

Complaint by Mr Peter Humphrey about *The Point: Unwrapping the Truth about China's Christmas Card Mystery*

Type of case	Fairness and Privacy
Outcome	Upheld in part
Service	CGTN
Date & time	27 December 2019, 02:20
Category	Fairness
Summary	Ofcom has upheld in part this complaint about unjust or unfair treatment in the programme as broadcast.

Case summary

The programme included a discussion about a story of a six-year-old British girl who was reported to have opened a box of Tesco charity Christmas cards and found a message written inside one of them. The message was purported to be from prisoners of Shanghai Qingpu prison in China and alleged that the prisoners were subject to forced labour. The programme discussed the “Western” media’s treatment of this story and referred to various news outlets who had reported on it, including referring to an article written for The Sunday Times by the complainant, Mr Peter Humphrey. Mr Humphrey complained that he was treated unjustly or unfairly in the programme.

Ofcom found that:

- The broadcaster did not take reasonable care to satisfy itself that material facts had not been presented, disregarded or omitted in the programme in a way that was unfair to Mr Humphrey in relation to the way it presented claims suggesting that Mr Humphrey orchestrated the incident and wrote the story as an act of ‘revenge’ against China to which he was not given an appropriate or timely opportunity to respond.
- Material facts were not presented, disregarded or omitted in the programme in a way that was unfair to Mr Humphrey in relation to Mr Humphrey’s complaint that the programme: portrayed Mr Humphrey as an untrained journalist; and inaccurately reported the contents of the article.

Background

The licence for the provision of the CGTN service (“the Licence”) was held by Star China Media Limited (“SCML” or “the Licensee”) until 4 February 2021 when the Licence was revoked by Ofcom.¹

Notwithstanding the fact that the Licence has been revoked, Ofcom still has power to complete its adjudication of ongoing investigations relating to broadcasts that took place before the revocation.²

In this particular case, Ofcom has decided that it is appropriate to continue with its investigation of the fairness complaint about this programme. This is to ensure there is a complete compliance record in respect of the CGTN service, to ensure that the complainant receives a final determination of his complaint, and to facilitate public understanding of the Code.

Programme summary

On 27 December 2019, CGTN broadcast an edition of *The Point* presented by Ms Li Quiyuan. This particular episode was entitled *Unwrapping the Truth of China’s Christmas Card Mystery* and discussed “China’s alleged use of forced foreign labour at Shanghai’s Qingpu prison”.

The programme reported on the British media’s treatment of a story about Florence Widdicombe, a six-year-old British girl, who was reported to have opened a box of Tesco charity Christmas cards and found a message written inside one of the cards. The programme included an image of the inside of the card and the reporter read out part of the message written inside: “*We are foreign prisoners in Shanghai Qingpu Prison, China. Forced to work against our will. Please help us and notify human rights organisation*”. The message shown on-screen additionally read: “*use the link to contact Mr Peter Humphrey Ft.com/humphrey*”. The presenter then said:

“Well, the card also specifically urged the recipient to contact Mr Peter Humphrey, a former British journalist, who actually served time in a Chinese prison during 2014 and 2015. Now, according to media reports, China had accused and convicted Humphrey of illegally accessing the private information of Chinese citizens and, as for Florence Widdicombe’s family, from their home in south London, her father contacted Humphrey who himself wrote a story for The Sunday Times.

Now the story was soon picked up by other Western media outlets and, in response to the sensational claim, the general manager of the Chinese factory, identified by the Western media, told China’s Global Times newspaper the company doesn’t even hire foreigners and 80% of his

¹ Ofcom revoked the Licence on 4 February 2021 under section 238(4) of the Communications Act 2003 (“the 2003 Act”) and Condition 28(2)(a) of the Licence on the basis that SCML had ceased to provide the CGTN service and, in the circumstances, it was appropriate to revoke the Licence. The reasons for Ofcom’s decision are set out in the [Notice of Revocation](#).

² By virtue of Section 346(3) of the 2003 Act, a person’s liability to have a penalty imposed under section 237 of the Act in respect of acts or omissions of that person while a holder of a Broadcasting Act licence is not affected by that Broadcasting Act licence having ceased (for any reason) to be in force before the imposition of the penalty. It follows that Ofcom also has power to reach a decision as to whether the former holder of a Broadcasting Act licence has breached its obligations under the licence during the period that it remained a licensee.

employees are Chinese citizens from east China's Zhejiang province. It read 'we have never had any connection with any prison'. The general manager said, asserting that his company serves, 'reserves the right to sue any media outlet that publishes such spurious claims'.

Then, on Monday, China's Ministry of Foreign Affairs said it had sought information from relevant government departments and concluded that, this accusation, was nothing but a, quote, 'drama choreographed by Peter Humphrey himself' – 'himself' I should say. Now a government spokesperson also challenged Humphrey's credibility as a former prisoner and said he's simply 'publicity hungry'. And, as for Tesco, following the allegations, the company accused this past Sunday, that it had suspended production at its Chinese factory. The global supermarket chain also said that they have withdrawn this Christmas product from their shelves until further notice.

So, these are the two sides of the story but, whether the allegations are true or [false], you can decide by yourself. We trust our viewers' judgement. Sadly though, some Western media don't share this view, so let's take a look at how they have reported on this story".

The programme then displayed images of various newspapers' articles on the story. The presenter continued:

"Again, the story was first reported by the British newspaper The Sunday Times [the story was shown and was scrolled through as the presenter spoke], but in a piece written by Peter Humphrey himself, and that's part of the problem. Now, Western journalists are typically taught to never make themselves the story unless they're directly, uniquely involved with it, in which case your editor may allow you to switch from the standard and neutral detached voice, as if you are an invisible chronicler of reality, to writing in the first person, so from 'he/she/they' to 'I/me/we'. However, while this Times story looks very much like a normal news report, it's really a first-person commentary, if not a diatribe. In fact, though the author's name is atop of the piece in tiny print, it's only well down into the piece, following one large photograph, a large graphic and five long paragraphs, that the reader is eventually struck by a stunning revelation: the author, Humphrey, actually plays a central role in this alleged drama. Now, this clearly is irresponsible journalism, and a disservice to readers.

If publishing such a piece, the media outlet must blare out loudly from the top for readers to know that the author is writing about his own experience, his own views, from his own perspectives, through his lens of bias. But, instead, the unsuspecting reader is hit with this headline: 'Tesco charity cards packed by China's prison slaves' [the headline was

also shown on screen: *'Tesco charity cards "packed by China's prison slaves"'*. The headline itself is incredibly pejorative. Instead of a factual approach to highlight the experience of this one girl finding this note, which was allegedly written by a prisoner in China, it jumped to the conclusion the story is true. Moreover, the use of the highly provocative term 'slaves' [the word "slaves" in the headline was enlarged on screen]. Similarly, Humphrey later likens China's prison system to 'Gulags' [the word "gulags" showed on screen], which for many readers would surely conjure up Stalin's Soviet Union. The article goes on to say the 'Christmas cry for help from a Shanghai prison has turned an embarrassing spotlight on Tesco's relationship with the Chinese suppliers and their use of forced prison labour'. Now the use of a 'Christmas cry for help' [the article was shown and sections of it highlighted] is hugely loaded language as it tugs at the reader's emotional sensibilities during the holiday season. Humphrey later explains his version of why he was jailed in China: 'My activities upset the Chinese government, which jailed both me and my American wife, Yu Yingzeng, on bogus charges that were never heard in court' [the text was also shown].

For its part, China says he was imprisoned for 'illegally accessing the private information of Chinese citizens' [this statement was placed over the previous text]. Yet, by now, Humphrey's experience in China is almost beside the point, regardless of what he will allege in the rest of his piece. The damage is done. His perspective is understandably biased, yet The Times has failed to fully, appropriately inform its audience about this bias".

The presenter then discussed the Daily Mail follow-up article written by Mr Dominic Lawson, which she described as *"Even more outrageous than The Times piece"* and said that it had also reported the entire story as fact. The full article, entitled *"The card that showed the hidden cost behind too many Chinese Christmas bargains"*, was shown and included a photograph of Mr Humphrey. The presenter then analysed this article and the language used.

The presenter asked for viewers' comments on the articles and introduced the guests who were joining her in the studio: Mr Einar Tangen, who was described as a *"current affairs commentator"* and Mr Wang Cong, who was described as a *"reporter for the Global Times"*. Prior to speaking with the guests, the presenter spoke to a reporter who was in Shanghai and was said to have visited the Chinese factory where the Christmas cards had been made. The following conversation took place:

Presenter: *"So, tell us more about this? What have you learned about this controversy? How did the company respond to the accusations of forced labour?"*

Reporter: *Well, Julia, I visited Yunguang company, the manufacturer of the Christmas card on Tuesday, and spoke with their Chairman. The*

Chairman was very angry at the accusation, calling it ‘completely fabricated’ and denied any business links with the Qingpu prison. And, he said the batch of the Christmas cards were made in Yunguang company in all processes: from printing, to packing them, to putting into containers for exports. And, he could definitely say that all of them were made by the Chinese people and there were no, no chance of writing anything on cards because workers were not allowed to bring pens into the workshop. So, all the coverage were [sic] not based on facts at all”.

The presenter then asked for Mr Tangen’s reaction to the story and he said:

“Well, I think the most important point that people should be concentrating on is, this factory uses an automated packaging line. It does not send the toys out to some place which would cause shipping and to have them packaged and sent back. And, it would be quite easily verifiable because you can look at the packaging itself. So, that seems to suggest that there were ulterior motives. You know, how is it possible that, you know, this note shows up, some little girl then to, you know, Peter Humphrey? Peter Humphrey. I’ve known him for many, many years”.

Mr Tangen then confirmed to the presenter that he knew Mr Humphrey “personally” and she asked him to describe Mr Humphrey. He responded:

“I would describe him as a throwback to a time when a little bit of Chinese and this idea that you have some connections and being a foreigner could make you very wealthy in China. But, time’s moved on. The days when expats could kind of wander around and break the rules are gone. Everything is now normalised. You have to bring something to China. You have to have a skill or set, you know, money or whatever it is. So, those days are gone. And, unfortunately, not all the people who thought that they were entitled to have this kind of colonial existence, have left. As I’ve often said to people, some of the worst people I’ve met in China are expats. And, I’m not saying that all expats are bad, I am one myself, I’m just saying that there was a time in China when there were a lot of people here, who couldn’t be anywhere else, for various reasons, or were not really wanted anywhere else. So, I’m not saying that, I don’t know how Peter got here, he described different stories and things like that, but, he is somebody who, if you read through his background notes, has a definite grudge against China. He’s only known really, famously, for being incarcerated and giving a tearful confession about all the things that he did wrong and then afterwards, after being released for compassionate concerns regarding his health, he went back to England, he wrote a book and described how he had been victimised. He doesn’t really discuss in great detail the kind of activities that he was up to. He was supposedly an investigator. He would go in and go

through, you know, people's garbage he said, and figure out what was going on. He'd use his, quote, 'connections', through his Chinese wife; although she's American, she was, she was born in China. Her father was a prominent person here and he would always tell people exactly who her father was and what that meant in terms of being protected in the kind of business that he was in".

The presenter then said:

"So, having known his history with China, his character, how would you say the credibility of the report he wrote? I mean, the Foreign Ministry of China actually responded, saying that this whole thing, this whole controversy, is choreographed by Humphrey himself. What do you think?"

Mr Tangen responded:

"Well, let's see the facts. The facts are that there was no way to put a note in the package if you were a prisoner somewhere else because it's at the factory. It's an automated line. So, how would a note get in there? So, it brings real questions as to the credibility of this entire story. I can't say that Peter made it up, but I can't, you know, where is this little girl? Who are these people? Why is this related? Why do they bring in Falun Gong?³ I mean, it's kind of a mixture of things but, the thing that I really dislike, and we're all involved in journalism, is this idea that you take some small thing and you say 'oh this could be true' and then, the next report is, 'it is true', and then from that, it becomes a springboard to a diatribe about what is, what is it people wanted to say to their deepest fears, their emotions, to pandering to people and this is not only about China, this is about the political process that's going on around the world. You can see it in Hong Kong. You can see it throughout the United States and the political things. What's happening in Great Britain. So, this is something that is unique to social media. This idea that I can take one thing and then expand it and, through repetition, insist that it's true as opposed to doing any real investigation".

The presenter commented *"I guess the key takeaway here is that these cards are actually made by robots"*. She then referred to a viewer's comment about the Daily Mail newspaper being *"notoriously unreliable"* and asked Mr Cong about this, to which he responded:

"Well, I mean for me the most outrageous part of this is not that, you know, this story. The Sunday Times story is, you know, against any journalistic rule in, you know, in the Western society or in China. And, it's not that, you know, all the other Western media jumped all over, you

³ Falun Gong is a spiritual practice which has been banned in China since 1999.
Issue 452 of Ofcom's Broadcast and On Demand Bulletin
13 June 2022

know, without any verification. It's this, that these kind of, type of fabrication, this type of news story, have consequences".

Mr Cong then spoke about these consequences, which included that other companies were carrying out inspections into the production lines and had suspended production at the factory involved in the story. He said that 70% of the business at this factory was foreign-related so if companies were pressurised to cut ties with the factory then the business would be "in danger" and workers would lose their jobs. Mr Cong also commented: "This is a pattern for, you know, the Western media. That, whenever it comes to China, they jump on stories without any fact without any, you know, balance". Mr Cong spoke further about the consequences and said that it was not "slaves" who assembled the products, but "ordinary Chinese people who are trying to make ends meet". He further added that the products were cheap, not because of forced labour, but because of "China's complete industrial value chain and the, you know, automation". Mr Tangen agreed with Mr Cong that there were consequences "when an irresponsible story like that" is spread. Mr Tangen also added that the reason Chinese companies dominate the manufacturing market was because they run on "very, very small margins" and the story was "certain to ruin his business and all the people that are there". He also said: "So from a situation where there's an allegation, irresponsibly not followed up, you're going to have real tragedies". The presenter agreed: "this is what irresponsible journalism can do". Mr Cong then made further comments about the consequences for the factory and its employees.

The presenter read out another comment from a viewer:

"This is just another fake from the Western media about China, but this time was involved with the UK chain Tesco. Tesco just trying to promote its brand. Don't expect the Western media to be nice when it comes to China".

Mr Cong agreed with the comment and then referred to Huawei and the US's concerns about national security. He also said that it was not the first time China's manufacturing sector had been targeted, but that no one can make products cheaper or better than China. Mr Tangen then said:

"Let's, let's not conflate this as to China. What we have is an individual who came forward with a story, who seems to have a grudge against China, alright, for his own bad actions. He was the one who made this story. And, I agree with you. The willingness of people in the press and in the West generally, to believe anything bad about China is making the gulf wider".

Mr Tangen said that the factory owner should seek legal advice and have the matter investigated and decided in the UK courts. He said that "if he's able to prove this, [he would be able to] get a substantial penalty from whoever was behind it". Mr Tangen then referred to Mr Lee Kuan Yew who he said had "used the courts, very effectively, to go against those people who made unfounded allegations" and that other Chinese companies should "start using the Western ways". Mr Cong commented that as a small company, the owner would be unable to afford the legal costs, to which Mr Tangen responded that a law firm "interested in justice" should take the case on. He further said: "I'm sure the story about it being debunked will be completely passed over if that's true, I'm sure they'll be no apology

given by any of the newspapers involved. But, for this, right now, the only thing we can think about are these 200 workers and the factory that's going to close".

Mr Cong then spoke about an unannounced inspection which was carried out by Disney at the factory. He also said Tesco: *"had been working with the company for ten years without a problem and they said, we have to point this out, just last month it had conducted a review that showed no evidence and these Christmas cards were made way before last month".* He also commented that the story *"doesn't make any sense".* Mr Tangen then said: *"One unfounded story written by somebody who has a grudge, alright, is used to vilify not only these workers and this factory but an entire country".* The presenter then asked: *"But why is it even picked up by all the major news outlets? I mean, shouldn't they provide any evidence backed up when they started, when they decided to run the story?"*. Mr Cong responded:

"...It's a little bit hard to verify the authenticity of that note, I understand that, you know, from a journalist perspective... however, there's a couple of things we can do...you have to reach out to the company in question, nobody talked to the general manger before the Global Times, and the day after, we talked to the prison, right, that's also... even if they decline to comment, they, you can put it in the piece, that's the basic, that's the minimum they have to do... but none of them did. They took it as face value, as it is a truth and they described that and they make a commentary based on that".

The presenter then asked whether the media had used the time of year, i.e. the Christmas period, as a way to *"play on people's emotions"* and Mr Tangen said: *"Well, if the story is to be believed, the source probably, whoever was behind this, probably thought this is the right time to do it, because it would grab headlines".* The presenter then asked: *"What do you think is the eventual purpose there, the ultimate purpose there, to choreograph this whole thing? If the story is proved to be not true"* and Mr Tangen responded:

"I don't know what. The purpose seems quite clear, to vilify China... and to draw attention to Peter Humphrey and, you know, all the things he's done. He's been looking for a pedestal to talk about his experience for quite some time: his books, he writes articles, he writes to people in China constantly telling them about how terrible it was, but it's all kind of 'me, me, me', it was all 'I was victimised', this type of thing. I'm very highly suspect. This is somebody who is supposed to be a trained journalist, right? He's not somebody who's just speaking. If he wanted to do this story, he could have contacted anyone of these news things and said listen this is, here are the facts, you can interview me, you can interview this little girl, you can attempt to have some journalistic integrity and call the factory and things like this and that would have been a story. As it was, it just seems like it's pandering to this anti-China feeling which is sweeping across the world. Since 2016, right, there's been a huge uptick in anti-Chinese stories, nothing has really changed since 2016, just the perception being pushed by the media".

The programme ended and there was no further reference to the complainant.

Summary of the complaint and broadcaster's response

Complaint

- a) Mr Humphrey complained that he was treated unjustly or unfairly in the programme as broadcast because the programme “attacked” him and a newspaper article he wrote in *The Sunday Times*⁴. Mr Humphrey said that the programme constituted a serious, one-sided and personal attack which was intended to damage his personal and professional reputation. In particular, Mr Humphrey complained that the programme:
- i) Implied that the newspaper article Mr Humphrey wrote in *The Sunday Times* was false and that Mr Humphrey, rather than the Widdicombe family, was the source of the story.
 - ii) Implied that Mr Humphrey fabricated the story as an act of revenge and that the article constituted a deliberate attack on China. Mr Humphrey said that he was portrayed as a convicted criminal “driven by bitterness and hatred”. He added that the programme failed to make clear the details of his arrest and detention in China, which included omitting that the alleged charges for which he had been imprisoned in China had always been challenged by him and “disbelieved by a majority of media and organisations in the West”.
 - iii) Portrayed Mr Humphrey as an untrained journalist who had not taken steps to verify the contents of the article, for example by approaching those concerned, and implied that he had tried to deceive readers by not making clear he had written the article. The programme also implied that his work qualified as “irresponsible journalism”, that the article had hidden certain facts, and that he was biased.
 - iv) Inaccurately reported the contents of *The Sunday Times* article. Mr Humphrey said that his article did not claim that the factory had hired foreigners. It instead said that the supply chain included foreign prison labour and presented evidence to that effect. Further, the article did not say that the batch of Christmas cards were all made by one company in all processes from printing to packing and putting into containers. He said the prisoners selected and packaged the cards into boxes. In addition, Mr Humphrey had said that it had not been reported that a note had been inserted in the Christmas card, instead a note had been written in the card.

Broadcaster's response

CGTN said that *The Point* is a weekday half-hour current affairs programme which presents an in-depth analysis of global news stories and features international and Chinese viewpoints and opinions on the subjects under discussion. It said that this particular episode was one of the show's “Headline Buster” editions, where the focus is on dissecting and discussing global headlines to find “the story behind the story”. CGTN said that the purpose of the programme is to conduct analysis of how and why stories are reported by a variety of different media outlets. It said that this particular episode reported and commented on the British media's treatment of a story about Florence Widdicombe,

⁴ [Tesco charity cards 'packed by China's prison slaves'](#), *The Sunday Times*, 22 December 2019.

and her reported discovery of a message written inside a box of charity Christmas cards. Within this context, it said that it was appropriate that articles such as those in The Sunday Times and the Daily Mail were scrutinised and discussed. It added that the presenter had made clear at the outset of the programme that it would be *“dissecting China-related stories that are making headlines around the world”* and talking to a panel to *“bring [the audience] the missing pieces of the China puzzle”*.

Head a(i)

CGTN said that it did not accept that the programme’s analysis of The Sunday Times article, written by Mr Humphrey, was anything more than fair comment or that Mr Humphrey was unfairly criticised.

CGTN said the programme considered The Sunday Times article, which was summarised by the presenter, and then analysed with two studio panel members, who work in journalism, and who gave their opinions on it. CGTN said that the presenter’s and panel’s view was that the article was biased due to the identity of the writer, and that they questioned its veracity given that the Chinese factory in question strongly refuted that it used prison labour. CGTN said that aspects of The Sunday Times article were appropriately questioned and discussed in the programme.

CGTN said that Mr Humphrey had complained about Mr Tangen's comment that *“what we have is an individual who came forward with a story, who seems to have a grudge against China, all right, for his own bad actions, right. He was the one who made this story”*. CGTN said that Mr Tangen was referring to the fact that Mr Humphrey not only wrote the story, but was a key figure in it, and that Mr Tangen did not dispute the Widdicombes’ involvement in the story. CGTN said that Mr Tangen’s point related to his opinion of The Sunday Times article taking a specific editorial line because of the particular status of the writer, a theme which it said the presenter introduced early in the programme.

Head a(ii)

CGTN said that, when taking the programme as a whole, it did not accept that the programme implied that Mr Humphrey fabricated the story as an act of revenge and that the article constituted a deliberate attack on China. CGTN said that while the programme made reference to the fact that The Sunday Times had not made clear at the outset of the article that its author was a protagonist in the story, it did not accept that it portrayed Mr Humphrey as a convicted criminal driven by bitterness and hatred or that the programme failed to reflect that Mr Humphrey challenged his conviction and subsequent imprisonment in China. CGTN said it therefore did not accept that Mr Humphrey was treated unjustly or unfairly in the programme.

CGTN then responded to some of the individual points made in Mr Humphrey’s complaint:

- CGTN said that Mr Tangen raised fair and legitimate questions about the two newspaper articles, including how a note could appear in the card (in light of the Chinese factory’s response to the claims), where and who are the Widdicombes, and what was the relevance of the Falun Gong. CGTN said that Mr Tangen also made it clear that he could not say that Mr Humphrey made up the story, when asked about the Chinese Foreign Ministry’s allegation that the story was choreographed by Mr Humphrey. CGTN said that Mr Tangen was clear about what he could not say but also expressed his own opinion of the story by asking questions about certain aspects of it. CGTN said that Mr Tangen went on to comment that he disliked the practice in journalism whereby *“it is first said that something could be true, then the next report says it is true, and through repetition in other media, it becomes true”*, which is exacerbated by politics and social

media. CGTN said that it does not accept that Mr Tangen's comments were aimed at Mr Humphrey, as he was speaking in a "general sense". CGTN went on to say that as The Sunday Times article was published first, Mr Tangen's remarks were relevant to the re-publications by the British media.

- CGTN said that Mr Tangen gave his opinion that the factory owner should seek legal advice as he may have a case to bring in relation to the allegations, which drew on the Chinese factory's statement that it reserved its rights to sue any media over publishing these "spurious claims". CGTN said that the comments did not imply that The Sunday Times article was fabricated or false. CGTN went on to say that Mr Tangen's later comments (*"the story about it being debunked will be completely passed over if that's true..."*) were general in nature and similarly made on a hypothetical basis.
- In relation to Mr Humphrey's complaint that the programme failed to mention the circumstances of his conviction and imprisonment, CGTN referred to what was said early in the programme about Mr Humphrey regarding his imprisonment. CGTN said that these facts about Mr Humphrey were in the public domain, the majority of which were included within The Sunday Times article, and that the presenter attributed the details of Mr Humphrey's conviction to media reports. CGTN said that the presenter also quoted from The Sunday Times article to reflect Mr Humphrey's own perspective on the reasons why he had been imprisoned in China and that this text was also shown on screen. CGTN said that this made clear Mr Humphrey's version of events in relation to his conviction and imprisonment. CGTN said that while not referenced in the programme, contrary to what The Sunday Times article said, the charges against Mr Humphrey and his wife were heard in court. CGTN said that Mr Humphrey and his wife were tried in the Shanghai No. 1 Intermediate People's Court in 2014 before being convicted and imprisoned, and that a court judgment was available.
- CGTN said that the presenter reported the Chinese government's response to the story in a neutral way. CGTN said that the presenter also reported on the responses of the Chinese factory and Tesco to the allegations made by The Sunday Times article, thereby impartially providing the audience with the responses from those involved in the story. CGTN said that the programme introduced the Chinese factory's response to The Sunday Times article and other Chinese perspectives, such as that of the Chinese government. CGTN said this did not constitute unfair or unjust treatment of Mr Humphrey as the programme was providing additional perspectives that were not contained in the article.
- With regards to Mr Tangen's comments about "expat life", CGTN said that Mr Tangen was describing in general terms what it was like to be an expat in the days that Mr Humphrey lived in China. CGTN said that Mr Tangen said that it was widely known that Mr Humphrey had been convicted and imprisoned for committing offences in China (which the programme made clear Mr Humphrey disputed), and that he had written extensively about his experience. CGTN said that, based on this, Mr Tangen suggested that Mr Humphrey had a grudge against China. CGTN said that the incomplete nature of The Sunday Times article was a key theme that the presenter had already introduced earlier in the programme, and was a fair and honest opinion to hold, as well as

a fair criticism to make of The Sunday Times' reporting, given the relevant background facts. CGTN said that it did not constitute unfair and unjust treatment of Mr Humphrey.

- CGTN said that Mr Humphrey appeared concerned about Mr Tangen's comments that if the story was indeed true, the purpose of it was to "draw attention to Mr Humphrey's own negative experience in China and to vilify China". CGTN said that Mr Humphrey was also concerned about Mr Tangen's comment and question regarding "how it is possible for a writer with a bias against China to write a story that is used to vilify the workers in the Chinese factory and the country of China". CGTN said the presenter asked Mr Tangen what he thought the purpose of the story was, and that in response, Mr Tangen spoke about the "writer's purpose", basing his opinion on the evidence of the "writer's background and own negative experience in China, which the writer has written and spoken about extensively". CGTN said that, on the basis of that evidence, Mr Tangen gave his opinion that the purpose of the story was about Mr Humphrey drawing attention to his own story, which it said The Sunday Times article did, and to criticise China. CGTN said that this was a fair and honest opinion to make, given the relevant background facts, and did not constitute unfair or unjust treatment of Mr Humphrey.
- CGTN added that Mr Humphrey appeared to suggest that he does not have a grudge against China. CGTN said that Mr Humphrey has written and spoken about publicly that he felt he had a very negative experience in China after he and his wife were convicted of criminal offences and imprisoned there on what he claims were bogus charges. CGTN said that, as a result, it cannot be denied that Mr Humphrey has strong negative feelings against China, and this was highly relevant background for the programme's contributors to take into account during their review of The Sunday Times article.

Head a(iii)

CGTN said that it did not accept that the programme as a whole portrayed Mr Humphrey as an untrained journalist; suggested that Mr Humphrey tried to deceive readers by not making clear he had written the article; or suggested that the article had hidden certain facts. CGTN said that while the programme fairly critiqued The Sunday Times article in certain respects, it did not accept that Mr Humphrey was treated unjustly or unfairly in the programme.

CGTN then responded to some of the individual points made in Mr Humphrey's complaint:

- CGTN said that Mr Humphrey had raised concerns about the programme's claim that he had not declared his personal interest/involvement in the story at the outset of The Sunday Times article. CGTN said that the presenter explained that Western journalists are usually taught to avoid writing stories about themselves. CGTN said that the presenter then gave her opinion that while The Sunday Times article initially appeared like a normal news report, in her opinion it was a first-person commentary. CGTN said that the presenter expressed her view that this was not responsible journalism and such a story should make clear from the outset that the writer has a personal interest and involvement in the story to ensure that the readers are aware of the writer's potential conflict of interest. CGTN said that this was a fair critique of The Sunday Times article and does not constitute unfair or unjust treatment of Mr Humphrey. In particular, CGTN said that the presenter's comments did not suggest that any deception was involved, but rather expressed

her view that it was irresponsible of The Sunday Times and that the writer's own involvement in the story should have been made clear at the start of the article.

- CGTN said that Mr Humphrey complained about the presenter's comment that, while The Sunday Times article contained his explanation of why he was jailed in China, the article was biased and The Sunday Times failed to fully inform its audience of this. CGTN said that the presenter was giving her own opinion on the content and presentation of The Sunday Times article and this did not constitute unfair or unjust treatment of Mr Humphrey. CGTN then reiterated that the presenter made clear in the programme that Mr Humphrey said the charges that he and his wife were imprisoned for were "bogus".
- CGTN said that Mr Humphrey complained about Mr Cong's comments that the other media outlets that picked up on this story could have reached out to the Chinese factory with which Tesco contracted in order to obtain its response to the allegations, and the prison, to verify the original story. CGTN said that Mr Cong made these comments in response to the presenter's question regarding "whether other [emphasis by CGTN] major news outlets who picked up on this story should do their own fact-checking". CGTN said that Mr Cong acknowledged the difficulty of verifying the authenticity of the note in question and went on to say that the other media outlets could have and should have approached the Chinese factory and prison for comment, to independently verify the story. CGTN said that it is clear that these comments did not relate to The Sunday Times article itself and therefore could not amount to unfair or unjust treatment of Mr Humphrey.
- CGTN said that, in Mr Tangen's opinion, Mr Humphrey could have suggested that he and Florence Widdicombe be interviewed by a separate journalist, rather than writing the article himself, and that The Sunday Times story pandered to the anti-China sentiment across the world. CGTN said that these comments by Mr Tangen formed part of the comments he made regarding Mr Humphrey's own negative experience in China, which Mr Humphrey has continued to write and speak about extensively. CGTN said that the point that Mr Tangen was making related to the same opinion that had been given repeatedly in the programme regarding the bias of The Sunday Times article by using a writer with an axe to grind against China. CGTN said that Mr Tangen merely suggested that Mr Humphrey could have been interviewed, alongside Florence Widdicombe, by a newspaper journalist who did not have a direct interest or personal involvement in the story and that Mr Tangen was offering his opinion on what he thought would have been a better way of handling the story, and accordingly this did not constitute unfair or unjust treatment of Mr Humphrey.

Head a(iv)

CGTN said that it did not accept that the programme inaccurately reported the contents of The Sunday Times article and therefore Mr Humphrey was not treated unjustly or unfairly in the programme.

CGTN then responded to some of the individual points made in Mr Humphrey's complaint:

- CGTN said that the programme did not suggest that The Sunday Times article claimed the Chinese factory hired foreign workers. CGTN reiterated its point above that the presenter

asked “How did the company respond to the accusations of **forced labour**?”, to which the reporter responded “...The Chairman was very angry at the accusation, calling it completely fabricated and **denied any business links with the Qingpu prison**. And, he said **the batch of the Christmas cards were made in Yunguang company in all processes: from printing, to packing and then putting into containers for exports**. And, he could definitely say that all of them were made by the Chinese people and there were no chance of writing anything on cards because workers were not allowed to bring pens into the workshop...” [emphases by CGTN]. CGTN said it noted that the content of the message in the card, as reported by The Sunday Times, said “We are **foreign prisoners** in Shanghai Qingpu prison China **forced** to work against our will...”. CGTN said that the presenter of the programme had earlier summarised that the general manager of the Chinese factory had confirmed that it had no connection with any prison and didn’t even hire foreigners.

- CGTN said that it was not the case that the programme suggested The Sunday Times article said that the batch of Christmas cards were all made by one company, in all processes from printing to packing and putting into containers for export. CGTN said that the relevant section of the programme related to when the presenter asked the reporter about how the Chinese factory responded to the accusations of forced labour (as set out above). CGTN said that it was clear from this quote that the programme reported that it was the Chairman of the Chinese factory, not The Sunday Times or Mr Humphrey, who said that the batch of Christmas cards were made by one company and covered all processes from printing to packing and then putting into containers for export. CGTN said that the quote was not untrue as alleged by Mr Humphrey nor had it been misattributed. CGTN said that it did not dispute that The Sunday Times article said: “The foreign prisoners just package the cards. They pick different designs, put them into boxes, seal them and pack them into shipping cartons”. However, CGTN said that the programme reported that the Chinese factory disputed that it was possible for any prisoners to package the cards, as packing the cards and putting them into containers for export all took place in the Yunguang company.
- CGTN said that Mr Humphrey complained that Mr Tangen’s comment regarding putting a note in the package was a “flagrant distortion of the facts”, as The Sunday Times article did not say a physical note was inserted in the card, but that a message was written in the card. CGTN said that while Mr Tangen characterised the message in the card as a “*note in the package*”, it was clear from the presenter's report earlier in the programme, during which an image of the inside of the card was shown, that a message was written in the card, and therefore, that Mr Tangen was referring to the same message. CGTN also said it noted that The Sunday Times article itself said “I do not know...who sneaked this note into the Tesco cards”. CGTN said that at no point did Mr Tangen or any other person on the programme refer to there being a physical note placed in the card. CGTN said that this was not a flagrant distortion of the facts and did not give rise to any unfair or unjust treatment of Mr Humphrey.

CGTN concluded by noting that Mr Humphrey made a general comment in his complaint that CGTN did not invite him to join the programme or seek a response from him. CGTN said that as the programme clearly focused on the British media’s coverage of the story, and as the perspective of The Sunday Times and its writer was represented through what was written in The Sunday Times article, *Issue 452 of Ofcom’s Broadcast and On Demand Bulletin*
13 June 2022

CGTN did not consider it necessary to seek a response from The Sunday Times or Mr Humphrey. CGTN said that it noted that neither CGTN nor Ofcom have received a complaint from The Sunday Times.

Preliminary View

Ofcom prepared a Preliminary View that the complaint should be upheld in part. Both parties were given the opportunity to make representations on the Preliminary View. Both parties made representations, which are summarised below insofar as they are relevant to the complaint entertained and considered by Ofcom.

The complainant's representations

Mr Humphrey stated he agreed with Ofcom's decision that CGTN did not take reasonable steps to ensure the materials produced were not unfair, and that material facts were not presented, disregarded or omitted in a fair manner, and inaccurately reported on the content in question. Mr Humphrey said that he continued to hold the view that "the programme constituted a serious, one-sided and personal attack which intended to damage his personal and professional reputation". He said that he considered the programme had resulted in unfairness in relation to the entirety of his complaint. In particular, Mr Humphrey said:

- The Sunday Times article never said that prisoners made Christmas cards; it only said they packaged them. Mr Humphrey said that the programme "stilted" the story to make it look like the article had said they made the cards, in order to "attack" the article for a "non-existent claim".
- The Chinese court judgment, in relation to the previous criminal case against Mr Humphrey, is not available. He said that it is sealed and private, not public.
- The programme misrepresented his strong negative feelings about what happened to him in China, as being strong negative feelings towards China and the Chinese people. Mr Humphrey said that this was a gross misrepresentation and a lie.
- The programme broadcast misrepresentations made by Mr Tangen about Mr Humphrey, and he was not invited to give his "own side of that story".
- Contrary to what the programme said, Mr Humphrey and the Widdicombe family were interviewed by other independent journalists and that he was heavily questioned about the sources. Mr Humphrey said that the suggestion that they did not submit to interview by independent media is a lie. Mr Humphrey also said that Florence Widdicombe was photographed by a news photographer holding the cards before The Sunday Times issued the story and that he was not at the interview. Mr Humphrey said that this was one of the methods used by the newspaper to "vet, double-check, and verify" the story.
- The owner of the manufacturer only made comments to the Chinese state-controlled press, not to foreign media directly. Mr Humphrey said that in the published comments, the manufacturer never addressed the accusation made in The Sunday Times story i.e. that prisoners were allegedly packaging the cards as opposed to making them.
- He was not invited to comment on the claims made in the programme.
- The programme criticised the follow-up media, saying nobody had contacted the prison. However, he said that it was clear from multiple media reports that international media did try to speak to the prison and to the manufacturer and were rebuffed.

- Guests' comments on the "packaging issue" were not consistent with the public comments made by the owner of the manufacturer.

The broadcaster's representations

CGTN said that it disagreed with Ofcom's Preliminary View to uphold in part Mr Humphrey's complaint and said that it did not accept that the programme treated Mr Humphrey unjustly or unfairly. CGTN reiterated that Mr Humphrey was not invited to join the programme or provide a response, as the programme was "clearly focused on the British media's coverage of the story", and as stated in their previous representations, the perspective of The Sunday Times and its writer was represented through what was written in the article, it did not consider it necessary to seek a response from The Sunday Times or Mr Humphrey.

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 in programmes in such services. These standards are set out in the Ofcom Broadcasting Code (the "Code"),⁵ which must be complied with by all broadcasters under the terms of their Ofcom licence.

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 this decision, Ofcom carefully considered all of the relevant material provided by both parties. This included a recording and transcript of the programme as broadcast, and both parties' written submissions, including both parties' representations on Ofcom's Preliminary View. After careful consideration, however, we considered that the points raised did not materially affect the outcome of Ofcom's Preliminary View to uphold in part this complaint.

When considering complaints of unjust or unfair treatment, Ofcom has regard to whether the broadcaster's actions ensured that the programme as broadcast avoided unjust or unfair treatment of individuals and organisations, as set out in Rule 7.1 of the Code. In addition to this Rule, Section Seven (Fairness) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes. Following these practices will not necessarily avoid a breach of Rule 7.1 and failure to follow these practices will only constitute a breach where it results in unfairness to an individual or organisation in the programme.

We considered Mr Humphrey's complaint that he was treated unjustly or unfairly in the programme as broadcast because the programme "attacked" him and a newspaper article he wrote in The Sunday Times, and that the programme constituted a serious, one-sided and personal attack which intended to damage his personal and professional reputation.

⁵ See the [version of the Code](#) in force at the date of broadcast.
Issue 452 of Ofcom's Broadcast and On Demand Bulletin
13 June 2022

In considering this complaint we had particular regard to the following Practices of the Code:

Practice 7.9 states that:

“Before broadcasting a factual programme (...), broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation”.

Practice 7.11 states that:

“If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond”.

Ofcom recognises broadcasters’ right to freedom of expression and the public interest in allowing them to broadcast programmes on matters of interest provided they comply with the Code. However, in presenting material in programmes, reasonable care must be taken by broadcasters not to do so in a manner that causes unfairness to people or organisations. Whether a broadcaster has taken reasonable care to present material facts in a way that is not unfair to a person or an organisation will depend on all the particular facts and circumstances of the case including the seriousness of any allegation made against them, and the context in which such allegations are made.

We began by considering the context in which the claims were made in the programme about Mr Humphrey. As set out in the “Programme summary” above, the programme discussed the story of a six-year-old British girl, who claimed to have opened a box of Tesco charity Christmas cards and found a message written inside one of the cards. The message, purported to be from prisoners in Shanghai Qingpu Prison in China, said: *“We are foreign prisoners in Shanghai Qingpu Prison, China. Forced to work against our will. Please help us and notify human rights organisation use the link to contact Mr Peter Humphrey Ft.com/humphrey”*. The programme then set out to present the “two sides of the story”, which included a response from the factory owner who denied the claim, to enable viewers to decide *“whether the allegations are true or [false]”*. We understood that The Sunday Times was the first newspaper to report on the story and that the article had been written by the complainant, Mr Humphrey. We took into account this context in considering each specific element of the complaint of unjust or unfair treatment.

There were four elements to Mr Humphrey’s complaint which we have considered in turn below.

Heads i) and ii)

We considered Mr Humphrey’s complaint that the programme implied that the newspaper article Mr Humphrey wrote in The Sunday Times was false and that Mr Humphrey, rather than the Widdicombe family, was the source of the story. We also considered his complaint that that the programme implied that he fabricated the story as an act of revenge and that the article constituted a deliberate attack on China. Mr Humphrey said that he was portrayed as a convicted criminal “driven by bitterness and hatred” and that the programme failed to make clear the details of his arrest and detention in China, which included omitting that the alleged charges for which he had been imprisoned in China had always been challenged by him.

As set out in the “Programme summary” section above, the presenter explained that a six-year-old British girl, Florence Widdicombe, had found a message written inside a Christmas card purported to be from prisoners who had alleged they were subject to forced labour. The presenter said that *“the card also specifically urged the recipient to contact Mr Peter Humphrey, a former British journalist, who actually served time in a Chinese prison during 2014 and 2015”* and that *“according to media reports, China had accused and convicted Humphrey of illegally accessing the private information of Chinese citizens...”*. In addition, the presenter said that the British girl’s father had contacted Mr Humphrey *“who himself wrote a story for The Sunday Times”* and that this then led to other *“Western media outlets”* also reporting on the matter. The presenter then said that *“China’s Ministry of Foreign Affairs said it had sought information from relevant government departments and concluded that, on this accusation, was nothing but a, quote, ‘drama choreographed by Peter Humphrey...himself’. Now the government spokesperson also challenged Humphrey’s credibility as a former prisoner and said he’s simply ‘publicity hungry’”*.

After setting out the position of the owner of the factory where the card was made, who denied the allegations, the presenter said *“these are the two sides of the story but, whether the allegations are true or [false], you can decide by yourself. We trust our viewers’ judgement”*.

The presenter later referenced Mr Humphrey’s article where she said that he explained *“his version of why he was jailed in China: ‘My activities upset the Chinese government, which jailed both me and my American wife, Yu Yingzeng, on bogus charges that were never heard in court’”*. The presenter then said, *“For its part, China says he was imprisoned for ‘illegally accessing the private information of Chinese citizens’”*.

We took into account that later, having presented the position of the factory in question, who denied the claims, Mr Tangen, a guest on the programme, provided his view that the explanation given *“seems to suggest that there were ulterior motives. You know, how is it possible that, you know, this note shows up, some little girl then to, you know, Peter Humphrey?”* Mr Tangen explained that he knew Mr Humphrey personally and then said:

“[Mr Humphrey] is somebody who, if you read through his background notes, has a definite grudge against China. He’s only known really, famously, for being incarcerated and giving a tearful confession about all the things that he did wrong and then afterwards, after being released for compassionate concerns regarding his health, he went back to England, he wrote a book and described how he had been victimised...”

The presenter said to Mr Tangen:

“So, having known his history with China, his character, how would you say the credibility of the report he wrote? I mean, the Foreign Ministry of China actually responded, saying that this whole thing, this whole controversy, is choreographed by Humphrey himself. What do you think?”

Mr Tangen responded:

*Issue 452 of Ofcom’s Broadcast and On Demand Bulletin
13 June 2022*

“Well, let’s see the facts. The facts are that there was no way to put a note in the package if you were a prisoner somewhere else because it’s at the factory. It’s an automated line. So, how would a note get in there? So, it brings real questions as to the credibility of this entire story. I can’t say that Peter made it up, but I can’t, you know, where is this little girl? Who are these people? Why is this related?...”

Later, Mr Tangen then said:

“...What we have is an individual who came forward with a story, who seems to have a grudge against China, alright, for his own bad actions. He was the one who made this story. And, I agree with you. The willingness of people in the press and in the West generally, to believe anything bad about China is making the gulf wider”.

We also took into account that later, another guest on the programme, Mr Cong, said that the story “doesn’t make any sense” and Mr Tangen then said: “One unfounded story written by somebody who has a grudge, alright, is used to vilify not only these workers and this factory but an entire country”.

The presenter asked Mr Tangen what the purpose of this story was, if it had been choreographed, and Mr Tangen responded:

“I don’t know what. The purpose seems quite clear, to vilify China... and to draw attention to Peter Humphrey and, you know, all the things he’s done. He’s been looking for a pedestal to talk about his experience for quite some time: his books, he writes articles, he writes to people in China constantly telling them about how terrible it was, but it’s all kind of ‘me, me, me’ it was all ‘I was victimised’, this type of thing. I’m very highly suspect...”.

We carefully considered the comments made by the presenter and guests in the programme in the context of the claim that a six-year-old girl had found a note inside a Christmas card which asked the finder to contact Mr Humphrey.

With regards to the complaint that the programme did not make clear that the alleged charges for which Mr Humphrey had been imprisoned in China had always been challenged by him, while we recognised that the programme presented the view of the Chinese government and Mr Tangen’s views on this point, we took into account that the programme did refer to The Sunday Times article written by Mr Humphrey in which he had written that he and his wife had been imprisoned on “*bogus charges which were never heard in court*”. Taking this into account, we considered that the programme had fairly presented his version of events in connection with his imprisonment.

In relation to Mr Humphrey’s specific complaint that the programme implied that he was himself the source of the story, we considered that it was made clear in the programme that the media reports discussed in the programme, including Mr Humphrey’s article, had stated that it was the Widdicombe family who had found the note in a Tesco Christmas card and had contacted Mr Humphrey, and that Mr Humphrey had subsequently written an article for The Sunday Times setting out the claims. Given

this, we considered that viewers were likely to have understood that the Widdicombe family were said to be the source of the story for Mr Humphrey's article and that it had been based on their account.

Nevertheless, we considered that the comments made in the programme about Mr Humphrey's motivations in reporting on the story, taken collectively, were accusatory and serious in nature. In particular, we considered that the statement made by China's Ministry of Foreign Affairs which was included in the programme, i.e. that this matter had been "*choreographed*" by Mr Humphrey, was serious. In our view, this statement was somewhat endorsed by the presenter and one of the guests on the programme, Mr Tangen, who spoke about Mr Humphrey holding a grudge against China as his motivation for reporting on this in The Sunday Times. We also took into account that Mr Tangen did state he could not say that Mr Humphrey had "*made up*" the story. However, he also expressed clear doubts about the credibility of the story and Mr Humphrey's role in instigating it, which, in turn, we considered viewers would have been likely to interpret as an expression of his view that it was more likely that the story was false than it was true. We therefore considered that these comments, particularly when taking account of the overall context of the discussion, amounted to serious allegations about Mr Humphrey, and had the potential to create an adverse inference in the minds of viewers as to Mr Humphrey's character and that he had been disingenuous as to his true involvement in the matter and to his motivations for having written the article. Given this, we considered that the programme had the clear potential to materially and adversely affect viewers' opinions of Mr Humphrey.

We next considered whether the presentation of these statements in the programme as broadcast resulted in unfairness to Mr Humphrey.

It is important to note that in assessing this case, Ofcom's role is not to determine the truth or otherwise of specific claims made in a programme, but to consider whether the way any such claims or information presented in the programme, overall, resulted in unfairness to an individual and/or organisation, contrary to Section Seven (Fairness) of the Code.

We took into account that it was legitimate and in line with the broadcaster's freedom of expression to discuss the story, and "*the two sides*" of it, as this was a matter of public interest, especially given the serious claim which had been reported in "*Western*" media that a British girl had found a message written inside a Christmas card which was purported to be from foreign prisoners in China alleging forced labour. We also considered that Mr Humphrey may have expected to be the subject of attention, speculation and criticism given that the finder of the note in the Christmas card had been asked to specifically contact Mr Humphrey about the matter and that he had subsequently chosen to write a story about this for a national newspaper. However, while the programme was entitled to express strong opinions on the matter, it did not negate the need for the broadcaster to ensure that Mr Humphrey was not the subject of unjust or unfair treatment in the programme.

In this case, we acknowledged that: the programme did not go so far as to allege that Mr Humphrey had, in fact, fabricated the story himself; the viewpoint of China's Ministry of Foreign Affairs was clearly presented to viewers as their own response to the story; and Mr Tangen's comments were clearly presented to viewers as his personal views on Mr Humphrey, whom he said he knew personally. However, overall, we considered that the response of China's Ministry of Foreign Affairs suggesting he had "*choreographed*" the story, as well as the statements by the presenter and Mr

Tangen which questioned the credibility of the story as reported by him in The Sunday Times and implied that he was motivated to publish the story because he had a “grudge” against China, amounted to serious allegations about Mr Humphrey. We also took into account that Mr Humphrey had not been given an opportunity to respond to the statements made about him in the programme, and the programme did not otherwise reflect Mr Humphrey’s viewpoint on the serious claim that he may have been involved in orchestrating this matter or that he had been motivated to write about it due to a personal grudge against China.

For the reasons given above, we considered that the comments made in the programme amounted to significant allegations about Mr Humphrey which had the potential to materially and adversely affect viewers’ opinions of him, and, in the absence of a reflection of Mr Humphrey’s response to, or viewpoint on, these allegations, were presented in the programme in a way that was unfair to him.

Taking the above factors into account, Ofcom found that material facts were presented, disregarded or omitted in a way that resulted in unfairness to Mr Humphrey in the programme as broadcast and that Mr Humphrey had not been given an appropriate or timely opportunity to respond to the significant allegations.

Head iii)

We considered Mr Humphrey’s complaint that the programme: portrayed him as an untrained journalist who had not taken steps to verify the contents of the article; implied that he had tried to deceive readers by not making clear he had written the article and implied that his work qualified as “irresponsible journalism”; that the article had hidden certain facts; and that he was biased.

As set out in the “Programme summary” above, the presenter explained that the author of the note found by Florence Widdicombe’s family had asked the finder to contact Mr Humphrey, which they did. Following this, the presenter said that Mr Humphrey wrote an article for The Sunday Times about this story which then led to other “*Western media outlets*” also reporting on the matter. After setting out the position of the owner of the factory where the card was made, the presenter said: “*these are the two sides of the story but, whether the allegations are true or [false], you can decide by yourself. We trust our viewers’ judgement. Sadly though, some Western media don’t share this view, so let’s take a look at how they have reported on this story*”. It was within this context that the presenter and guests provided a more detailed analysis of the article written by Mr Humphrey.

In discussing The Sunday Times article, the presenter criticised Mr Humphrey for not having made it clear from the outset that he played a “*central role in this alleged drama*” which the presenter considered amounted to “*irresponsible journalism, and a disservice to readers*”. The presenter also expressed a view that Mr Humphrey had not made clear at the outset that he was writing about his own experience and providing his own views “*through his lens of bias*” and that in the article he had “*jumped to the conclusion the story is true*”. The presenter also criticised the emotive language used by Mr Humphrey in the article. The presenter further stated that Mr Humphrey’s “*perspective is understandably biased, yet The Times has failed to fully, appropriately inform its audience about this bias*”. The presenter also discussed an article in the Daily Mail which was described as “*Even more outrageous than The Times piece*” and that the story had been reported as fact.

We also took into account that later a guest, Mr Cong, said that Mr Humphrey’s article was “*against any journalistic rule...in the Western society or in China*”, saying that “*other Western media jumped all*”

Issue 452 of Ofcom’s Broadcast and On Demand Bulletin
13 June 2022

over... without verification". Mr Cong also later said that this was a "pattern for...Western media. That, whenever it comes to China, they jump on stories without any fact without any...balance". Mr Tangen agreed with this saying that there were consequences "when an irresponsible story like that" is spread, adding: "So, from a situation where there's an allegation, irresponsibly not followed up, you're going to have real tragedies" for businesses and employees.

We also took into account that the presenter asked Mr Cong "why is it [that the story was] even picked up by all the major news outlets? I mean, shouldn't they provide any evidence backed up when they started, when they decided to run the story?", to which Mr Cong responded: "It's a little bit hard to verify the authenticity of that note, I understand that, you know, from a journalist perspective... however, there's a couple of things we can do...you have to reach out to the company in question, nobody talked to the general manger before the Global Times, and the day after, we talked to the prison ... even if they decline to comment, they, you can put it in the piece, that's the basic, that's the minimum they have to do... but none of them did. They took it as face value, as it is a truth and they described that and they make a commentary based on that".

Mr Tangen commented that in his view, on wanting to report on this story, Mr Humphrey "could have contacted anyone of these news things and said listen this is, here are the facts, you can interview me, you can interview this little girl, you can attempt to have some journalistic integrity and call the factory and things like this and that would have been a story. As it was, it just seems like it's pandering to this anti-China feeling which is sweeping across the world. Since 2016, right, there's been a huge uptick in anti-Chinese stories, nothing has really changed since 2016, just the perception being pushed by the media".

With regards to the complaint that the programme had implied that Mr Humphrey had tried to deceive readers by not making clear he had written the article, while we recognised that the programme commented on the "tiny print" of the by-line naming Mr Humphrey as the author of the story, we noted that the presenter referred to the obligation of the "media outlet" in informing readers that the author is "writing about his own experience"; it therefore appeared to Ofcom that the programme's criticism was directed towards the news publisher rather than Mr Humphrey itself. Taking this into account, we considered that the programme had not implied that Mr Humphrey had tried to deceive readers in relation to his connection with the article.

With regards to the other aspects of this head of complaint, we took into account that the complainant had written an article about the story and as such, he may have expected to have some criticism levelled against him, particularly by those who may have held an alternative view on the subject matter. However, Ofcom took the view that this did not remove the need for the broadcaster to have ensured that Mr Humphrey was not subject to unjust or unfair treatment in the programme. We acknowledged that the presenter and guests were critical of the story written by Mr Humphrey. However, consistent with the broadcaster's right to freedom of expression, we considered it is legitimate for programmes to critically discuss media stories reported elsewhere in the press. In this case, we also acknowledged that the presenter made clear that the programme would be considering the "two sides of the story" in this matter and in doing so, presented its view that some "Western media" outlets had not reported the full story. In particular, we took into account that a detailed discussion had taken place in the programme on the manner in which "Western media" more generally reported on matters related to China, and that, in the guests' and presenter's views, it was

one-sided against China. Within this context, we considered that it would have been clear to viewers that this particular story and the manner in which it had been reported by “*Western media*” was being used as an example of what the programme deemed to be an anti-Chinese narrative being pushed by “*Western media*” rather than making specific allegations against Mr Humphrey. We also considered that viewers were likely to have understood that the programme would come from a position where articles which had reported on the story would be dissected and challenged.

We considered the comments made about Mr Humphrey and The Sunday Times article and took the view that CGTN’s audience were likely to have understood from the presenter that Mr Humphrey had only provided one side of the story, that he had not made his role clear from the outset of the article and that he was coming from a position of bias. However, we also considered that the audience would have understood this to be the presenter’s interpretation of the article, and that the focus of the criticism was the article itself and the way it was presented by The Sunday Times, and later reported on by other Western media outlets, rather than Mr Humphrey’s activities as a journalist specifically. We also took into account that the presenter did set out that, later on in the article, Mr Humphrey had explained the reason he had become involved in the matter, and that Mr Humphrey had set out his previous experience in China including his account for the reason he had been jailed. The programme therefore made clear that Mr Humphrey had set out in the article the facts regarding his own involvement in the story which the presenter and guests on the programme had suggested meant the article was “*biased*” or constituted “*irresponsible journalism*”. We also took into account that, as part of the more general discussion in the programme about the way the story had been reported by the Western media, the presenter discussed a Daily Mail article which was described as “*even more outrageous*”. Within this context, we considered that the audience would have understood that, overall, the comments were a criticism of the Western media’s reporting on this story involving China, as opposed to being wholly directed at Mr Humphrey as an individual journalist. Taking these factors into account, we did not consider that the presenter’s analysis of Mr Humphrey’s article would have materially or adversely affected viewers opinions of Mr Humphrey in a way that was unfair to him.

We also considered the comments about Mr Humphrey made by the guests on the programme, Mr Cong and Mr Tangen, who: said that Mr Humphrey had not approached the factory owner, who had denied the claims, for a response; described The Sunday Times article as “*against any journalistic rule*” as a consequence; and suggested that Mr Humphrey should have approached the article in a different way by having another journalist report the story.

Ofcom understood that Mr Humphrey’s article did not reflect any comments of or response by the factory owner or prison, and Mr Humphrey had not claimed to have contacted the factory owner or prison for a response to the claims. While we recognised that the guests’ comments related to Mr Humphrey’s approach to the story as a journalist, and that in Mr Humphrey’s representations on the Preliminary View, Mr Humphrey had said that the programme misrepresented why a response from the factory owner and prison had not been obtained, we considered that the comments would have been understood by the audience to be the personal opinions of the guests and that their comments were primarily a criticism of the approach of Western media in general to this story. In particular, we took into account that in his concluding comments, Mr Tangen made a suggestion as to the way in which Mr Humphrey and other media outlets should have approached the story and referred to the “*huge uptick in anti-Chinese stories, nothing has really changed since 2016, just the perception being pushed by the media*”. Taking all these factors into account, we did not consider that, in this context,

Issue 452 of Ofcom’s Broadcast and On Demand Bulletin
13 June 2022

the guest's comments were likely to have materially and adversely affected viewers opinions of Mr Humphrey in a way that was unfair.

Head iv)

We next considered Mr Humphrey's complaint that the programme inaccurately reported the contents of The Sunday Times article. Specifically, Mr Humphrey said that his article did not claim that the factory had hired foreigners, but that the supply chain included foreign prison labour and presented evidence to that effect. Further, he said that the article did not say that the batch of Christmas cards were all made by one company in all processes from printing to packing and putting into containers, but that the prisoners selected and packaged the cards into boxes. In addition, Mr Humphrey had said that it had not been reported that a note had been inserted in the Christmas card, instead a note had been written in the card.

As set out in the "Programme summary" above, the programme included an image of the inside of the card and the reporter read out part of the message purported to be written by foreign prisoners in Shanghai Qingpu prison. The programme also included the response of the general manager of the Chinese factory where the Christmas cards had been made stating that *"the company doesn't even hire foreigners and 80% of his employees are Chinese citizens from east China's Zhejiang province"*, that the factory had *"never had any connection with any prison"* and the company *"reserves the right to sue any media outlet that publishes such spurious claims"*. The programme also reported the response of the Chairman of the company which manufactured the Christmas card who said it was *"completely fabricated"* and denied any *"business links with the Qingpu prison"*. The programme also reported that the Chairman said that *"the batch of the Christmas cards were made in Yunguang company in all processes: from printing, to packing them, to putting into containers for exports"* and that they were made by Chinese people and there was *"no chance of writing anything on cards because workers were not allowed to bring pens into the workshop. So, all the coverage were not based on facts at all"*. A guest on the programme also said, *"there was no way to put a note in the package if you were a prisoner somewhere else because it's at a factory. It's an automated line. So, how would a note get in there?..."*. The presenter later commented: *"I guess the key takeaway here is that these cards are actually made by robots"*.

In considering this head of complaint, we took into account the context set out above that the programme would provide the *"two sides of the story"*. It was within this context that the programme provided the account of the factory where the Christmas card was manufactured. We therefore considered that viewers would have understood that these references represented the response of the factory to the allegation that a message had been written inside one of its Christmas cards, which included its denial of the claims and reasons as to why it was not possible, rather than any suggestion about the specific claims that had been made by Mr Humphrey in his article (which Mr Humphrey said in his representations on Ofcom's Preliminary View suggested only that prisoners were involved in the packaging of the cards, not the making of them). In particular, we took into account that the programme provided a detailed analysis of Mr Humphrey's article and at no point did it state, as set out in the complaint, that Mr Humphrey had claimed in the article that the factory had hired foreigners or that the Christmas cards were all made by one company, nor did the programme state that the article had claimed that foreign prisoners were involved directly in the making of the cards rather than their packaging. We also considered that it would have been clear from the image shown on screen in the programme that the message had been written inside the Christmas card. Taking *Issue 452 of Ofcom's Broadcast and On Demand Bulletin*
13 June 2022

these factors into account, we did not consider that the inclusion of such statements in the programme would have materially or adversely affected viewers perceptions of Mr Humphrey in a way that was unfair.

Ofcom has upheld in part Mr Humphrey's complaint of unjust or unfair treatment in the programme as broadcast.