

Ofcom Broadcast Bulletin

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Introduction

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

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

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

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

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

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

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

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

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

Standards cases

In Breach

Channel S News

Channel S, 9 February 2012, 22:00

Introduction

Channel S is a free-to-air satellite general entertainment channel aimed at the Bangladeshi community in the UK and Europe. The licence for Channel S is held by Channel S Global Limited (“Channel S” or “the Licensee”).

A complainant alerted Ofcom to a news report in the above edition of *Channel S News*, which the complainant described as a “political press conference, broadcast as a ‘news’ item without any attempt to give an alternative view”.

Ofcom reviewed the news item in question, which was broadcast in Bangla. Ofcom therefore commissioned an independent translation and transcript of the output from a native speaker. We noted the following from the transcript.

The news report concerned the proposed 2012/13 budget for Tower Hamlets Borough Council. Tower Hamlets London Borough Council is the local authority for the London Borough of Tower Hamlets in Greater London.

The council is notable in that its executive function is controlled by a directly elected mayor of Tower Hamlets, currently Lutfur Rahman, who was elected to this role in October 2010 as an independent candidate. He had previously been deselected as the official Labour Party candidate in the election to be directly elected mayor, and in that election beat the official Labour Party candidate.

Following the May 2010 election, Tower Hamlets London Borough Council was composed of 41 Labour Party members, eight Conservative Party members, one Respect Party member and one Liberal Democrat Party member. Eight councillors elected in May 2010 as Labour Party candidates, who support Lutfur Rahman, subsequently became independent councillors, and taking into account by-elections since May 2010 the council’s current composition is: 32 Labour Party members; nine independents; seven Conservative party members; two Respect Party members; and one Liberal Democrat Party member.

We noted that the newsreader in the programme introduced the item as follows:

“Despite the government proposing a cut of £100 million in the proposed budget of Tower Hamlets Council for the financial year 2012/13...In a press conference this Thursday, Lutfur Rahman, the Executive Mayor, has labelled this budget as ‘aimed at the benefit of the people’”.

The news report included footage of Lutfur Rahman, the Mayor of Tower Hamlets, conducting a press conference announcing his proposed budget for 2012/13 for Tower Hamlets Borough Council. At the same time a Channel S reporter said in voiceover:

"In making the budget of the financial year 2012-13, Lutfur Rahman, the Executive Mayor, has given the most importance to the opinions of the residents of the Tower Hamlets Council. This is why he has described the budget as a progressive one for the local residents. Despite the massive funding cuts undertaken by the Conservative government, all attempts have been made to continue with all the important services in this budget. The services to be continued include free home care service, youth services' funding, children centres, the requirement to pay a single parking fee (even if families own more than one vehicle) and Tower Hamlets Enforcement Officers (THEO). Lutfur Rahman stated that ensuring Council Tax freeze, just like last year, and ensuring employment of additional 17 police officers while there are number of police cuts across the country ongoing - these are the main objects of this budget".

The item included the following statements in relation to the proposed 2012/13 budget for Tower Hamlets Borough Council:

Lutfur Rahman said:

"The central government has given us a target to find £100 million of cuts over four years, a very difficult time, we have to do it to remain with the legal means. We have found the cuts, but I can assure you that we have protected the front line services, we have protected our staff. Our swimming pools will be open, our libraries will remain open. We have invested money in our education service. You know the education maintenance allowance, the only council in the country, we have introduced that".

Soon after, the Channel S reporter said:

"... This budget was described as 'a budget of opposite flow to the national government' by the Finance and Resource Cabinet Member Alibor Choudhury".

Alibor Choudhury then said:

"Tower Hamlets Labour Party have sought to work with the Tories to make life difficult for the Mayor [Lutfur Rahman] and this administration. Make it difficult for them to deliver a progressive budget and as far as most people are concerned, what the Mayor is proposing in his budget is progressive".

This was followed by the Channel S reporter saying:

"Asad Ali, the Health Cabinet member, from his experience of 23 years of being involved with the budgets stated, 'This is the only budget in this period in which the public opinion was given so much direct importance'".

Asad Ali then said:

"Based on the history of this council in the last 23 years, I have never seen a budget being made for which the general public were being referred to so that their interests are taken care of. For this one, the public opinion was called for. Public involvement was welcomed..."

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

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

We therefore sought the Licensee’s comments as to how this material complied with this Rule.

Response

Channel S stated its view that the complaint in this case originated from “a group of people raising anything and everything that could cause Channel S inconvenience and make our life difficult in relation to the Mayor and Tower Hamlets Council”.

With regard to the news item itself, the Licensee said that the news item did not relate to a “Party political press conference”. Rather, the news item in question consisted of coverage of the press conference called by Lutfur Rahman to which “all the media in Tower Hamlets” were invited to “announce his budget for the financial year 2012-13”.

Channel S said that it had “a duty to broadcast this news [and]...At that time, we were not made aware of any other interests against” Lutfur Rahman’s proposed budget for 2012/13. Further, the Licensee said, “If we were invited to attend any other press conference to raise their views or anyone making comments in the press conference, we would have entertained this”.

In conclusion, Channel S said that “Tower Hamlets is not a political organization but a public body. We do not see any reasons to take other views while a Council called a Press Conference to announce their annual budget”.

Decision

Under the standards objectives of the Communications Act 2003, Ofcom has a duty to ensure that news included in television and radio services is presented with due impartiality. This objective is reflected in Section Five of the Code.

When interpreting due impartiality, Ofcom must take into account the broadcaster’s and audience’s right to freedom of expression. This is set out in Article 10 of the European Convention on Human Rights. Article 10 provides for the right of freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without unnecessary interference by public authority.

The broadcaster’s right to freedom of expression is therefore not absolute. In carrying out its duties, Ofcom must balance the right to freedom of expression on one hand, with the requirement in the Code to preserve “due impartiality” in news programmes. Ofcom recognises that this requirement acts to limit, to some extent, freedom of expression. This is because its application necessarily requires broadcasters to ensure that, for example, neither side of a controversy presented in news programmes is unduly favoured.

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

The obligation in Rule 5.1 to present news with due impartiality applies potentially to any issue covered in a news programme, and not just matters of political or industrial controversy and matters relating to current public policy. However, in judging whether due impartiality has been preserved in any particular case, the Code makes clear

that the term “due” means adequate or appropriate to the subject matter. Therefore “due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of the argument has to be represented. Due impartiality may be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures due impartiality is maintained.

We noted that the news report in question showed Lutfur Rahman, the independent mayor for the Tower Hamlets Borough Council, at a press conference announcing his proposed 2012/13 budget for Tower Hamlets Borough Council. In Ofcom’s opinion because Lutfur Rahman was elected to his post, and exercises certain important executive financial powers in that post (including setting the Tower Hamlets budget), a press conference called to announce and promote his budget could reasonably be regarded as a press conference dealing with policy matters that were politically controversial. In presenting a news item on a press conference dealing with such a matter, a broadcaster must present that news with due impartiality.

In assessing whether any particular news item has been reported with due impartiality, we take into account all relevant facts in the case, including: the substance of the story in question; the nature of the coverage; and whether there are varying viewpoints on a news story, and if so how a particular viewpoint, or viewpoints, on a news item could be or are reflected within news programming.

In this case, Ofcom noted that the news item in question included various statements that could be characterised as: supportive of Lutfur Rahman’s proposed 2012/13 budget; critical of the cuts that Tower Hamlets Borough Council was reported to having been required to make by central government; and critical of the current and past actions and policies of the Conservative Party and Labour Party in Tower Hamlets. In our view, these statements clearly related to aspects of public policy and would have been likely to attract a range of viewpoints. For example, we noted the following statements within the news item:

“The central government has given us a target to find £100 million of cuts over four years, a very difficult time, we have to do it to remain with the legal means...I can assure you that we have protected the front line services, we have protected our staff”.

“... This budget was described as ‘a budget of opposite flow to the national government’ by the Finance and Resource Cabinet Member Alibor Choudhury”.

“Tower Hamlets Labour Party have sought to work with the Tories to make life difficult for the Mayor and this administration. Make it difficult for them to deliver a progressive budget...”.

“I have never seen a budget being made for which the general public were being referred to so that their interests are taken care of.”

We considered that the news item did not reflect any alternative viewpoints to Lutfur Rahman’s as the independent directly elected mayor or to those who were supportive of his policies. For example, there was no reflection of the viewpoints of the Conservative Party and Labour Party on Tower Hamlets Council in reaction to Lutfur Rahman’s budget. Nor was there any indication in the news item that alternative viewpoints were even sought by the broadcaster.

There is no requirement on broadcasters to provide an alternative viewpoint in all news stories or all issues in the news. All news stories must however be presented with due impartiality: that is with impartiality adequate or appropriate to the subject and nature of the programme. Presenting news stories with due impartiality in news programmes very much depends on editorial discretion being exercised appropriately in all the circumstances.

In reaching our decision, we took account of Channel S's various representations in this case. Firstly, we noted that, in the Licensee's view, the complaint in this case originated from "a group of people raising anything and everything that could cause Channel S inconvenience and make our life difficult in relation to the Mayor and Tower Hamlets Council". In fulfilling its duties in relation to enforcing broadcast standards, Ofcom does not investigate matters on the basis of broadcast complaints alone¹. Complaints are useful because they alert Ofcom to potential issues. Ofcom however only proceeds to a full investigation of broadcast content after carefully assessing programme content as broadcast against the provisions of the Code, and deciding that the content does in fact raise potential issues under the Code. Therefore, whatever the alleged provenance of a particular complaint, broadcasters must comply with the Code.

Second, Channel S said that the news item did not relate to a "Party political press conference", but rather, a press conference called by Lutfur Rahman to which "all the media in Tower Hamlets" were invited to "announce his budget for the financial year 2012-13". Irrespective of whether the press conference in this case was being run under the auspices of for example a political party or a local government institution, as already pointed out the matters discussed at the press conference related to policy issues which were politically controversial. In broadcasting a news report of that press conference it was therefore necessary for the broadcaster to ensure alternative viewpoints were appropriately reflected to ensure that due impartiality was preserved

Third, the Licensee also stated that it had a "duty" to broadcast this particular news item. Ofcom recognises that broadcasters will want to include in their news programmes reports on issues relating to public policy affecting the broadcaster's target audience. We further recognise that Channel S, as a channel serving the UK Bangladeshi community, would want to report on policy matters relating to Tower Hamlets Borough Council, given the large Bangladeshi community residing in that borough. However, whatever the understandable sense of obligation the Licensee felt it was under to report this particular press conference, it was also obliged to comply with Rule 5.1.

Fourth, Channel S stated that "we were not made aware of any other interests against" Lutfur Rahman's proposed budget for 2012/13 and if "we were invited to attend any other press conference to raise their views or anyone making comments in the press conference, we would have entertained this". In addition, the Licensee stated that, "Tower Hamlets is not a political organization but a public body. We do not see any reasons to take other views while a Council called a Press Conference to announce their annual budget". Given that this news item was: dealing with issues relating to the public policy of an elected mayor and the local government

¹ Section 1.6 of Ofcom's *Procedures for investigating breaches of content standards for television and radio* state: "Ofcom may launch investigations on its own initiative as well as investigate complaints" (see <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/june2011/breaches-content-standards.pdf>).

administration he is leading; and included statements that endorsed that elected mayor's policies and criticised other political parties locally, we considered it was incumbent on Channel S to seek to reflect appropriately alternative viewpoints on the matters under discussion. This is irrespective of whether the policy issue being reported on originates with a political party or a public body. Further, in such circumstances, it was not acceptable for the Licensee to wait to be "invited" to attend press conferences that might express alternative viewpoints. Given the seriousness of the issues being discussed, at the very least, Channel S should have sought and reflected the views of, for example, political parties that oppose Lutfur Rahman on Tower Hamlets Borough Council, and specifically his proposed 2012/13 budget. In this regard, we are aware of, for example, the publicly stated viewpoint of the Labour Party in Tower Hamlets to certain proposals contained in Lutfur Rahman's proposed 2012/13 budget². It is an editorial decision for the broadcaster as to how such alternative viewpoints are reflected within news programming, but when reporting the news, broadcaster must ensure that it is presented with due impartiality.

Given the above, we concluded that on the specific facts of this case these news items were not presented with due impartiality. We have therefore recorded a breach of Rule 5.1 of the Code.

We are concerned that the breach in this case comes after three previous contraventions of the Code rules covering due impartiality and elections recorded against Channel S: in Ofcom Broadcast Bulletin 177³; Ofcom Broadcast Bulletin 188⁴; and Ofcom Broadcast Bulletin 203⁵. We therefore put the Licensee on notice that further breaches of the Code of a similar or related nature will be considered for statutory sanction.

Breach of Rule 5.1

² <http://www.towerhamletslabour.org.uk/mayor-rahmans-rotten-borough>

³ <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb177/issue177.pdf>

⁴ <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb188/obb188.pdf>

⁵ <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb203/obb203.pdf>

In Breach

Insane Championship Wrestling

My Channel, 6 May 2012, 05:00

Introduction

The channel My Channel is owned and operated by Enteraction TV Learning Ltd (“the Licensee”).

Insane Championship Wrestling (“ICW”) is an entertainment wrestling event.

A complainant alerted Ofcom to the broadcast of offensive language in this programme, considering that it was inappropriate at this time.

Ofcom viewed a recording and noted examples of offensive language as follows at the times indicated:

05:42 Commentator: *“If you have never seen his opponent, you are in for a first class mindfuck.”*

05:46 Commentator: *“I honestly think that the mindfuckery... I’m at a loss for how else to describe it...”*

05:48 Crowd chants: *“You sick fuck.”*

The Code requires that: “material unsuitable for children should not, in general, be shown before 21:00 or after 5:30.”

Ofcom considered the material raised issues warranting investigation under Rule 1.14 which states:

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

Ofcom therefore requested comments from the Licensee about how the broadcast of this material complied with this Code rule.

Response

The Licensee apologised for any offence and said that it takes its compliance responsibilities very seriously. It acknowledged this programme contained language unsuitable for the time, soon after 05:30.

The Licensee said that ICW’s usual transmission times are normally all compliant with the Code’s requirements as regards the watershed: 01:00 on Saturdays, 21:30 on Tuesdays and 01:00 Wednesday. On 6 May 2012, the programme should have been broadcast at a new time of 03:00 but instead was scheduled at 05:00 due to human error.

The Licensee confirmed that the person responsible for the error had been disciplined, and that My Channel would broadcast an apology on-air on Sunday 27 May at 05:00.

The Licensee said that to prevent a recurrence of this problem, it had improved its compliance procedures by, for example, ensuring that all programmes scheduled to start or end around 05:30 or 21:00 would be checked by the head of programming before broadcast.

The Licensee also confirmed that it had removed the programme from its schedules and did not intend to air it again.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 of the Code states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly notes that the word “fuck” and derivatives of this word are considered by audiences to be among the most offensive language.

Ofcom noted three instances of the word “fuck” or similar offensive language broadcast between 05:30 and 05:50. We note that this compliance failure resulted from human error, that the Licensee has broadcast an apology to viewers and that it has taken measures to improve its compliance procedures. Nonetheless this repeated broadcast of the most offensive language was a clear breach of Rule 1.14.

Breach of Rule 1.14

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Fairness and Privacy Cases

Upheld in Part

Complaint by Mr C on his own behalf and on behalf of Mrs C and their son (a minor)

Meet Britain's Chinese Tiger Mothers: A Wonderland Film, BBC2, 5 January 2012

Summary: Ofcom has upheld this complaint of unwarranted infringement of privacy made by Mr C on his own behalf and on behalf of Mrs C (his wife) and their son (a minor) in part.

A programme looking at the high levels of academic achievement of British Chinese children featured scenes of a Chinese family celebrating their son's seventh birthday. The programme included several close up shots of their son's best friend, Mr and Mrs C's son, who was referred to by his first name. Brief footage of Mr and Mrs C was also included.

Ofcom found that the inclusion of footage of Mr and Mrs C was not an unwarranted infringement of their privacy. However, the inclusion of footage of Mr and Mrs C's seven year old son without their express consent was on balance and in the particular circumstances of this case an unwarranted infringement of his privacy.

Introduction

On 5 January 2012, BBC 2 broadcast an edition of its documentary series *Wonderland*, entitled *Meet Britain's Chinese Tiger Mothers*. The programme looked at the high levels of academic achievement among British Chinese children, who, the programme stated, were the most successful ethnic group in the country in terms of academic achievement. The programme followed three families and looked at the strict rules set by the Chinese "tiger mothers", which involved lengthy hours of homework and music practice, strict discipline and limited free time for playing. The programme featured a British Chinese couple, Mrs Sally Ng and Mr Steeve Ng, and their young son. The programme included footage of their son's seventh birthday party, which took place with friends and family at a restaurant. There were several close up shots of Mr and Mrs Ng's son's best friend, Mr and Mrs C's son, who was referred to by his first name. Brief footage of Mr and Mrs C was also included.

Following the broadcast of the programme, Mr C complained to Ofcom that his privacy and that of his wife and son was unwarrantably infringed in the programme as broadcast.

Summary of the complaint and broadcaster's response

In summary, Mr C complained that his privacy and that of his wife and son was unwarrantably infringed in the programme as broadcast in that the footage of the family was included in the programme without their prior knowledge or permission. In particular, the programme included close-up images of their seven year old son.

By way of background, Mr C said that they were not aware that they would be included in the programme until they watched it. Mr C said that he and his family were invited to Mr and Mrs Ng's son's birthday party and were not told anything

about the programme. Mr C said that the programme makers started filming at the party without any explanation and that he and his wife were not given any documentation about the programme. Mr C said that he and his wife had not objected to the filming as they had not wished to spoil the party. The programme makers had not asked for permission to use the footage. However, Mr C said that he and his wife had asked Mrs Ng not to use footage of their family. Mr C also said that they had not been able to ask the programme makers not to use the footage as they had no contact details for them. Mr C said that when he had asked the programme makers to remove footage of the family from future broadcasts of the programme, he was informed that permission was not required because the footage involved a group. Mr C said that following the broadcast of the programme, his son felt confused and depressed and did not want to go to school.

In summary and in response to the complaint, the BBC said that at the time of filming, the sons of Mr and Mrs C and Mrs and Mrs Ng were in the same class at school and also attended the same privately run Kumon¹ class. The programme makers had planned to film Mr and Mrs Ng's son at Kumon and, in advance of this, a researcher for the programme visited the class to discuss the film and to explain it to the parents who, on the day in question, had included Mrs C. The BBC said that Mrs C appeared to the researcher to be amenable to the idea of filming her son at Kumon and said nothing to suggest that she might have reservations. The researcher also spoke with Mrs C on the telephone, when again she expressed no reservations.

The BBC said that all the parents present were given a copy of a letter which invited any parent who did not wish their child to appear in the film to let the programme makers know using the telephone number or email address provided in the letter. It said that the programme makers did not hear from Mr and Mrs C, or any other parents, that they had any concerns, although in the event Mr and Mrs C's son was not present when the team filmed at the Kumon class. The BBC said that the programme makers did not rely on this letter as suggesting that Mr and Mrs C had given consent in relation to filming their son on a different occasion (the birthday party), but took the view that it indicated that Mrs C was aware of the intended programme and the purpose of filming for it before the birthday party and had expressed no general reservations about it (whatever reservations she may or may not have had in relation to filming on particular occasions). It also indicated that Mrs C had been given the programme makers' contact details. Even if she had not retained the letter, she could have obtained the contact details from Mrs Ng or the Kumon teacher in order to contact the programme makers directly to express her concerns.

The BBC said that both Mrs Ng and the programme's director had spoken to Mr and Mrs C at the birthday party and made it clear that the party was being filmed for inclusion in the documentary, giving them an opportunity to express any reservations at this point. Mr C told the programme makers that he would rather not be filmed and therefore sat where the camera would not feature him in a significant way. The BBC said that he expressed no similar concerns about Mrs C or their son being involved. It became clear from the conversation between Mrs Ng and Mrs C that Mr and Mrs C had not known that the programme makers would be filming the party until their arrival. The BBC said that the programme makers regretted this, but that they had understood from Mrs Ng that Mr and Mrs C would be informed prior to the party. It said that Mrs Ng could be heard on the untransmitted footage (off camera) apologising to Mrs C for forgetting to mention the filming "because you went to

¹ Kumon is a method of study offered in additional classes outside school at various private centres in the UK and other countries.

Japan” and asking if she was “OK” with it. The BBC said that Mrs C could be heard laughing as she said “yes”. Also on the untransmitted footage, Mrs Ng reminded Mrs C of the conversation at the Kumon class and Mrs C confirmed that she remembered meeting the researcher there. The BBC said that the untransmitted footage also included a short shot including both the programme director and Mrs C and Mrs C’s son, in which the programme director addressed the camera and said:

“So this is just to say on camera that this is a documentary about the families at a Chinese school – I can’t pronounce it and if it’s OK I’ll do a few shots at the birthday with you [addressed to Mrs C, to which she nods and says yes] and with everybody present and...fun. But I won’t do them now”.

The BBC said that from this exchange the programme makers considered that Mrs C had given her consent for filming to take place of herself and her son, who was also in camera shot at the time. It said that Mr C acknowledged in his complaint that the production team would have assumed they had consent on the day, because he and his wife did not say anything at the time. Any reservations or concerns Mr and Mrs C had about the filming could have been raised with the programme makers at any time during or after the party, which was a relatively small gathering of people for a sit-down meal. The BBC said that the atmosphere was relaxed and informal and it would not have been necessary for Mr and Mrs Ng’s enjoyment of his party to have been spoiled, or for Mr and Mrs C to have left the party, in order for them to make it known that they did not wish to appear in the finished film. Indeed, the BBC pointed out that Mr C did in fact indicate that he did not wish to be filmed and queried why asking for his son not to appear in the programme would have had a more deleterious effect on the party than asking that he himself should not be filmed. The programme makers had no wish to include anyone in the film against their will, and while they felt the scenes of the children together showed their friendship in a very touching light, they were not integral to the programme and could have been edited from it, had Mr and Mrs C’s made their concerns known to the programme makers prior to broadcast.

The BBC said that at no time between filming the footage of the party and the broadcast of the programme were the programme makers contacted by Mr and Mrs C and no indication was given to them by anyone at any stage that there might be a problem with the inclusion of any of this footage in the programme. It said that Mr and Mrs Ng had attended a pre-transmission screening of the programme with their son and made no mention of any reservations having been passed on to them by Mr and Mrs C about the filming. When the programme’s director asked Mrs Ng (after hearing of Mr and Mrs C’s complaint) whether Mr and Mrs C had said anything to her, she said that she did not remember having any such conversation with them. The BBC said that even if Mrs C had not kept the letter handed out at the Kumon class, Mrs Ng or the Kumon class teacher could have provided her with the BBC contact details at any point had she asked for them.

The BBC said that the first indication of concern on the part of Mr and Mrs C came almost 24 hours after the broadcast of the programme, when Mrs Ng called the programme’s director and asked her to call Mrs C. The director spoke with Mr and Mrs C and then passed Mr C’s telephone number to the executive producer of the programme.

The BBC said that the programme was made in good faith and in the conviction that all parties were willing contributors. The BBC said that it sincerely regretted any upset caused to either of the families by any misunderstanding that arose between any of the parties involved and that it had particular regard to the well-being of the children involved. The BBC said that Mr and Mrs C’s son was only mentioned by his

first name and, as there was no reference to where he lived, or which school he attended, there was no reason to believe that the programme placed him at risk in any way.

Decision

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

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

In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and transcript, both parties' written submissions and a recording and transcript of untransmitted footage. Ofcom also took careful account of the representations made by the BBC in response to being given the opportunity to comment on Ofcom's preliminary view on this complaint. While Ofcom had attentive regard to all of the BBC's comments in finalising this decision, it concluded that on balance none of the further points raised materially affected the outcome of Mr C's fairness complaint. Ofcom did however make amendments to make clear that the decision to uphold the complaint was based on the particular circumstances of this case. Mr C chose not to make any representations on Ofcom's preliminary view.

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

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

In considering Mr C's complaint that his privacy and that of his wife and son was unwarrantably infringed in the programme as broadcast in that the footage of the family was included in the programme without their prior knowledge or permission, Ofcom had regard to Practice 8.6 of the Code which states that if the broadcast of a programme would infringe the privacy of a person or organisation, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted. Ofcom also had regard to Practice 8.20 of the Code which states that "broadcasters should pay particular attention to the privacy of people under sixteen". Ofcom also had regard to Practice 8.21 of the Code which states that "where a programme features an individual under sixteen or a vulnerable person in a way that infringes privacy, consent must be obtained from: a parent, guardian or other person of eighteen or over in loco parentis; and wherever possible, the individual concerned; unless the subject matter is trivial or uncontroversial and the participation minor, or it is warranted to proceed without consent".

In considering whether Mr C's privacy and that of his wife and son was unwarrantably infringed in the programme as broadcast, Ofcom first considered the extent to which they could have legitimately expected that footage of them would not be broadcast.

Ofcom noted that the programme followed Mr and Mrs Ng and their son as they went about their daily lives. Footage was included of their son's seventh birthday party, which was a meal in a restaurant, with friends, including one other child, Mr and Mrs C's son, a Japanese boy who was also aged seven, and his parents. The footage of the party shown in the programme lasted approximately three minutes, interspersed with interview footage with Mr Ng, and included several close up shots of the two children. The footage also included: a very brief clip of Mr C arriving at the party with his family; a shot of part of his arm as the guests were sitting at the table; and, several brief shots of Mrs C chatting with Mrs Ng.

As regards Mr and Mrs C's son, Ofcom considered the complaint in the context of the requirement in the Code that particular attention must be paid to the privacy of people under the age of sixteen years and noted that Mr and Mrs C's son was seven years old at the time of the broadcast of the programme in which footage of him appeared.

Ofcom also considered the nature of the footage and the context it was used in the programme. Ofcom noted that the footage depicted Mr and Mrs C's son happily playing and chatting with Mr and Mrs Ng's son at the party. His face was not obscured and several close up shots of him were included in the programme. Ofcom noted that Mr and Mrs C's son was not the focus of the programme and that the footage of him was included to show the other boy celebrating his birthday. However, he was named in the footage and Mrs Ng referred to the fact that he and Mr and Mrs Ng's son were at the same school and were "*fighting for number one space in school*".

Ofcom also noted that the footage of the C family was filmed in a public place, namely a restaurant. However, in line with the approach in the Code to defining the meaning of "legitimate expectation of privacy", people may in certain circumstances reasonably expect privacy even in a public place. In this case, the family was attending a private children's party, which appeared to be taking place in a private room within the restaurant. In these circumstances, Ofcom took the view that the activity in question was of a private nature.

Taking the above factors into account, Ofcom considered that Mr and Mrs C and their son had a legitimate expectation that footage of them filmed at a private party would not be broadcast.

Ofcom then went on to consider whether that legitimate expectation had been waived by any member of the C family giving consent to filming and/or broadcast. Ofcom recognised that there were differing views as to whether Mr and Mrs C had given their consent for footage of them and their son to be included in the programme. Ofcom noted however that Mr C made it clear to the programme makers that he preferred not to be filmed and therefore he did not consent to being filmed.

In weighing up whether the programme makers took sufficient steps to ensure they had Mrs C's consent to her inclusion in the programme and the consent of Mr and/or Mrs C to the inclusion of their seven year old son, Ofcom considered the untransmitted footage and the submissions of the parties. Ofcom noted that there was no written consent, nor were there any written communications between Mr and

Mrs C and the programme makers before the broadcast. Ofcom noted that Mr C's position was that he and his wife had not been told anything about the programme and that they were not given any documentation in relation to it. Ofcom carefully noted the BBC's position however that a note about the programme had been handed out at the Kumon class, explaining the nature of the proposed filming on another day and providing contact details for the programme makers. The BBC said that Mrs C had taken one of these notes and had raised no objections, nor had she raised any objections when she spoke to a programme researcher on the telephone. Ofcom noted that, in the event, Mr and Mrs C's son was not at the Kumon class on the day of filming and that the note said nothing about any filming other than at the Kumon class. Ofcom considered that it would not have been reasonable in these circumstances for the programme makers to place any reliance on the note given to Mrs C at the Kumon class to infer consent to filming either at the class or elsewhere. Further, Ofcom took the view that, even if Mrs C had actively consented to filming at the Kumon class, that consent would not have amounted to valid consent to the filming at another location at the party, on the basis that consent given for one purpose should not be relied upon for a different purpose. However, as noted above, the BBC made it clear that it was not seeking to rely on the note as suggesting that Mrs C had given consent to the filming at the birthday party.

As regards the birthday party itself, Ofcom noted that the untransmitted footage included a conversation which appeared to have taken place between Mrs C, Mrs Ng and the programme makers, some of which was not conducted in English. It was clear from what Mrs Ng said that the C family had been away in Japan and someone said to Mrs C:

"You just got back?"

Mrs Ng responded:

"Yeah. Sorry I didn't tell you before".

She went on to explain more about the programme and then said:

"That's why I didn't tell you [i.e. Mrs C] but don't mind yeah they are coming? OK?"

Mrs C said:

"Yeah, yeah".

Mrs Ng said:

"They want to know like how do they study and what is their normal life".

Mrs C replied:

"Yeah, yeah – I met her [the researcher]".

Although part of this exchange was off camera, Ofcom accepted the BBC's argument that there could be no grounds for doubting that the conversation took place between Mrs Ng and Mrs C. The BBC argued this to be the case because the two women were seen positioned on either side of the two boys both before and after the exchange and the conversation between the two of them was the continuation of the conversation heard off-camera. Furthermore, there was no one else present other

than the Cs, who had recently been to Japan. A little later, the programme's director was heard saying:

“So this is just to say on camera this is a documentary we're doing of families of the Chinese school the, um, I can't pronounce it...And, um, and if it's OK I'll do a few shots at the birthday with you [addressed to Mrs C, to which she nods and says yes] [and everybody present...and fun. But I won't do them now. I'll put this off”.

However, Ofcom noted Mr C's point in correspondence with the programme makers after the broadcast that if a Japanese person nodded, this did not mean “yes” and that his wife saying “yeah yeah” did not necessarily mean that she was agreeing to anything, but that she was listening to Mrs Ng. Ofcom noted that Mr C said that he and his family were not aware they would be included in the programme until they saw it broadcast.

Ofcom also carefully noted the BBC's submission that both Mrs Ng and the programme's director had explained at the party that footage was being filmed for inclusion in the programme and the BBC's acknowledgement that it became apparent to the programme makers that Mrs Ng had not informed Mr and Mrs C about the filming before the party. Ofcom also noted that, while Mr C conceded that he and his wife had not raised any objections on the day of filming, as they did not wish to spoil Matthew's party, he said in his complaint that he told Mrs Ng after the party not to use the footage of them.

Ofcom noted that, as the BBC acknowledged, Mr C made it clear he would rather not be filmed and positioned himself away from the camera. Ofcom considered that, given the expressed reluctance of one member of the family to be involved in the filming and in view of the involvement of a young child, the programme makers should (although they clearly acted in good faith and took a number of steps to obtain consent from those being filmed) in the particular circumstances of this case have taken more active steps to clarify the position in relation to Mr C's son.

Ofcom recognises the challenges that broadcasters face – and the programme makers did face in this case – in taking measures to ensure that appropriate consent is given. The programme makers in this case were clearly aware of their obligation to obtain consent from Mr and Mrs C for filming their son and took a number of sensible and helpful steps to try to do so. Ofcom also acknowledged that Mr and Mrs C were provided with the contact details of the programme makers, by means of the letter given out at the Kumon class, and in retrospect could and should have been more proactive in expressing their concerns to them.

In Ofcom's view, given the particular circumstances of this case (especially Mr C's position, the importance of ensuring that the programme makers had parental consent before including a child in a broadcast, and the fact that the child was only seven years old), the programme makers should have ensured that they had Mr and Mrs C's explicit consent for filming them and their son and including footage of him in the broadcast. This was particularly the case given the potential for embarrassment to a young child featured prominently, albeit briefly, in the programme.

Ofcom took the view that on balance and in the particular circumstances of this case it was not reasonable for the programme makers to have inferred that, given their continued presence at the party, Mr and Mrs C had implicitly consented to broadcast of the footage of themselves and their son. Ofcom noted that this was a case where the programme makers could have sought express consent from those present due

to the relatively small number of people attending the party, but did not do so. Ofcom also noted that Mr C said that he informed Mrs Ng after the party that he did not wish the footage of his family to be included in the programme.

Taking all the above factors into account, in particular the fact that Mr and Mrs C's son was significantly under the age of sixteen at the time of the broadcast, and the fact that Mr and Mrs C's son was not the focus of the programme, Ofcom considered that he had a legitimate expectation that footage of him would not be broadcast without express prior consent being obtained by the broadcaster from his parents (unless it was warranted to proceed without consent). Ofcom also took the view that, having expressly stated that he did not wish to be filmed, Mr C had a legitimate expectation that footage of him would not be included in the programme without his prior consent. Given Ofcom's view that the programme makers did not take sufficient steps to ensure that they had Mrs C's consent for footage of her to be included in the programme, she also had a legitimate expectation of privacy in these circumstances.

Having found that Mr and Mrs C and their son had a legitimate expectation of privacy, Ofcom considered whether or not their privacy was unwarrantably infringed as a result of the inclusion of the footage in the programme.

As regards Mr C, Ofcom noted that the programme included only a very brief clip of him arriving at the party and a shot of part of his arm. Furthermore, he was not named or identified in the programme. In the circumstances of this broadcast, Ofcom took the view that his appearance in the programme was incidental and that, notwithstanding the lack of consent from him, there was therefore no infringement of his privacy as a result of the inclusion of this brief footage of him in the programme.

In the case of Mrs C, Ofcom acknowledged that the footage of her that was included in the programme was brief and she was not named or identified. Again, Ofcom considered her appearance to be incidental and that, notwithstanding the lack of explicit consent, her privacy was not infringed as a result of the inclusion of this brief footage of her in the programme in the circumstances of this broadcast.

Ofcom then considered the footage of Mr and Mrs C's son. Ofcom noted that he was named in the programme, identified as Matthew's school friend and referred to as "*fighting*" with Matthew for the top place in their class at school. There was more footage of him included in the programme than of his parents, including several close up shots of him. Section 3(4)(h) of the Communications Act 2003 requires Ofcom, in performing its duties, to have regard to the vulnerability of children. Ofcom also considered the requirement in Practice 8.20 for broadcasters to pay particular attention to the privacy of people under sixteen and the requirement in Practice 8.21 for consent from a parent - unless the subject matter is trivial or uncontroversial and the participation minor, or it is warranted to proceed without consent. In Ofcom's view, given the nature of the documentary, the subject matter was neither trivial nor uncontroversial, and the nature of the footage included (namely several close up shots of him with Matthew and the fact that he was referred to by his first name), Mr and Mrs C's son's participation was not minor. For the reasons set out above, on balance and in the particular circumstances of this broadcast, Ofcom considered that it was not sufficient for the programme makers to have relied on the steps they took to infer implied consent for the inclusion of footage of the child, but should have ensured they had explicit consent. They did not do so and Ofcom therefore considered that Mr and Mrs C's son's privacy was infringed as a result of the inclusion of footage of him in the programme.

Given its finding that Mr and Mrs C's privacy was not infringed, Ofcom did not consider whether any infringement was warranted.

As regards Mr and Mrs C's son, as set out above, Ofcom took the view that the programme makers – despite the various measures they did take to obtain consent - failed, on balance, in the particular circumstances of this case to take sufficient steps to ensure that they had explicit consent to show the footage of him. In the absence of appropriate consent, Ofcom considered whether the broadcast of the footage of him was nonetheless warranted. Ofcom noted that the BBC did not advance a public interest justification in its submissions for including footage of the family. Ofcom took the view that, in general terms, the investigation of achievements of Chinese school children and the approach of Chinese "*tiger mothers*" was a matter in which there was some public interest. However, Ofcom did not consider that there was any legitimate public interest to broadcast footage of Mr and Mrs C's son in circumstances where he was only seven years old and parental consent had not been properly sought and obtained. This was particularly the case given that the footage of Mr and Mrs C's son did not appear to be essential to achieving the public interest objective. Indeed, the BBC in its submission conceded that the scenes of the two boys together were not integral to the programme and could have been edited had they known of Mr and Mrs C's objections.

Therefore Ofcom found that Mr C's privacy and that of his wife was not unwarrantably infringed in the programme as broadcast, but that in the particular circumstances of this case their son's privacy was unwarrantably infringed.

Accordingly, Ofcom has upheld Mr C's complaint of unwarranted infringement of privacy in the programme as broadcast in part.

Other Programmes Not in Breach

Up to 4 June 2012

Programme	Broadcaster	Transmission Date	Categories
The Big Quiz: Benidorm v Essex	ITV1	15/04/2012	Scheduling
Steve Allen	LBC 97.3FM	06/04/2012	Generally accepted standards
Vera	ITV1	29/04/2012	Violence and dangerous behaviour

Complaints Assessed, not Investigated

Between 22 May and 4 June 2012

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

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
"More Music Variety" slogan	Heart FM	18/05/2012	Materially misleading	1
4thought.tv	Channel 4	25/04/2012	Generally accepted standards	1
4thought.tv	Channel 4	10/05/2012	Generally accepted standards	2
8 Out of 10 Cats	Channel 4	18/05/2012	Race discrimination/offence	5
8 Out of 10 Cats	Channel 4	28/05/2012	Offensive language	1
A Girl's Guide to 21st Century Sex	5*	21/05/2012	Gender discrimination/offence	1
Adult programming	Various	n/a	Outside of remit / other	2
Alan Carr: Chatty Man	Channel 4	22/05/2012	Materially misleading	1
Anadin's sponsorship of London Weekday Weather	ITV1	14/05/2012	Generally accepted standards	1
At Home with The Noonans	Crime and Investigation Network	n/a	Crime	1
B4U Film promotion	B4U Movies	25/04/2012	Materially misleading	1
BBC News	BBC 1	28/05/2012	Generally accepted standards	1
BBC news programming	BBC channels	n/a	Outside of remit / other	1
BBC radio programming	BBC Radio Jersey	01/05/2012	Fairness & Privacy	1
Benidorm	ITV2	20/05/2012	Race discrimination/offence	1
BMIbaby.com's sponsorship of ITV Regional Weather	ITV1	09/05/2012	Materially misleading	1
Breakfast	BBC 1	29/05/2012	Advertising/editorial distinction	1
Britain's Got Talent	ITV1	12/05/2012	Voting	1
Channel 4 News	Channel 4	10/05/2012	Due impartiality/bias	2
Cheekybingo.com's sponsorship of The Jeremy Kyle Show	ITV2	30/05/2012	Crime	1
China: Triumph and Turmoil	Channel 4	12/03/2012	Materially misleading	1
Come Dine with Me	Channel 4	21/05/2012	Offensive language	1
Come Dine with Me	Channel 4	25/05/2012	Generally accepted standards	2
Copycats	BBC 1	29/05/2012	Generally accepted standards	1
Coronation Street	ITV1	25/05/2012	Generally accepted standards	1

Coronation Street	ITV1	28/05/2012	Disability discrimination/offence	1
Coronation Street	ITV1	28/05/2012	Product placement	3
Coronation Street	ITV1	n/a	Generally accepted standards	1
Crimewatch	BBC 1	31/05/2012	Generally accepted standards	1
David Burns	BBC Radio Humberside	26/04/2012	Materially misleading	1
Daybreak	ITV1	04/04/2012	Generally accepted standards	1
Daybreak	ITV1	10/05/2012	Sexual orientation discrimination/offence	1
Daybreak	ITV1	18/05/2012	Competitions	1
Derek	Channel 4	12/04/2012	Disability discrimination/offence	1
Dickinson's Real Deal	ITV1	n/a	Competitions	1
Dirty Britain	ITV1	22/05/2012	Materially misleading	1
Dispatches: The Real Mr and Mrs Assad	Channel 4	28/05/2012	Due accuracy	1
DM Digital (Umme Zahra)	DM Digital	n/a	Premium rate services	1
Doctors	BBC 1	29/05/2012	Generally accepted standards	1
Don't Tell the Bride	BBC 3	29/05/2012	Harm	1
Don't Tell the Bride	Really	27/05/2012	Offensive language	1
EastEnders	BBC 1	08/05/2012	Generally accepted standards	1
EastEnders	BBC 1	28/05/2012	Disability discrimination/offence	1
Edward VIII: The Plot to Topple a King	Channel 4	09/05/2012	Due impartiality/bias	1
Embarrassing Bodies	Channel 4	22/05/2012	Materially misleading	1
Embarrassing Bodies	Channel 4	29/05/2012	Generally accepted standards	1
Emergency Bikers	Channel 5	23/05/2012	Offensive language	1
Emmerdale	ITV1	29/05/2012	Offensive language	2
Escalator Over The Hill	Ipswich Community Radio (ICR)	18/05/2012	Offensive language	1
Euro 2012 promotion	STV	19/05/2012	Generally accepted standards	1
Euro 2012 promotion	STV	23/05/2012	Generally accepted standards	1
Eurovision Song Contest 2012	BBC 1	26/05/2012	Materially misleading	1
Eurovision Song Contest 2012	BBC 1	26/05/2012	Generally accepted standards	1
Football Heaven	BBC Radio Sheffield	21/04/2012	Generally accepted standards	1
Fosters' sponsorship of Original Comedy on 4	Channel 4	13/05/2012	Gender discrimination/offence	1
Fråga Olle dokumentären	Kanal 5	19/04/2012	Sexual material	4
Fråga Olle dokumentären	Kanal 5	03/05/2012	Sexual material	1
Fråga Olle	Kanal 5	24/05/2012	Privacy	1

dokumentären				
Get Lucky TV	Get Lucky TV	09/05/2012	Participation TV - Offence	1
Glee	E4	26/04/2012	Scheduling	1
Gleeful: The Real Show Choirs of America	Channel 4	07/06/2010	Religious/Beliefs discrimination/offence	1
Good Luck Charlie	The Disney Channel	13/05/2012	Violence and dangerous behaviour	1
Great Railway Journeys	Yesterday	19/05/2012	Sexual orientation discrimination/offence	1
High Lonesome	True Movies	27/05/2012	Race discrimination/offence	1
Hollyoaks	Channel 4	16/05/2012	Violence and dangerous behaviour	7
How to Beat Pain	BBC 1	28/05/2012	Violence and dangerous behaviour	1
Intrapersonal Communication Breakdown	Radio Warwick	17/05/2012	Disability discrimination/offence	1
ITV News and Weather	ITV1	09/05/2012	Due impartiality/bias	1
ITV News at Ten and Weather	ITV1	29/05/2012	Generally accepted standards	1
Jamie's Great Britain / Gok Cooks Chinese (trailer)	Channel 4	21/04/2012	Offensive language	1
Jimmy and the Giant Supermarket	Channel 4	29/05/2012	Generally accepted standards	15
John Edward: Cross Country	Really	n/a	Religious/Beliefs discrimination/offence	1
Kundli Aur Kismat	Sunrise TV	15/05/2012	Participation TV - Harm	1
Live Monaco Grand Prix	Sky Sports F1	27/05/2012	Generally accepted standards	3
Live Women's FA Cup Final	Sky Sports 2	26/05/2012	Outside of remit / other	1
Married to the Moonies	Channel 4	31/05/2012	Animal welfare	2
Newsnight	BBC 2	23/05/2012	Outside of remit / other	3
Panorama: Euro 2012: Stadiums of Hate	BBC 1	28/05/2012	Generally accepted standards	7
Petrie Hosken	LBC 97.3FM	20/05/2012	Due impartiality/bias	1
Playboy TV Chat	Playboy TV Chat	04/05/2012	Generally accepted standards	1
Playboy TV Chat	Playboy TV Chat	05/05/2012	Participation TV - Offence	1
Playboy TV Chat	Playboy TV Chat	13/05/2012	Participation TV	1
Playboy TV Chat	Playboy TV Chat	21/05/2012	Participation TV - Offence	1
PMQs	BBC Parliament	23/05/2012	Offensive language	1
Q Breeze	Q106 FM	22/04/2012	Premium rate services	1
Radio 1 Xtra	Radio 1 Xtra	09/05/2012	Generally accepted standards	1
Real Radio Football Phone In	Real Radio	17/05/2012	Generally accepted standards	1
Russell Howard's Good News	BBC 3	22/05/2012	Generally accepted standards	1
Scott Mills	BBC Radio 1	04/04/2012	Crime	1

Silks	BBC 1	14/05/2012	Generally accepted standards	1
Sky News	Sky News	10/05/2012	Generally accepted standards	1
Sky News	Sky News	23/05/2012	Due impartiality/bias	1
Sky News	Sky News	30/05/2012	Generally accepted standards	1
Soccer Aid	ITV1	27/05/2012	Generally accepted standards	1
Stand Up for the Week	Channel 4	18/05/2012	Religious/Beliefs discrimination/offence	1
Station ident	Jack FM (Bristol)	23/05/2012	Race discrimination/offence	1
Storm	Storm	04/05/2012	Participation TV - Offence	1
Storm Daytime	Storm	17/05/2012	Participation TV - Offence	1
Storm Night	Storm	23/05/2012	Participation TV - Offence	1
Sunday Brunch	Channel 4	27/05/2012	Generally accepted standards	1
Sunrise	Sky News	25/05/2012	Outside of remit / other	1
T4	Channel 4	19/05/2012	Transgender discrimination/offence	1
Take the Lead	E4	16/05/2012	Offensive language	1
Take the Lead	E4	20/05/2012	Offensive language	1
Tetley Original's sponsorship of Family Movies	Channel 5	19/05/2012	Harm	1
The Apprentice	BBC 1	23/05/2012	Race discrimination/offence	2
The Big Bang Theory	E4	25/05/2012	Scheduling	1
The Exclusives	ITV2	24/05/2012	Sexual orientation discrimination/offence	1
The Gadget Show: World Tour	Channel 5	28/05/2012	Generally accepted standards	1
The Jeremy Kyle Show	ITV1	28/05/2012	Generally accepted standards	1
The Jeremy Kyle Show	ITV1	n/a	Gender discrimination/offence	1
The Real Radio Football Phone-in	Real Radio Scotland	14/05/2012	Race discrimination/offence	1
The Ring	Sky Modern Greats	24/05/2012	Generally accepted standards	1
The Voice UK	BBC 1	20/05/2012	Materially misleading	1
The Voice UK	BBC 1	26/05/2012	Competitions	1
The Voice UK	BBC 1	26/05/2012	Nudity	1
The Voice UK	BBC 1	26/05/2012	Scheduling	1
The Voice UK	BBC 1	27/05/2012	Scheduling	5
The Wright Stuff	Channel 5	22/05/2012	Materially misleading	1
The Wright Stuff	Channel 5	25/05/2012	Generally accepted standards	1
This Morning	ITV1	14/05/2012	Generally accepted standards	1
This Morning	ITV1	24/05/2012	Animal welfare	1

This Morning	ITV1	24/05/2012	Competitions	1
This Morning	ITV1	30/05/2012	Generally accepted standards	23
This Morning	ITV1	31/05/2012	Due impartiality/bias	1
This Morning	ITV1	01/06/2012	Competitions	1
Tweenies	CBeebies	21/05/2012	Offensive language	1
Very Important People	Channel 4	18/05/2012	Race discrimination/offence	1
Weekend Breakfast	Talksport	21/04/2012	Premium rate services	1
Wonga.com's sponsorship of Channel 5 drama	Channel 5	n/a	Harm	1
You've Been Framed!	UTV	20/05/2012	Animal welfare	1

Investigations List

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

Here is an alphabetical list of new investigations launched between 7 and 20 June 2012.

Programme	Broadcaster	Transmission Date
5 Live Investigates	BBC Radio 5 Live	22 April 2012
Advertisements	SAB	Various
Advertising Scroll	ARY QTV	26 May 2012
Andy & Craig's BIG Drive Home	Northsound 1	27 April 2012
Britain's Got Talent	ITV1	07 May 2012
Calendar News	ITV1 Yorkshire	22 May 2012
Heart FM Competition	Heart FM Devon	25 May 2012
Leverage	FX	13 June 2012
Paigham e Mustafa	Noor TV	03 May 2012

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

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

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

For fairness and privacy complaints go to:

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