

Ofcom Broadcast and On Demand Bulletin

Issue 398
9 March 2020

Noise

Type of case	Broadcast Standards
Outcome	In Breach
Service	Jorvik Radio
Date & time	22 December 2019, 15:00
Category	Offensive language
Summary	The most offensive language was broadcast when children were particularly likely to be listening. In breach of Rule 1.14 of the Broadcasting Code.

Introduction

Jorvik Radio is a community radio station in York. The licence for this service is held by Jorvik Radio Limited (“JRL” or “the Licensee”). *Noise* is a pre-recorded programme broadcast on Sundays between 15:00 and 16:00.

Ofcom received a complaint about two uses of the word “fucking” during a conversation between the two presenters. This was broadcast at 15:40.

During our assessment of the programme, we identified further offensive language broadcast at 15:10 during the track *Dead Christmas* by Monster Magnet. The track included the following lyrics:

*“...I felt the heart of forever,
I held it over my head,
I said fuck you on Christmas...”*

We considered the material raised potential issues under the following Code rule:

Rule 1.14: “The most offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio)...”.

Response

Ofcom did not consider it necessary to seek the Licensee's formal representations before coming to a Preliminary View in this case.

In response to our Preliminary View, that the content was in breach of Rule 1.14, JRL apologised for the broadcast of offensive language and said that it was unintentional. It said that it took the complaint very seriously and "deeply regret[s]" the broadcast of this material.

In its representations, the Licensee said that it had launched an internal investigation following the notification of the complaint by Ofcom. It said that as a result of this, it found that an unedited version of the programme had been broadcast in error.

Following this incident, it said that it had implemented "additional checks to ensure only files with the correct naming convention are uploaded" for broadcast. JRL also said it had: reminded staff of their responsibilities in relation to compliance and had commenced additional compliance training externally at a university for its presenters.

JRL said that while *Noise* had not been broadcast since it was made aware of the complaint to Ofcom, it would return to air following the presenter's completion of compliance training and an apology would be broadcast.

Decision

Reflecting our duties under the Communications Act 2003, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes. Rule 1.14 requires that the most offensive language must not be broadcast on radio when children are particularly likely to be listening.

Ofcom's published [Guidance on offensive language on radio](#) states that the period "when children are particularly likely to be listening" includes the times "between 06:00 and 19:00 at weekends all year around".

Ofcom's [2016 research on offensive language](#) indicates that the word "fuck" and variations of it are considered by audiences to be amongst the most offensive language.

The broadcast of the word "fuck" and variations of it between 15:00 and 16:00 on a Sunday was therefore a clear example of the most offensive language being broadcast on radio at a time when children were particularly likely to be listening.

We took into account the steps the Licensee said it was taking in response to this broadcast and the fact that this instance was unintentional and due to error. Nevertheless, Ofcom's Decision is that the broadcast breached Rule 1.14.

Breach of Rule 1.14