

Ofcom broadcast bulletin

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Introduction

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

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

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

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

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

Standards cases

In Breach

A Touch of Frost

ITV 1, 25 September 2005, 20:20

Introduction

In this popular detective series, viewers saw a murder committed fifteen minutes into the episode. A mother and daughter were preparing for bed, unaware that an intruder had entered their home and was coming upstairs, carrying a knife. The daughter was then seen unconscious in the bathroom and, subsequently, the masked intruder attacked her mother. Following the advertisement break, Jack Frost inspected the mother's body - shown stabbed and bound on the bedroom floor. A viewer complained about graphic scenes of violence before the 21:00 watershed, which he felt were not suitable for his young son to watch.

Response

ITV stated that the character of Jack Frost was well-established. The approach taken to the portrayal of violence was similar to that in other episodes and did not show any graphic violence. A young woman was seen slumped on the floor, with some blood on the wall. The murder of the mother was not seen and her body was only seen briefly in part two. The production team relied on the build up and soundtrack to produce a murderous atmosphere. The broadcaster felt that this portrayal did not go beyond the audience's expectation for this series.

ITV did not consider that an announcement before the programme, giving an indication of the content, was necessary. This police series, by its very nature, dealt with the staple diet of the British television detective – murder. Given the relative restraint of the depiction of violence, the broadcaster considered an announcement superfluous.

Decision

In the context of a crime series, we considered that the portrayal of the attack and the aftermath of the murder were not excessive for this mid-evening slot.

We are aware from audience research, however, that violence in a domestic setting and the portrayal of the aftermath of violence may be particularly upsetting to children. The sinister build up in the family home, the attack on the mother and the images of her bloodied body were all potentially disturbing elements, particularly to children. As this episode was scheduled before the watershed and would appeal to a wide-ranging audience, we believe that an announcement about the content would have been helpful to viewers in allowing them to make an informed choice of whether to view with their children.

The programme was in breach of Rule 1.7 (information about content) of the Broadcasting Code

Stash the Cash and Spin & Win

Friendly TV, 30 August 2005, 17:45 and 25 September 2005, 16:20

Introduction

Two viewers complained about swearing. One viewer objected to the use of the expression “pissed off” by a presenter in the quiz show, *Stash the Cash*. The other viewer was concerned when a contestant guessed the word in *Spin & Win* to be “cunt”, when given the letters “c**t”. The viewer said that the presenter appeared to laugh at this, but pretended the word said had been “can’t”. Both viewers believed this was inappropriate language for the time of day when children were available to view in large numbers.

Response

Friendly TV apologised for both incidences.

- *Stash the Cash*

The broadcaster explained that the presenter had become very involved with the puzzle and the comment had slipped out. However, the broadcaster’s contract with *Stash the Cash* had now been terminated.

- *Spin & Win*

The broadcaster took this issue very seriously and had taken action against it happening again. The presenter’s contract had been terminated following his unprofessional reaction to the incident. Various systems were in place explaining the rules to callers and vetting their behaviour. Similar word puzzles had been used on a daily basis with no previous problems. In no circumstance would a caller be invited to use such offensive language.

Decision

We welcome the action taken by the broadcaster. However, the language used in *Spin & Win* is considered seriously offensive and was unacceptable. The word was clearly heard and the presenter’s attempt to cover up did not disguise this fact.

Spin & Win was in breach of Rule 1.14 (Offensive language) of the Broadcasting Code

Resolved

Balls of Steel

Channel 4, 19 August 2005, 22:30, 2 September 2005, 23:05; 16 September 2005, 22:30; 23 September 2005, 22:30

Introduction

Balls of Steel was a new late-night comedy series on Channel 4, featuring a number of regular acts performing stunts, either before a studio audience or in pre-recorded items. At the end of each show, the studio audience voted for the most daring and amusing act.

The first programme in the series drew 71 complaints, regarding one or more of the following three regular features: “The Pain Men”, “The Annoying Devil” and “Neg’s Urban Sports”. We also received complaints about these features in subsequent editions in the series.

The Annoying Devil:

13 viewers complained about an item in the 19 August 2005 programme in which an ‘Annoying Devil’ character smeared what appeared to be dog faeces on the control button of a pedestrian crossing. Members of the public were filmed pressing the button and then recoiling in horror. The complainants expressed concern about health and safety issues, as well as the possibility of emulation.

Two viewers complained about a subsequent “Annoying Devil” item in which the character threw what appeared to be a bucket of vomit over people on a rollercoaster.

Neg’s Urban Sports:

This feature involved a young man, Neg, inventing and demonstrating new ‘sports’, involving interaction with members of the public.

40 viewers complained about the Urban Sports item in the 19 August 2005 edition, called ‘Big Stranger Rodeo’, in which Neg jumped on the back of a passer by and stayed on as long as he could before being thrown off. Complainants were concerned about copycat behaviour, making reference to ‘happy slapping’, and the possibility of assault and injury. Two other “Urban Sports” items later on in the series attracted one complaint each.

The Pain Men:

This regular feature involved two men inflicting pain on each other in a variety of ways and then rating the degree of pain on a scale of one to ten. The item in the 19 August 2005 show had a ‘DIY theme’, including a stunt in which a sanding machine was applied to the buttocks of one of the performers. 43 viewers referred to this item. Concerns ranged from viewer distress to fears of emulation.

One viewer complained about a “Pain Men” item later on in the series, involving one of the performers having his tongue stapled.

Response

Channel 4 said that it had a tradition of showing challenging late night comedy aimed at a young adult audience and therefore did not believe that the target audience for *Balls of Steel* would be unduly shocked or upset by the programme or find it offensive.

The programme was deliberately scheduled in a late Friday night timeslot, which had historically been the place for alternative comedy and entertainment, eg Ali G, Graham Norton and Bo' Selecta. Warnings were broadcast to flag the show's content, both immediately before the start of the programme and at relevant points within it, so that viewers could make an informed choice about whether or not to watch the programme.

However, after being advised by Ofcom of the complaints about the edition of 19 August 2005, Channel 4 made changes to the re-versioned programmes on E4 entitled *Massive Balls of Steel*, which started after the end of the *Balls of Steel* series on the main channel. These were half hour programmes, scheduled at 22:30, and each was dedicated to one of the top five stunts of the individual performers. Neg's "Urban Sports" did not feature as a standalone programme and "The Pain Men" programme was accompanied by all the same procedures and warnings as when they appeared on the original *Balls of Steel* transmissions.

Channel 4's specific comments are summarised below:

The Annoying Devil

All was not as it appeared in this item - it was subject to strict health and safety standards, and the 'dog faeces' was in fact dyed mashed potato. This was explained afterwards to the members of the public who were filmed, who were all happy to have their interactions with the "Annoying Devil" featured in the programme. However, Channel 4 noted that some viewers of the original programme had taken offence and therefore added a humorous strap line to the *Massive Balls of Steel* E4 on 13 October 2005, informing viewers that the faeces were not real. Channel 4 said it would do the same if the original *Balls of Steel* programmes were repeated.

Channel 4 assured Ofcom that it would consider each of the "Annoying Devil's" planned stunts for any future series and provide viewers with appropriate information where necessary.

Neg's Urban Sports

Channel 4 explained that the people featured in the 'Big Stranger Rodeo' item were set up by their friends. The production team researched them prior to filming and were careful to select people who would take the prank in the spirit that it was intended in and who did not suffer from a condition which might make the stunt harmful for them. All participants were happy to be included in the programme. The presenter warned viewers not to attempt to copy Neg's actions, and the angry reaction of the 'victims' would have underlined the obvious stupidity of repeating this stunt.

However, Channel 4 accepted that, with the benefit of hindsight, viewers would have been less likely to have been offended if they had known that the 'victims' had been

set up by friends. It had therefore decided that it would provide viewers with appropriate information about similar stunts in future shows to make them aware of the pre-researched and set up element to Neg's sketches.

The Pain Men

With specific reference to the show on 19 August 2005, Channel 4 said that there were multiple verbal and visual warnings during this item. Even if viewers were to come across the material unawares, they could not have missed the warnings during the item and the explanation of the item by the presenter.

As with the rest of the show's performers, the "Pain Men" were subject to strict health and safety checks. Although undoubtedly painful, as the name of the feature suggested, none of the stunts carried out were likely to cause serious or long term physical damage. While the performance did have a "look away now" factor, it was precisely that quality and the two performers' comic reaction to their plight that made the item amusing to the audience. It was not reasonable to suggest that the programme made the stunts look anything other than painful or that they encouraged emulation. Channel 4 also noted that this item was deliberately placed well into the second part of the show (close to 23:00 on 19 August 2005).

The "Pain Men" comprised of two performers who had been part of an MTV show called *Dirty Sanchez*, which, along with *Jackass*, had established that this sort of daring stupidity had a large and enthusiastic audience. On *Balls of Steel*, the producers had aimed for a "slapstick/real life Tom & Jerry feel" and were confident that the "Pain Men's" appearances on the show had a lighter and more humorous tone than in *Dirty Sanchez*. The shocked and amused reaction of the studio audience helped to minimise and manage potential offence and harm.

Decision

In considering complaints under Section Two (Harm and Offence) of its Broadcasting Code, Ofcom must also have regard to the broadcaster's right to freedom of expression. Moreover, Channel 4 has a specific remit to ensure that its programmes are innovative, experimental and challenging and that its service has a distinctive character. Its programmes are not intended to appeal to all viewers.

We welcome the fact that Channel 4 took on board viewers' concerns regarding both the "Annoying Devil" and Neg's "Urban Sports". While the broadcaster had scheduled the show responsibly, that is, well after the watershed, we could understand why some viewers were worried about emulation, in particular "Big Stranger Rodeo", where jumping on the back of a stranger could have unforeseen consequences. Appropriate information explaining that these stunts were to some extent 'set up' would help allay concerns in this regard as well as minimising offence arising as a result of health and safety concerns. In view of the actions taken by Channel 4 in response to Ofcom's inquiries, we consider the complaints regarding the "Annoying Devil" and Neg's "Urban Sports" resolved.

We acknowledge that the "Pain Men" feature contained extreme material that would not appeal to a wide audience, and fully understand why the complainants were concerned. However, we do not consider it to be in breach of the Broadcasting Code. Late-night audiences are increasingly familiar with stunt-based shows of this type and the clear and repeated warnings, both preceding and during each "Pain Men" item in the series, would have given viewers a clear impression of the feature's

content as well as minimising any risk of emulation. The feature was also scheduled towards the end of the late-night programme.

“Annoying Devil” & “Urban Sports”: complaints resolved
“Pain Men”: this feature was not in breach of the Code

Alan Brazil

talkSPORT, 20 October 2005, 07:00

Introduction

Three listeners complained that a presenter made two inappropriate comments during the breakfast show. The first remark was in response to his co-presenter's observation that a recent report had cited Scotland as having a higher murder rate than America. He remarked that "*we don't put up with all those foreigners that turn up, unexpected, unwelcome – we sort them out*". Later in the programme, when discussing a recent Rangers v Celtic match he made reference to: "*What was that song, tell all the huns*", which complainants thought had sectarian overtones.

Response

The broadcaster accepted that the first comment was ill-judged. While it had not been the presenter's intention to deliberately shock or offend, the broadcaster had immediately taken steps to tell the presenter that such a remark was unacceptable. The second comment was made during some light-hearted banter about a recent Rangers and Celtic match. The presenter is known to be a Celtic supporter and enjoys good humoured banter with Rangers fans. It was in this playful mood that he made his remark. The broadcaster pointed out that if the comment had been said in a deliberately provocative manner, then it would have been inexcusable. However it was delivered in a light-hearted tone as part of the regular football banter.

Nevertheless, talkSPORT assured us that the presenter had been asked not to use the word again.

Decision

We agreed with the broadcaster that the first remark was ill-judged and welcomed the fact that the matter had been dealt with on the day of the broadcast. We thought that the second comment was in keeping with the general light hearted tone of the item. The presenter had read out various emails poking fun at his support of Celtic and there had been no attempt to be offensive or deliberately inflammatory. Again, we welcomed the broadcaster's acknowledgement that such a term could be open to misinterpretation and its decision to tell the presenter not to use it again.

In view of the way in which both these incidents have been handled by the broadcaster, we considered the matter resolved.

Complaints resolved

Celebrity Swap

UKTV Style, 25 September 2005, 09:00

Introduction

This programme challenged celebrities to change their appearance and undertake tasks as ‘another person’ to see if they could be equally successful in that new environment. In this programme, a white comedian and actor disguised himself as a black alternative comedian and attempted to pass-off his mainstream style of humour in a comedy club.

During the course of the sequence showing his act he said “fucking” three times. One viewer complained that this was inappropriate language for that time of the morning, especially as their twelve year old child was watching.

Response

UKTV Style agreed that the language was unacceptable. It said that the post-watershed version was transmitted instead of the pre-watershed version, in which the offending language had been removed. This had never occurred before on UKTV Style and appeared to have been the result of human error.

An investigation was made into how this had occurred and it had made sure that the individuals concerned understand how seriously the lapses were taken. The broadcaster had ensured sufficient procedures had now been put in place to prevent any recurrence. UKTV Style had also arranged for the following announcement to be given on Sunday 9 October immediately after the same 08.00 slot, in order to catch as many viewers as possible who may have seen the offending broadcast:

We would like to apologise to viewers for the bad language broadcast on Celebrity Swaps on Sunday 25 September. The language broadcast was not acceptable and we apologise for any distress caused.

UKTV also wished to apologise to the complainant.

Decision

We welcome the swift and comprehensive action taken by the broadcaster to apologise and to take steps to ensure that such material would not be transmitted before the watershed again. We feel that no further intervention is necessary.

Complaint resolved

Come Undone - Robbie Williams

Smash Hits, 7 September 2005, 17:45

Introduction

Smash Hits is a pop music channel owned by Emap Performance TV. This video contained scenes of a sexual nature and featured close-up shots of insects emerging from people's mouths. A viewer complained that the content of the video was inappropriate for the time of broadcast when large numbers of children were available to view.

Response

Emap agreed that the video crossed the boundaries of what was acceptable under the Broadcasting Code. It explained that the version of the video played was an edited version but that another, further edited, version was also available. It was the latter that should have been shown. Unfortunately, the video broadcast had been wrongly labelled in the library and this led to it being broadcast at an inappropriate time.

As a result of the complaint, Emap tightened up its procedures and had made all efforts to ensure that the error did not happen again. Emap offered its apologies to the complaint.

Decision

As Emap accepted, the video was not suitable for the time of broadcast. We note that the video was shown in error and, in view of the steps taken to avoid any repetition, consider the matter resolved.

Complaint resolved

Jo Whiley
BBC Radio 1, 7 October 2005, 12:40

Introduction

A listener complained that a record contained offensive language. The track included the line: “*she’s pretty fucking far from nice*”.

Response

The BBC said that the presenter had apologised at the first available opportunity. The unedited track, rather than the edited version, had been played out by mistake. Those involved in the production of the programme have been reminded of the need to check material carefully in the future. The broadcaster apologised for any offence.

Decision

This is not the first time that tracks on this show have included swearing. However on the previous occasion, the performance had been live and so the broadcaster had less control over its output.

On this occasion, however and in view of the presenter’s immediate apology and the reminder to production staff of the need to check material for its suitability for broadcast, we consider the matter resolved. However we would not expect any further repetition of swearing of this nature in lyrics.

Complaint resolved

National Postcode Lottery

Metro Radio, regular weekly coverage from July 2005

Introduction

Ofcom was made aware of concerns about Metro Radio's broadcast of the National Postcode Lottery. The programming included both promotions and live coverage of this society lottery operated by Novamedia.

All of the output appeared to advertise the lottery even though it was in programming. We therefore asked the licensee for its comments in respect of Rules 10.1 (independence of editorial control), 10.3 (promotion of products or services in programmes), 10.4 (undue prominence) and 10.5 (product placement) of the Broadcasting Code.

Response

Emap Radio, who owns the licensee, admitted that the output in question had breached the Broadcasting Code. It stated that Metro Radio's Acting Programme Controller had left the station in June 2005, at which time the Managing Director had been led to understand that, "so long as the feature was clearly defined as advertising and separated from programming by a jingle top and tail, it would be code compliant." However, it added that, "the lottery should have been included as an advert but somehow ended up as neither an ad nor a programme segment but something that erroneously mixed the two." The current Programme Controller had therefore removed the feature from programming and subsequently included the lottery output as advertisements only, "clearly separated from programming, voiced by someone other than the on-air presenter, with all content scripted and cleared by the RACC."

Emap Radio apologised for the initial broadcasts, regretted the transgression and assured us that there had been no intention to breach the Broadcasting Code. It hoped that the action taken by the station's current Programme Director, to ensure future compliance with the BCAP Radio Advertising Standards Code, offered reassurance that it took compliance seriously.

Decision

Emap Radio had contacted Ofcom prior to the broadcasts concerning the likely problems of National Postcode lottery coverage in programming. While there appeared to be no intention by Emap to breach the Broadcasting Code, the resultant coverage by Metro Radio clearly demonstrated that the broadcaster had lost some editorial control over programme content. We therefore welcome the swift action taken by the station to rectify the matter, which, given the apparent misunderstanding that occurred in this particular case (when the Acting Programme Controller left the station) we believe resolves the matter.

Complaint resolved

NOTE: Guidance to Rule 10.4 (undue prominence)

Guidance concerning lotteries will be updated today and will now refer to both the National Lottery and certain society lotteries:

Ofcom recognises the national and statutory status of the National Lottery and will apply an *appropriate degree* of flexibility in interpreting and applying this rule in the context of references to the National Lottery in programming.

In carrying out its statutory duties concerning the broadcast of local material, Ofcom may also apply an *appropriate degree* of flexibility in interpreting and applying this rule when considering broadcast draw coverage of certain locally promoted and operated society lotteries by local broadcasters – Independent Local Radio, Community Radio, Restricted Service Licensees (radio and television) and some Digital Sound Programme Service licensees. Any decision by Ofcom to apply such flexibility will be made on a time limited basis and in accordance with specific principles. We intend to review our guidance concerning this issue during the third quarter of 2007, at which time we expect the next licence for running the National Lottery to have been awarded and the Gambling Act to have been fully implemented.

Broadcasters should approach Ofcom in advance with the details of any proposals they are considering, in order to seek further guidance.

This guidance note to broadcasters will appear in Ofcom's web-based Guidance which accompanies the Broadcasting Code.

Not in Breach

Most Haunted/Most Haunted Live

LIVINGtv, Various Dates, 2005

Introduction

Most Haunted/Most Haunted Live is an established series which takes a team of people into locations where, in the past, according to the programme, there have been allegations of haunting. The series is presented by Yvette Fielding (the production company's co-owner) and a 'celebrity' psychic Derek Acorah. The production involves trying to film, or otherwise record, any paranormal activity. On occasions, the programme is presented as a live broadcast.

Before 25 July 2005 (when ex-ITC Programme Code was in force) 11 viewers complained about various aspects of the programme, suggesting that some of the paranormal elements have been contrived or otherwise pre-prepared. Their concerns were, in summary, that

- this was fraudulent practice;
- viewers were being deceived into thinking the events depicted were real; and
- there could be potential harm to susceptible or vulnerable viewers as a result.

Since 25 July 2005 when Ofcom's own Broadcasting Code came into force, some viewers have continued to contact Ofcom with similar concerns about the programme.

Response

We asked LIVINGtv for a response and, in particular, to one such complaint which offered a summary of the types of complaints we have received and specifically claimed that parts of these programmes are "faked".

The broadcaster stated that its programmes included an investigation team. This included: "*Dr Ciaran O'Keefe, who is a lecturer at Liverpool Hope University and who has a particular interest in Parapsychology; Richard Felix - a 'Paranormal Historian'; Richard Jones author and historian; Dr Matthew Smith – another lecturer in psychology at Liverpool Hope University; as well as a host of 'lay people' who accompany Derek and Yvette on their investigation"*"

It accepts that it is not able to replicate laboratory conditions for, what it referred to, as "experiments". The licensee stated that it did "not accept that there is any question to be answered in relation to the legitimacy of the programme or the investigations conducted". However, it suggested that a decision as to what comprises legitimacy in this area of programming is "a question for Ofcom".

LIVINGtv also argued that although the programme features "...many entertainment production conventions...it does indisputably retain an investigative element".

Decision

It is not Ofcom's role to decide whether paranormal activity exists, nor to promote or

dismiss belief in the paranormal. Our role is to assess programmes such as *Most Haunted/Most Haunted Live* against the provisions of our Code.

The ex-ITC Programme Code (which was in force at the time of the original complaints) states that, "Demonstrations of clairvoyance, clairaudience, and similar practices are acceptable only when they are clearly and explicitly presented as entertainment, or when they are the subject of legitimate investigation". When presented as an entertainment programme, the broadcaster should ensure that it is made clear that such activity is for entertainment purposes.

LIVINGtv is an entertainment channel. Ofcom has therefore taken this into account when reaching a view on the nature of the programming in question.

In relation to *Most Haunted/Most Haunted Live*, Ofcom has to consider whether or not this series of programmes overall could be described as a legitimate investigation or one that is broadcast for the purpose of entertainment.

If it were considered that this programme contained demonstrations in the context of a legitimate investigation, then allegations that elements are "faked" would be serious.

On reviewing the programmes themselves, we recognised that the series, amongst other things, often featured:

- a celebrity presenter in the studio;
- a studio audience;
- 'over-dramatic' responses by the presenters and production team to the events which occur;
- paranormal events occurring with regularity (for example, whenever a 'live' show is broadcast); and
- phone-ins.

These, along with the graphics, music, and night-vision camera sequences, all suggested a high degree of showmanship that puts it beyond what we believe to be a generally accepted understanding of what comprises a legitimate investigation.

Ofcom also recognised that, having established the programme over a number of series, it would now be clear to viewers that the intended purpose of these programmes was for entertainment.

On balance - taking into account the context of the programme itself and the presentation within the series - we consider that overall *Most Haunted/Most Haunted Live* should be taken to be a programme produced for entertainment purposes. This is despite what appears to be occasional assertions by the programme that what viewers are witnessing is real. As such this programme should be seen in the light of shows where techniques are used which mean the audience is not necessarily in full possession of the facts.

We consider that even though there is an element of a 'scientific' approach (e.g. the carrying out of so-called 'experiments' such as monitoring changes in room temperature) which adds to the entertainment factor of the programme, these are, as the broadcaster acknowledges, not carried out under laboratory conditions. We therefore do not believe that these programmes could reasonably be described, in terms of the Code, as a 'legitimate investigation'.

In the specific context of these programmes therefore, which have been established and broadcast for over three years, we believe that they contain an appropriate degree of signposting which appears to make it clear to viewers that they are for entertainment purposes.

The programmes were not in breach of the Code

Note

The current Broadcasting Code states that, "If a demonstration of...the paranormal...is for entertainment purposes, this must be made clear to viewers and listeners". However, the Code does not describe how this may be achieved.

In cases such as these, ensuring that it is clear to viewers whether or not a programme is intended for entertainment purposes can be a fine judgement. Broadcasters should therefore be prepared to demonstrate how they have made clear to the audience the purpose of the programme and seek appropriate advice where necessary.

Shock Docs: Stabbed to Death

Five, 3 October 2005, 23:05

Introduction

This documentary examined the lives of two prisoners in America who had participated in the killing of a fellow inmate. The two were captured on the prison's CCTV system - one was seen stabbing the victim repeatedly while the other held him down. The programme looked at how these men came to be in prison, examining their original crimes and interviewing people involved in their histories. Images of the stabbing were repeated 4 times in the programme.

Two viewers complained to Ofcom. They said they found the footage particularly offensive and felt it could encourage violent behaviour.

Decision

When considering the use of offensive material in a programme, we have to decide whether it is justified by the context in which it is shown and whether appropriate information was provided in order to avoid or minimise offence.

This documentary was broadcast late in the schedule, after 23:00. We think its title would have made the disturbing nature of the content very clear to the potential audience. In addition to the scheduling and title, a detailed warning was given before the opening titles and this was repeated before the last section of the programme.

This was a callous and brutal murder. The footage of it was extremely distressing but it was used in the proper study of a horrendous racist crime. Each time it was shown, a separate point was made by the programme makers. For example on one occasion, the slow reaction of the prison guards was highlighted and on another, the state prosecutor emphasised how the brutality of the attack had a lasting impact on him.

Any likelihood that violent behaviour could be encouraged is, in our view, undermined by the portrayal of the lasting negative effects the commission of this crime had on the lives of the prisoners featured and others involved, including the victim's brother. The behaviour was not condoned or glamorised nor was it likely to encourage others to copy it.

We believe that on this occasion, in the context of this programme, the material shown was justified.

The programme was not in breach of the Code

Fairness and Privacy Cases

Upheld in Part

Complaint by David Price (Solicitors) on behalf of Capita Group Plc

Dispatches: Confessions of a Parking Attendant, Channel 4, 3 March 2005

Summary: Ofcom has upheld in part this complaint of unfairness.

David Price Solicitors (“David Price”) complained that Capita Group Plc (“Capita”) was treated unfairly in the programme as broadcast. The programme examined penalty charges imposed on motorists. Capita complained that the programme makers failed to provide it with an appropriate opportunity to take part or otherwise respond; did not include the statement Capita made in response to the programme’s allegations; and did not include an explanation for the absence of its contribution.

Ofcom concluded that the programme makers had provided Capita with an appropriate opportunity to respond to the allegations made in the programme. Capita had submitted a statement for broadcast outlining its position. Channel 4 and Capita failed to agree on the editing of Capita’s statement and as a result the statement was withdrawn by Capita. However the absence of any reflection of Capita’s position, and the absence of any explanation regarding the lack of a contribution from Capita, resulted in unfairness to Capita in the programme as broadcast.

Introduction

This edition of *Dispatches* was subtitled “Confessions of a Parking Attendant” and investigated penalty charges imposed on motorists. The programme interwove undercover reporting from three companies imposing charges. One of the companies investigated was Capita Group Plc (“Capita”) which administers the London Congestion Charge. The programme included secret filming carried out at Capita’s call centre in Coventry.

David Price Solicitors (“David Price”) complained that Capita was treated unfairly in the programme as broadcast.

Complaint

Capita’s case

In summary David Price complained that:

- a) the programme makers failed to provide Capita with an appropriate opportunity to take part or otherwise respond:
 - the programme contained a number of damaging allegations of incompetence and unfairness in Capita’s operation of London’s congestion charge scheme to which Capita was entitled to respond;
 - two weeks before transmission the broadcasters wrote informing Capita of the programme and the recording of covert footage, inviting Capita to

make a written statement for broadcast but stating there would be no opportunity to view the footage, and referring only to general allegations being made;

- in relation to the secretly filmed footage:
 - the proper permissions had not been sought prior to filming;
 - it appeared to have been recorded almost a year before the broadcast;
 - the supplier of the footage was an ex-employee of Capita who had been given a written warning and attended a disciplinary hearing during his employment (for an unrelated act);
 - Channel 4 would not allow Capita to see the footage therefore in order properly to respond Capita needed the details of cases being raised but in refusing to provide these Channel 4 deprived Capita of a proper right to reply; however -
 - Channel 4 released details of the footage to journalists prior to broadcast and this created a negative image of Capita to which it was not in a position to respond.
- Channel 4 confused Capita's responsibilities with those of Transport for London ("TfL") who determine the rules of the congestion charge.

- b) the programme did not include Capita's statement in response:

- in spite of Channel 4's "intransigence" Capita did provide a statement for broadcast but Channel 4 said they would only broadcast the final two paragraphs of the statement;
- Capita recognised that the statement could be edited but only in a manner which avoided misrepresentation;
- in Capita's view Channel 4's proposal to include only the final two paragraphs of Capita's statement was unacceptable because this would mean that Capita's explanation of why it was not responding to specific allegations would be omitted from the statement. Furthermore, this would mean excluding the concern Capita had expressed about Channel 4 having misunderstood Capita's involvement with the Congestion Charging scheme and its relationship with TfL (who had responsibility for setting the rules of the scheme);
- according to Capita, the fact that a statement for broadcast criticises the broadcaster cannot be good reason for it not to be broadcast; and
- broadcasting the last three paragraphs of the statement would have taken less time than the combined statements of the other two companies featured.

- c) the programme did not give an explanation for the absence of a contribution from Capita:

- the programme was aired without any contribution from Capita nor any explanation for the lack of such contribution, thus depriving Capita of the right to take part.

Channel 4's case

Channel 4 responded that:

- a) the programme makers provided Capita with an appropriate opportunity to take part or otherwise respond:
 - the programme's producer faxed Capita a letter on 16 February 2005 which gave a fair and accurate description of the programme, the general nature of the criticisms which would be made in the programme, and seven specific points the programme would address; this letter stated the broadcast date and gave two weeks for Capita to make a written response to the programme's findings and also stated unequivocally that, in accordance with its standard policy, Channel 4 would not permit a preview of the programme or grant the opportunity to view covertly filmed footage;
 - the covert footage speaks for itself and the fact that Richard Bradford, who filmed the covert footage, had received a written warning from Capita has no bearing on its credibility, in fact it related to Mr Bradford trying to protect a customer by photocopying a payment sheet;
 - Channel 4 complied with all obligations in relation to the covertly filmed footage and made clear when it had been obtained;
 - the programme did not identify the individual cases featured in order to adequately respect the privacy of those involved. Channel 4 complied with standard and accepted industry practice to give Capita the opportunity to respond to the principles which would be raised by setting out in sufficient detail the matters revealed by the secret filming in order; fair conduct does not require the broadcaster to hand over its evidence to a complainant in order to give it a fair opportunity to respond to allegations;
 - a broadcaster is perfectly entitled to seek publicity for its programmes prior to broadcast, this has no bearing on this matter and is not a matter which Ofcom is entitled to entertain or take into account;
 - TFL has not complained of unfair treatment and it was not incumbent upon Channel 4 to contact TFL; the programme clearly focused on Capita's enforcement of TFL's rules and Capita's harsh interpretation of these rules
- b) regarding the statement provided by Capita for broadcast:
 - this was not directed towards responding to the programme's allegations but towards attacking Channel 4 and the programme makers and responding to their correspondence prior to broadcast;

- David Price made two stipulations when the statement was provided (i) that it was to be read at the end of the broadcast; and (ii) any proposed edits were to be consented to by Capita. Channel 4's offer to include the final two paragraphs in the programme was rejected;
 - the other two companies involved felt able to provide statements in the knowledge that they would be fairly edited; David Price did not make a counter-proposal that the fourth paragraph of Capita's statement should be included, had they done so this request would have been considered even though this would have left Capita's statement almost twice the length of those of the other two companies;
- c) regarding the lack of explanation for the absence of a contribution from Capita:
- Capita was not deprived of the opportunity to take part and it was felt that nothing would be served in the interests of fairness to Capita, or the interests of the viewer, if an explanation of this was given.

Decision

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

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

Ofcom's considerations and findings were as follows:

- a) Where a programme contains a damaging critique of an individual or organisation, the broadcaster should normally give those criticised an appropriate and timely opportunity to respond to or comment on the arguments and evidence contained within that programme.

In its consideration of whether the programme makers provided Capita with such an opportunity, Ofcom first addressed itself to the allegations made by the programme. The programme argued that Capita was overly bureaucratic and inflexible and that it had an unseemly and rigid adherence to the Congestion Charge rules. Ofcom considered that the programme was sufficiently critical of Capita as to require that Capita was entitled to be given an appropriate and timely opportunity to respond.

Ofcom noted that Channel 4 had written to Capita inviting a response some two weeks before the broadcast of the programme. Ofcom accepted that Channel 4 was not obliged to provide recordings of the

secretly filmed footage, nor to provide identifying details relating to individual cases. The issues addressed by the programme had been laid out with sufficient clarity and detail in correspondence to Capita in order that Capita could make a full and informed response.

Accordingly, Ofcom considered that Capita had been given sufficient time and detail in order to make its response and did not find that in this respect there was unfairness to Capita in the programme as broadcast.

- b) Where a programme is capable of adversely affecting the reputation of individuals, companies or other organisations, broadcasters should take all reasonable care to satisfy themselves that all material facts have been considered before transmission and so far as possible are fairly represented.

Ofcom considered that, given the inclusion of criticism of Capita (referred to above), the programme was likely to have been capable of adversely affecting Capita's reputation. When considering whether Channel 4 had taken all reasonable care to consider and fairly represent all material facts relating to the issues examined in the programme, Ofcom noted that Capita had submitted a statement for broadcast outlining its position. Ofcom further noted that Channel 4 and Capita had failed to agree on the editing of Capita's statement and that as a result the statement was withdrawn by Capita. Although Capita had withdrawn its statement for broadcast, Channel 4 was still aware of Capita's overall position with regard to the allegations made in the programme. Capita's withdrawal was because Channel 4 and Capita could not agree on the final edited statement, rather than because Capita had changed its position with regard to the allegations made in the programme.

It should be noted that the way in which an organisation or individual's position is represented in the programme is a matter for the broadcaster. Channel 4 was under no obligation to broadcast Capita's statement in its entirety nor to agree to Capita's requests regarding the presentation of the statement. However, Ofcom considered that, given the criticism of Capita, it was incumbent on Channel 4 in the interests of fairness to seek fairly to reflect Capita's views, which had been clearly communicated to Channel 4 prior to the broadcast of the programme. The onus is on the broadcaster to ensure that organisations, individuals and material facts are represented fairly, even if a participant has withdrawn its statement for transmission.

Accordingly, Ofcom found that the absence of any reflection of Capita's position, in relation to the programme's critique of the company, resulted in unfairness to Capita in the programme as broadcast.

- c) Finally, Ofcom considered whether the fact that the programme did not include an explanation for the absence of a contribution from Capita resulted in unfairness in the programme as broadcast.

Ofcom noted that the programme's commentary stated: "We contacted each of the companies featured in the film." However, this was followed by comments from both the other companies featured but no reference was made to Capita.

Ofcom considered that it was incumbent on Channel 4 to explain the absence of any contribution from Capita. Ofcom concluded that failing to do so could have implied that Capita had made no effort to respond, which could have left viewers with a negative impression of the company. This was all the more likely given that statements from the two other companies were broadcast.

Accordingly, Ofcom found that the absence of any explanation regarding a contribution from Capita resulted in unfairness to Capita in the programme as broadcast.

NOTE: Guidance to Rule 7.11 (Opportunity to respond)

An individual or organisation needs to be given sufficient information concerning the arguments and evidence to be included in the programme to enable them to respond properly. The programme should fairly represent the substance of any response but it is not normally necessary, in the interests of fairness, to reproduce a response in its entirety.

Where an individual or organisation withdraws their proposed response, there is still an obligation on the broadcaster to achieve fairness (for example broadcasters are still obliged under section 7.9 of the Broadcasting Code to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation). This does not mean that the broadcaster should transmit all or part of a withdrawn statement, nor that the broadcaster should break any pre-transmission agreements over its use. However the broadcaster should explain the reasons for the absence of a contribution, and reflect any material facts in relation to the position of the individual or organisation in the programme, if it would be unfair not to do so.

This guidance note to broadcasters will appear in Ofcom's web-based Guidance which accompanies the Broadcasting Code.

Not Upheld

Complaint by Mrs Sandra Arnold-Jenkins on behalf of Mr Armand Arnold-Jenkins

Tonight with Trevor McDonald, ITV1, 12 May 2005

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

Mrs Arnold-Jenkins complained on behalf her son, Mr Armand Arnold-Jenkins, that he was treated unfairly in this edition of *Tonight with Trevor McDonald*. The programme looked at the practice of “happy slapping”, in which young people film themselves on mobile phones randomly attacking others. The programme included an interview with Mr Arnold-Jenkins, who was 16 at the time of the interview.

Ofcom concluded that:

- a) Mr Arnold-Jenkins did not appear to be surprised either by the tone or the content of the questions put to him. He appeared to be a willing, well-prepared and articulate interviewee.
- b) Mr Arnold-Jenkins was not asked a barrage of leading questions. He appeared very relaxed and happy to answer the questions put to him and to admit readily to having taken part in a small number of happy slapping incidents.
- c) The programme included Mr Arnold-Jenkins’ admission to having taken part in three incidents but also included his concerns about the craze. The extracts from the interview that were included in the programme reflected the essence of what Mr Arnold-Jenkins said in his interview.
- d) Mr Arnold-Jenkins and his parents were involved in reasonably full discussions in advance of the interview, despite in Ofcom’s view, it not being incumbent on the programme-makers to seek Mr Arnold-Jenkins’ parents consent or involvement given that he was 16 years old at the time of the interview. Ofcom considered that there was nothing to suggest Mr Arnold-Jenkins was exploited. The interviewer did not probe him inappropriately, bearing in mind his age and he was forthcoming and articulate in his responses.

Introduction

This edition of ITV1’s current affairs programme looked at the practice of ‘happy slapping’, in which young people film themselves on mobile phones randomly attacking others. The programme included an interview with Mr Armand Arnold-Jenkins, who was 16 years old at the time of the interview (and the broadcast). He discussed various aspects of the craze with the presenter and said that he had taken part in a small number of incidents of happy slapping. He also discussed his concerns that the craze may be getting out of hand and that in some incidents young people went too far.

Mrs Arnold-Jenkins explained, by way of background, that Mr Arnold-Jenkins was originally approached and interviewed about the psychological effects of happy slapping. The idea for the programme was then sold to ITV and Mr Arnold-Jenkins

was interviewed again for the *Tonight* programme.

Complaint

Mrs Arnold Jenkins' case

In summary, Mrs Arnold-Jenkins complained that Mr Arnold-Jenkins was treated unfairly in that:

- a) He assumed that the programme would have the same slant as the original interview, but that angle in the *Tonight* programme was not what he had originally agreed to.
- b) He was subjected in the interview to a barrage of leading questions to make him admit to something that was not true, namely that he had taken part in happy slapping.
- c) The editing and presentation of his interview was unfair and led to him being misrepresented in the programme.
- d) As a young person, he was exploited by the programme-makers.

ITV's case

In response, ITV said:

- a) Having been approached with the proposal for a current affairs programme about happy slapping that would "reveal this violent youth culture and our apparent lack of awareness", the producer of the *Tonight* programme made arrangements to meet Mr Arnold-Jenkins and his parents. He explained fully to Mr Arnold-Jenkins' parents the nature of the programme and said that he wanted to interview Mr Arnold-Jenkins, as someone who had first hand experience of happy slapping. The producer told them that he understood that Mr Arnold-Jenkins had been involved in happy slapping incidents and was prepared to talk about his involvement. Both Mr Arnold-Jenkins' parents agreed verbally to the proposal. The producer then discussed the programme with Mr Arnold-Jenkins, who was left in no doubt about the nature of the programme and his proposed role in it. He stated categorically that he would talk on the record about his participation in happy slapping assaults. He said that he wanted to help people understand why young people did this sort of thing and that he was concerned the conduct was starting to get out of hand. He also gave his verbal consent to take part and later Mr Arnold-Jenkins and his parents signed a release form.
- b) Mr Arnold-Jenkins attended the interview without his parents, at his request. It is clear from the unedited footage of the interview that Mr Arnold-Jenkins was not subjected to a barrage of leading questions. Mr Arnold-Jenkins was in a relaxed frame of mind and he talked openly about how he had carried out happy slapping attacks. The interview was conducted fairly and due responsibility was shown towards Mr Arnold-Jenkins's age, maturity and experience.

- c) The programme was fairly edited so as to present Mr Arnold-Jenkins' position. The programme included qualifications he made about the fact he would only target someone who "deserves it" and the fact that he was only personally responsible for a small number of happy slap assaults. It is clear from the unedited footage that the basic thrust of the interview was that Mr Arnold-Jenkins had personally carried out a small number of happy slap assaults and witnessed many more carried out by his peers. This was also made clear in the programme. The programme included Mr Arnold-Jenkins' concern that some of his peers attack people who "don't deserve it" and that he now regrets one of the attacks he carried out. The programme did not misrepresent Mr Arnold-Jenkins' position, as he expressed it in interview.
- d) The programme was exploratory and not exploitative of Mr Arnold-Jenkins. The interview was properly arranged and Mr Arnold-Jenkins and his parents gave informed consent. The programme-makers' dealings with Mr Arnold-Jenkins and his parents were fair, open and above board.

Decision

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

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

- a) Ofcom noted what both Mrs Arnold-Jenkins and ITV said about the discussions and the information provided to the family prior to Mr Arnold-Jenkins' interview. Having viewed the untransmitted footage of Mr Arnold-Jenkins's interview in full, we took the view that he did not appear to be surprised either by the tone or the content of the questions put to him. He appeared to be a willing, well-prepared and articulate interviewee.
- b) The untransmitted footage of his interview did not show Mr Arnold-Jenkins being asked a barrage of leading questions. He appeared very relaxed and happy to answer the questions put to him and to admit readily to having taken part in a small number of happy slapping incidents. The interviewer appeared to be sensitive to Mr Arnold-Jenkins' age and did not push him inappropriately.
- c) An interview that lasted well over an hour was condensed into a few minutes in the programme. The programme could not, therefore, reasonably be expected to have included everything Mr Arnold-Jenkins said. It included his admission to having taken part in three incidents but also included his concerns about the craze. The extracts from the interview that were included in the programme reflected appropriately the essence of what Mr Arnold-Jenkins said in his interview.
- d) It appeared that Mr Arnold-Jenkins and his parents were involved in full discussions in advance of the interview, despite in Ofcom's view, it not being

incumbent on the programme-makers to seek Mr Arnold-Jenkins' parents consent or involvement given that he was 16 years old at the time of the interview. It was Mr Arnold-Jenkins' choice not to have his parents present at the interview. Having seen the untransmitted footage of the interview, Ofcom considered that there was nothing to suggest he was exploited. The interviewer did not probe him inappropriately, bearing in mind his age and he was forthcoming and articulate in his responses.

Accordingly, Ofcom found that there was no unfairness to Mr Arnold-Jenkins in the programme. The complaint was not upheld.

Other programmes not in breach/out of remit

2 November – 15 November 2005

Programme	Trans Date	Channel	Category	No of complaints
7/7 Attack on London	14/09/2005	Five	Offence	1
A Brush With Fame	01/11/2005	ITV1	Offence	1
Alien	24/10/2005	Sky One	Offence	2
America's Next Top Model	30/08/2005	Living	Offence	1
Art Attack	02/11/2005	ITV1	Offence	1
BBC News	03/11/2005	BBC1	Offence	1
BBC West Midlands	22/11/2005	BBC West Midlands	Offence	1
Capital FM	19/10/2005	95.8 Capital FM	Offence	1
Capital FM	02/11/2005	Capital FM	Offence	1
Casualty	05/11/2005	BBC1	Offence	1
Catherine Tate Show	21/07/2005	BBC2	Offence	2
Channel 4 News	07/09/2005	Channel 4	Offence	1
Channel 4 News	20/10/2005	Channel 4	Offence	1
Channel 4 News	22/10/2005	Channel 4	Accuracy	1
Coronation Street	13/06/2005	ITV1	Offence	1
Coronation Street	24/10/2005	ITV1	Language	1
Coronation Street	04/11/2005	ITV1	Offence	1
Coronation Street	06/11/2005	ITV1	Offence	1
Coronation Street	07/11/2005	ITV1	Violence	1
Danniella Westbrook	31/10/2005	Five	Offence	1
Dirty Tricks	28/10/2005	Channel 4	Offence	1
Dispatches	24/10/2005	Channel 4	Offence	1
Dispatches	07/11/2005	Channel 4	Impartiality	2
Eastenders	07/11/2005	BBC1	Violence	1
Egypt	31/10/2005	BBC1	Religious Offence	1
Emmerdale	27/10/2005	ITV1	Offence	1
Five News	24/10/2005	Five	Offence	1
Football Focus	04/11/2005	BBC1	Impartiality	1
Fox News	28/10/2005	Fox News	Misleading	1
Friday Night With Jonathan Ross	04/11/2005	BBC1	Offence	1
Friday Night With Jonathan Ross	28/10/2005	BBC1	Offence	1
Funland	24/10/2005	BBC3	Offence	1
Funland	26/10/2005	BBC3	Offence	
GMTV	01/11/2005	ITV1	Misleading	1
GMTV	08/11/2005	ITV1	Offence	1
Granada Tonight	02/11/2005	ITV1	Offence	1
Hardeep Does... Sex	08/11/2005	Channel 4	Sexual Portrayal	1
Harry Hill's Shark Infested Custard	28/10/2005	ITV1	Offence	1
Harry Hill's Shark Infested Custard	04/11/2005	ITV1	Offence	1
Hip Hop Nights: Porn with Attitude	27/09/2005	Channel 4	Offence	2
Hollyoaks	07/11/2005	Channel 4	Offence	1

Hollyoaks: Crossing the Line	15/09/2005	Channel 4	Offence	1
Howard Goodall's 20th Century Greats	06/10/2005	Channel 4	Scheduling	1
ITV News	11/10/2005	ITV1	Offence	1
ITV News	02/11/2005	ITV1	Offence	1
ITV News Channel	27/09/2005	ITV	Impartiality	1
Jamie's Great Escape	03/11/2005	Channel 4	Offence	1
Jamie's Great Escape	09/11/2005	Channel 4	Religious Offence	1
Jericho	30/10/2005	ITV1	Sexual Portrayal	1
Kismat Asian Talk Radio	29/09/2005	Talk Radio	Language	1
Late Night Love	04/10/2005	Q103FM	Offence	1
Lazy Town	03/11/2005	BBC2	Offence	1
Live Rugby Union	05/11/2005	BBC1	Other	1
Look North	26/10/2005	BBC1	Offence	1
MacIntyre's Underworld: Gangster	22/03/2005	Five	Offence	2
Ministry of Mayhem	29/10/2005	ITV1	Offence	1
Ministry of Mayhem	05/11/2005	ITV1	Offence	1
Most Haunted	27/10/2005	Living	Misleading	1
Most Haunted	31/10/2005	Living	Misleading	1
Most Haunted	28/10/2005	Living	Offence	1
My Husband's Secret Life	08/11/2005	ITV1	Language	2
My Uncle Silas	06/11/2005	ITV1	Offence	1
Nip/Tuck Trailer	29/10/2005	Sky Sports	Offence	1
Paramount Comedy Channel	30/10/2005	Channel	Offence	1
Peep Show	02/11/2005	Channel 4	Religious Offence	1
Pure T4	05/11/2005	Channel 4	Offence	1
Question Time	06/10/2005	BBC1	Offence	1
Question Time	03/11/2005	BBC1	Impartiality	1
Radio 1	09/11/2005	BBC Radio 1	Language	1
Red Dragon FM	04/11/2005	Red Dragon FM	Offence	1
Revelation TV	11/10/2005	Revelation TV	Religious Offence	1
Richard and Judy	01/11/2005	Channel 4	Language	1
Richard and Judy	02/11/2005	Channel 4	Offence	1
Richard and Judy	10/11/2005	Channel 4	Language	1
Risking It All	06/10/2005	Channel 4	Other	1
Rome	02/11/2005	BBC2	Offence	1
Scooby Doo on Zombie Island	29/10/2005	Boomerang	Offence	1
Scott Mills	07/11/2005	BBC Radio 1	Offence	1
Sky Sports	25/05/2005	Sky Sports	Offence	1
Sky Sports News	18/10/2005	News	Sky Sports Offence	1
Sponge Bob Square Pants	01/11/2005	ITV1	Offence	1
Spooks	03/11/2005	BBC1	Offence	1
Star News	13/08/2005	Star News	Violence	1
The Bill	26/11/2003	ITV1	Offence	1
The F Word	03/11/2005	Channel 4	Language	1

The Last Word	17/10/2005	More4	Offence	1
The Gunpowder Plot: Exploding the Legend	01/11/2005	ITV1	Scheduling	3
The Road to 9/11	03/09/2005	Channel 4	Offence	1
The Rugby Club	27/10/2005	Sky Sports	Offence	1
The Wright Stuff	16/03/2005	Five	Offence	1
The Wright Stuff	01/11/2005	Five	Language	1
The Wright Stuff	07/11/2005	Five	Religious Offence	1
The X Factor	22/10/2005	ITV1	Offence	1
The X Factor	12/11/2005	ITV1	Offence	1
This Morning	04/11/2005	ITV1	Offence	1
Top Buzzer	04/11/2005	Five	Offence	1
Trial & Retribution	07/11/2005	ITV1	Offence	1
UEFA Champions League - Live	20/10/2005	ITV2	Language	1
Virgin Breakfast Show	03/11/2005	Virgin 105.8FM	Offence	1
Weakest Link	10/10/2005	BBC2	Offence	1
Westwood Rap Show	03/10/2005	BBC Radio 1	Language	1
What Kids Really Think	02/11/2005	BBC1	Offence	1
What Not to Wear	02/11/2005	BBC1	Offence	1