

# **Ofcom Broadcast Bulletin**

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## Contents

Introduction	3
<b>Standards cases</b>	
<u>In Breach</u>	
<b>Sumo TV - User Generated Content</b> <i>6 July 2007, 23:46 and 22 July 2007, 00:34</i>	4
<b>Note to Broadcasters – User Generated Content</b>	11
<b>Trax</b> <i>The Music Factory, 4 October 2007, 18:00</i>	12
<u>Resolved</u>	
<b>He Got Game</b> <i>Sky Movies Indie, 29 October 2007, 12:30</i>	14
<b>World Cup Rugby: Ireland v Namibia</b> <i>ITV4, 9 September 2007, 20:00</i>	16
<u>Not in Breach</u>	
<b>Bremner, Bird and Fortune</b> <i>Channel 4, 14 October 2007, 19:00</i>	17
<b>Fairness &amp; Privacy cases</b>	
<u>Not Upheld</u>	
<b>Complaint by Mrs Jan Melia on her own behalf and on behalf of Mr Oli Melia and their three children</b> <i>Wife Swap, Channel 4, 16 October 2006</i>	18
Other programmes not in breach/outside remit	32

## Introduction

Ofcom's Broadcasting Code ("the 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>

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).

It is Ofcom policy to state the full language used on air by broadcasters who are the subject of a complaint. Some of the language used in Ofcom Broadcast Bulletins may therefore cause offence.

## Standards cases

### In Breach

#### Sumo TV - User Generated Content

*Andy Milonakis clip, 6 July 2007, 23:46; and  
Parent/Carer and child clip, 22 July 2007, 00:34*

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#### Introduction

Sumo TV is the broadcast arm of a website called Sumo.tv. Contributors to the website are able to submit material, which may end up on the digital television service. Submissions range from home-produced material recorded on mobile phones or webcams through to items from professionally-produced programmes and music videos from around the world.

Two viewers complained about two separate items of user-generated content shown on Sumo TV, as described below.

#### 6 July 2007, 23:46, Andy Milonakis

This sequence involved what appeared to be a webcam performance featuring a person called Andy Milonakis. This person appears to be an adolescent, although the presenter introducing the item said that he was actually 30 years old. In this video, he performed a rap, which included a steady stream of the strongest language and graphic sexual references and which lasted over three minutes. An extract, from the 500 word rap, follows:

*"...I'm a little boy and I got little toys but I'm in a big world, yo. I fuck big girls coz I like earthquakes...my fucking flows run through you...I give you a piggy back ride if you fucking wanna do some fun. I sniff some cocaine off your mother's navel...my son is ugly, he looks like my nipple, I fucked him in the ass hole now he's cripple and he's in a wheelchair...I fucking gave him some weave, I gave him some beeve on his sixteenth birthday yo but he's still gay, he likes to suck dick a lot, yo that's alright I feed him mine...I'm gunna holler coz I'm getting ass raped... all the fucking inmates are gay. ...fuck you cunt, fuck you...fuck it I'll make you a dick cake...oh my god I'm gunna lather myself..."*

One viewer, believing Andy Milonakis to be an adolescent, complained that this material, which included explicit sexual references, some appearing to provide graphic descriptions of under-age sex, was inappropriate for broadcast.

Ofcom asked Sumo TV to respond to complaints with regard to Rule 2.3 ("In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context").

Context includes various factors such as: the editorial content of the programme; the service on which the material is broadcast; the time of broadcast; the degree of harm or offence likely to be caused; the likely expectation of the audience; the extent to which the nature of the content can be brought to the attention of the potential audience; and the effect of the material on viewers who may come across it unawares.

22 July 2007, 00:34, Parent/Carer and Child

This sequence appeared to be a mobile phone video of an adult frightening a young child (approximately five years old). The sound quality was poor, but the adult appeared to ask the child: "...do I know it's so scary?" The adult then tried to terrify the child by pulling faces, yelling and shrieking. The child was clearly extremely distressed and started screaming, crying and at one point attempted to run away. In the final moments, the child was seen holding his ears, in a gesture which suggested a need to comfort himself, and sobbing.

One viewer complained that this material could be said to be condoning child abuse, and was inappropriate for broadcast.

Ofcom asked Sumo TV to respond to the complaints with regard to the following Code Rules:

- Rule 1.26<sup>1</sup> ("Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis");
- Rule 1.27 ("People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programme or by the broadcast of those programmes"); and
- Rule 2.3 (generally accepted standards; justification by context).

**Response**

Sumo TV responded to the concerns raised over the broadcast of these two items as follows.

6 July 2007, 23:46, Andy Milonakis

The broadcaster argued that the concerns over the material were related to the fact that the complainant had assumed that Andy Milonakis was a "boy...no older than 14". Mr Milonakis was in fact considerably older<sup>2</sup>, and a well-known figure in this particular genre of entertainment. Sumo TV acknowledged that the language used was explicit and was clearly intended to create a reaction in the audience. It considered that some would find it humorous, others would find it tediously repetitive in its profanity. It said that the "rap" was not concerned with under-age sex and, in its opinion, to suggest otherwise clearly acted "...so as to distort the nature of the artistic work".

Sumo TV went on to say that the text of the "rap" was clearly addressing a whole range of individuals, their proclivities and religions, and "was patently non-specific". It believed the material was entirely justified by the context since, in the nature of its programming, Sumo TV frequently looked to give a platform to subjects popularly

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<sup>1</sup> Ofcom recently published additional guidance to broadcasters on Rules 1.26 and 1.27. This is available at: <http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance1.pdf>

<sup>2</sup> The presenter of the programme in fact said Andy Milonakis was aged 30 – see the Decision section below.

described as an “internet phenomena”. The broadcaster said that, given the time of the broadcast, the context of the programme and having regard to the above comments the content was not beyond the bounds of generally accepted standards.

22 July 2007, 00:34, Parent/Carer and Child

Sumo TV responded, with regard to Rule 1.26, that the sequence depicted “...an adult pretending to act in a ‘scary’ manner”. It said the words “...*do I know it’s so scary?*” clearly indicated that the adult had been engaged in a playful act. This was reflected in the adult putting his tongue out of his mouth, holding back his ears and having widened eyes. In Sumo TV’s view, “...it was clearly the case that the adult had been engaged in a type of humour witnessed in households throughout the UK, day in and day out”. There was no physical contact between the adult and the child and nor did the adult at any time raise his voice or otherwise act in a menacing manner toward the child.

In this context, Sumo TV argued that the broadcast of the clip did not indicate a lack of due care over the physical and emotional welfare of the child. To imply that there was, it said, would be to suggest that behaviour of this type – misguided though it may be on occasion – should be banned throughout the UK. Sumo TV also noted that this particular sequence followed immediately after another sequence which showed a sleeping adult being suddenly woken up by someone who was making “scary” noises. The two sequences were, it said, therefore complementary to one another. This, the broadcaster believed, emphasised that the intention behind the item was humorous.

Where Rule 1.27 was concerned, Sumo TV stated that any perceived distress or anxiety on the part of the child would be entirely consistent with the intention to show a humorous role play between adult and child. In this context, it believed, that the apparent fright of the child was entirely necessary and consistent with its dramatic purpose.

The broadcaster also believed that the sequence complied with Rule 2.3 in that it was justified by its context. The style of the programme was well known to, and popular with, Sumo TV’s viewers; it was scheduled well after the watershed; and viewers were given information about the programme before it was shown.

## **Decision**

The Code was drawn up by Ofcom to secure the standards objectives set out in section 319 of the Communications Act. These standards apply to all broadcast material whatever its origination: whether material is user-generated content or derived from more traditional sources. Broadcasters should therefore apply the Code equally and in the same way to all material broadcast on its licensed television and radio services, including material originating as user-generated content on the internet. Ofcom expects all such material to be complied with the standards required by the Code.

Notwithstanding this, Ofcom acknowledges and welcomes the fact that, to some extent, user-generated content provides opportunities for a more interactive experience for viewers and listeners, offering the ability to contribute more to programming than was previously possible. However, broadcasters remain responsible for ensuring with user-generated broadcast content, as with other material, that it conforms to the Code and that checks are made as necessary to

ensure that any appropriate consents are obtained, especially regarding the involvement of under-eighteens<sup>3</sup>.

Broadcasters are required to take due care to protect the interests of anyone under eighteen who appears, or participates, in any respect in its programmes. This applies whether the material is originally produced, or is acquired from another source. In Ofcom's view, concern for the child's welfare should be at the heart of the broadcaster's consideration when producing or acquiring content and this is made clear in the introduction to the guidance on this specific Code Rule.

Moreover, responsibility for compliance rests with the broadcaster, who will need to decide what measures are appropriate in the particular circumstances of individual programmes, genres and formats. Relevant factors also include the participant's age, maturity and capacity to make judgements about participation and its likely consequences.

Central to Rule 1.26 is the concept of "due care". Here "due" is used in the same way as in other areas of the Code. It indicates that the level of care must be "appropriate to the particular circumstances". It is for the broadcaster to judge what is appropriate in each case to ensure compliance with the Code.

Rule 1.27 states that under-eighteens "must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes".

Broadcasters who transmit user-generated content have no direct control over the making of content featuring under-eighteens. It is Ofcom's view that controls which can be exercised by the broadcaster over the making of material submitted to the website are clearly limited. Nevertheless, when such material is subsequently considered for broadcast, the broadcaster needs to be mindful of the appropriate Rules. In considering these Rules, the broadcaster must take into account whether it can reasonably be inferred from the material that it may have been acquired at the expense of the distress and anxiety of any participants aged under eighteen. Broadcasters should also take into account whether the broadcast of the material might cause further distress and anxiety to the participants, for example, through the possibility of bullying. In these circumstances, the broadcaster may be able to fulfil its duty of due care required by Rule 1.26 and its obligations under Rule 1.27 by choosing not to broadcast the material.

To help ensure fair and just treatment of individuals, for those under sixteen, the Code (Practices to be followed: 7.4) requires that broadcasters should normally obtain consent from a parent, guardian or other person over eighteen or *in loco parentis*. However, the Code makes clear that the obligations under Rules 1.26 and 1.27 apply irrespective of such consent.

6 July 2007, 23:46, Andy Milonakis

Ofcom considered this sequence against Rule 2.3 of the Code (generally accepted standards; justification by context). The material broadcast included repeated and excessive strong language, with graphic references to incest, anal sex and illicit drug use. This had the potential to cause offence. Ofcom therefore considered whether the broadcast of this material was justified by context.

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<sup>3</sup> See <http://www.ofcom.org.uk/tv/ifi/codes/bcode/protectingu18/> and accompanying guidance (see footnote 1 above); and <http://www.ofcom.org.uk/tv/ifi/codes/bcode/fairness/>

In coming to our decision, we took into account the fact that the sequence was broadcast well after the watershed on a service at the fringes of the mainstream, where more challenging material might be expected; and Sumo TV regularly broadcasts a warning message (every half hour according to the recordings selected for monitoring). This warning message is broadcast both before and after the watershed, and indicates that Sumo TV is clearly aware that the content may be offensive and contain strong language, at all times of day:

*“...This programme may contain clips and strong language that some people might find offensive. Viewer discretion is advised.”*

However, the warning was shown at regular intervals, rather than immediately preceding items that might cause particular concern, such as that showing Andy Milonakis. We note that there was further limited information offered immediately preceding the item by the presenter, who referred to: *“...it’s the one you all love... it’s the fat kid who’s really thirty...”*. Whilst this may have helped viewers understand that Andy Milonakis was not under-age, we believe that overall the information offered to viewers was too general.

Further, Sumo TV’s output at this time of night includes a wide range of material, little of which is offensive. However, graphic sexual references and strong language were included in this item, for example:

*“...my son is ugly...I fucked him in the ass hole now he’s cripple and he’s in a wheelchair...”*;

*“...I gave him some beeve on his sixteenth birthday yo but he’s still gay, he likes to suck dick a lot, yo that’s alright I feed him mine...”*; and

*“...I’ll fucking scour your wishes...I’ll fuck you in my button...fuck you cunt, fuck you... fuck it I’ll make you a dick cake, I’ll make you my dick snake slither into your blither blather oh my god I’m gunna lather myself...”*

Bearing in mind the service provides a string of discrete items, viewers may have come across the item unawares and so may not have been prepared for this extremely strong and sexually graphic language.

There is no absolute restriction on the use or repeated use of the strongest language and very graphic sexual references. However, it is clear that the stronger (and more frequent) the use of such material, the greater the need for clear and effective contextualisation. Sumo TV’s justification by context in broadcasting this item was neither clear nor effective.

The material was therefore in breach of Rule 2.3 of the Code.

22 July 2007, 00:34, Parent/Carer and Child

We do not agree that the child in this sequence was “pretending” to be frightened, or was, in some way, participating playfully and responding to “...a type of humour witnessed in households throughout the UK, day in and day out...” The child was clearly seen and heard to be crying, yelling and sobbing. In our view, the boy was very distressed by the behaviour of the person recording the clip. Ofcom is extremely concerned that Sumo TV chose to interpret these scenes in what appears to be a dismissive way; they could not, in Ofcom’s view, be considered to be playful scenes. This attempt to play down what is, in Ofcom’s view, a very serious matter raises concerns about the compliance processes in place at Sumo TV. In the light of the above, we considered whether the broadcaster fulfilled its duties to the child of due care and to avoid unnecessary distress or anxiety.

The Sumo TV website’s Frequently Asked Questions (FAQs) state that items uploaded to the website which conform to its “terms of acceptability” will most likely be broadcast on the TV channel. Sumo.tv’s terms and conditions explain what these “terms of acceptability” are, stating:

“We want everyone to enjoy the SUMO.tv services and for that to happen. We need Your co-operation. We will regard as unacceptable and constituting a breach of this Agreement if You send to us video content or any communication of whatsoever description which in Our absolute opinion is unacceptable (Unacceptable Material) including by way of example (but not limitation) content which is:

- obscene (as interpreted from time to time) by the laws of England and Wales...
- excessively violent
- racist
- defamatory, libellous, threatening or abusive
- in breach of another’s rights or obligations, including any right to privacy...
- a breach of any law, rule or regulation to which SUMO.tv services may from time to time be subject including by way of example (but not limitation) the latest versions of the Ofcom Broadcasting Code (the Ofcom Code)...”

The terms and conditions on its website also state that:

“...You have sole responsibility for the Content that you submit to Us and have obtained all necessary and appropriate permissions of any person (Person) who appears in the Content You submit to Us and that accordingly We and our affiliates may use it without restriction in connection with any aspect of the SUMO.tv services...”

This approach to complying material for broadcast is wholly inadequate. We are particularly concerned that, in another response to Ofcom, Sumo TV informed the regulator that it considers that it has “...no control over the actual physical and emotional welfare and dignity of people under eighteen who may come to take part or are otherwise involved in its programmes”. The broadcaster appears to place the onus of ensuring any material broadcast is compliant with the Code on suppliers such as the general public. Sumo TV also appears to be unreasonably reliant on its terms and conditions, seemingly at the expense of appropriate compliance processes.

It is not clear what processes are in place at Sumo TV to ensure the items submitted are fully checked against the “terms of acceptability” before broadcast. It is also not

clear what measures the broadcaster takes to be able to demonstrate satisfactorily to Ofcom that that *any* consents have in fact been obtained, and in particular if the content features someone under sixteen that informed consent has been given by the appropriate person before broadcast. Whilst we understand the nature of user-generated material and the complexities of acquiring consent when material is submitted to websites in this ad hoc way, we would expect appropriate steps to be taken as necessary before broadcast. If a broadcaster is unable to demonstrate satisfactorily to Ofcom that any necessary consents have been in fact obtained, Ofcom would expect it to take a view whether the material should be broadcast at all.

Furthermore, Sumo TV's terms and conditions do not state that: users must be over a certain age, or if appropriate have parental consent, to upload videos; or that in recording material featuring under-eighteens due care must be taken and no unnecessary distress or anxiety is caused, and that Sumo TV will not show material which appears to breach these conditions.

In the case of the adult scaring the child, Ofcom considers the item clearly shows that the child's involvement caused it unnecessary distress or anxiety. In light of this, by relying on the assurances of the person who submitted the clip to the Sumo.tv website that the appropriate consents had been obtained, and broadcasting the clip on this basis, Sumo TV did not take due care of the welfare of the child involved. Further, in Ofcom's view, it was implicit that the broadcast of this material had the potential for unnecessary anxiety or distress to be caused to the child who, it is evident from the material, had already been caused unnecessary anxiety or distress in the recording. The broadcast of this material was therefore in breach of Rules 1.26 and 1.27.

Further, the broadcast of this material, showing a child being severely distressed by an adult, was offensive. We therefore also considered whether its inclusion in Sumo TV's schedules was justified by the context. The broadcaster argued that the preceding material, involving a person being frightened awake, contextualised this clip. They also argued that the time of broadcast and the nature of the service was sufficient context and that the material did not go beyond the expectations of viewers of Sumo TV. Whilst there was a general warning some two minutes before this clip was shown ("*This programme may contain items that some people might find offensive*") in our view this, together with the other factors discussed above, did not sufficiently contextualise this particular sequence in which a child was deliberately distressed by an adult. The material was therefore also in breach of Rule 2.3.

Ofcom is extremely concerned at the compliance decisions Sumo TV has made in these cases. In light of this finding, the measures taken and the reasoning it has used to interpret the Code, Sumo TV should be advised that any future breaches of this nature may result in further regulatory action being considered. Further, Sumo TV is reminded that having appropriate compliance procedures in place is a requirement of its licence conditions.

### **6 July – Breach of Rule 2.3**

### **22 July – Breach of Rules 1.26, 1.27 and 2.3**

## Note to Broadcasters

### User-generated content

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Ofcom is concerned that some channels broadcasting considerable amounts of user-generated content may attempt to place too much responsibility for ensuring compliance with the Code with the individual user, and not perform sufficient checks themselves. Responsibility for compliance with the Code always remains with the broadcaster. Proportionate but robust pre-broadcast checks may impose extra costs on the broadcaster, and limit the amount of user-generated content it can air. However, it is clearly important to ensure that people aged under eighteen are appropriately protected, and that individuals appearing in items are not unjustly or unfairly treated or have their privacy unwarrantably infringed. Ofcom therefore reminds licensees who broadcast user-generated content of their responsibilities to ensure full compliance with the Code, and in particular with the sections in respect of Protecting the Under Eighteens, Harm and Offence, and the Fairness and Privacy.

Broadcasters need to be aware that simply because material is available on the web, this does not mean that it is automatically suitable for broadcast on a licensed service which has to comply with the standards as set out in the Communications Act 2003.

## **Trax**

*The Music Factory, 4 October 2007, 18:00*

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### **Introduction**

The Music Factory (TMF) is a digital music channel, available on Freeview and satellite platforms. During a programme that featured music videos, a number of automated competitions were run in split screen, using captions and with no presenter involvement. Viewers were invited to “*enter the pin to win*” – i.e. attempt to identify a predetermined four digit code. They were also instructed to “*Text TRAX + 4 digits To 84383*”, a premium rate SMS text service costing £1 per entry. These captions were permanently on screen, together with, “*win £25.*” Individually submitted answers were also shown on screen, in sequence and throughout the competition. For each submitted answer screened, colours were used to indicate to viewers whether each digit of the winning code had been correctly identified or was higher or lower than its equivalent digit in the submitted number.

A viewer contacted Ofcom, having entered a competition and identified the correct four digit code. He received a text congratulating him on sending in the correct answer. However, the text also stated that he had therefore been entered into a draw, with other successful entrants, for a chance to win the prize of £25. The complainant believed this draw element of the competition was unclear to viewers and that he should have won £25 for identifying the correct answer.

Ofcom asked TMF to comment on Rule 2.11 of the Code, which states:

“Competitions should be conducted fairly, prizes should be described accurately and rules should be clear and appropriately made known.”

### **Response**

MTV Networks International (“MTV”), which owns The Music Factory, said that a “scrolling terms and conditions line” directed viewers to its *Trax* website for “full T’s and C’s”, which included the following: “To win you must first identify the correct code then a winner will be picked at random from all the viewers who entered the correct code.”

The broadcaster believed that it would have been necessary for viewers to read the competition’s terms and conditions, as there was no voice over “explaining how the code should be cracked.”

MTV added that it had used the same competition mechanic for some months, and this mechanic had also been used by other broadcasters for a number of years. It said this was the first complaint it had ever received concerning this particular issue. The broadcaster emphasised that it had “not tried to hide the mechanic and the fact that viewers would be entered into a ‘£25 prize draw’ after cracking the code.” To ensure transparency of the competition mechanic to its viewers, MTV had therefore incorporated changes to the on-screen captions.

The broadcaster said it had also contacted the complainant to refund the cost of his entries, as a gesture of goodwill. However, MTV hoped that Ofcom shared its belief that viewers, who have to be over 16 to enter, “need to take responsibility when

entering premium rate competitions, as it did not force people to enter several times not knowing all the details for the game.”

## **Decision**

While Ofcom expects viewers to take an appropriate degree of responsibility when participating in such premium rate competitions, Rule 2.11 nevertheless aims to ensure that consumers are adequately protected.

The caption “for full t’s & c’s visit [www.mtv.co.uk/trax](http://www.mtv.co.uk/trax)”, was one of six captions screened in sequence, while the captions, “win £25” and “enter the pin to win” were on screen permanently during the competitions. Ofcom notes that the prize draw element of the competition was clearly stated in the terms and conditions on MTV’s website. Nevertheless, Rule 2.11 requires that, “...prizes should be described accurately and rules should be clear and appropriately made known.” The permanent captions appeared to us to tell viewers that they would win £25 if they solved the four digit code. We consider it was inadequate to make the prize draw element of the competition clear on the internet only – the rule had not been “appropriately made known.” As the prize draw element of the competition was not clear to viewers, the prize – a chance to win £25 – had not been described accurately.

Ofcom notes MTV’s view that viewers would need to read the terms and conditions of the competition if they wished to participate, as there was no voiceover “explaining how the code should be cracked.” We disagree. There was sufficient information on screen to enable a viewer to participate fully. The screened information even included an intermittent reference to how correct and incorrect digits were indicated, with regard to the screened answers submitted by other entrants. However, the prize is possibly the most important factor in deciding whether to enter a competition. In this case, the information provided on screen was insufficient for viewers to make an informed decision about whether or not to participate.

Ofcom notes the goodwill refund MTV intends to make to the complainant. We also welcome the broadcaster’s admission that the prize draw element of the competition could have been made clearer. However, we consider the fact that winners of the competition would go into a draw, rather than be awarded the prize of £25 immediately, to be a significant rule of the competition, which should have been made clear to viewers. The programme was therefore in breach of Rule 2.11 of the Code.

## **Breach of Rule 2.11**

## Resolved

### He Got Game

*Sky Movies Indie, 29 October 2007, 12:30*

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#### Introduction

The film *He Got Game* was classified as a 15-rated film by the British Board of Film Certification (BBFC) in 1998 due to “frequent coarse language and brief strong sex”. It was shown on a premium subscription film service which should have a mandatory PIN (Personal Identification Number) to view a 15-rated film before 20:00.

A viewer complained that she found her young child watching the film without any apparent PIN protection. It contained explicit sexual scenes and graphic scenes of violence and drug abuse.

Ofcom asked Sky for comments in relation to Rule 1.22 which states:

“Premium subscription film services may broadcast up to BBFC 15-rated films or their equivalent, at any time of day provided:

- there is a protection system (a mandatory PIN or other equivalent protection) pre 2000 and post 0530, that seeks satisfactorily to restrict access solely to those authorised to view when material other than BBFC U-rated or PG-rated or their equivalents is shown; and
- those security systems which are in place to protect children are clearly explained to subscribers.”

#### Response

Sky offered their sincere apologies to the complainant and her child. It said that, unfortunately, a technical error had occurred whilst the film was playing out and the mandatory PIN requirement was no longer functioning.

The broadcaster explained that the PIN was working before the film started and was cleared for broadcast. However, once the film had started, subscribers would no longer have been prompted to enter a PIN to view the content. The film continued to transmit without a PIN request and it was not checked again during the transmission. Sky was investigating the incident when the end credits started to run, the next film was checked for PIN protection and this was found to be functioning correctly.

However, on investigation, Sky found that a technical error had occurred due to a software failure. Sky operates a manual verification process where PIN data is checked by transmission controllers prior to broadcast. Following this incident, an automated process is being developed to reduce reliance on the manual checking procedure. This should ensure that if any future PIN failures should occur, at whatever point in a programme’s transmission, they are identified and dealt with immediately.

## **Decision**

Rule 1.22 states that subscribers should be protected by a mandatory PIN if 15-rated films are shown before 20:00. Ofcom acknowledges Sky's full explanation and apology for this lapse in the PIN system. We also note the changes to Sky's internal procedures to stop this problem from happening again.

Taking into account the steps taken by Sky to ensure that this problem does not recur, Ofcom considers the matter resolved.

## **Resolved**

## World Cup Rugby: Ireland v Namibia

ITV4, 9 September 2007, 20:00

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### Introduction

During the commentary of the *World Cup Rugby: Ireland v Namibia* game, the following exchange took place between the New Zealand rugby pundit, Murray Mexted and the commentator, John Taylor.

- John Taylor:** *“Eddie O’Sullivan the Irish coach was very interesting on this one. He said ‘Well, you know you can think it every way round, you can go dizzy if you try and think is it good for us, bad for us, or what. We just got to go out there and play well and win well.’”*
- Murray Mexted:** *“That doesn’t sound very Irish, it sounds quite logical.”*
- John Taylor:** *“They’re very professional these days.”*

Ofcom received eight complaints from viewers who felt the remark by Murray Mexted was offensive as it reinforced an insulting stereotype of the Irish community.

Ofcom asked ITV to comment with reference to Rule 2.3 of the Code (material which may cause offence must be justified by context).

### Response

ITV expressed its regret for any offence the remark may have caused to viewers. It said that Mr Mexted’s comment was intended to be light-hearted and affectionate. However, ITV accepted it was misjudged and had the capacity to offend.

The broadcaster said that after the remark, efforts were made to play it down by John Taylor. In the context of a ‘live’ broadcast, the programme’s producer decided not to make an immediate apology, opting instead to return to the match commentary and not draw further attention to the incident. ITV stated that the programme’s producer spoke to Mr Mexted and reminded him of the sensitivities of particular nations, that his comments could offend some viewers and that they were unacceptable.

### Decision

The comment made by Mr Mexted, although intended to be light-hearted, was based on pejorative stereotyping of Irish people and was therefore potentially offensive.

John Taylor’s well-meaning attempt, in a ‘live’ situation, to play down Mr Mexted’s comment did not adequately dissipate the possible offence caused. However, we recognise the difficulties of dealing with such a situation in a ‘live’ programme.

Ofcom noted ITV’s apology and the admission that the remark was misjudged and had the potential to offend viewers. We also note the action taken by the broadcaster to bring the matter to Mr Mexted’s attention.

Therefore taking all these points into account, Ofcom considers the matter is resolved.

### Resolved

## Not in Breach

### **Bremner, Bird and Fortune**

*Channel 4, 14 October 2007, 19:00*

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#### **Introduction**

In this programme, two men in a pub, played by John Bird and John Fortune, were discussing the recent confusion over whether Gordon Brown was going to call a snap election. During the course of the discussion, the conversation turned to the kinds of tactics the Prime Minister might use in order to secure his re-election as Prime Minister. At this point, one of the characters said:

*"...talk about spin...I don't trust Gordon Brown...if we had had an election he would have got up to any kind of tricks that he could...I mean, I wouldn't be surprised if the night before the election he went on television and said 'look what I found...' and held up little Maddie McCann".*

We received 63 complaints that this remark was inappropriate and/or offensive.

#### **Decision**

Ofcom recognises the sensitivities involved related to the disappearance of Madeleine McCann. Any reference to the disappearance, other than during the course of News and Current Affairs reports, may result in the potential for offence. We therefore considered this material in the light of Rule 2.3 (generally accepted standards) which says that "...broadcasters must ensure that material which may cause offence is justified by context". Context includes, but is not limited to: the editorial content of the programme; the service on which the material is broadcast; the degree of offence likely to be caused; and the likely expectation of the audience.

In our view, *Bremner, Bird and Fortune* is a long-established satirical series that often engages with controversial subjects in a challenging way. In terms of the editorial content of the programme and the service on which the programme is broadcast there was therefore a possible justification for the material. As regards the degree of offence and the likely expectations of the audience, we considered whether this particular reference to Madeleine McCann was justified by the context of the sketch as a whole.

The main point of the sketch was to ridicule politicians and the sometimes cynical approach they are perceived to have when it comes to seeking re-election. The idea that politicians might be insensitive enough to attempt to exploit the tragedy surrounding the disappearance of Madeleine McCann to their advantage was consistent with the general purpose of the sketch. There was no suggestion that the target of the humour was Madeleine McCann, her family, or those people deeply affected by the disappearance.

On balance, therefore, whilst perhaps painful for some viewers to have been reminded of Madeleine McCann's disappearance, we concluded that the suggestion that politicians might consider cynically using such an event to their advantage justified the inclusion of such a reference in this satirical sketch.

#### **Not in breach**

## Fairness and Privacy Cases

### Not Upheld

#### **Complaint by Mrs Jan Melia on her own behalf and on behalf of Mr Oli Melia and their three children**

*Wife Swap, Channel 4, 16 October 2006*

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**Summary:** Ofcom has not upheld this complaint of unfair treatment.

The Melia family was one of the families featured in this edition of the sixth series of Channel 4's reality show *Wife Swap*, in which two wives swap families. Mrs Melia joined Mr Rob Collard and his two boys (aged 5 and 9 at the time of broadcast), while Mrs Deborah Collard went to live with Mr Melia and his three boys. The programme included footage of Mrs Melia in her 'swap' home and footage of her husband and their three sons (aged 15, 13 and 10 at the time of broadcast) in their family home.

Mrs Melia complained that: the opening commentary presented the family unfairly in a number of ways; the family was unfairly portrayed as being rebellious; they were not told that the programme would be biased and unbalanced; they were not given an appropriate opportunity to respond to what was said about them; Mr and Mrs Melia's work patterns and marriage were not fairly portrayed; the boys were portrayed as not washing or changing their clothes enough; and a pair of threadbare underpants was used to humiliate the boys.

Channel 4 responded that: the opening commentary fairly and accurately introduced the two families; it was fair and accurate to portray the Melia family as rebellious; the family was aware that it would be challenging to participate in the programme but the programme was not unbalanced; a right of reply and balance was provided to both families; Mr and Mrs Melia's work patterns and marriage were fairly and accurately portrayed; the programme legitimately showed Mrs Collard's exacting attitude to cleanliness and made it clear that the Melia boys did wash; the underpants were not used to ridicule the boys but to demonstrate Mrs Collard's fussy attitude to cleanliness and her use of the underpants to justify her view of Mr Melia's work.

Ofcom found that: the opening commentary was used to introduce the two families and the differences between them but was not unfair to the Melia family; neither was the programme's presentation of the family as being rebellious and proud of it unfair; while it was understandable that the family found their participation in the programme to be challenging, the programme was not unbalanced and portrayed the family as strong, warm and united; significant allegations were made about the family, regarding cleanliness and work patterns, to which the Melia family was given an appropriate and timely opportunity to respond within the programme, either through the commentary or through footage of Mr or Mrs Melia; Mr and Mrs Melia's work patterns were not portrayed negatively but were contrasted with those of the more traditional Collard family; it was clear throughout the programme that Mr and Mrs Melia were married; while the programme included references to the boys washing, viewers were likely to consider Mrs Collard's reaction reflected more on her very high standards than on the Melia boys; the threadbare underpants were not used to humiliate or ridicule the boys but to show how Mrs Collard used the issue to challenge Mr Melia about his work.

## Introduction

The Melia family was one of the families featured in this edition of the sixth series of Channel 4's reality show *Wife Swap*, in which two wives swap families. Mrs Melia went to live with Mr Rob Collard and his two boys (aged 9 and 5 at the time of broadcast), while Mrs Deborah Collard went to live with Mr Melia and his three boys. The programme included footage of Mrs Melia in her 'swap' home, and footage of her husband and their three sons (aged 15, 13 and 10 at the time of filming) in their family home.

Mrs Melia complained on her own behalf and on behalf of her husband and three sons that they were treated unfairly in the programme.

## The Complaint

### Mrs Melia's case

In summary, Mrs Melia complained that she and her family were treated unfairly in the programme as follows:

- a) The family as a whole was misrepresented and treated unfairly in that:
  - i) A statement in the opening commentary, "*what if your new wife encourages your kids to answer you back*", presented a biased and one-sided view of Ms Melia's ideology. This affected how the family was presented in the programme.
  - ii) The opening commentary also created an unfair presentation of the family, by creating questions about their values and how they operate as a family, such as the commentary that said "*What if your family would rather rebel than wash?*" This put the Melia family on the back foot, with the audience being invited to judge them as opposed to being asked to consider both the families.
  - iii) The opening commentary contained an irrelevant reference to the family's traveller past that was likely to arouse negative feelings in some viewers.
  - iv) The family was portrayed throughout the programme as being rebellious. This was unfair as it was judgemental and presented a one-sided view of events, without making it clear why the family would wish to resist Mrs Collard's rules. The portrayal of the family as rebellious was not given in context, in that Mrs Collard's behaviour and the reasons why Mr Melia and the boys resisted her rules were not explained. The commentary was coupled with the lack of a proper right to reply, so caused the family to be presented in a particular way that was not impartial.
  - v) Although the family knew the programme would be challenging, they were not told that it would be unfair and unbalanced. At the time of signing the contract to take part in the programme, it was not made clear that the programme would be creating a negative image of the life of the Melia family.
  - vi) Mrs Collard was given far more of a say in the programme than Mr Melia. She was given 14 monologues (i.e. pieces to camera), away from confrontational situations, as compared to four monologues by Mr Melia. The Melia boys were not given a fair amount of air time as compared to the Collard boys and, in effect, were not given a voice in the programme. Even though the three

boys and Mr Melia were filmed in pieces to camera, the interviews with the boys were not used in the programme and only four of Mr Melia's pieces to camera were used, none of which was about cleanliness. The discussions in the Melia home about cleanliness were shown in a confrontational manner, with Mr Melia under pressure and defending himself.

- b) Mr and Ms Melia were misrepresented and treated unfairly in that:
- i) Their work patterns were misrepresented and their work belittled both through the commentary and through comparison with Mr Collard's work. Although the programme makers were fully conversant with Mr and Mrs Melia's work, the overall sense given by the programme was that they did not work properly or enough. This was not true as both of them work.
  - ii) Their marriage was portrayed unfairly through the commentary and by comparison with the Collards' marriage. They were referred to as having "been together" for 19 years and the Collards as being "married" for 14 years. In fact Mr and Mrs Melia had been married for 17 years. The commentary was derogatory and unfair as it allowed viewers to misjudge their relationship from the outset of the programme.
- c) The three children were treated unfairly in that:
- i) They were portrayed as being dirty and not washing or changing their clothes and they were not given an opportunity to put their side of the story. This was achieved through the commentary and through Mrs Collard's opinion being allowed to hold sway in the programme. At no point during filming did the boys refuse to wash. They washed or showered in the morning and on three occasions during the swap, the younger boys were filmed coming out from baths later in the day. None of this was shown to counteract the accusations of not washing.
  - ii) A pair of threadbare underpants was used to ridicule the three boys and this went unchallenged in the programme. The boys knew nothing about this issue until viewing the first edit of the programme and they were given no proper opportunity to respond to it. Mrs Collard stated, without any proof, that they belonged to one of the boys. This was a misrepresentation of the boy in question and was insensitive. The constant referrals to the underpants, without any balance from the Melia family, were unfair to him. Mr Melia was shown making some response, but as he did not know what exactly Mrs Collard was referring to, he was at a disadvantage. In a second statement to Ofcom, Mrs Melia said that the conversation Mr Melia was shown having with Mrs Collard was, in fact, about one of the boys' school trousers, not about underpants. The issue of underpants was used as a symbol for the Melia family, whereas Mrs Collard's incentive chart was used as a symbol for the Collard family. Mrs Melia and Mr Collard were given an equal opportunity to put their views about the incentive chart, whereas this was not the case in relation to the underpants.

### **Channel 4's case**

In response to the complaint of unfair treatment, Channel 4 said in summary:

- a) By way of background, *Wife Swap* adopted a 'lifestyle' format that examined and contrasted different lifestyles by swapping a key member from each family, namely the wife. The programmes looked at how couples run their relationships, how they spend their money, and how they bring up their children. When searching for contributors, although contrast was key to the series editorially, actual differences may not be initially obvious. The main emphasis and interest normally came from what actually went on in the different households rather than from more obvious differences of race, religion, income or class. The producers were interested in the Melias because they were proudly unconventional, with careers and money being less important than spending time together as a family. Their unconventionality was presented as a deliberate, rationalised ideology. The producers felt that it would be interesting to swap them with a family that epitomised conventional values. The Collards appeared to fit this bill. After filming, but before broadcast, the two families attended the filming of *Wife Swap: the Aftermath*, in which the families were filmed watching the programme for the first time. The Melias were unhappy with some of the footage and some changes were made before the broadcast of this edition of *Wife Swap*.

In response to the complaint that the family was treated unfairly, Channel 4 said:

- i) The opening commentary of every *Wife Swap* episode worked to introduce viewers to the two families involved by contrasting different aspects of their behaviours and beliefs. The statement by the narrator "*What if your new wife encourages your kids to answer you back?*" did not present a biased or one-sided view of Mrs Melia, but presented a legitimate and factually accurate contrast between Mrs Melia's firm belief in freedom of expression and Mr Collard's more conservative attitude towards a child's place in the home. These contrasting opinions were picked up again later in the programme, for example on the first day of the swap when the wives were seen quoting from each other's Household Manual (a manual prepared by each wife to summarise the day-to-day running of their household). The reasoning behind the different approaches to parenting was made even clearer as the programme developed further. Neither was presented in a positive or negative light but simply as contrasting beliefs with which each member of the swap had to come to grips. The opening commentary gave a legitimate, fair and factually accurate introduction to viewers of some of the key ideological tensions exposed during Mrs Melia's stay at the Collards. This was not unfair. It did not set up the Melias in an unfair light.
- ii) It was an established and entirely legitimate central tenet of the *Wife Swap* format that the values and views of both families would be analysed and, explicitly or implicitly, questioned, particularly when contrasted with the other family. None of the questions asked in the opening commentary were factually inaccurate and they quite legitimately revealed, sharply and succinctly, some of the key tensions that were explored later in the programme. The fact that the tensions were introduced in the form of questions was not unfair to the Melias or to the Collards. The Collards' reactions and positions were just as open to viewer criticism as the more liberal views of the Melias.
- iii) The single reference to the Melia's background in the opening commentary, describing them as having been travellers, was factually accurate and entirely relevant when contrasting them with the traditional Collards. There was

nothing negative about the way the family was presented in reference to the comment. It was a part of their recent history and they appeared happy with their unique lifestyle choices. It was clear that they were no longer living as travellers and the programme did not try to present them in association with any type of negative stereotype.

iv) There was no unfairness in referring to the family as being “rebellious”. This was a family characteristic to which they proudly admitted on several occasions, both in the programme and in the untransmitted footage. Their behaviour, as captured on film and presented in its correct context within the programme, was clear evidence that the statement was entirely accurate and fair. It was clear throughout the programme that the term “rebellion” was an entirely appropriate one for some of the Melia family’s behaviour, particularly in relation to the traditional values Mr and Mrs Collard tried to impose. What was illustrated was not just rebellion but the Melias’ clear sense of fun. It was clear from the programme - and from the untransmitted material - that the description of the family as “rebellious” was accurate. It was not a negative presentation of them, but simply a contrasting presentation to that of the more traditional Collard family. It was likely that a large number of viewers would have embraced the Melia brand of fun and unconventionality.

v) The programme was not unfair or unbalanced. It was unlikely to have created a negative view of the Melias to reasonable viewers. The Melias were well aware of what the programme was about and were informed by the producers that it would be a challenge. They had agreed to take part on the terms set out in the contributor agreement, Provision 16 of which stated:

“Your contribution will be true and honest and [you agree] that we shall be entitled to cut, edit or translate your contribution as we see fit and we shall not be obliged to include all or any of your contribution in any programme.”

Although this was subject to the fairness provisions of the Code, it made it clear that the programme would be edited and that editorial control remained with the programme makers.

vi) The programme makers had an obligation to ensure that the material was edited in a way that was fair to all contributors and fairly reflected the events of the swap. That did not mean that contributions had to be balanced quantitatively. The fact that Mrs Collard spoke more than Mr Melia, or that the Melia children’s interviews were not included in the programme, did not in itself constitute unfairness. Throughout the programme, where appropriate, balance and right of reply was provided for both families. It was not up to the Melias to decide what material should or should not be included in the final programme. The fact that the Collard boys may have spoken more than the Melia boys, or that certain interviews with the Melia children were not included in the programme, did not in itself constitute unfairness.

b) In response to the complaint that Mr and Mrs Melia were misrepresented and treated unfairly, Channel 4 said in summary:

i) The issue of the Melias’ work patterns, particularly Mr Melia’s work patterns, was first raised at the recording of the *Aftermath* programme, when the Melias saw the original version of the *Wife Swap* programme for the first time. There were some sections of that version that the programme makers felt could have the potential to mislead viewers as to Mr and Mrs Melia’s work patterns.

These were rectified and the programme makers were satisfied that the programme gave an accurate and fair reflection of the swap and all the contributors. Channel 4 said that the programme legitimately juxtaposed and contrasted the non-traditional Melia lifestyle choices with the more traditional Collard lifestyle choices. It also offered a balance of both positive and negative opinions about both sides through the voices of the contributors themselves. Nothing that was said about Mr and Mrs Melia's work was inaccurate and nothing in the commentary set out to, or did, belittle their working patterns. Both men were challenged by their new wives about their working patterns. Each had a chance to respond to those challenges.

- ii) The Melia's relationship was not portrayed unfairly, either by commentary or by comparison with the Collards. Both couples came across as being committed and happy with each other. It was not unfair for the commentary not to refer to Mr and Mrs Melia as married. It was clear that they were married, as they were both referred to throughout the programme as "husband" and "wife". It was also clear to viewers that they had been together two years longer than the Collards.
- c) In response to the complaint that the boys were treated unfairly, Channel 4 said:
  - i) Channel 4 and the programme makers regretted any suffering that may have occurred to any member of the family as a result of their inclusion in the programme. However, the programme included factually accurate references, Mrs Collard's genuinely held opinion in relation to those, and an adequate right of reply from Mr Melia. It was made clear in the programme that the boys did wash, but that Mrs Collard expressed concern at how often they washed, as this did not meet her exacting personal standards. It was clear from the programme that the Melia family was unconventional and disliked routine, structure and rules. However the programme included a statement from Mrs Melia that showed that personal hygiene such as teeth cleaning was one of the few things important enough to them to attract a rule:

*"I believe in rules like cleaning your teeth, there aren't – there aren't very many rules to be honest."*

It was also clear that Mrs Collard had very particular standards and that she was fussy compared to the more relaxed Melias. An example of this was a conversation she had with Mr Melia about using rubber gloves. In a later scene, Mrs Collard was seen doing an inspection of the Melia house to see if it met her standards. It was clear from the commentary that, at the time, Mr Melia was cleaning it. It was Mrs Collard's fastidious approach, particularly when faced with a different house and bedrooms belonging to teenage boys that was being highlighted. There was no suggestion that Mrs Collard's opinions were right or wrong. After Mrs Collard found underpants under a bed, she was shown expressing her suspicions about the boys' personal hygiene. She put her suspicions to Mr Melia, who had a corresponding piece to camera in which he expressed his opinion on the subject. The programme makers felt there was no need for the Melia boys individually to answer Mrs Collard's criticisms as their father had done so. Mrs Collard's opinion was presented throughout as just that.

The differences between the two families were again highlighted when Mrs Collard introduced her rule changes to the family, and the children's

responses to Mrs Collard's views on hygiene were included. In a later scene, Mr Melia and the boys were shown making their good natured initial revolt against Mrs Collard's rules, when they shut themselves in a room and called themselves pirates. Their reaction was in keeping with the family's personality, as revealed throughout the programme, and was presented with justifiable reason given Mrs Collard's preference for exacting standards as opposed to the more fun and relaxed routine of the Melias.

The issue of hygiene came up again at the table meeting between the Melias and the Collards after the swap was over: Mrs Collard put her opinion to the Melias and their response on behalf of the boys was included in full. The issue was legitimately included in the programme and there was no unfairness to or misrepresentation of the Melias in relation to its use.

- ii) The issue of the "*threadbare pants*" was not used to ridicule or humiliate the boys. The issue was presented clearly in the context of Mrs Collard's inspection of the Melia house and was presented to viewers very much as part of her over-exacting attitude to cleanliness. It was clear that the Melia family did clean and it was also clear that Mrs Collard was in unfamiliar territory in a house with teenage boys, in a household that valued family and fun above strict rules and routine. Channel 4 said that the discovery of the underpants was editorially important not because it could potentially ridicule the boys, but because it further demonstrated Mrs Collard's own "fussiness" and because Mrs Collard made several references to them to try to justify her wider arguments to Mr Melia that he needed to bring more money into the household. Mr Melia was aware of the discovery of the underpants and was provided with an opportunity to respond.

There was no criticism of the boys in relation to the underpants and therefore no need to seek a right of reply from the boys. Neither the programme commentary nor Mrs Collard made any comments in relation to the discovery of the underpants that could be interpreted as ridiculing or humiliating them. The majority of viewers would have been unlikely to be surprised that a teenage boy might have an old pair of underpants, with holes, under his bed. Viewers would have been more likely to have thought Mrs Collard's concerns were overly fussy and evidence of her own lack of experience with teenage boys. Mr Melia did, in any event, have a chance to respond in relation to the underpants. The inclusion of Mrs Collard's discovery of the underpants and her subsequent reference to them was entirely legitimate and not unfair to the children. In response to Mrs Melia's second statement, Channel 4 said that, while it was unclear from some of the untransmitted footage whether a conversation between Mr Melia and Mrs Collard was about underpants or school trousers, it was clear from other footage that Mrs Collard was referring to underpants. The issue was legitimately included in the programme and fairly represented.

## 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, consistent and targeted only at cases in which action is needed.

Mrs Melia's complaint on her own behalf and on behalf of her husband and three sons was considered by the Fairness Committee ("the Committee"), Ofcom's most senior decision making body. The Committee considered the complaint and the broadcaster's responses; one further statement each from Mrs Melia and Channel 4; a recording and transcript of the programme as broadcast; a recording of *Wife Swap: the Aftermath*; and recordings of untransmitted footage.

Ofcom found as follows:

- a) The Committee first considered Mrs Melia's complaint that the whole family was misrepresented and treated unfairly.

In considering this head of complaint, The Committee took into account Practices 7.3, 7.6, 7.9 and 7.11 of the Code. Practice 7.3 states that where a person is invited to make a contribution to a programme, they should normally be told about the nature and purpose of the programme and what kind of contribution they are expected to make. Practice 7.6 states that when a programme is edited, contributions should be represented fairly. Practice 7.9 states that broadcasters must 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. Practice 7.11 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.

In considering whether the family was misrepresented or treated unfairly, the Committee considered separately each of the issues raised by Mrs Melia under this heading of her complaint.

- i) Mrs Melia complained that a statement in the opening commentary, "*What if your new wife encourages your kids to answer back?*" presented a biased and one-sided view of Mrs Melia's ideology that affected how the family was presented in the programme.

The Committee noted that Mrs Melia clearly set out her family's ethos on a number of occasions in the programme. She said, for example, that "...*there aren't very many rules to be honest*" and "*it's usually chaos*". She also made it clear that she felt that children should have a voice within the family. The Committee noted that Mrs Melia did this both in the opening commentary, when she said to Mr Collard, of one of the Collard boys, "*He's not being rude, he's just voicing his opinion*" and later in the programme when she said, in response to Mrs Collard's Manual, "*I've encouraged my boys to be bolshy teenagers that are full of backchat and attitude.*" Mrs Melia also said to Mr Collard of one of the Collard boys, "*He's expressing his point of view, he's not being horrible and I think he's done really well at expressing his point of view.*" She also said to Mr Collard that he did not "*hear [the children] as people*".

In the Committee's view, in these circumstances, it was clear throughout the programme that the two sets of parents had different views on the extent to which children should express their opinion. In the Committee's view, the opening commentary referring to the Melia boys being encouraged to "answer back" contrasted the family's style with that of the more conventional Collard family. This contrast became increasingly evident as the programme moved on. The Committee

considered that the commentary did not misrepresent the way the Melia family discussed and aired issues, as demonstrated throughout the programme. The Committee therefore found that the commentary was not one-sided and resulted in no unfairness to the Melia family.

- ii) Mrs Melia complained that the opening commentary created an unfair presentation of the family, by creating questions about their values and how they operated as a family.

The Committee considered that the very short opening commentary used questions about the Melia family, alongside footage of both families, to show two very different models of parenting rather than to challenge the way the Melias operated as a family. In the Committee's view it was clear from the outset that the greatest dramatic tension in the programme was going to be provided by a strict mother going to join a rebellious family with three adolescent boys. The opening commentary was quickly followed by Mrs Melia explaining her family's ethos:

*"I hate routine really. I really can't handle it. I'm much happier when every day is different...Everybody mucks in, gives off and gives their opinion and their ideas."*

The Committee considered that in the opening commentary itself and, to a much greater extent, throughout the programme the two very different families were contrasted in a way that allowed the viewer to decide with which ethos they had more sympathy. The Committee therefore found no unfairness in this respect.

- iii) Mrs Melia complained that the opening commentary contained an irrelevant reference to the family's traveller past that was likely to arouse negative feelings in some viewers.

It was not clear to the Committee how this comment was connected with the family ethos, other than perhaps to contribute to the overall portrayal of them as unconventional. The Committee noted that this was a brief reference and was not developed any further or pursued subsequently in the programme, nor was it associated with any negative portrayal of the family. Within the context of the programme as a whole, therefore, the Committee found that this reference to the family's past did not result in unfairness to them.

- iv) Mrs Melia complained that the portrayal of the family as rebellious was unfair and did not make it clear why the family would wish to resist Mrs Collard's rules. She also complained that they were not allowed a proper right to reply in relation to this commentary.

The issue of a right to reply is dealt with at part vi) of this decision heading.

In considering the complaint about the portrayal of the family as rebellious, the Committee considered that the Melias' reasons for resisting Mrs Collard's rules would have been clear to viewers. First, the programme (and the rushes) showed that the family was proud of their questioning approach towards rules. This came through from what the family members said themselves, both in the programme and during the untransmitted footage of the table meeting between the families at the end of the swap. Secondly, the Committee considered that viewers were likely to understand from Mrs Collard's particular attitude why the Melia's adopted a light-hearted approach to her rules. Therefore, in the context of the programme as a whole, Ofcom considered that viewers were likely to interpret the opening commentary, which referred to the Melia family preferring to rebel rather than wash, as a light-hearted

comment on Mrs Collard's very high standards in relation to cleanliness, rather than as a negative comment about the Melia family. The light-hearted nature of this was also evident from the neighbours' reaction in the sequence showing Mr Melia and his sons at the window, refusing to obey Mrs Collard's rules about bathing and referring to themselves as "pirates". In the Committee's view their neighbours clearly appreciated the joke and could be seen on the other side of the fence laughing at the situation. The Melia's light-hearted approach to Mrs Collard's rules was also evident, for example, when Mr Melia said that there was nothing in Mrs Collard's rules to say that they could not be broken. The Committee therefore found no unfairness in this regard.

- v) Mrs Melia complained that, although they knew the programme would be challenging, the family was not told that it would be unfair and unbalanced.

The Committee noted that the Melia family took part in the sixth series of *Wife Swap*, a programme format that had become very well-known and which was well established. It was likely, therefore, that they were aware when deciding to participate that the experience would be a challenging one. Furthermore, they signed up to a comprehensive contributor agreement, which made it clear at Paragraph 16 that editorial control remained with the programme makers:

"Your contribution will be true and honest and [you agree] that we shall be entitled to cut, edit or translate your contribution as we see fit and we shall not be obliged to include all or any of your contribution in any programme."

While Ofcom recognised that the family did find the experience to be a challenging one, it took the view that the family was portrayed as being strong, warm and united, one that valued creativity and fun. The family was also portrayed as having a distinct ethos. In the Committee's view, although this was somewhat unconventional, it was contrasted in the programme with that of the much more conventional Collard family. It was not a negative portrayal. Viewers were just as likely to have warmed to the Melia's fun-loving family as to have formed a negative opinion of them.

- vi) Mrs Melia complained that Mrs Collard was given a greater opportunity to put forward her views in the programme than Mr Melia and their children, and that the Melia family was shown in confrontational situations.

The Committee considered that, in deciding whether the Melia family was treated unfairly, it was not its role to measure precisely how much air time each participant had. It should decide whether the portrayal of the Melia family was unfair and whether there were significant allegations about them to which they were entitled to an appropriate and timely opportunity to respond.

The title of the programme and its principle focus were clearly on the wives. In the Committee's view, while Mrs Collard may have had more opportunity to present her views than Mr Melia and the Melia boys, Mrs Melia also had considerable air time. It was in keeping with the established style of the programme that Mrs Collard was able to voice strong opinions, just as Mrs Melia was able to in relation to the Collard family. However, it was also incumbent on the programme makers to ensure that any comments that were made were appropriately presented, and that an appropriate and timely opportunity was given to respond within the programme. The Committee considered that this was the case in relation to the comments made by Mrs Collard about the lifestyle of the Melia family, for instance regarding their cleanliness and work patterns. Where issues were raised, either Mr or Mrs Melia was able to respond

to them, through the commentary or through footage of them. For example, in relation to work, the narrator said that:

*“When he’s not looking after the boys, Oli works as a freelance sound engineer.”*

And Mr Melia himself said:

*“I’ve got a load of work at the end of the month and throughout the whole of June, so freelance work it goes up and down and it flows around you know.”*

Where issues were raised about the Melia boys, for example about cleanliness (see the decision heading c) i) below), Mr Melia was given an opportunity to respond on their behalf. In these circumstances, it was not incumbent on the programme makers to include responses from the boys as well. Furthermore, a significant amount of footage of the boys was included throughout the programme, through which viewers were likely to have gained a good impression of them.

As regards Mrs Melia’s concern that the family was shown in confrontational situations, the Committee took the view that the format of *Wife Swap* ran on confrontation. Footage of confrontational situations was inevitable. As far as the boys were concerned, they were more likely to be shown in confrontational situations than the Collard boys, who were significantly younger than the two older Melia boys. However, the Committee noted that, while Mr Melia and the boys were shown in a number of confrontational situations with Mrs Collard, viewers were likely to have seen this as an inevitable and reasonable response to Mrs Collard’s different approach to parenting. Furthermore, the Melias were not shown behaving in a confrontational manner as a family, despite the fact that, within the family, all members were encouraged to express their opinions. In these circumstances, the Committee found that the portrayal of the family in a number of confrontational situations was not unfair.

Ofcom therefore found no unfairness to the Melia family in these respects.

- b) The Committee next considered Mrs Melia’s complaint that she and her husband were misrepresented and treated unfairly.

In considering this head of complaint, the Committee took into account Practice 7.9 of the Code, as set out under decision heading a) above.

The Committee considered separately each of the issues raised by Mrs Melia under this heading of complaint.

- i) Mrs Melia complained that her work patterns and those of her husband were misrepresented and their work belittled.

The Committee noted that Mr Melia established early on in the programme that he did not work in the same conventional way that Mr Collard did:

*“I’ve done nine to five jobs you know once...I got sacked after three months so that was the end of that anyway.”*

The Committee noted that it was also clear throughout the programme that both Mr and Mrs Melia worked, and this was illustrated through the commentary and through

footage of Mr and Mrs Melia themselves. Mr Melia referred to his own freelance work (as set out at decision heading a) vi) above) and to Mrs Melia's work:

*"Yeah Jan works loads of hours down at her job and would be late home loads of nights, would do weekends and that."*

In the Committee's view the Melias' working arrangements were not portrayed negatively, but were contrasted with the much more conventional roles taken by Mr and Mrs Collard. Although Mrs Collard was dismissive of Mr and Mrs Melia's arrangements, many viewers would have understood the Melias' working arrangements. It was by no means the case that all viewers would have had a traditional 'nine to five' view of work themselves. Likewise, it was equally likely that viewers could have viewed the Collards' arrangements in a negative light, especially given the comment by one of the Collard boys:

*"I don't really get to see my dad often on Mondays to Fridays because it's just when we're going to bed we get to see him and say good night."*

In these circumstances, the Committee did not consider that Mr and Mrs Melia's work patterns were misrepresented or belittled and found no unfairness in this respect.

- ii) Mrs Melia complained that their marriage was portrayed unfairly. The Committee noted that the opening commentary referred to Mr and Mrs Melia as having been "together" for 19 years and Mr and Mrs Collard as having been "married" for 14 years.

The Committee did not consider that the difference in the way each couple was presented would have caused viewers to see the Melias in a negative light. Importantly, it was clear from the programme as a whole that Mr and Mrs Melia were married. Throughout the programme they were referred to subsequently as husband and wife. Furthermore, they were portrayed as a couple that cared deeply about their family and had created a life that fitted with their ideology.

Ofcom found no unfairness to Mr and Mrs Melia in these respects.

- c) The Committee finally considered Mrs Melia's complaint that the three boys were treated unfairly.

In considering this head of complaint, the Committee took into account Practices 7.9 and 7.11 of the Code, as set out under decision head a) above.

The Committee considered separately each of the issues raised by Mrs Melia under this head of complaint.

- i) Mrs Melia complained that the boys were portrayed as being dirty and not washing or changing their clothes and not given an opportunity to put their side of the story.

Since Mrs Collard was talking, at the time of filming, about minors, the Committee had some concerns about the frequent repetition throughout the programme of Mrs Collard's views on this subject. However, it noted that the programme did include references to the boys bathing, and showed them helping with household cleaning. It considered that most viewers would have seen them as fairly typical teenage boys, and were likely to have considered that Mrs Collard had very particular standards

and an almost obsessive preoccupation with respect to the boys' cleanliness which reflected more on her than on them.

The Committee also considered that, as a family, the Melias were given an opportunity to respond in the programme to Mrs Collard's views.

Oli Melia said:

*"The kids have a bath once a week. I think that's fine...It's like the more you wash your hair, the more you need to wash your hair. There's natural oils in our bodies and the more you wash your body the more you're washing off the natural oils..."*

And when challenged by Mrs Collard, one of the boys said:

*"I do take a pride in my appearance."*

In these circumstances, the Committee considered that this issue was not presented unfairly and that the Melia family was able to respond to Mrs Collard's views.

- ii) Mrs Melia complained that a pair of threadbare underpants was used in the programme to ridicule the boys and that this went unchallenged in the programme.

In considering this head of complaint, the Committee took into account Practice 7.11 of the Code, as set out under decision heading a) above.

The Committee noted that there was some confusion between the parties as to whether references to "pants" referred to underpants or trousers. However, in the Committee's view, the inclusion in the programme of footage of Mrs Collard finding some underpants under one of the boys' beds appropriately reflected what she found. As set out under decision heading c) i) above, it was clear from the programme that the Melia boys did wash and that they helped with household cleaning. As set out under decision heading c) i) above, it was also clear from the programme that Mrs Collard had very particular and personal standards with respect to cleanliness. The Committee considered that viewers would have seen her attitude towards the boys' cleanliness in this light. This was demonstrated, for example, by her concern that she was not assured that *"their underwear and everything is being changed **at least** once a day"* [Ofcom's emphasis] and her statement in her manual, as quoted in the programme by Mrs Melia, that:

*"When I Hoover I'm very particular and make sure that the piles are standing up on the carpet."*

From viewing the programme the Committee was satisfied that this issue was not included in the programme to ridicule or humiliate the boys. It was to show how it was used by Mrs Collard in order to challenge Mr Melia about his working arrangements, by suggesting that he did not provide adequately for his family. Because the Committee was satisfied that the issue was not included to ridicule or humiliate the boys it was also satisfied there was no "serious allegation" which required a response from the boys or Mr Melia on their behalf in relation to the underpants being shown on camera by Mrs Collard. Mr Melia was given a number of opportunities to respond to Mrs Collard's references to the pants and lack of other "necessities" in the context of whether he was able to provide for the family, saying, for example *"... we've got lots of food, we're okay... We seem to be okay"*. As noted above, the Committee was aware of the confusion between the different items of clothing, but as this section of

the programme was intended to convey the tension between Mrs Collard and Mr Melia over the provision of family essentials it was not considered significant that Mr Melia may have been referring to a different pair of “pants”. In these circumstances, the Committee found that this issue was not included to ridicule the boys and was not portrayed unfairly.

Ofcom therefore found that there was no unfairness to the boys in these respects.

**Accordingly the Fairness Committee has not upheld the complaint of unfair treatment in the broadcast of the programme.**

## Other Programmes Not in Breach/Out of Remit

8 to 21 January 2008

Programme	Channel	Trans Date	Category	No of complaints
'Feel the Fear' trailer	CITV	03/01/2008	Offensive Language	1
118 118 Sponsor Credits	ITV1	27/12/2007	Sex/Nudity	1
118 118 Sponsor Credits	ITV1	28/12/2007	Generally Accepted Standards	1
1983: The Brink of Apocalypse	Channel 4	05/01/2008	Other	1
28 Acts in 28 Minutes	BBC Radio 4	20/12/2007	Offensive Language	1
50 Cent featuring Justin Timberlake	The Hits	25/10/2007	Sex/Nudity	4
Alpha - Did It Change Their Lives?	ITV1	16/12/2007	Due Impartiality/Bias	1
Anglia Tonight (trailer)	ITV1	03/01/2008	Animal Welfare	1
Arrange Me A Marriage	BBC2	20/12/2007	Generally Accepted Standards	1
BBC News	BBC1	18/12/2007	Generally Accepted Standards	1
BBC News	BBC1	16/12/2007	Generally Accepted Standards	1
BBC News	BBC1	02/01/2008	Violence	1
BBC Radio Manchester	BBC Radio	09/12/2007	Generally Accepted Standards	1
Barry Norman's Pickled Onions	BBC Radio 4	-	Undue Prominence	1
Being Maxine Carr	Channel 4	14/12/2007	Crime (incite/encourage)	1
Big Brother: Celebrity Hijack	E4	08/01/2008	Dangerous Behaviour	1
Big Brother: Celebrity Hijack	Channel 4	03/01/2008	Generally Accepted Standards	2
Big Brother: Celebrity Hijack	E4	08/01/2008	Generally Accepted Standards	1
Big Brother: Celebrity Hijack	E4	14/01/2008	Generally Accepted Standards	1
Big Brother: Celebrity Hijack (trailer)	E4	03/01/2008	Animal Welfare	1
Big Fat Liar	ITV1	06/01/2008	Dangerous Behaviour	1
Big Fat Quiz of the Year	Channel 4	30/12/2007	Generally Accepted Standards	4
Big Fat Quiz of the Year	Channel 4	05/01/2008	Generally Accepted Standards	1
Big Fat Quiz of the Year	Channel 4	30/12/2007	Offensive Language	2
Bloody Sunday: Scenes from the Saville Inquiry	BBC Radio 4	18/01/2008	Generally Accepted Standards	1
Bones	Sky One	16/12/2007	Generally Accepted Standards	1
Brainiac's Test Tube Baby	Sky Three	22/12/2007	Animal Welfare	1
Breakfast	BBC1	20/12/2007	Religious Offence	1
Britain's Biggest House Price Falls	ITV1	09/01/2008	Due Impartiality/Bias	1
Brokeback Mountain	Sky Movies	02/01/2008	Other	1

CSI: Crime Scene Investigation	Five	05/01/2008	Other	1
Casualty	BBC1	08/12/2007	Violence	1
Casualty	BBC1	22/12/2007	Violence	1
Celebrity Big Brother	Channel 4/E4	-	Use of Premium Rate Numbers	2
Champions League Highlights	ITV1	27/11/2007	Inaccuracy/Misleading	1
Channel 4 News	Channel 4	03/01/2008	Violence	4
Channel 4 News	Channel 4	02/01/2008	Due Impartiality/Bias	1
Chris Rock: Never Scared	Paramount 1	05/01/2008	Generally Accepted Standards	1
Comedy Lab: Swizzcall	Channel 4	06/01/2008	Religious Offence	1
Coronation Street	ITV1	25/12/2007	Dangerous Behaviour	2
Coronation Street	ITV1	23/12/2007	Substance Abuse	3
Coronation Street	ITV1	21/12/2007	Generally Accepted Standards	1
Coronation Street	ITV1	25/12/2007	Generally Accepted Standards	1
Coronation Street	ITV1	17/12/2007	Inaccuracy/Misleading	1
Countryfile	BBC1	06/01/2008	Sex/Nudity	1
DIY SOS	BBC1	27/12/2007	Religious Offence	1
Dancing on Ice	ITV1	10/01/2008	Unconscious influence/hypnosis	1
Danny & Nick's Breakfast Show	Southern FM	18/12/2007	Generally Accepted Standards	1
Dawn French's Boys Who Do: Comedy	BBC1	23/12/2007	Offensive Language	1
Deal Or No Deal	Channel 4	21/12/2007	Generally Accepted Standards	1
Dispatches	Channel 4	17/10/2007	Generally Accepted Standards	2
Dispatches	Channel 4	17/10/2007	Inaccuracy/Misleading	2
Dispatches: Britain Under Attack	Channel 4	06/08/2007	Generally Accepted Standards	10
Dispatches: Britain Under Attack	Channel 4	06/08/2007	Religious Offence	7
Doctors	BBC1	05/12/2007	Sex/Nudity	1
Don't Take My Baby: Tonight	ITV1	26/11/2007	Due Impartiality/Bias	1
EDF Energy Rugby Union Sponsorship	ITV1	08/09/2007	Inaccuracy/Misleading	1
ET the Extra-Terrestrial	ITV1	27/12/2007	Offensive Language	1
Eastenders	BBC1	31/12/2007	Offensive Language	1
Eastenders	BBC1	25/12/2007	Violence	2
Eastenders	BBC1	25/12/2007	Generally Accepted Standards	1
Eastenders	BBC1	17/12/2007	Generally Accepted Standards	4
Emmerdale	ITV1	01/01/2008	Generally Accepted Standards	7
Extras	BBC1	27/12/2007	Generally Accepted Standards	1
Fat Men Can't Hunt	BBC3	10/01/2008	Generally Accepted Standards	1
Festive Filth	MTV Flux	12/12/2007	Sex/Nudity	1
First Cut: the Rules of Seduction	Channel 4/E4	07/12/2007	Generally Accepted Standards	1

Five News	Five	20/12/2007	Due Impartiality/Bias	1
Five News	Five	03/01/2008	Violence	2
Freak Show	Zone Horror	22/12/2007	Generally Accepted Standards	1
Friday Night With Jonathan Ross	BBC1	21/12/2007	Generally Accepted Standards	1
Friday Night With Jonathan Ross	BBC1	14/12/2007	Generally Accepted Standards	1
Friday Night With Jonathan Ross	BBC1	14/12/2007	Sex/Nudity	1
Friends	E4	19/12/2007	Offensive Language	1
Frontline Scotland	BBC Scotland	09/01/2008	Due Impartiality/Bias	1
Fun with Phonics	CBeebies	11/01/2008	Inaccuracy/Misleading	1
GMTV	ITV1	20/11/2007	Inaccuracy/Misleading	1
GMTV	ITV1	15/01/2008	Due Impartiality/Bias	1
GMTV	ITV1	28/12/2007	Generally Accepted Standards	1
George Galloway	talkSPORT	22/12/2007	Generally Accepted Standards	2
Getting Even with Dad	Five	06/01/2008	Offensive Language	3
Ghost Hunt	Zone Reality	01/01/2008	Offensive Language	1
Goldenballs & Great Pretender	ITV1		Crime (incite/encourage)	1
Gremlins	Five	15/12/2007	Other	1
Gremlins	Five	15/12/2007	Generally Accepted Standards	1
Gremlins	Five	15/12/2007	Violence	1
Harry and the Hendersons	Channel 4	02/01/2008	Offensive Language	1
Have I Got News For You	BBC1	07/12/2007	Generally Accepted Standards	2
Have I Got Old News for You	BBC2	23/12/2007	Generally Accepted Standards	2
Hollyoaks	Channel 4	30/12/2007	Offensive Language	2
Hollyoaks Omnibus	Channel 4	23/12/2007	Sex/Nudity	2
Honest	ITV1	09/01/2008	Sex/Nudity	1
Honest	ITV1	09/01/2008	Other	1
House	Five US	20/12/2007	Generally Accepted Standards	2
How to Get More Sex (trailer)	ITV1	13/12/2007	Sex/Nudity	2
How to Look Good Naked	Channel 4	02/01/2008	Sex/Nudity	2
ITV News	ITV1	12/12/2007	Other	2
ITV News	ITV1	03/01/2008	Violence	7
ITV News	ITV1	22/11/2007	Generally Accepted Standards	2
ITV News	ITV1	14/12/2007	Due Impartiality/Bias	2
ITV News	ITV1	27/12/2007	Animal Welfare	2
Insurance Uncovered: Tonight	ITV1	26/10/2007	Due Impartiality/Bias	2
Izhar-e-haq	Peace TV	20/10/2007	Crime (incite/encourage)	1
Jack and the Beanstalk	ITV2	22/12/2007	Sex/Nudity	1
James Cannon	Capital 95.8FM	25/11/2007	Generally Accepted Standards	1

Johnny Vaughan	Capital 95.8FM	29/11/2007	Animal Welfare	1
Jon Gaunt	talkSPORT	11/12/2007	Animal Welfare	1
Jon Gaunt	talkSPORT	17/12/2007	Generally Accepted Standards	1
Jon Gaunt	talkSPORT	20/12/2007	Competitions	1
Jools's Annual Hootenanny	BBC2	31/12/2007	Inaccuracy/Misleading	1
Keith Barry: the Escape - Live	ITV1	29/12/2007	Dangerous Behaviour	1
Last Chance Learners	ITV1	19/12/2007	Inaccuracy/Misleading	1
Lawless Britain	Bravo	15/12/2007	Violence	1
Lawless Britain	Bravo	04/12/2007	Animal Welfare	1
Lily Allen: Still Alright?	Channel 4	31/12/2007	Offensive Language	1
Little Miss Jocelyn	BBC1	10/01/2008	Generally Accepted Standards	1
Little Miss Jocelyn	BBC2	10/01/2008	Offensive Language	1
Live Test Cricket	Sky Sports 1	02/12/2007	Due Impartiality/Bias	1
Look North	BBC1	04/12/2007	Inaccuracy/Misleading	1
Loose Women	ITV1	10/12/2007	Generally Accepted Standards	1
Loose Women	ITV1	14/12/2007	Sex/Nudity	1
Loose Women	ITV1	19/12/2007	Sex/Nudity	1
Make Me a Muslim	Channel 4	16/12/2007	Religious Issues	9
Make Me a Muslim	Channel 4	16/12/2007	Generally Accepted Standards	1
Make Me a Muslim	Channel 4	17/12/2007	Generally Accepted Standards	1
Make Me a Muslim	Channel 4	18/12/2007	Generally Accepted Standards	3
Me Too!	BBC2	20/11/2007	Dangerous Behaviour	1
Meridian News	ITV1	20/12/2007	Generally Accepted Standards	2
Midlands Today	BBC1	08/01/2008	Animal Welfare	3
Milkshake!	Five	-	U18 - Coverage of Sexual/other	1
Miranda Hart's House Party	BBC Radio 4	08/01/2008	Offensive Language	1
Movies Now	ITV3	10/01/2008	Generally Accepted Standards	1
My Name is Earl	Channel 4	26/10/2007	Advertising	1
News	Revelation Radio	07/01/2008	Format	1
News	BBC1	03/12/2007	Generally Accepted Standards	1
News at Ten ident	ITV1	14/01/2008	Unconscious influence	1
Night Waves with Joey B	Seaside FM 105.3	05/01/2008	Offensive Language	2
North Tonight	STV	28/11/2007	Inaccuracy/Misleading	1
Oliver Twist	BBC1	22/12/2007	Violence	1
Outtake TV	BBC1	15/12/2007	Generally Accepted Standards	5

Parkinson: The Final Conversation	ITV1	16/12/2007	Offensive Language	1
Penis Envy (trailer)	Challenge	26/12/2007	Sex/Nudity	1
Pororo the Little Penguin	Cartoonito	04/01/2008	Generally Accepted Standards	1
Richard and Judy	Channel 4	14/01/2008	Offensive Language	1
Rogue Traders	BBC1	24/10/2007	Due Impartiality/Bias	1
Royal Institution Christmas Lectures	Five	24/12/2007	Generally Accepted Standards	1
Saturday Kitchen	BBC1	12/01/2008	Undue Prominence	1
Saturday Night Shocks	Film 4	08/01/2008	Religious Offence	1
School Ties	Sky Movies Drama	12/12/2007	Generally Accepted Standards	1
Sex with Mum and Dad	BBC3	02/01/2008	Generally Accepted Standards	1
Shrink Rap	More4	15/01/2008	Generally Accepted Standards	1
Singing With The Enemy	BBC3	16/10/2007	Generally Accepted Standards	1
Skins (trailer)	Channel 4	03/01/2008	Generally Accepted Standards	1
Sky News	Sky News	03/01/2008	Violence	4
Soccer AM	Sky One	05/01/2008	Other	1
Something to Talk About	Five	29/12/2007	Offensive Language	1
Spongebob Squarepants	Nicktoons	27/12/2007	Offensive Language	1
Sponsorship of ITV Weather	ITV1	-	Animal Welfare	1
Street Crime UK	Bravo	-	Generally Accepted Standards	1
Street Wars	Sky One	04/12/2007	Violence	1
Strictly Come Dancing - The Final	BBC1	22/12/2007	Generally Accepted Standards	1
Striptease	Channel 4	25/01/2008	Other	1
Sunrise Radio	Sunrise Radio	07/11/2007	Competitions	1
T4	Channel 4	19/12/2007	Generally Accepted Standards	1
Tarrant on TV	ITV1	22/12/2007	Generally Accepted Standards	1
The Alan Titchmarsh Show	ITV1	19/12/2007	Sex/Nudity	3
The Armstrong & Miller Show	BBC1	14/12/2007	Generally Accepted Standards	3
The Bill	ITV1	19/12/2007	Generally Accepted Standards	1
The Eagle Has Landed	Bravo	30/12/2007	Offensive Language	1
The Feel Good Breakfast Show	Century 105.4FM	19/12/2007	Generally Accepted Standards	1
The Friday Night Christmas Project	Channel 4	21/12/2007	Religious Offence	1
The Friday Night Christmas Project	Channel 4	28/12/2007	Generally Accepted Standards	1
The Hidden Story of Jesus	Channel 4	25/12/2007	Religious Offence	1
The Jeremy Kyle Show	ITV1	06/12/2007	Generally Accepted Standards	1
The Jeremy Kyle Show	ITV2	02/01/2008	Offensive Language	1
The Jeremy Kyle Show	ITV1	10/01/2008	Offensive Language	1

The Jeremy Kyle Show	ITV1	10/01/2008	Inaccuracy/Misleading	2
The Jerry Springer Show	LIVING	07/01/2008	Generally Accepted Standards	1
The Jon Gaunt Show with Ian Collins	talkSPORT	04/01/2008	Generally Accepted Standards	1
The Now Show	BBC Radio 4	29/12/2007	Generally Accepted Standards	1
The Omid Djalili Show	BBC1	15/12/2007	Generally Accepted Standards	1
The One and Only	BBC1	05/01/2008	Generally Accepted Standards	1
The Simpsons	Channel 4	21/11/2007	Generally Accepted Standards	1
The Terminal	BBC2	26/12/2007	Offensive Language	1
The Waste Watchers: Tonight	ITV1	09/11/2007	Due Impartiality/Bias	1
The Wright Stuff	Five	03/12/2007	Generally Accepted Standards	1
The X Factor - the Final Result	ITV1	15/12/2007	Commercial References	1
The Xtra Factor – the Final Result	ITV2	15/12/2007	Generally Accepted Standards	3
To the Manor Born	BBC1	25/12/2007	Generally Accepted Standards	1
Top Gear	BBC2	04/11/2007	Offensive Language	3
Top Gear	BBC2	11/11/2007	Generally Accepted Standards	4
Top Gear	BBC2	23/12/2007	Sex/Nudity	3
Top Gear	BBC3	29/12/2007	Other	1
Torchwood	BBC2	16/01/2008	Generally Accepted Standards	1
Trinny and Susannah Undress the Nation	ITV1	18/12/2007	Generally Accepted Standards	1
WRC Craziest Moments	ITV4	02/12/2007	Animal Welfare	1
Wake Up To Wogan	BBC Radio 2	04/12/2007	Generally Accepted Standards	1
Weakest Link	BBC2	04/01/2008	Generally Accepted Standards	1
World Professional Darts Championship	BBC2	08/01/2008	Generally Accepted Standards	1
Xfm	Xfm (South Wales)	15/12/2007	Generally Accepted Standards	1
You've Been Framed! Calendar Special	ITV1	29/12/2007	Dangerous Behaviour	1