

Ofcom broadcast bulletin

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Introduction

The Communications Act allows for the Codes of the legacy regulators to remain in force until such time as Ofcom has developed its own Codes. Ofcom has consulted on its new draft Code.

The new Code will be published this year.

The Codes and rules currently in force for broadcast content are:

- 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 Scheduling of Advertising

Copies of the full adjudications for Upheld and Not Upheld Fairness and Privacy cases can be found on the Ofcom website: www.ofcom.org.uk

Standards cases

In Breach

Interactive Lunch

96.4 FM BRMB (Birmingham), 1 October, 12.00

Introduction

A cover presenter asked listeners to send jokes into the programme. A listener complained about a racist joke which involved the term “spade”.

Response

BRMB said it believed that the presenter had made a bad misjudgement in relaying the joke and it had therefore immediately instructed him to air an apology, which he repeated several times. The presenter said that he had not understood the joke and its possible repercussions.

Capital Radio Group apologised for the broadcast and added that it deplored any kind of racism. The presenter had been removed from his regular daytime cover duties and everything possible would be done to ensure that such inappropriate content did not feature again.

Decision

The presenter said that he had not understood the joke he relayed and his immediate apologies went somewhat towards lessening the offence caused. However we believe that his comments, in this context, were not acceptable for broadcast. While we welcome the broadcaster’s assurances, the item was in breach of the Code.

The item was in breach of Section 1.5 (Bad Taste in Humour) of the Code

Trail for The OC

Channel 4, 21 September to 3 October, between 18:00 and 19:00

Introduction

13 viewers were concerned about the use of the word “bitch” in this trail for the teen US drama. The trail showed scenes from the programme and finished with a presenter’s voice-over saying “Welcome to the OC, bitch”. Many viewers were watching with children and felt this was inappropriate at this time of the evening.

Response

Channel 4 regretted any offence caused to viewers, but felt that the use of this phrase was acceptable. The series deals with the lives of rich and fashionable teenagers in the US and storylines included issues universal to that age group, including difficult family relationships, dilemmas over sex, drugs and alcohol abuse. The series was not targeted at or made for children and the broadcaster took care to schedule the trail during programmes appealing to teenagers and young adults. It was not shown before 6pm, but during programmes such as *Hollyoaks* and *Friends*, which had a similar audience profile to *The OC*.

The broadcaster stated that the trail reflected the use of word “bitch” in the drama, where friends use it as irreverent mockery rather than in an abusive or aggressive manner. This is in common usage in American youth culture, which children and young people in the UK have incorporated into their own language.

The radio and off-air promotional campaign used this phrase widely. In the trail, the woman used the phrase in the same non-aggressive tone and in the context of reflecting the lives and speech of the characters in the show. The phrasing avoided any suggestion of misogynistic abuse.

Overall, Channel 4 believed that, given the careful scheduling and the context in which the word “bitch” was used, it was unlikely to have caused widespread offence.

Decision

Programmes on Channel 4 between 18:00 and 19:00 do attract more young people than children. However, children are available to view in large numbers at this time of the evening, and do watch series such as *Hollyoaks* and *Friends*.

We accept that although the majority of *The OC* audience are unlikely to find the word “bitch” offensive, there is a difference between offensive language used in a drama and in a trail for that drama. Viewers of drama series usually have some familiarity with the characters, which provides a context for the use of any offensive language and this can reduce the impact of the offence. Viewers, however, do not specifically choose to watch a trail and consequently may have little knowledge of the programme. In this case, viewers unfamiliar with the programme may not have realised that this phrase was associated with the characters in the series, particularly since it was spoken in a voice-over rather than arising out of any dialogue between the characters.

We understand parents' concern at their children being exposed to this offensive term unexpectedly. We consider that the repeated transmission of a trail containing this language, where the context was not readily understood, was not appropriate on a widely available channel at this time of the early evening.

The trail was in breach of Section 1.2 (Family Viewing) and 1.4(iii) (Trailers and Programme Promotions) of the Programme Code.

Resolved

Debbie Ryan

Fox FM (Oxford and Banbury), 14 November, 15.45

Introduction

Three listeners objected to the presenter's language. While discussing the engagement of Jordan and Peter Andre with her co-presenter, Adam Ball, she said: "Those two are fucking...oh excuse me..." and started laughing, while trying to apologise.

Response

Fox FM said that the presenter was a professional broadcaster, who, until now, had had an untarnished reputation, and that she issued a full and sincere apology the following week. It believed the incident was a case of the presenter becoming too relaxed in the studio and forgetting where she was – her laughter resulted from nervous shock, rather than insincerity. Capital Radio Group apologised for the momentary slip in standards and the station assured us that it would not be repeated.

Decision

The presenter's comment was clearly unintentional and we noted that she managed to air a brief but sincere apology, without nervous laughter, prior to the subsequent commercial break. This was reinforced by a formal apology from the station in the following week's programme.

The language the presenter used was clearly unacceptable for broadcast at that time. However we welcome the apologies given and the action taken by the broadcaster which we believe satisfactorily resolves the matter.

Complaints resolved

Chris Moyles

BBC Radio 1, 8 November, 07:00

Introduction

Sir Elton John featured as a guest on this edition of the breakfast show. Believing that he was off-air, he used the word “fucking” when describing how difficult he had found it to get out of bed unusually early that morning to appear on the programme. When Sir Elton realised that his comments had been broadcast, both he and the presenter apologised but later in the interview he mischievously suggested that he had this urge, near 10am, that made him want to say “bollocks” and “bugger”. He also asked whether it was acceptable to use the word “wank”. Again the presenter apologised for his remarks.

Response

The BBC said that Sir Elton John’s comments had generated more interest in the press than it had among ‘ordinary’ listeners. His comments had attracted considerable tabloid coverage the following day and these reports were either inaccurate, incomplete or both.

The broadcaster did not feel that the item had caused widespread offence. Around six million people listened to Radio 1 at that time in the morning but the BBC had received only two complaints about Elton John’s language. The Radio 1 audience after 9am changed markedly, with a sharp decline in the number of children aged 14 and under listening; so the audience would have been almost entirely adult. The BBC also felt that the two on-air apologies went some way to mitigate any potential offence. It had reminded the presenter of the need for caution in live interviews.

Decision

It was obvious that the first swearword was a genuine slip. The further use of mild swearing was intended to be light-hearted and mischievous. In view of the nature of the error, the on-air apologies and the action taken, we consider the matter resolved.

Resolved

Not in Breach

Emmerdale

ITV1, 7 & 21 October, 19:00

Introduction

13 viewers complained about Cain's violent attack on Ethan in the episode on 7 October; some were particularly offended that the scene occurred in a church. In the episode on 21 October, 27 viewers were concerned about the beating up of a convicted rapist by the roadside. Some viewers believed that this vigilante attack normalised such behaviour.

Response

7 October

ITV explained that characters and events associated with the church had always featured strongly in this soap. The clergy, Ashley and Ethan, were key characters and were portrayed as sincere, but fallible men. Ethan had become caught up in Debbie's problems as he had tried to advise this young and disturbed adolescent. When Cain, Debbie's father, had discovered that Debbie was having an 'adult' relationship, he had struck out blindly at the first and obvious target, Ethan. Regular viewers were prepared for Cain's violent reaction as he was incapable of rational analysis and easily resorted to violence.

The build up in the episode conveyed the concern Andy and Debbie had about Cain's potential for violence. However great care was taken to avoid sensationalising the attack. Cain eventually found Ethan in the church, but this grew naturally out of the story as this was Ethan's place of work – the scene was brief and darkly lit. It included two blows, both of which were carefully edited to be out of frame. ITV believe that this scene stayed within acceptable limits for a portrayal of violence before the 9pm watershed.

21 October

ITV believed it was important for soaps like Emmerdale to deal with challenging issue-based stories, which generated public debate. Frank Bernard had recently served a prison sentence for rape. He had come to live with his mother, Pearl, and her husband Len in the village. This brought to the fore some of the less appealing aspects of human nature from many characters in the village. The couple suffered verbal abuse, damage to their property and ostracism from village society. Against this background, when one of the more aggressive characters in the village, Scott, believed Frank had attacked his sister, the scene was set for a confrontation.

The broadcaster explained that the portrayal of the attack on Frank was very carefully considered. It was edited to reduce the perception of direct violence. Consequently, the broadcast version had all blows out of frame, apart from one punch to the nose. Instead Scott's face, full of hatred, and Frank's bloodied face were relied on for the impression of substantial violence.

ITV stated that Scott and Syd were both made to pay for the attack – Syd left the village and Scott faced criminal charges. The villagers, although deeply set against Frank, were appalled by the attack. Taking the law into your own hands was shown to be a wholly inappropriate response, fruitless and reprehensible.

Decision

We acknowledge that tension and conflict in personal relationships help build audience interest in soaps. Most regular viewers of soaps such as *Emmerdale* know that certain characters are portrayed as 'baddies' and that their actions can result in violent behaviour, but this is not condoned in storylines. Audience expectation at this time of the early evening, though, is tempered by many adults watching with children, who do not expect the portrayal of violence to be prolonged or to dwell on violent injuries.

7 October

In this episode, viewers familiar with Cain's violent character would not be surprised at his angry reaction to Debbie's declaration of embarking on an 'adult' relationship. Although the attack on Ethan was carefully filmed to avoid any impact shots, viewers did hear Ethan's head hit the altar and saw the wound on his forehead. However the scene was brief and two other characters stepped in to prevent any further violence. We can understand viewers' concerns about the strength of this attack, but we believe it was appropriately limited.

21 October

Again the story had been built up, culminating in the attack on Frank. The attack did not show any blows, apart from the initial punch, but it was obviously intended to be brutal from its prolonged nature, the ferocity on Scott's face and the severity of Frank's injuries. At the end of the episode, it was unclear whether Frank had survived. Although some villagers expressed their disquiet at this attack, in both episodes that evening, Scott's family and others voiced their belief that Frank deserved this beating. It was only in later episodes that Scott's behaviour was exposed and resulted in criminal proceedings.

The broadcaster had obviously taken care in the portrayal of the assault on Frank. However we were concerned that the attack's brutality and resulting injuries could have disturbed younger viewers, especially as the severity of the injuries were unclear. This was compounded by the initially morally ambiguous reaction of some of the villagers. Children do not necessarily have to see graphic violence to be upset by a violent assault, if it results in severe injuries and is unresolved. Broadcasters need to bear this in mind when dealing with violence before the 9pm watershed.

On balance however, the violence contained in the scenes was edited in such a way as not to exceed what is generally considered acceptable in a drama at this time of the evening. Both attacks had been well signposted and viewers were expecting a violent reaction from the protagonists.

These programmes were not in breach of the Programme Code

Fairness and Privacy cases

Where a complaint is not upheld there is only a note of the outcome. For a copy of the full adjudication, whether the complaint is upheld or not, go to Ofcom's website at www.ofcom.org.uk/bulletins/ or send a stamped addressed envelope to: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Upheld in Part

Complaint by Mr Terence Gavaghan

Correspondent – Kenya: White Terror, BBC2 on 17 November 2002 and BBC World on 30 November and 1 December 2002

Ofcom has upheld part of a complaint from Mr Terence Gavaghan that he was treated unfairly in an edition of Correspondent.

The programme looked at British Colonial treatment of suspects in Kenya during the Mau Mau Emergency in the 1950s. Mr Gavaghan was the Officer in Charge of Rehabilitation of the Kenyan Prison Service. He was referred to in the programme and also gave an interview.

Mr Gavaghan complained that he was not told about the full nature of the programme and after giving the interview he requested it was not used.

Ofcom found that it was not unfair for the BBC to use the interview just because they had not given Mr Gavaghan all the details. Most of those details were not considered relevant to his interview. However, the programme makers had raised some serious allegations in the interview which Mr Gavaghan should have been told about before he was interviewed. Failing to do so had led to the programme being unfair.

Not only was his full response to those allegations not included in the programme, but the way in which the part of the interview that dealt with his response, was edited meant his position was not fairly presented. Viewers were left with the impression that he had not been willing to answer the sensitive questions put to him. This was unfair.

For these reasons, Ofcom concluded that it was unfair for the programme makers not to have excluded from the programme that part of Mr Gavaghan's interview which dealt unfairly with these serious allegations.

Unfairness – upheld in part

Not Upheld

Complainant	Programme	Date & Broadcaster	Type of complaint
Mr X	Police Protecting Children	BBC2 23 March 2004	Fairness and Privacy
Mr Steven Cumming (and others)	North Tonight	Grampian Television 19 July 2004	Unfair Treatment

Other programmes not in breach/out of remit 12 January – 25 January

Programme	Trans Date	Channel	Category	No. of Complaints
100 Greatest Christmas Moments	24/12/2004	Channel 4	Language	1
20 Best Places to Buy in the Sun	05/01/2005	Channel 4	Offence	1
50 Years of TV Weather	31/12/2004	BBC2	Scheduling	1
Abroad Again in Britain	08/01/2005	BBC2	Religious Offence	4
Adult Channels	06/01/2005	Sky	Sexual Portrayal	1
Agatha Christie's Marple	12/12/2004	ITV1	Offence	1
An Audience with Kylie Minogue	31/12/2004	ITV1	Offence	1
Anatomy for Beginners	31/01/2005	Channel 4	Offence	1
Anatomy for Beginners	24/01/2005	Channel 4	Offence	1
BBC News	28/12/2004	BBC1	Offence	1
BBC News	01/01/2005	BBC1	Offence	2
Big Cook, Little Cook	04/01/2005	CBeebies	Offence	1
Big Fat Quiz of the Year	27/12/2004	Channel 4	Language	4
Billy Connolly's World Tour of N Zealand	10/01/2005	BBC1	Language	2
Billy Connolly's World Tour of N Zealand	14/01/2005	BBC1	Language	1
Boy Meets Boy	15/11/2004	Five	Sexual Portrayal	2
Boy Meets Boy	16/11/2004	Five	Sexual Portrayal	2
Boy Meets Boy	12/11/2004	Five	Sexual Portrayal	1
Boy Meets Boy	18/11/2004	Five	Sexual Portrayal	4
Brainteaser	13/12/2004	Five	Misleading	4
Breakfast	07/01/2005	BBC1	Religious Offence	3
British Comedy Awards	22/12/2004	ITV1	Religious Offence	1
Channel 4 News	08/01/2005	Channel 4	Offence	1
Channel 4 News	14/01/2005	Channel 4	Language	1
Celebrity Big Brother	09/01/2005	Channel 4	Offence	2
Celebrity Big Brother	12/01/2005	Channel 4	Offence	2
Celebrity Big Brother	13/01/2005	Channel 4	Offence	1
Celebrity Big Brother	14/01/2005	Channel 4	Offence	1
Celebrity Big Brother	17/01/2005	Channel 4	Offence	1
Celebrity Big Brother	16/01/2005	Channel 4	Offence	1
Celebrity Big Brother	11/01/2005	Channel 4	Offence	1
Celebrity Big Brother	16/01/2005	Channel 4	Offence	1
Celebrity Big Brother	22/01/2005	Channel 4	Offence	1
Celebrity Fit Club	18/01/2005	ITV1	Offence	1
Celebrity Fit Club	18/01/2005	ITV1	Language	1
Changing Room Goes to Boscastle	28/12/2004	BBC1	Offence	5
Channel 4 News	14/12/2004	Channel 4	Impartiality	1
Channel 4 News	10/01/2005	Channel 4	Offence	1
Channel 4 News	11/01/2005	Channel 4	Offence	1
Channel 4 News	01/01/2005	Channel 4	Offence	1
Christmas in Popworld	18/12/2004	Channel 4	Religious	1

			Offence	
Christmas in Popworld	19/12/2004	Channel 4	Religious Offence	2
Coronation Street	07/01/2005	ITV1	Offence	1
Coronation Street	01/01/2005	ITV1	Offence	1
Desperate Housewives	28/12/2004	Channel 4	Sexual Portrayal	2
Desperate Housewives	04/01/2005	Channel 4	Offence	1
Desperate Housewives	28/12/2004	Channel 4	Offence	1
Diary of a Teenage Nudist	29/12/2004	Channel 4	Sexual Portrayal	1
dick and dom in da bungalow	01/01/2005	BBC1	Offence	1
Diggin' It	28/12/2004	ITV1	Offence	1
Dispatches	11/11/2004	Channel 4	Offence	3
Dispatches	19/11/2004	Channel 4	Offence	1
Dispatches	15/11/2004	Channel 4	Offence	1
Dispatches	17/11/2004	Channel 4	Offence	1
Drugland	06/01/2005	BBC2	Language	1
Eastenders	06/01/2005	BBC1	Offence	1
Eastenders	07/01/2005	BBC1	Language	2
Emmerdale	08/11/2004	ITV1	Language	2
Emmerdale	04/01/2005	ITV1	Offence	1
Emmerdale	01/01/2005	ITV1	Offence	1
Emmerdale	11/01/2005	ITV1	Offence	1
Emmerdale	13/01/2005	ITV1	Offence	1
Emmerdale	02/01/2005	ITV1	Language	1
Family Affairs	04/01/2005	Five	Offence	1
Fantasy Football: Euro 2004	13/06/2004	ITV1	Sexual Portrayal	1
Fighting Talk	23/10/2004	Radio Five Live	Violence	1
Five Live	29/09/2004	BBC Radio 5	Offence	1
Five Live	07/01/2005	BBC Radio 5	Offence	2
Game TV (Spin to Win)	01/12/2004	Friendly TV	Misleading	1
GMTV	04/12/2004	ITV1	Offence	1
God Channel	20/01/2005	God Channel	Religious Offence	1
Heresy	23/12/2004	BBC Radio 4	Offence	1
Holby City	26/12/2004	BBC1	Violence	1
Hollyoaks	11/11/2004	Channel 4	Offence	1
Hollywood TV	08/12/2004	Hollywood TV	Offence	1
Horizon	13/01/2005	BBC2	Impartiality	1
I'm a Celebrity...3	01/01/2005	ITV1	Offence	2
Ian Danter's Sunday Carve Up	12/12/2004	Heart FM 100.7	Offence	2
ITV News	14/12/2004	ITV1	Accuracy	1
ITV News	04/01/2005	ITV1	Offence	1
ITV News	11/01/2005	ITV1	Offence	1
ITV News	13/01/2005	ITV1	Offence	1

Programme	Trans Date	Channel	Category	No. of Complaints
ITV News	15/01/2005	ITV1	Offence	1
ITV News Tsunami Special Report	02/01/2005	ITV1	Offence	1
Jazz FM	06/01/2005	Jazz FM	Offence	1
Jo Whiley	15/12/2004	BBC Radio 1	Offence	1
La Femme Musketeer	28/12/2004	Channel 4	Violence	1
Law and Order	20/12/2004	Hallmark channel	Offence	1
LBC Programme	04/12/2004	LBC97.3	Offence	1
LBC Programme	01/01/2005	LBC97.3	Offence	1
Mega-Tsunami: Wave of Destruction	05/01/2005	UKTV	Scheduling	1
Ministry of Mayhem	01/01/2005	ITV1	Offence	1
Ministry of Mayhem	08/01/2005	ITV1	Sexual Portrayal	1
Miss Marple	12/12/2004	ITV1	Sexual Portrayal	1
Neighbours	18/01/2005	BBC1	Offence	1
Nine Live QUIZ TV	26/11/2004	E4	Offence	1
Nine Live QUIZ TV	06/12/2004	E4	Offence	1
Nine Live QUIZ TV	05/12/2004	E4	Offence	1
Nine Live QUIZ TV	08/12/2004	E4	Offence	1
Nine Live QUIZ TV	15/12/2004	E4	Offence	1
Package Holiday Undercover	12/01/2005	ITV2	Offence	1
Panjab Radio	07/01/2005	Panjab Radio	Religious Offence	1
Panorama	14/11/2004	BBC1	Offence	1
Pool Coverage Sky Sports Extra	10/11/2004	Sky One	Offence	1
Popworld	02/01/2005	Channel 4	Offence	1
QI	19/11/2004	BBC2	Offence	1
Quiz TV	25/11/2004	Quiz TV	Misleading	1
Radio Clyde	08/01/2005	Radio Clyde	Accuracy	1
Richard and Judy	06/12/2004	Channel 4	Language	3
Richard and Judy	08/12/2004	Channel 4	Scheduling	4
Richard and Judy	05/01/2005	Channel 4	Language	1
Robinson	05/10/2004	TV3	Offence	1
Royal Variety Performance	15/12/2004	BBC1	Offence	1
Scissor Sisters Filthy Gorgeous video	05/01/2005	TMF	Sexual Portrayal	1
Scissor Sisters Filthy Gorgeous video	08/01/2005	Five	Sexual Portrayal	2
Scissor Sisters Filthy Gorgeous video	09/01/2005	MTV	Sexual Portrayal	1
Seven Brides for Seven Brothers	18/12/2004	ITV1	Offence	1
Sky News	26/12/2004	Sky News	Offence	1
Sky News	04/01/2005	Sky News	Offence	1
So You Think You're Safe?	12/01/2005	Sky One	Offence	2
Swing Time	23/12/2004	BBC2	Offence	1
T4	02/01/2005	Channel 4	Religious Offence	1
T4	08/01/2005	Channel 4	Language	1
Talksport	13/12/2004	Talksport	Misleading	1
Talksport	01/01/2005	Talksport	Language	1

Programme	Trans Date	Channel	Category	No. of Complaints
Talksport	04/01/2005	Talksport	Accuracy	1
Talksport	14/01/2005	Talksport	Impartiality	1
Talksport	01/01/2005	Talksport	Impartiality	1
Tarrant on TV	06/01/2005	ITV1	Offence	2
The Bill	05/01/2005	ITV1	Offence	5
The Bill	10/01/2005	ITV1	Offence	1
The Bill	05/01/2005	ITV1	Religious Offence	2
The Farm	17/01/2005	Five	Offence	1
The Hits	30/11/2004	The Hits	Offence	1
The Joy of Sex Education	03/01/2005	Five	Sexual Portrayal	1
The Mother	27/12/2004	BBC2	Language	2
The Royal	16/01/2005	BBC1	Religious Offence	1
The South Bank Show	19/12/2004	ITV1	Misleading	1
The Vicar of Dibley	08/01/2005	BBC1	Offence	1
The X Factor	04/09/2004	ITV1	Offence	1
Tiny Pop	01/01/2005	Tiny Pop	Offence	1
Tom Brown's Schooldays	01/01/2005	ITV1	Offence	1
Tonight with Trevor McDonald	10/01/2005	ITV1	Misleading	1
Trisha	17/01/2005	ITV1	Offence	1
Ultimate Force	05/01/2005	ITV1	Violence	1
Ultimate Force	08/01/2005	ITV1	Misleading	1
Ultimate Force	08/01/2005	ITV1	Offence	3
Underworld Rich List	08/08/2004	BBC2	Language	1
Unreported World	30/10/2004	Channel 4	Misleading	1
Up All Night	18/11/2004	Radio Five Live	Offence	1
Vectone Bolly	-	Vectone TV	Offence	1
Vote For Me	11/01/2005	ITV1	Offence	1
Vote For Me	13/01/2005	ITV1	Offence	1
Vote For Me	12/01/2005	ITV1	Impartiality	1
Weakest Link	25/11/2004	BBC2	Offence	1
Weakest Link	29/12/2004	BBC2	Offence	1
Who Wants to be a Millionaire	24/12/2004	ITV1	Offence	1
World in Focus	29/08/2004	Revelation TV	Religious Offence	1
WWE Wrestling	05/01/2005	Sky Sports 3	Offence	1