Licences on the one hand as well as those holding existing Licences on the other, are not granted new Licences and/or do not continue to hold existing Licences if Ofcom is not satisfied that the licensee is a fit and proper person or is otherwise disqualified by the legislation from holding a broadcasting Licence.

Accordingly, in all sanctions cases, Ofcom reserves its rights to consider whether to grant broadcasting Licences in the future to the sanctioned licensee (and those involved in its management or control or otherwise responsible for it) as well as to consider whether such person(s) should continue to hold/be responsible for any other existing broadcasting Licences.

## In Breach

### **Bangla TV**

*Bangla TV, 18 October 2006, 20:00*

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#### **Introduction**

A viewer complained about a fund raising programme that purported to be raising money for a local mosque. The viewer believed that the money raised went to the broadcaster and not to the mosque as claimed.

Ofcom sought a recording of the programme from the broadcaster. The broadcaster provided a copy of the programme and stated that it had not taken any money from the public directly or indirectly as a result of the programme but that it had simply sold airtime to the mosque. In the light of this information, Ofcom sought the broadcaster's comments on the programme under rules 10.1 (maintenance of editorial control) and 10.2 (separation of advertising and programmes) of the Code.

#### **Response**

The broadcaster replied that the money raised was collected by a local Madrasha (an Islamic school) and Masjid (mosque). The broadcaster stated that it had no connection with the Madrasha and Masjid committee other than that it sold the committee airtime for the fundraising programme.

#### **Decision**

One of the fundamental principles of the Code is that the advertising and programme elements of a broadcasting service are clearly separated. It is not acceptable for a broadcaster to sell airtime to an organisation for it to promote its business within a programme. The broadcaster's action in transmitting material in clear breach of the Code demonstrates a serious lack of awareness of the requirements of the Code. In addition to the Code breaches, the broadcaster failed to respond promptly to Ofcom's enquiries – as required to do so under the conditions of its Ofcom licence. This suggests the broadcaster has either a poor understanding or disregard of its compliance responsibilities. Failure by a broadcaster to observe the Code or the terms of its broadcasting licence is a serious matter and Ofcom may consider imposing a statutory sanction against the broadcaster if there are repeated incidents of this nature.

**The programme was in breach of rules 10.1 (maintenance of editorial control) and 10.2 (separation of advertising and programmes).**

## Fairness and Privacy Cases

### Upheld in part

#### **Complaint by North Ayrshire Council on its own behalf and on behalf of Councillor Peter McNamara**

*The Toughest Seaside Resorts in Britain, Sky One, 28 September 2004 and 1 October 2004*

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**Summary:** Ofcom has upheld parts of this complaint of unfair treatment. The programme looked at a number of seaside towns that, it was alleged, had a reputation for toughness. One of the towns featured was Saltcoats on the west coast of Scotland. The programme included interview footage of a number of residents and visitors who spoke of their experiences of living in and visiting Saltcoats. Cllr McNamara was also interviewed and footage of him explaining the significance of the Glasgow Fair was included in the programme.

North Ayrshire Council (“the Council”) complained to Ofcom on its own behalf and on behalf of Cllr McNamara that: the programme treated them and the town of Saltcoats unfairly in that it misled them as to the true nature and purpose of the programme; the programme contained factual inaccuracies; and Cllr McNamara’s interview was unfairly edited.

Ofcom found as follows:

- The programme makers failed to provide the Council and/or Cllr McNamara with adequate information about the programme’s likely nature and content and failed to be straightforward and fair in their dealings with them. This was unfair to both the Council and Cllr McNamara.
- The programme created a negative impression of the town which was not wholly supported by the evidence before Ofcom. Overall, Ofcom concluded that the programme’s depiction of the town was likely to have misled the audience into forming an unduly negative impression of Saltcoats. This was unfair to the town, and therefore to the Council who had brought the complaint.
- The editing of Cllr McNamara’s interview accurately reflected what he had said and his views were not misrepresented in the footage used in the programme. Ofcom found no unfairness to the Council and/or Cllr McNamara in this respect.

#### **Introduction**

On 28 September 2004, repeated on 1 October 2004, BSkyB broadcast on Sky One *The Toughest Seaside Resorts in Britain*, a programme that looked at a number of seaside resorts that allegedly had a reputation for toughness. The programme was part of a series of programmes entitled *The Toughest...* produced for Sky by LWT. One of the resorts featured in this particular programme was Saltcoats on the west coast of Scotland. The item focussed on the Glasgow Fair, when traditionally

Glaswegians would go to Saltcoats for their holidays. The programme included a number of interviews with residents and visitors who spoke of their experiences of living in and visiting Saltcoats.

Among those interviewed and featured in the programme was Mr Davey Blair, a Glaswegian, who had moved from the city to live in a mobile home on a caravan site in Ardossan, near Saltcoats. Mr Blair was shown in the programme wielding a knife and showing off the scars on his forehead from head-butting. He also was shown to say that *"fuck about with a Glaswegian, you're fucking about with the wrong person"*.

The programme also included an interview with Mr Jonny Kyle, a street cleaner, who was introduced in the commentary as having *"been sweeping clean the walkways and sea-front of Saltcoats for 40 years"*. Mr Kyle was shown cleaning the beach (described by the programme as *"the golden sands of Saltcoats"*) and cataloguing what he had found over that time on the beach, such as, *"false teeth, condoms, dead bodies, seals, dogs [and] especially sheep"*. Mr Kyle was also featured saying that he did not know why people came to the Saltcoat shore *"with all the dead bodies that come out all the time"*. A brief shot of a large overflow pipe was shown immediately before this. Another interviewee said that, *"Saltcoats, I mean I stay here and it's pish water, it's fucking rotten man. I wouldn't put my bairns in there"*. Brief shots of the coastline were also shown interspersed with these interviews.

Councillor Peter McNamara, a member of North Ayrshire Council, was interviewed for the programme and footage of him explaining the significance of the Glasgow Fair was included in the programme as broadcast.

North Ayrshire Council ("the Council") complained to Ofcom on its own behalf and on behalf of Cllr McNamara that the programme treated them and the town of Saltcoats unfairly.

## **The Complaint**

### **North Ayrshire Council's case**

In summary, the Council complained that:

- a) Both the Council and Cllr McNamara were deliberately misled by the programme makers as to the subject matter and purpose of the programme to which they were invited to contribute.

Specifically, in July 2004, the Council's Communications Section was approached by the programme makers to provide interviews and assistance relating to a programme about British seaside resorts, including Saltcoats. The Council asked the programme makers for details about the purpose of the programme and programme's associate producer replied in a faxed letter received by the Council on 15 July 2004. In that letter, the associate producer said that: "The programmes seek to celebrate 'the best of British' and we are looking to include resorts that have stood the test of time and offer traditional alternatives to the foreign getaway". The letter went on to say that "our [programme makers'] interest in Saltcoats and the surrounding area centres on the fact that the resort is still a popular holiday destination for nearby Glasgow and...still has much to offer". The letter did not reveal the programme title.

The Council said that it was happy to assist the programme makers in such a programme and it arranged for the local councillor, Cllr McNamara, to be

interviewed. The associate producer contacted Cllr McNamara directly by telephone. He recalled that the associate producer had spoken in a very positive way and had said that the programme would be good for the town and that it would celebrate what was happening in the local community. At no point in the telephone conversations did the associate producer reveal the title of the programme. Although Cllr McNamara was given a release form to sign by the associate producer at the beginning of the interview, the form itself was underneath other papers on the clipboard. When the associate producer turned these papers over the top half of the form was not visible. Apart from this, there was no evidence to support the programme makers' claim that the Council and Cllr McNamara were made aware of the format, subject matter and/or purpose of the programme.

Finally, the questions asked of Cllr McNamara were carefully crafted and open, so as to avoid alerting him to the true purpose of the programme. The earlier questions asked during the interview were designed to reinforce the misleading letter, such as *"What is it that keeps bringing people back here"*, and *"people [are] coming here still celebrating the best of British if you like"*. Near the end of the interview, Cllr McNamara made an innocuous remark about getting older and in response to laughter from the production team asked them what they were laughing about. They gave a vague response about a man they had met who might not have considered himself old and said it was nothing. This was, presumably, an attempt by the programme makers to hide an interview that they had filmed with a particular character in the town and which, if revealed, could have indicated what the real nature of the programme actually was.

- b) The Council said that the programme contained factual inaccuracies. Footage of Mr Kyle, the street cleaner, picking up toilet paper immediately before a shot of a storm overflow pipe implied that there was a sewage problem. Also derogatory comments were made by one interviewee about the quality of the water. No attempt was made by the programme makers to ascertain the correct position, namely: that Saltcoats beach was an award-winning beach which was independently monitored. The Council said that the water quality was good and that no untreated sewage discharged within miles of the beach. However, the only reasonable interpretation of the programme was that the beach and the water were polluted.

The programme also featured Mr Kyle picking up seaweed and rubbish from a shingle beach. The commentary that accompanied these images referred to Saltcoats' *"golden sands"* which implied, inaccurately, that the beach shown was the Yellow Flag beach at Saltcoats. The beaches are some way away from each other. Also, the inclusion of footage of Mr Blair incorrectly implied that he lived in a caravan site in Saltcoats when, in fact, the site he was shown at was in a different town, Ardossan.

- c) The Council claimed that Cllr McNamara's interview was unfairly edited. He was interviewed for over 20 minutes on matters not related to the programme, for example, investment in shore lighting, gardens, new housing, transport and attractions in the area. Only one question related directly to the programme, which was *"What is the Glasgow Fair?"* While Cllr McNamara's response was perfectly appropriate, the question and his answer were out of context with the rest of the interview.

*BSkyB's case*

BSkyB responded that the series of programmes known as *Britain's Toughest...* began on Sky One on 19 January 2004. The programmes received good viewing figures and viewers of Sky One would therefore have been aware that this was a series of light-hearted, tongue-in-cheek programmes which sought to highlight unusual places and, in particular, unusual characters around Britain. In the particular case of this programme, B SkyB said that the programme's introduction clearly indicated to the viewer that it would take a humorous look at the resorts featured and would by no means seek to provide a 'travel show' type review. In summary, the broadcaster responded to the Council's specific heads of complaint as follows:

- a) B SkyB explained that the associate producer no longer worked for the programme makers and that all attempts to contact him had failed. It was therefore not possible to provide any contradictory accounts of the telephone conversations between him and the production team and Cllr McNamara. However, the programme makers denied that either the Council or Cllr McNamara had been lied to about the purpose of the programme. The associate producer was an established programme maker and was well aware of his responsibilities under the code, and the production team made the Council and Cllr McNamara adequately aware of the format, subject matter and purpose of the programme.

In alleging that they were misled as to the subject matter and purpose of the programme, both the Council and Cllr McNamara relied on the associate producer's faxed letter. The purpose of that letter was to notify the Council that the production team would be filming in the area, and to provide a record of that notification. It was not intended to seek the Council's consent to film in Saltcoats and so it did not contain the full details of the programme, such as the title. The letter made no statement as to whether or not the programme would be "good for Saltcoats" and was consistent with its intended purpose. The letter did state that the programme makers would be focusing on the Glasgow Fair and the people they met.

With regard to the title of the programme, the programme makers denied any subterfuge on their part in hiding the programme's title from Cllr McNamara. It appeared that Cllr McNamara wrote his full name, title and address on the top of the release form and signed the bottom. The programme's working title *Britain's Toughest* appeared in the middle of the release form. B SkyB also refuted that the programme makers lied to Cllr McNamara.

With regard to Cllr McNamara's interview, the questions asked of him were not "crafted" and there was no ulterior motive behind the interview other than to gain Cllr McNamara's perspective on the resort as a tourist destination and its relationship with Glasgow and Glaswegians. The programme makers were not hiding the true purpose of the programme from Cllr McNamara. It was unlikely that the production team were referring to an interview with a particular character in the aside referred to in the Council's complaint. Following a discussion about old people retiring to Saltcoats, one of the production team referred to a man that they had met who was not old or retired, but who was "*in his thirties*". In any event, an interview with characters of the town would have been entirely consistent with the associate producer's faxed letter which explained that the programme makers "also hope to meet some of the local characters".

- b) BSkyB said that the programme makers did not accept that the programme contained any factual inaccuracies. There was no suggestion in the programme that there was a sewage problem. It simply depicted a man, Mr Kyle, cleaning a beach. There was no trick editing and there was no mention of a sewage problem. Mr Kyle was also shown recounting the items that he had recovered on the beach and appeared to pick up some plastic rather than toilet paper. Another man expressed his view that the water was “*pish water*”.

BSkyB said that the programme showed a “golden” sand beach on a number of occasions, but it did not suggest that the shingle beach also shown was, in fact, a sandy beach. Viewers would have been able to tell the difference between yellow sand and brown shingle. The broadcaster noted that within the programme feature there were a number of other scenes in which the “*golden sands*” of Saltcoats featured.

BSkyB also said that the caravan park in which Mr Blair lived was in Ardossan. This town, along with Saltcoats and Stevenson are linked by close proximity and are collectively known as “the three towns”. Due to this closeness, Mr Blair considered himself as much a resident of Saltcoats as he did of Ardossan.

- c) BSkyB said that unless Cllr McNamara’s entire interview was included in the programme, any editing would have been selective and that Cllr McNamara was not “*set-up*”. During the interview, Cllr McNamara spoke about tourism and what Saltcoats had to offer and, in particular, focused on the relationship between Saltcoats and its Glaswegian visitors. The edited footage used in the programme accurately reflected the totality of the interview within the short time frame available in a programme of this kind.

BSkyB said that the two extracts used from the interview in the programme came from the first two and a half minutes of the interview. The interview concerned Saltcoats and its relationship with Glasgow, so the question “what is the Glasgow Fair?” was not “*out of context*”.

## **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. Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness, if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

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 recognises that (subject to the provisions of the Ofcom Broadcasting Code) broadcasters can quite properly comment and take particular viewpoints on the subjects of broadcast programmes. However, it is essential not only to the parties directly concerned but also to listeners and viewers, that such comments should be accurate in all material respects so as not to cause unfairness. 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.

This case was originally considered by Ofcom's Executive Fairness Group, who upheld heads (a) and (b) of the complaint.

The broadcaster, BSkyB, requested a review of Ofcom's decision to uphold head (b) of the complaint. This element of the complaint was referred to the Fairness Committee, Ofcom's most senior decision making body, to reconsider.

- a) Ofcom first considered the Council's complaint that both it and Cllr McNamara were deliberately misled by the programme makers as to the subject matter and purpose of the programme to which they were invited to contribute.

It was clear from the written submissions before Ofcom that the Council believed that both it and Cllr McNamara had been deliberately misled about the nature and likely content of the programme. It was equally clear from the written submissions that the programme makers did not believe that they had misled the Council or Cllr McNamara.

In these circumstances Ofcom examined all the relevant material available to it in order to determine whether or not, on the basis of that material, the programme makers had dealt with the Council and Cllr McNamara in a manner which was consistent with their obligation to avoid unfairness to them.

From the outset, broadcasters should ensure that programme makers understand the need to be straightforward and fair in their dealings with potential participants and contributors. Contributors should be given a clear explanation of why they were contacted by the programme makers; told what the programme is about and the nature of the contribution they are required to make; and where possible, they should be informed about the nature of other likely contributions.

Ofcom examined pre-transmission correspondence and contacts between the programme makers and the Council along with other material (including the release form signed by Cllr McNamara and the questions put to him during his interview) which would have been likely to have provided the Council and/or Cllr McNamara with an indication of the likely nature and content of the programme.

Ofcom noted that there were no contemporaneous notes of telephone conversations between the Council and the programme makers, and that BSkyB had not been able to provide testimony from the associate producer with regard to the content of his conversations with the Council and/or Cllr McNamara.

Ofcom considered the associate producer's undated letter that was received by the Council on 15 July 2004. In Ofcom's view, this did not make it sufficiently clear to either the Council or Cllr McNamara what the parameters of the intended programme were and what the programme's focus was to be. Ofcom noted that the letter clearly stated that the programme sought to *"celebrate 'the best of British' and...[was] looking to include resorts that have stood the test of time and offer traditional alternatives for the foreign getaway"*; that the programme makers' interest in Saltcoats was that it was *"still a popular holiday destination for nearby Glasgow and...still had much to offer"*; and, that they *"hoped to meet some of the local characters"*. This was not, in Ofcom's view, a fair and accurate description of what the final programme as broadcast was actually about. Ofcom took the view that this description of the programme's purpose, did not make either the Council or Cllr McNamara adequately aware of the true purpose of the

programme. From the wording of the letter, it was reasonable for both the Council and Cllr McNamara to have believed that the programme was to present a much more positive image of Saltcoats than the one which actually appeared.

Ofcom then considered the release form signed by Cllr McNamara. Ofcom was not in a position to determine whether any part of the release form had been obscured as claimed by Cllr McNamara. Although it noted that Cllr McNamara signed the release form before his interview and that it appeared that he also wrote his name and address on the top of the form, therefore suggesting that the form itself was not obscured in the manner he described in his statement submitted in support of the Council's complaint.

Instead, Ofcom considered the information provided in the release form with a view to determining whether it (either on its own or in conjunction with the other material referred to here) would have been likely to have indicated the actual nature and purpose of the programme. The only information included in the form which related to the programme's nature was the programme's working title "Britain's Toughest". Ofcom was not persuaded that this in itself was sufficient to provide the Council and/or Cllr McNamara with a clear understanding of the programme's nature and content given the absence of an accurate explanation having been provided elsewhere. Further, in Ofcom's view when read in conjunction with the terms set out in the associate producer's earlier faxed letter (referred to above) there was a risk that the programme's working title "Britain's Toughest" could be understood to refer to the resilience of Saltcoats as a resort that had "stood the test of time".

Ofcom then examined the unedited footage of Cllr McNamara's interview with a view to determining whether (from the questions put to him) he could reasonably have been expected to have understood the likely nature and content of the programme.

For nearly the entire duration of the interview, Cllr McNamara was questioned on general issues involving Saltcoats and the surrounding area, such as "*What is it that keeps bringing people back to Saltcoats?*"; "*what is the unique qualities of a local laddie*"; "*what is there [for tourists] in the evenings?*"; and, "*How important are caravans to Saltcoats?*". In Ofcom's view, these questions were likely to have reinforced both the Council's and Cllr McNamara's understanding that the programme was to present a positive image of Saltcoats.

In all the circumstances, Ofcom considered that it was clear that the programme makers had failed to provide the Council and/or Cllr McNamara with adequate information about the programme's likely nature and content and had failed to be straightforward and fair in their dealings with them. Had both the Council and Cllr McNamara been given adequate information it is unlikely that they would have taken part in the programme. Ofcom found that this resulted in unfairness to Cllr McNamara and the Council in the programme as broadcast.

- b) Ofcom considered the Council's complaint that the programme contained factual inaccuracies.

Broadcasters should avoid creating doubts on the audience's part as to what they are being shown if it could mislead the audience in a way which would be unfair to those featured in the programme.

In reaching a decision Ofcom examined the scenes referred to by the complainant. It should be noted that Ofcom did not consider these scenes in isolation but within the context of the programme as a whole, which also included scenes that the broadcaster had identified to Ofcom as showing Saltcoats in “*a favourable light*”. In addition, Ofcom took into account the broadcaster’s statement that the tone of the programme was intended to be light-hearted and humorous. Taking these factors into consideration, Ofcom sought to determine (a) the likely impression that viewers of the programme would have gained; and (b) whether taking all the evidence into account, such an impression was fair.

The scenes complained of by the Council were as follows:

- i. The part of the programme dealing with Mr Davey Blair, a Glaswegian who had moved from the city to live in a mobile home, showed him wielding a knife, showing off the scars on his forehead from head-butting people and explaining that “*fuck about with a Glaswegian, you’re fucking about with the wrong person*”. The programme clearly suggested that Mr Blair now lived in Saltcoats. In fact he did not live in Saltcoats but in a nearby town called Ardossan. However, Ofcom was persuaded by BSkyB’s assertion that the towns of Saltcoats, Ardossan and Stevenson are locally referred to as ‘the three towns’ because of their close proximity to each other. Ofcom also accepted that Mr Davey considered himself a resident of Saltcoats as much as Ardossan. In view of this, Ofcom considered that the inclusion of Mr Blair, by itself, would not have necessarily left viewers with an unfairly adverse impression of Saltcoats.
- ii. The programme showed images of Saltcoats’ beach along with images of a storm overflow pipe and also along with derogatory comments by a resident about the quality of the water. Images of the beach were also juxtaposed with images of Mr Kyle, a street cleaner, picking up an unattractive piece of debris and then describing the kind of waste he had encountered while carrying out his duties. In Ofcom’s view, the effect of the programme’s presentation of these scenes gave the impression that the beach and water were polluted.
- iii. Ofcom noted that in one scene, the programme’s narrator referred to Saltcoats’ “*golden sands*” while the programme showed images of a shingle beach – in an apparently ironic fashion. The programme did not make clear that the shingle beach depicted was not the “*golden sands*” referred to. In Ofcom’s view, there was a risk that viewers would have been led to believe that Saltcoats had exaggerated, or otherwise falsely traded on, the quality of its beaches.

As stated above, Ofcom also had regard for the scenes which the broadcaster had identified to Ofcom as showing Saltcoats in “*a favourable light*”. These scenes included, but were not limited to, various wide shots of the town’s seafront.

In addition, Ofcom had consideration for the tone of the programme and specifically compared the tone of this programme with that of another programme in the series, which had been the subject of an Ofcom fairness and privacy complaint. In Ofcom’s opinion, this programme not only criticised the quality of the town’s beaches, but featured residents, including Mr Blair, whose character and demeanour would inevitably have left viewers with an extremely negative impression of the place. For these reasons, unlike other editions of the *Britain’s*

*Toughest...* series, the irreverent tone of this programme was not capable of mitigating the criticisms made.

In Ofcom's view, even taking into consideration the positive scenes of Saltcoats and the programme's irreverent tone, the overall impression created of the town by the programme was negative.

As outlined above, Ofcom next assessed whether the likely negative impression given of Saltcoats by the programme as broadcast, was fair. Having reviewed all the information submitted by both parties, it is Ofcom's view that the negative impression created of Saltcoats was not wholly supported by the evidence before it. In particular, Ofcom noted that test samples taken of Saltcoats beach throughout 2004, by the Scottish Environmental Protection Agency (SEPA), indicated that it had passed requirements set out by the relevant European Commission Directive in terms of water quality, safety, cleanliness and information. Ofcom further noted that the beach's results in these tests led to the beach being recognised for an award by an environmental body.

Taking the above factors into consideration, Ofcom concluded that the programme's depiction of the town was likely to have misled the audience into forming an unduly negative impression of Saltcoats. As a result, the programme was unfair to the town, and therefore to the Council who had brought the complaint. Accordingly Ofcom has upheld this part of the Council's complaint.

- c) The Council complained that Cllr McNamara's interview was unfairly edited. They said that only one question about the Glasgow Fair related to the programme and while his response was perfectly appropriate, the question and his answer were out of context with the rest of the interview.

Having had the opportunity to view the unedited footage of Cllr McNamara's interview, Ofcom considered that the editing of his interview accurately reflected what Cllr McNamara had said and his views were not misrepresented in the footage used in the programme. With specific regard to the question Cllr McNamara was asked by the programme makers during his interview about the Glasgow Fair, Ofcom considered that the programme faithfully reflected his response. Specifically, it showed him explaining that the Glasgow Fair was a traditional annual event when the workers of Glasgow would commute to Saltcoats for their holidays. He was also shown referring to the welcoming atmosphere of the town. Ofcom found no unfairness to the Council and/or Cllr McNamara in this respect.

**Accordingly, parts of the Council's complaint of unfair treatment were upheld. Ofcom directed Sky to broadcast a summary of this finding.**

## Complaint by The Swan Sanctuary

*The Steve Allen Show, LBC 97.3FM, 13 August 2006*

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**Summary:** Ofcom has not upheld this complaint. The Swan Sanctuary (“the Sanctuary”) complained that it was treated unfairly in that the programme’s presenter advised listeners not to bother contacting the Sanctuary to ask them to rescue wild ducks as he claimed that he had the telephone put down on him when he had called them and had been asked “*what do you want us to do about it?*” The Sanctuary said that the comments were fallacious and had given listeners a bad impression of it.

Ofcom considered that the programme’s presenter did not encourage listeners “*not to bother*” contacting the Sanctuary as claimed in the complaint and that the presenter was entitled to relate his personal experiences during his programme. Ofcom accepted that the programme’s entertainment format was well-established and that listeners would have been familiar with its content and its light-hearted, though “irreverent”, style. Ofcom found that the presenter’s comments did not amount to a serious criticism of the Sanctuary, nor did it make significant allegations about it and was therefore unlikely to have materially affected listeners’ understanding of the Sanctuary in a way that was unfair. Therefore, in Ofcom’s view, including the comments without a response did not result in unfairness to the Sanctuary.

### Introduction

On 13 August 2006, LBC broadcast an edition of *The Steve Allen Show*, an entertainment programme in which listeners can contribute via email or text message. The presenter, Mr Steve Allen, discussed an incident that had happened at his home where a wild duck and nine ducklings had nested on his property. Throughout the programme, Mr Allen referred to the comments made by a number of listeners who contacted the programme to suggest a variety of solutions to his wild duck problem.

One listener who contacted the programme advised Mr Allen to approach the Swan Sanctuary (“the Sanctuary”) who would take the ducks from his property. Mr Allen read this suggestion out on-air and made an aside to his co-presenter about his and his neighbour’s recent experience of dealing with the Sanctuary. Mr Allen said:

*“Sandra says, if you want to contact the Swan Sanctuary they will take your ducks. They didn’t when we phoned the other day I’m afraid Sandra... We phoned up, firstly I had the phone put down on me by the Swan Sanctuary ... Secondly one of my neighbours phoned up and they said that they what do you want us to do with them. I was horrified, absolutely horrified. They’ve taken them every other year.”*

After these comments were made by Mr Allen, nothing further was said about the Sanctuary in the programme.

The Swan Sanctuary, a registered charity, complained to Ofcom that it was treated unfairly in the programme as broadcast.

### The Complaint

#### The Swan Sanctuary’s case

In summary, the Sanctuary complained that Mr Allen advised listeners not to bother contacting the Sanctuary to ask them to rescue wild ducks as he claimed that he had the telephone put down on him when he had called them and had been asked “*what do you want us to do about it?*” The Sanctuary said that it was unaware of any telephone calls made to it by Mr Allen and it refuted the claim that it would refuse to help wildlife in distress where at all possible.

The Sanctuary said that Mr Allen’s comments were fallacious and an abuse of his position. Mr Allen had used the Sanctuary’s services on numerous occasions in the past to remove wild ducks nesting on his property and his comments in the programme gave a bad impression of it.

#### *LBC’s case*

In summary, and in response to the Sanctuary’s complaint, LBC said that for several years Mr Allen had experienced problems with wild ducks nesting on his property and the subject of “Steve’s ducks” was often raised by listeners out of the blue when other issues were being discussed on the programme. Mr Allen has often been complimentary, on-air, about the service he had received from the Sanctuary in previous years and had always made a donation to the charity on previous occasions when it had taken wild ducks from his property.

LBC said that although the Sanctuary complained that Mr Allen “*advised listeners not to bother contacting the swan sanctuary*”, this was not said in the programme. The Sanctuary also complained that Mr Allen had told listeners that someone at the Sanctuary had put the telephone down on him. LBC said that Mr Allen did say this and he maintained that this was what had happened to him when he called.

The Sanctuary also claimed that someone at the Sanctuary had asked him “*what do you want us to do about it?*” LBC said that it was clear from the programme that this was what Mr Allen’s neighbour had been told when she had called the Sanctuary. Mr Allen said that he was with the neighbour at the time of the call and that the neighbour had further told him that the person answering the Sanctuary phone had said that the person who normally collected the birds was ill.

LBC said that *The Steve Allen Show* was an entertainment programme that was ‘thoroughly irreverent’ about most subjects. It said that no listener would have inferred anything sufficiently serious from what Mr Allen said about the Sanctuary to cause any unfairness to it. In the context of this show, LBC said that it did not believe that this light-hearted personal anecdote was unfair.

#### **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. Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

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 recognises that (subject to the provisions of the Ofcom Broadcasting Code) broadcasters can quite properly comment and take particular viewpoints on the subjects of broadcast programmes. However, it is

essential, not only to the parties directly concerned but also to listeners and viewers, that such comments should be accurate in all material respects so as not to cause unfairness. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent targeted only at cases in which action is needed.

This case was considered by Ofcom's Executive Fairness Group. Ofcom considered the complaint and the broadcaster's response, together with supporting material and a recording and transcript of the programme as broadcast. In its considerations, Ofcom took account of Ofcom's Broadcasting Code ("the Code").

Ofcom sought to determine whether the programme as broadcast was likely to have materially affected listeners' understanding of the Sanctuary in a way that was unfair to the Sanctuary (for example, by making allegations of wrongdoing or incompetence or other significant allegations).

In the circumstances of this case, Ofcom found the following:

The Sanctuary's complaint that Mr Allen advised listeners not to bother contacting the Sanctuary as he had the telephone put down on him when he had called them and had been asked "*what do you want us to do about it?*" The Sanctuary said that Mr Allen's comments were fallacious and gave a bad impression of it.

Ofcom noted the comments made by Mr Allen about the Sanctuary in the programme:

*"Sandra says, if you want to contact the Swan Sanctuary they will take your ducks. They didn't when we phoned the other day I'm afraid Sandra... We phoned up, firstly I had the phone put down on me by the Swan Sanctuary ... Secondly one of my neighbours phoned up and they said that they what do you want us to do with them. I was horrified, absolutely horrified. They've taken them every other year".*

Having considered Mr Allen's comments by listening to the programme and reading a transcript of it, Ofcom was satisfied that the programme did not encourage listeners "*not to bother*" contacting the Sanctuary as claimed in the complaint.

Ofcom noted that there was a clear conflict between the parties with regard to events described by Mr Allen in the programme. The Sanctuary said that it had not received any calls, to its knowledge, from Mr Allen. LBC said that Mr Allen maintained that he and his neighbour had called the Sanctuary and received the responses described in the programme. From the evidence submitted to it, Ofcom was not in a position to determine whether or not Mr Allen's comments amounted to a factually accurate account of events. Ofcom's role, as outlined above, was to determine whether the programme as broadcast resulted in unfairness to the Sanctuary.

Ofcom considered that Mr Allen was entitled to relate his personal experiences during his programme. Ofcom noted the tone of the programme and the presentational style and accepted that its entertainment format was well-established on LBC and that listeners would have been familiar with its content and its light-hearted, though 'irreverent', style. While Ofcom appreciated the Sanctuary's concern about Mr Allen's comments, Ofcom took the view that Mr Allen's comments did not constitute an allegation of wrongdoing, incompetence or any other significant allegation and that listener's would not have been likely to have taken them to be a

serious criticism of the Sanctuary and that they were likely to have understood his comments to be nothing more than a light-hearted anecdote.

Taking into account all the factors detailed above, Ofcom considered that Mr Allen's comments did not amount to a serious criticism of the Sanctuary, nor did it make significant allegations about it and was therefore unlikely to have materially affected listeners' understanding of the Sanctuary in a way that was unfair. Therefore, in Ofcom's view, including the comments without a response did not result in unfairness to the Sanctuary.

**Accordingly, the complaint of unfair treatment was not upheld.**

## Other Programmes Not in Breach/Out of Remit 5 March – 19 March 2007

Programme	Trans Date	Channel	Category	No of Complaints
10 Years Younger	01/02/2007	Channel 4	Offensive Language	1
After You've Gone	21/01/2007	BBC1 Scotland	Offensive Language	1
Alan Brazil's Sports Breakfast	30/01/2007	Talksport	Generally Accepted Standards	2
BBC Breakfast	16/01/2007	BBC1	Generally Accepted Standards	1
BBC News 24	05/03/2007	BBC News 24	Due Impartiality/Bias	1
BBC News	16/01/2007	BBC1	Generally Accepted Standards	1
BBC News	06/03/2007	BBC1	Generally Accepted Standards	1
BBC Radio Solent	17/01/2007	BBC	Offensive Language	1
BBC Wales	07/02/2007	BBC Wales	Inaccuracy/Misleading	1
Benidorm (Trailer)	25/01/2007	ITV1	Generally Accepted Standards	1
Benidorm (Trailer)	22/01/2007	ITV1	Generally Accepted Standards	1
Benidorm (Trailer)	20/01/2007	ITV1	Generally Accepted Standards	4
Bethlehem: No Room for Peace	07/01/2007	ITV1	Crime (incite/encourage)	1
Blade	15/01/2007	Bravo	Dangerous Behaviour	1
Bobby Friction: Generation 7/7	25/01/2007	Channel 4	Dangerous Behaviour	1
Bonkers	01/02/2007	ITV1	Sex/Nudity	1
Bonkers	01/02/2007	ITV1	Generally Accepted Standards	1
Breakfast	25/01/2007	BBC1	Generally Accepted Standards	1
C4 "Pigeon" ident	24/01/2007	Channel 4	Animal Welfare	2
Celebrity Big Brother 2007	17/01/2007	Channel 4	Offensive Language	1
Celebrity Big Brother's Little Brother	26/01/2007	Channel 4	Generally Accepted Standards	1
Channel 4 News	05/02/2007	Channel 4	Generally Accepted Standards	1
Channel 4 News	19/01/2007	Channel 4	Due Impartiality/Bias	1
Channel 4 News	19/01/2007	Channel 4	Offensive Language	1
Chris Moyles Show	22/01/2007	BBC Radio 1	Generally Accepted Standards	1
Classic FM	30/01/2007	Classic FM	Generally Accepted Standards	1
Comic Relief Does Fame Academy	12/03/2007	BBC1	Scheduling	1
Comic Relief Does Fame Academy	03/03/2007	BBC1	Substance Abuse	1
Comic Relief Does The Apprentice	15/03/2007	BBC1	Undue Prominence	1
Cops on Camera	19/01/2007	Bravo	Generally Accepted Standards	1
Coronation Street	04/02/2007	ITV1	Generally Accepted Standards	2
Coronation Street	07/01/2007	ITV1	Substance Abuse	2
Coronation Street	10/01/2007	ITV1	Violence	5
DIY RIP: Tonight	02/02/2007	ITV1	Generally Accepted Standards	4
Date Line	22/01/2007	BBC News 24	Generally Accepted Standards	1
Deal Or No Deal		Channel 4	Competitions	1
Dispatches: At Home	05/02/2007	Channel 4	Generally Accepted Standards	1

With the Suspects				
Dispatches:Iraq's Death Squads	29/01/2007	Channel 4	Scheduling	1
Douwe Egberts sponsorship of Loose Women		ITV1	Religious Offence	1
Douwe Egberts sponsorship of Loose Women	12/02/2007	ITV1	Sex/Nudity	1
Drive	26/01/2007	BBC Radio 5 Live	Generally Accepted Standards	1
Driving Lessons	17/12/2006	ITV1	Religious Offence	5
Driving Lessons	17/12/2006	ITV1	Offensive Language	3
Eastenders	28/09/2006	BBC1	Violence	3
Eastenders	02/01/2007	BBC1	Generally Accepted Standards	1
Eastenders	30/01/2007	BBC1	Generally Accepted Standards	1
Eastenders	30/01/2007	BBC1	Dangerous Behaviour	1
Eastenders	09/03/2007	BBC1	Offensive Language	1
Eastenders	02/02/2007	BBC1	Generally Accepted Standards	1
Five Days	23/01/2007	BBC1	Offensive Language	1
Five Days	23/01/2007	BBC1	Religious Offence	1
Football Focus	20/01/2007	BBC1	Generally Accepted Standards	1
GMTV		ITV1	Competitions	1
GMTV	22/01/2007	ITV1	Other	1
Harry and Cosh	04/11/2006	Five	Generally Accepted Standards	3
Holiday	24/01/2007	BBC1	Generally Accepted Standards	1
Hollyoaks	09/02/2007	Channel 4	Inaccuracy/Misleading	1
Hollyoaks Omnibus	04/03/2007	Channel 4	Generally Accepted Standards	1
Homemade	27/01/2007	Channel 4	Offensive Language	1
ITV Central Extra	23/01/2007	ITV1	Generally Accepted Standards	2
ITV News	18/01/2007	ITV1	Generally Accepted Standards	1
ITV News	19/01/2007	ITV1	Due Impartiality/Bias	1
ITV News	04/02/2007	ITV1	Inaccuracy/Misleading	1
ITV Play	13/01/2007	ITV1	Competitions	1
James Whale	25/01/2007	Talksport	Inaccuracy/Misleading	1
James Whale	24/01/2007	Talksport	Religious Offence	1
Johnny Vaughan	26/01/2007	Capital Radio	Generally Accepted Standards	1
Jon Gaunt	13/12/2006	Talksport	Generally Accepted Standards	1
Jon Gaunt	13/12/2006	Talk Sport	Due Impartiality/Bias	1
KBFM 87.7FM	24/12/2006	KBFM 87.7FM	Offensive Language	1
Kill It, Cook It, Eat It	02/03/2007	BBC1	Generally Accepted Standards	1
Life on Mars (Trailer)	01/02/2007	BBC1	Dangerous Behaviour	1
London Greek Radio	06/12/2006	London Greek Radio	Offensive Language	1
London Tonight	26/01/2007	ITV1	Sex/Nudity	1
Loose Women	29/01/2007	ITV1	Generally Accepted Standards	1
Loose Women	09/02/2007	ITV1	Generally Accepted Standards	1
Madonna: Confessions Live from London	06/03/2007	E4	Generally Accepted Standards	1
Make Your Play	26/01/2007	ITV1	Competitions	1
Meridian Tonight	30/01/2007	ITV1	Other	1

Mock the Week	18/01/2007	BBC2	Generally Accepted Standards	3
Mock the Week	11/01/2007	BBC2	Generally Accepted Standards	1
Mock the Week	20/01/2007	BBC2	Generally Accepted Standards	1
Moral Maze	24/01/2007	BBC Radio 4	Religious Offence	1
Never Mind the Buzzcocks	31/01/2007	BBC2	Generally Accepted Standards	1
Newsnight	17/01/2007	BBC2	Due Impartiality/Bias	1
Newsnight	29/01/2007	BBC2	Inaccuracy/Misleading	1
Not Forgotten: Shot at Dawn	02/01/2007	Channel 4	Inaccuracy/Misleading	1
Only An Excuse	31/12/2006	BBC1 Scotland	Generally Accepted Standards	1
Overhauling	02/02/2007	Discovery Real Time	Commercial References	1
Panorama (Trailer)	27/01/2007	BBC1	Generally Accepted Standards	1
Paul Ross	12/03/2007	LBC 97.3	Inaccuracy/Misleading	1
Peugeot sponsorship of Five movies		Five	Dangerous Behaviour	1
Powergen sponsorship of ITV Weather	06/02/2007	ITV1	Dangerous Behaviour	1
Question Time	18/01/2007	BBC1	Generally Accepted Standards	8
Quiz Call	20/01/2007	Five	Competitions	3
Quiz Call	27/01/2007	Five	Competitions	1
Raising the Hunley	28/01/2007	History Channel	Generally Accepted Standards	1
Ready Steady Cook	24/01/2007	BBC2	Generally Accepted Standards	1
Richard and Judy	29/01/2007	Channel 4	Generally Accepted Standards	2
Saving Private Ryan	02/03/2007	Sky Movies 1	Violence	1
Scratch 'n' Sniff's Den of Doom	12/02/2007	CITV	Sex/Nudity	2
Scratch 'n' Sniff's Den of Doom	16/02/2007	CITV	Generally Accepted Standards	1
Scratch N Sniff's Den of Doom	13/02/2007	CITV	Generally Accepted Standards	1
Scratch N Sniff's Den of Doom	27/01/2007	ITV1	Dangerous Behaviour	1
Shameless	09/01/2007	Channel 4	Offensive Language	1
Skins		E4	Sponsorship	1
Sky News	06/02/2007	Sky News	Due Impartiality/Bias	1
Sky News	25/01/2007	Sky News	Religious Offence	2
Sky News	21/02/2007	Sky News	Due Impartiality/Bias	1
Snooker	21/01/2007	BBC2	Generally Accepted Standards	3
Something's Gotta Give	07/02/2007	ITV1	Offensive Language	1
Sports Breakfast	22/01/2007	Talksport	Generally Accepted Standards	1
Stephen Nolan	20/01/2007	BBC Radio 5 Live	Generally Accepted Standards	1
Super Scoreboard Live	20/01/2007	Clyde 1	Generally Accepted Standards	1
T4	28/01/2007	Channel 4	Sex/Nudity	1
The Afternoon Play	26/01/2007	BBC1	Offensive Language	1
The Afternoon Play	23/01/2007	BBC1	Sex/Nudity	1
The Armstrongs: The Movie	28/01/2007	BBC2	Offensive Language	1
The Bill	18/01/2007	ITV1	Offensive Language	1
The Brit Awards Live	14/02/2007	ITV1	Other	6
The Brit Awards Live	14/02/2007	ITV1	Generally Accepted Standards	1

The Brit Awards Live	14/02/2007	ITV1	Inaccuracy/Misleading	1
The British UFO Mystery: Stranger than Fiction	01/11/2006	Five	Inaccuracy/Misleading	1
The Comedy Hour	27/01/2007	BBC Radio 2	Sex/Nudity	1
The Deadly Knowledge Quiz	23/01/2007	Channel 4	Generally Accepted Standards	1
The Friday Night Project	02/02/2007	Channel 4	Generally Accepted Standards	3
The Friday Night Project	26/01/2007	Channel 4	Generally Accepted Standards	1
The Game	24/01/2007	Talksport	Generally Accepted Standards	1
The Insider: The Muslim Hangover Cure	02/02/2007	Channel 4	Generally Accepted Standards	3
The Insider: The Muslim Hangover Cure	02/02/2007	Channel 4	Due Impartiality/Bias	1
The Jeremy Kyle Show	31/01/2007	ITV1	Inaccuracy/Misleading	1
The Jeremy Kyle Show	02/02/2007	ITV2	Generally Accepted Standards	1
The Lost Gospel of Judas	23/12/2006	Channel 4	Religious Offence	1
The Mint	08/01/2007	ITV1	Competitions	2
The Mint	23/01/2007	ITV1	Competitions	1
The New Paul O'Grady Show	17/01/2007	Channel 4	Sex/Nudity	1
The Simpsons	12/01/2007	Channel 4	Offensive Language	1
The Smallest People in the World	29/01/2007	Channel 4	U18's in Programmes	2
The Trial of Tony Blair	15/01/2007	More4	Due Impartiality/Bias	1
The Trial of Tony Blair	18/01/2007	Channel 4	Generally Accepted Standards	2
The Trial of Tony Blair	15/01/2007	More4	Generally Accepted Standards	2
The Truth about Food	18/01/2007	BBC2	Generally Accepted Standards	1
The Weakest Link	09/02/2007	BBC2	Generally Accepted Standards	1
The Wright Stuff	23/01/2007	Five	Generally Accepted Standards	1
The Wright Stuff	23/01/2007	Five	Inaccuracy/Misleading	1
This Week	18/01/2007	BBC1	Generally Accepted Standards	3
Tom's Midnight Garden	02/01/2007	BBC2	Offensive Language	1
Top Gear	11/02/2007	BBC2	Dangerous Behaviour	1
Trial and Retribution	21/01/2007	ITV1	Generally Accepted Standards	1
Trial and Retribution	04/02/2007	ITV1	Inaccuracy/Misleading	1
Trial and Retribution	04/02/2007	ITV1	Generally Accepted Standards	1
Trial and Retribution	21/01/2007	ITV1	Commercial References	1
Trisha Goddard	26/01/2007	Five	Generally Accepted Standards	1
Waking the Dead	28/01/2007	BBC1	Generally Accepted Standards	1
Waterloo Road	01/02/2007	BBC1	Sex/Nudity	1
Waterloo Road	01/02/2007	BBC1	Offensive Language	1
Waterloo Road	18/01/2007	BBC1	Offensive Language	1
Westcountry Live	22/01/2007	ITV Westcountry	Generally Accepted Standards	1
You Are What You Eat	06/02/2007	Channel 4	Religious Offence	6
Coronation Street	13/01/2007	ITV2	Generally Accepted Standards	1