

Ofcom Broadcast and On Demand Bulletin

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Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives¹. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act². Ofcom must include these standards in a code, codes or rules. These are listed below.

The Broadcast and On Demand Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and rules below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by the ASA on the basis of their rules and guidance for advertising content on ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in television programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility for on television and radio services. These include:
 - the prohibition on ‘political’ advertising;
 - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
 - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising³.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS. Ofcom considers sanctions in relation to advertising content on ODPS on referral by the Advertising Standards Authority (“ASA”), the co-regulator of ODPS for advertising or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must

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

² The relevant legislation can be found at Part 4A of the Act.

³ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

It is Ofcom's policy to describe fully the content in television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.

Broadcast Standards cases

In Breach

Live at the Apollo

Comedy Central, 25 December 2016, 20:00

Introduction

Comedy Central is a channel featuring comedy programmes aimed primarily at an adult audience. The licence for Comedy Central is held by Paramount UK Partnership (“Paramount UK” or “the Licensee”).

Live at the Apollo is a stand-up comedy programme filmed at the Hammersmith Apollo Theatre in London. A complainant alerted Ofcom to offensive language broadcast at 20:40 during a performance by comedian Josh Widdicombe.

During his routine the comedian said:

“...I feel like I’m lying on a fucking log”.

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

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

We therefore asked the Licensee for its comments under this rule.

Response

Paramount UK apologised unreservedly and told Ofcom that it would never intentionally broadcast the most offensive language before the watershed. It said that in this case, the broadcast of the most offensive language occurred because of a “technical issue compounded by human error”, rather than an editorial decision.

The Licensee confirmed that this was an “isolated incident” and set out the steps it had taken since the broadcast, such as: deleting the original file from its server; re-editing the content; and, reminding its compliance team to double-check edits to ensure that the broadcast of the most offensive language before the watershed did not happen again.

Decision

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

Rule 1.14 states the most offensive language must not be broadcast on television before the watershed. Ofcom’s 2016 research¹ on offensive language clearly

¹ On 30 September 2016, Ofcom published updated research in this area: Attitudes to potentially offensive language and gestures on television and on radio:
https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf

indicates that the word “fuck” and variations of it are considered by audiences to be amongst the most offensive language.

In this case, the broadcast of the word “fucking” was an example of the most offensive language being used in a programme broadcast before the watershed.

Ofcom noted the Licensee’s apology and the steps it said it had taken to ensure ongoing compliance with the Code. Nonetheless, the broadcast of this material was a clear breach of Rule 1.14.

Breach of 1.14

In Breach

Kashmir Now

MATV, 28 September 2016, 18:30

Anti-Pakistan Protest in Geneva

MATV, 28 September 2016, 23:00

Introduction

Midlands Asian Television (“MATV”) is a satellite television service that broadcasts Indian programming in Hindi, English, Gujarati and Punjabi. The licence for MATV is held by Middlesex Broadcasting Corporation Limited (“MBCL” or “the Licensee”).

During routine monitoring, Ofcom identified two pieces of current affairs content, broadcast in English, that referred to the policies and actions of the Pakistani state, including within Pakistani-occupied Kashmir (“POK”). The two pieces of content consisted of the following:

Kashmir Now

This 30 minute current affairs programme included various items about events and issues relating to POK. The first item, which lasted approximately seven minutes dealt with an on-going water crisis in POK. The presenter introduced the item as follows:

“Countries the world over are developing science and technology to further facilitate their people. Scientists are even searching for water on Mars. But things turn horribly wrong when [inaudible] Pakistani Kashmir, people are dying due to shortage of drinking water. This daily picture is a 21st century reality”.

A reporter then said in voiceover:

“Pakistani-occupied Kashmir is a mountainous region with beautiful valleys, rivers and streams. For an outsider, people in this region appear to be blessed. But when we dip inside, things turn awry. This dark picture represents reality in POK. Locals complain of there being no proper water pipe connection to their homes. Schemes and promises made by the successive governments remain unfulfilled”.

A local resident was then shown speaking in front of a notice board next to a public stand pipe. He said the following in Urdu, with the English translation on screen:

“Though it is clearly written on [the] board that the water contains bacteria and is unsafe for drinking, we are forced to drink this water. There is no water in our homes, and where there is any water well or tap it is unsafe for drinking, and the government is hardly listening. There has been no supply of water for 3-4 days. The administration has failed completely and whatever scheme they have introduced has not yet been implemented. Pipes have been lying for a long time, and they have not fixed them properly for over a year. Even the old pipelines have stopped working”.

A second local resident was then shown next to the stand pipe, saying the following in Urdu, with the English translation on screen:

“We are drinking water from here because we are forced to as there is no other alternative. Either we come here or go to the river stream to drink water. So, all of us have only this option. There is a scarcity of water in our taps back at home; especially during prayers we face difficulty. There is hardly any water supply at home or at the mosque. We are forced to bring water on our bikes from various sources”.

The reporter then said in voiceover:

“River streams are completely polluted. People are forced to use the same water for drinking and [inaudible]. The Administration lives in its own wonderland”.

A third local resident was then shown, saying the following in Urdu, with the English translation on screen:

“The biggest issue for us is water as we do not get any safe drinking water here. Though there are two streams flowing, but still people are suffering due to shortage of water. Women and children travel to long places for water, but there we do not get water”.

A fourth local resident was then shown, saying the following in Urdu, with the English translation on screen:

“I have read that there is no bottled water available for drinking. We do not have any facility available for safe drinking water, and hence we are forced to come here [indicates standpipe]”.

The reporter then said in voiceover:

“Occupied by Pakistan decades ago, the region still lacks basic facilities. Safe drinking water is a basic requirement of human beings, but on this front also the Administration has miserably failed”.

There was then an interview conducted by the presenter with a Strategic Analyst, Anil Bhat:

P: *“Isn’t it horrible that even in these modern times, people in POK don’t have any drinking water supply to their homes?”*

AB: *“Across LOC¹, between Jammu and Kashmir² and the Pakistan-occupied Kashmir, there is horribly, very bad picture of water supply schemes and the safe drinking water supply. If you go by the reports of the WHO³ and other agencies in POK, which conducted the chemical tests, the bacteriological tests on the water samples collected from various regions of POK...the contamination levels were very, very high. The level of drinking water supply schemes, which comes through the pipe and water is scarce in most parts of the POK. 80% of the water supply schemes has one or other type of contamination, chemical or fungal infections...”.*

¹ The Line of Control between Indian-occupied Kashmir and POK.

² In this context Jammu and Kashmir refers to Indian-occupied Kashmir.

³ World Health Organisation.

P: *“What stops the Pakistani establishment from treating the people in POK as equals?”*

AB: *“Pakistan seems to be an occupational force in POK. The dams, the investment...all have the interests of the Pakistani establishment more than the people of POK. The problem with Pakistan is that they have hardly invested into building up: durable bore projects; durable water supply schemes; durable roads and infrastructure. In multi-sectorial kind of development, that would reach out to the people. If you compare the two sides, there is a huge difference: You have a large number of dams built up in Jammu and Kashmir that not only takes care of the power supply, the water supply schemes in Kashmir, it is also used as a cushion for the country [i.e. in relation to India]”.*

The second item, which lasted approximately three minutes, dealt with what were described as *“illegal taxes”* being imposed on residents in the Pakistani region of Gilgit-Baltistan⁴. The presenter introduced the item as follows:

“There seems to be no end to the sufferings of people in Gilgit-Baltistan. Their concerns are often dismissed. The Pakistani establishment imposes heavy taxes on people living in the region. This has resulted in disillusionment amongst the villager people”.

A reporter then said in voiceover:

“Taxes are a way of generating revenue for various government projects. Paying taxes also makes the citizens involved in the development process. However, the people of Gilgit-Baltistan are forced to pay heavy taxes to the Administration, which turns a blind eye to their needs. The same grim situation has continued for years. Despite collecting taxes according to its own will, Islamabad⁵ has failed miserably in generating employment, providing infrastructure or containing inflation. Locals are demanding that all illegal taxes be immediately called off and Gilgit-Baltistan be made a tax-free zone”.

There was then footage of the Leader of the All National Party Conference, Gilgit-Baltistan, saying the following in Urdu, with the English translation on screen:

“All the taxes in the Gilgit-Baltistan region should be called off. Apart from general taxes we should get our due from the taxes that we have been paying for a long time. Property tax, income tax and other such laws which are completely illegal should immediately be called off. Among other things, the subsidies which were discontinued should be started again. Minerals policy 2016⁶ should be called off and all the rights should be given to us”.

The reporter then said the following in voiceover:

“Gilgit-Baltistan is also rich in mineral resources. Pakistan earns billions in revenue annually from trade and transit, water exploitation and other sources. Yet

⁴ Gilgit-Baltistan is an administrative area of Pakistan that is part of POK.

⁵ The capital of Pakistan.

⁶ Ofcom understands this to be a reference to Pakistani authorities' policy towards mineral exploitation in Gilgit-Baltistan.

the majority of these earnings end up in the coffers of the top Islamabad leadership. People are disillusioned since none of the major power projects, which uses resources from Gilgit-Baltistan, are set up in this region”.

More footage was shown of the Leader of the All National Party Conference, Gilgit-Baltistan, saying the following in Urdu, with the English translation on screen:

“All the power projects should be shifted to the Gilgit-Baltistan region. As everyone knows the same water will be used for various projects in the KBK⁷ and various other projects in Punjab. Then why not bring all the projects to Gilgit-Baltistan?”

The reporter then said in voiceover:

“When the government collects taxes, citizens expect better facilities. But in the occupied territory of Gilgit-Baltistan, people continue to live in dismal conditions, even after paying heavy taxes”.

Ofcom considered the above content clearly raised issues warranting investigation under the Rule 5.5 of the Code:

“Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service...This may be achieved within a programme or over a series of programmes taken as a whole”.

Ofcom therefore asked the Licensee how the content complied with this rule.

Anti-Pakistan Protest in Geneva

This programme consisted of two segments. The first segment, which lasted approximately 18 minutes, featured coverage of a press conference organised by the Unrepresented Nations and Peoples Organization (“UNPO”), which focused on the alleged actions of the Pakistani authorities in various regions of Pakistan, such as Baluchistan, Gilgit-Baltistan, and POK. The second segment, which lasted approximately 12 minutes, featured a reporter interviewing a number of individuals in front of the United Nations building in Geneva. During these interviews, a number of statements were made that referred to the policies and actions of the Pakistani state and armed forces in Operation Zarb-e-Azb, a military operation carried out by the Pakistani armed forces against armed militants along the Pakistan-Afghanistan border, which has been taking place since 2014.

During the first segment of the programme, we noted, by way of example, the following statements:

“In light of the human rights violations committed by the Pakistani state, it’s natural that the UNPO has been very active in raising awareness internationally about these atrocities taking place in Baluchistan, in Sindi, and with the people of Gilgit-Baltistan and in the occupied territories of Kashmir”.

⁷ Khyber Pakhtunkhwa, one of Pakistan’s provinces.

“So we people of Gilgit-Baltistan today demand that Gilgit-Baltistan is key to all of the Kashmir dispute. And Gilgit-Baltistan should be the first region from where a solution of Kashmir should be found. And that [inaudible] Pakistani forces should pull out from Gilgit-Baltistan and POK”.

“No defence or military aid to Pakistan until a complete restoration of the human rights of the people of Pakistan and the nations of Pakistan”.

There were also several statements concerning Operation Zarb-e-Azb made in the second segment of the programme:

“10,000 homes were destroyed in an area, in a population that was not involved in terrorism at all. The Pakistani military basically wanted to send a message to the Pashtuns⁸ that we can kill you whenever we wish to, if you have any dreams of Pashtun nationalism, if you have any idea of Afghan nationalism, if you have any, even thought of uniting with you Pashtun brothers across the Durand Line⁹, which was created by the British, we will simply smash you. To the rest of the world they are saying they are fighting terrorists. But anyone, who has lived in Pakistan or in the Pashtun areas knows that it is the Pakistani army which is the terrorist. They are the ones who have sponsored terrorism against India. They are the ones who have been host to Osama Bin Laden...The Pakistani army are the ones who are committing genocide in Baluchistan...So we who were born in Pakistan are clear that the real terrorists are the Pakistani military and the civil military establishment that governs it”.

“Since [Operation] Zarb-e-Azb has started, it has been damage, a total collateral damage against the Pashtun population. Atrocities have been committed. Over one million people have been forcibly migrated to the surroundings. They have crossed the Durand Line to go for shelter...Houses have been looted, the bazaars have been ruined, and they have been bombarded all over the region. Four thousand tribal elders have been targeted and killed. The tribal structure, especially the social structure has been destroyed, and people are living in a dire situation living throughout history...We have been living in a very bad, a very dire, situation. The main support the rest of the world, especially the UN, can help us is in three areas: first, stop the atrocities against Pashtuns, taking charge of the Pakistani army of the killing of innocent people. Announce Pakistan as a terrorist state...Second, help us to come back to our homes, to come back to our villages, to come back to our cities...Third, give us the right that the rest of the world is having, the human rights, the right to live, the right to school, the right to educate, the right to have health... Help us to get rid of the atrocities, the killing of the Pakistani army and establishment”.

“I think the real culprit of human rights violations in Pakistan is not the operation called Zarb-e-Azb but the Pakistani military itself. Zarb-e-Azb is focused on

⁸ The Pashtuns are an ethnic group living in parts of Pakistan and Afghanistan.

⁹ The Durand Line is the international border between Pakistan and Afghanistan and was established, in part, in 1896 between by a British diplomat, Sir Mortimer Durand.

rescuing the militants who do cause human rights violations and commit suicide bombings in Baluchistan and the Pashtun areas. It's to rescue them and shift them to other parts of the Middle-East, where ISIS is now operating. But, the Pakistani military itself is the main culprit causing human rights violations in Baluchistan in particular, carrying out aerial bombardments, killing civilians, razing villages to the ground".

Ofcom considered the above content raised issues warranting investigation under the Rule 5.5 of the Code. Ofcom therefore also asked MBCL how the content complied with this rule.

Response

The Licensee said that it tries to cover all events "which are of interest to South-Asian viewers". It added that "Our entire focus is on community. It does not matter if it is India-Pakistan-Bangladesh or Sri Lankan origin. We try our best to show them the true situation on the ground in that part of the world". MBCL also said that "We are doing live shows all the time regarding Pakistan and lot[s] of Pakistani journalists and politicians have spoken about [the] Pakistani point of view on" MATV.

The Licensee said that *Kashmir Live* is a daily series which covers issues relating to the region of Kashmir the areas of food, culture, local events, education, sports and politics. It added that the programmes "contain the voice of Kashmiries from both sides of Kashmir" and "if possible we also get interviews from Local community leaders, businessmen, Govt. Officials etc". MBCL also said that the series "show[s] lot of content from both sides of Kashmir depicting their local issues. and criticism of both sides of the Govts and also positive work if any". Further, the Licensee cited "one more programme that runs normally twice a week called *Sarhad Ke Do Rukh*" which MBCL described as "a balancing program for Kashmiries on both sides of [the Indian-Pakistan] border" and which shows Pakistani views on Kashmir. In this context the Licensee provided a recording of an edition of *Sarhad Ke Do Rukh*, broadcast on 7 September 2016 at 22:30.

The Licensee provided further representations regarding *Kashmir Now* in response to Ofcom's Preliminary View (which was to find breaches of Rule 5.5 in respect of both programmes). The Licensee said that:

- the programme was a "journalistic view of the situation" and questioned "what could be the alternative view of prevailing truth";
- it had previously "shown a lot of work done" by the Pakistani authorities including a "programme regarding flood affected people in the Chitral Area";
- it was now trying to obtain the viewpoint of the Pakistani and local authorities regarding the water crisis in POK and said it would broadcast these once they had been received; and,
- the subject matter of this programme was a humanitarian issue rather than a political or industrial one.

For these reasons, the Licensee considered that *Kashmir Now* should not be treated as a political programme and was not in breach of Rule 5.5.

In relation to *Anti-Pakistan Protest in Geneva*, MBCL said it had “earlier shown [the] Pakistani angle” on Gwadar Port¹⁰ and Baluchistan in one of the programmes from its series *Pakistan Reporter*¹¹, which was broadcast on 17 September 2016. Therefore, “to balance” the latter it had “showed opposition [to Pakistan] by Baluchies” as shown by the *Anti-Pakistan Protest in Geneva* programme.

The Licensee also set out details of other programmes¹² it had broadcast about Pakistan:

- ***Strategic Vision of Pakistan***: MBCL said this programme, broadcast in May 2016, was coverage of an event at Chatham House and featured Sartaj Aziz, Foreign Affairs Advisor to the Pakistani Prime Minister;
- ***Gateway Gazette***: The Licensee said this programme is broadcast weekly on Thursdays at 20:30, and is presented by “Pakistani origin British Nationals” and the programme has a “compete focus” on Pakistan. It added that the programme “normally” invites guests including “Pakistani senators” and receives “Live calls from Karachi, Lahore, Islamabad and many such places in Pakistan.” MBCL also said that the programme sometimes discusses “various political issues against India including Kashmir”;
- ***Sathi Ke San Sang***: The Licensee said this was a weekly programme broadcast on Thursday at 21:30; and
- ***Democracy Forum Event: ‘Pakistan – A Victim or a Perpetrator?’*** MBCL said this three-part series, the first part of which was broadcast on 28 September 2016 at 20:30, consisted of coverage of an event organized by a UK-based think tank. The Licensee said that the programmes featured “eminent speakers” concerning terrorism within Pakistan, including a Pakistani diplomat expressing his opposition to a speaker who had said that Pakistani occupation of POK is “illegal”.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that the special impartiality requirements set out in section 320 of the Act are complied with. This objective is reflected in Section Five of the Code.

Broadcasters are required to comply with the rules in Section Five to ensure that the impartiality requirements of the Act are complied with, including that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

When applying the requirement to preserve due impartiality, Ofcom must take into account Article 10 of the European Convention on Human Rights. This provides for the broadcaster’s and audience’s right to freedom of expression, which encompasses

¹⁰ Gwadar Port is a port on the coast of Baluchistan which has been developed with investment from the Chinese authorities.

¹¹ The Licensee said that in *Pakistan Report* it shows “all the possible info for our Pakistani audience”.

¹² MBCL also provided recordings of various editions of these programmes which are discussed in the Decision.

the right to hold opinions and to receive and impart information and ideas without undue interference by public authority. The broadcaster's right to freedom of expression is not absolute. In carrying out its duties, Ofcom must balance the right to freedom of expression on one hand, against the requirement in the Code to preserve "due impartiality" on matters relating to political or industrial controversy or matters relating to current public policy.

Section Five of the Code acts to limit, to some extent, freedom of expression because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. Therefore, while any Ofcom licensee has the freedom to discuss any controversial subject or include particular points of view in its programming, broadcasters must always comply with the Code. Ofcom underlines that the broadcasting of comments either criticising or supporting the policies and actions of any Government or elected politician is not, in itself, a breach of due impartiality.

Rule 5.5 of the Code requires that: "Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved. Depending on the specific circumstances of any particular case, it may be necessary to reflect alternative viewpoints in an appropriate way to ensure that Rule 5.5 is complied with. The Code makes clear that the term "due" means adequate or appropriate to the subject matter. Therefore "due impartiality" does not mean an equal division of time has to be given to every view, or that every argument and every facet of the argument has to be represented. Due impartiality may be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures due impartiality is maintained.

Ofcom considered both of the programmes in this case in turn.

Kashmir Now

We first considered whether the requirements of Section Five of the Code should be applied: that is, whether the subjects discussed in the programme concerned matters of political or industrial controversy or matters relating to current public policy.

As detailed in the Introduction, the programme included two items that dealt with, firstly, the on-going water crisis in POK, and second, what were described as "*illegal taxes*" being imposed on residents in the Pakistani region of Gilgit-Baltistan. During these items, there were a number of critical statements referring to the Pakistani authorities in POK, including Gilgit-Baltistan.

The programme included a number of statements in the item about the supply of water in POK, as outlined in the Introduction, that were critical and gave a one-sided view of the water supply policy of the Pakistani authorities in POK. For example, it was stated that:

"The [Pakistani] administration has failed completely and whatever scheme they have introduced has not yet been implemented. Pipes have been lying for a long time, and they have not fixed them properly for over a year. Even the old pipelines have stopped working".

Several local residents were featured describing what they saw to be the negative ramifications of the water supply situation in POK. Further, a reporter described the

Pakistani administration of POK as *“liv[ing] in its own wonderland”* and as having *“miserably failed”* as regards its water policy. In addition, an interviewee, Anil Bhat made various critical remarks about the Pakistani authorities in POK, including:

“Pakistan seems to be an occupational force in POK. The dams, the investment...all have the interests of the Pakistani establishment more than the people of POK. The problem with Pakistan is that they have hardly invested into building up: durable bore projects; durable water supply schemes; durable roads and infrastructure”.

The programme also included a number of statements in the item about the taxation policy of the Pakistani authorities in Gilgit-Baltistan, as outlined in the Introduction, that were critical and gave a one-sided view of the taxation policy of the Pakistani authorities in Gilgit-Baltistan. For example, it was stated that:

“The Pakistani establishment imposes heavy taxes on people living in the region” and that *“the people of Gilgit-Baltistan are forced to pay heavy taxes to the Administration, which turns a blind eye to their needs”.*

It was also stated that the Pakistani authorities *“Despite collecting taxes according to its own will, Islamabad has failed miserably in generating employment, providing infrastructure or containing inflation”.* In addition, the taxes levied by the Pakistani authorities in Gilgit-Baltistan were described as *“illegal”*. It was also stated that:

“Pakistan earns billions in revenue annually from trade and transit, water exploitation and other sources. Yet the majority of these earnings end up in the coffers of the top Islamabad leadership”.

In the conclusion of the item, it was stated that:

“...in the occupied territory of Gilgit-Baltistan, people continue to live in dismal conditions, even after paying heavy taxes”.

Given these repeated references to the alleged actions of the Pakistani authorities, we did not agree with the Licensee’s argument that the programme was concerned only with a humanitarian issue. Rather, we considered that the programme was dealing with matters of political controversy and matters relating to current public policy. We therefore concluded that the rules in Section Five were engaged.

Ofcom went on to assess whether this programme preserved due impartiality by, for example, reflecting alternative viewpoints as appropriate. Rule 5.5 makes clear that due impartiality may be achieved *“within a programme or over a series of programmes taken as a whole”*. We went on to assess whether the Licensee preserved due impartiality – firstly, within the programme, either through sufficiently reflecting alternative viewpoints and/or contextual factors; and secondly, over a series of programmes taken as a whole.

During this programme, we did not identify any statements or other content which could reasonably be considered as either reflecting the viewpoint of the Pakistani authorities in: POK; Gilgit-Baltistan; or at the national level within Pakistan, or otherwise served to counter the various criticisms being made of the Pakistani state within the programme. Therefore, in our view, this programme gave a one-sided view on the matters of political controversy and the matters relating to current public policy.

We went on to consider whether alternative viewpoints were reflected in a series of programmes taken as a whole, which the Code defines as more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience. MBCL said that “We are doing live shows all the time regarding Pakistan and lot[s] of Pakistani journalists and politicians have spoken about Pakistani point of view on” MATV. Specifically, in relation to this edition of *Kashmir Now*, the Licensee described an edition of *Sarhad Ke Do Rukh* broadcast on 7 September 2016 at 22:30 as being “a balancing program for Kashmiries on both sides of [the Indian-Pakistan] border” and “which shows Pakistani views on Kashmir”.

We viewed a recording of the edition of *Sarhad Ke Do Rukh*, transmitted on 7 September 2016, which was broadcast in Urdu, as well as recordings of the following other programmes, which MBCL said it had broadcast about Pakistan:

- an edition of *Strategic Vision of Pakistan*, which was broadcast in English in May 2016;
- two editions of *Gateway Gazette*, which were broadcast in Urdu (the Licensee did not provide details of when exactly these had been broadcast);
- an edition of *Sathi Ke San Sang* which were broadcast in Urdu (the Licensee did not provide details of when exactly this had been broadcast); and
- a series of three programmes called *Democracy Forum Event: ‘Pakistan – A Victim or a Perpetrator?’*, which were broadcast in English and started on 28 September 2016.

The Code’s definition of a “series of programmes taken as a whole” provides broadcasters with significant flexibility when making editorial decisions about how to maintain due impartiality. In this case however, Ofcom did not consider that any of the above programmes met the definition of being part of a series of programmes taken as a whole. For example, *Strategic Vision of Pakistan* was broadcast five months before the edition of *Kashmir Now*, and in our view was therefore not broadcast within an appropriate period for the purposes of preserving due impartiality. Further, we could not identify any content within the edition of *Kashmir Now* in this case or the other programmes cited by MBCL which referred to how these various programmes were editorially linked to each other (for example in the form of announcements or other content signalling the existence of an editorial link).

We also noted that the Licensee said that it was now seeking the view of the Pakistani and local authorities in relation to the water supply issues in POK and will broadcast these once they had been received. However, we considered that the Licensee’s intention to broadcast alternative viewpoints on this matter at some point in the future was not sufficient to ensure compliance with Rule 5.5, given the time that would have elapsed since the original broadcast.

We therefore concluded that the Licensee failed to present alternative viewpoints on the matters of political controversy and the matters relating to current public policy in a series of programmes taken as a whole.

Anti-Pakistan Protest in Geneva

We also considered whether the requirements of Section Five of the Code should be applied to the second programme: that is, whether the subject of the programme concerned matters of political or industrial controversy or matters relating to current public policy.

As detailed in the Introduction, this programme included a number of critical statements, which focused on the alleged actions of the Pakistani authorities in various regions of Pakistan, such as Baluchistan, and Gilgit-Baltistan, and the policies and actions of the Pakistani state and armed forces in Operation Zarb-e-Azb, a military operation carried out by the Pakistani armed forces against armed militants along the Pakistan-Afghanistan border. In the programme, the Pakistani state was variously accused of: committing “*human rights violations*” and “*atrocities*” in areas including Gilgit-Baltistan. In addition, the Pakistani army was accused of: being a “*terrorist*”; sponsoring “*terrorism against India*”; “*committing genocide in Baluchistan*”; committing “*atrocities*”; undertaking “*human rights violations*”; “*killing civilians*”, and “*razing villages to the ground*”. Ofcom considered that the programme was dealing with matters of political controversy and matters relating to current public policy. We therefore concluded that the rules in Section Five were engaged.

Ofcom went on to assess whether this programme preserved due impartiality by, for example, reflecting alternative viewpoints within the programme. During this programme, we did not identify any statements or other content which could reasonably be considered as either reflecting the viewpoint of the Pakistani Government or armed forces, or otherwise served to counter the various criticisms being made of the Pakistani state within the programme. Therefore, in our view, this programme gave a one-sided view on the matters of political controversy and the matters relating to current public policy.

We then went on to consider whether alternative viewpoints were reflected in a series of programmes taken as a whole. MBCL said it had “earlier shown [the] Pakistani angle” on Gwadar Port and Baluchistan in one of the programmes from its series *Pakistan Reporter*, which was broadcast on 17 September 2016. It added, therefore, that “to balance” the latter it had “showed opposition [to Pakistan] by Baluchies” as shown by the *Anti-Pakistan Protest in Geneva* programme.

We viewed a recording of the edition of *Pakistan Reporter*, transmitted on 17 September 2016, which was broadcast in Urdu, as well as recordings of the other programmes¹³ discussed above, which MBCL said it had broadcast about Pakistan. However, we could not identify any content within the edition of *Anti-Pakistan Protest in Geneva* or the other programmes cited by MBCL which referred to how these various programmes were editorially linked to each other (for example in the form of announcements or other content signalling the existence of an editorial link). We therefore concluded that the Licensee failed to present alternative viewpoints on the matters of political controversy and the matters relating to current public policy in a series of programmes taken as a whole.

Conclusion

Given all the above, we considered that MBCL failed to preserve due impartiality in both *Kashmir Now* and *Anti-Pakistan Protest in Geneva*. Our Decision was therefore

¹³ Strategic Vision of Pakistan; Gateway Gazette; Sathi Ke San Sang; and Democracy Forum Event: ‘Pakistan – A Victim or a Perpetrator?’

that both these programmes were in breach of Rule 5.5. We were also concerned that the Licensee's representations in this case demonstrated a fundamental lack of understanding about its obligations under Section Five of the Code. We are therefore requesting that the Licensee attends a meeting to discuss its compliance in this area.

Breaches of Rule 5.5

In Breach

News

Times Now, 26 September 2016, 08:30

Introduction

Times Now is a television channel broadcasting news and current affairs content in English. The channel originates from India and is rebroadcast on the satellite and terrestrial platforms in the UK. The licence for Times Now is held by Times Global Broadcasting Company Limited (“Times Global” or “the Licensee”).

A complaint alerted Ofcom to the commentary of a news item which the complainant considered was “hate speech against Pakistan”.

The Licensee broadcast rolling news content of approximately 60 minutes duration that focused on a forthcoming speech¹ that was due to be made by Sushma Swarajh, the Indian External Affairs Minister, at the United Nations General Assembly (“UNGA”) on 26 September 2016. This speech was to be made in response to the speech made by Nawaz Sharif, the Prime Minister of Pakistan at the UNGA, on 21 September 2016². These speeches were made against the background of the “Uri attack”³ which had happened on 18 September 2016 and had seen increased tension between India and Pakistan, as many Indian commentators had blamed Pakistan for the attacks. The news content also focused on a meeting between Narendra Modi, the Prime Minister of India, and senior cabinet officials and officials from the Indian Water Resource Ministry. The news content discussed whether India could use the revision of the Indus Waters Treaty⁴ in its diplomatic reaction with Pakistan following the Uri attack.

The content started with the studio presenter saying:

“News is coming in: The meeting on the Indus Waters Treaty has begun...officials from the Water Resource Ministry are present at the meeting and are briefing the [Indian] Prime Minister about the Waters Treaty. Do remember this is a treaty that was inked by the two countries almost 60 years ago. And we are being told that India could perhaps revisit this treaty now...This happens of course even as India takes on Pakistan. A response is going to be coming from Sushma Swarajh, the External Affairs Minister at the UNGA today. But India has made it extremely

¹ See https://www.mea.gov.in/Speeches-Statements.htm?dtl/27437/Right_of_Reply_by_India_in_response_to_a_statement_by_Pakistan_under_Agenda_item_8_at_33rd_Session_of_the_Human_Rights_Council_September_26_2016

² See http://www.pmo.gov.pk/pm_speech_details.php?speech_id=78

³ On 18 September 2016, four terrorists, widely reported as being part of a Pakistani-based terrorist group, attacked an Indian military outpost near the town of Uri in the Indian-occupied area of Jammu and Kashmir. It was reported that 17 Indian soldiers were killed in the attack.

⁴ The Indus Waters Treaty is a water-distribution treaty between India and Pakistan, brokered by the World Bank (then the International Bank for Reconstruction and Development). The treaty was signed in Karachi on September 19, 1960 by the then Prime Minister of India Jawaharlal Nehru and the President of Pakistan Ayub Khan.

clear that it will take all possible diplomatic steps against Pakistan after the Uri attack”.

During the coverage, a reporter talked to the studio presenter from New York, via a satellite link, and said the following:

“After the bluff and bluster of Nawaz Sharif failed to get any traction for Pakistan, External Affairs Minister Sushma Swarajh has arrived to participate in the UNGA and deliver her speech. The largest strategy is to present a picture of common composure reflecting India’s status on the committee of nations. India is not going to miss out on that opportunity. On the principle of global community, the need to stop bickering and act on the Convention on Terrorism”.

The studio presenter then said:

“...But India has made it clear that it will take all possible diplomatic steps against Pakistan after the Uri attack...”.

Throughout the news coverage, we noted statements by various contributors that either directly or indirectly commented on the policies and actions of the Pakistani Government in relation to tackling cross-border terrorism and towards its neighbours, including India, Bangladesh and Afghanistan. For example:

Arun Kumar Singh (described on screen and by the presenter as a former Indian diplomat) said:

“I think the bulk of [Sushma Swarajh’s] speech will be considering on terrorism only, ‘cause she has to make an elaborate presentation stating the facts that Pakistan is a terrorist state, entirely governed by the terrorist mafia who somehow have made the Prime Minister of Pakistan a puppet. So that, er, and also convinced the world that the real power of Pakistan now resides with the Generals...When you are addressing the world...you are addressing all kind of nations...so they have to be convinced that Pakistan is indeed with its past record, right, from Osama Ben Laden till today, has been indulging in such activities and not only particularly against India but against other countries also, even Bangladesh and Afghanistan and in our neighbourhood and all over the world and supplying terrorists from India for Pakistan to go to the United States and go to and hurt other European countries also...”.

Separately, Kanwal Sibal (described on screen as a former diplomat) said:

“...but I think this is a political signal to Pakistan, that if they keep going down this road of not doing anything to cut terrorism directed to India and on the contrary pursue their policy of using terrorism as an instrumental state policy against us, then we may have to think of other options...”.

Later, Arun Kumar Singh said:

“Actually the way the weapons have been controlled by especially terrorists and unstable state like Pakistan...there has to be some control of nuclear weapons. It is extremely important for the whole world so all the countries and then dirty wars something like that can easily be robbed by these so-called terrorists which will lead to a catastrophe and unintended war”.

Later in the programme, the studio presenter said:

“Now even as India is looking at various other options, various other pressure points to bring Pakistan to act in a responsible manner the other aspect of it is also perhaps to be able to convince the world community particularly the United States that it needs to now start cutting off its economic aid to Pakistan, because half of that aid does go in essentially, being the epicentre of terror of exporting terror, and that’s not it, the world over is extremely concerned by the fact that Pakistan is armed with nuclear weapons, and it is in a state where someone could use those nuclear weapons”.

During the content, various captions were shown, including:

“India will expose Nawaz’s every lie tonight”.

“Sushma to expose & isolate terror state Pak”.

“Breaking News: Times Now exclusive: Pakistan exposed by its own. Bahadur Ali⁵ spills the beans. Pak pushed terrorists across LoC⁶. Underwent arms training in Pak. Names separatists, reveals JuD⁷ link. Bahadur Ali names Lashkar⁸. Underwent training at LeT⁹ camp. Full interrogation report accessed”.

Ofcom considered that as news programming, the above content raised issues warranting further investigation under Rule 5.1 of the Code:

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

Ofcom therefore asked the Licensee to provide comments on how it ensured this content about the policies and actions of the Pakistani Government was presented with due impartiality.

⁵ It has been widely reported that Bahadur Ali is a member of the proscribed terrorist organisation, Lashkar-e-Taiba. He was captured by Indian forces in July 2016 in Indian-occupied Jammu and Kashmir.

⁶ LoC: The Line of Control is the boundary between Indian-occupied Jammu and Kashmir and Pakistan-occupied Kashmir.

⁷ Jamat Ud Dawah (JuD) is also known as Lashkar-e-Taiba (LeT). The UK Government’s list of proscribed terrorist organisations dated 16 December 2016 states the following in relation to Lashkar-e-Taiba and Jamat Ud Dawah: “[Lashkar-e-Taiba] seeks independence for Kashmir and the creation of an Islamic state using violent means... The UK Government laid an Order in March 2009 which provides that Jama’at’ ud Da’wa should be treated as another name for the organisation which is already proscribed as Lashkar e Tayyaba”. See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/578385/201612_Proscription.pdf

⁸ See footnote 8.

⁹ See footnote 8.

Response

Times Global said the news content “primarily focused on India’s position at the UNGA in the background of the Uri attacks and Pakistan’s statements on terrorism made by Mr Sharif before the UNGA that required to be countered”. The Licensee stated its belief that its coverage was “fair keeping in view the context and the relevance of the broadcast on the subject”.

Times Global provided background information on the various statements included in the programme about Pakistan. For example, the Licensee said that: following the Uri Attack, Pakistan faced “diplomatic isolation not just from India but from other countries in the world”; Nawaz Sharif, the Pakistani Prime Minister had said that the Pakistani Government “fully supported Kashmir’s ‘right to self-determination’” and supported Burhan Wani, “a purported terrorist”; during his speech to the UNGA, Nawaz Sharif had said nothing about “terrorists...who are allowed to roam freely, [and] send supplies to Kashmir to fuel unrest”; and Nawaz Sharif had “chosen to play the victim card by saying his own citizens were facing atrocities from terrorists in the country”.

Given the above, the Licensee said that the news content “focused on what India’s response would be at UNGA, specifically in response to the statements made by Mr Sharif in his address [to the UNGA] which reflected Pakistan’s self goals”.

Times Global said that it included in the news content, the views and opinions of ex-diplomats “to bring out the strategy that India would adopt to address the situation before the UNGA”, because such contributors would have “perhaps the best strategic view to such a scenario”. It added that the “opinions and statements expressed by experts [within the news content] were their independent views and the inclusion of their opinion was vital to the news coverage”.

The Licensee added that the programme also referred to the Indus Waters treaty because “it was important to raise questions on whether as part of the strategy to deal with Pakistan, India would reconsider the Treaty on sharing the Indus river waters”. It added that “to give a neutral view to this discussion, the ‘pros’ and ‘cons’ of revisiting the Indus River[s] Treaty were put forth as part of the discussions”.

In addition, Times Global said that the programme also made reference to the “terrorist Bahadur Ali” through the statement “*Pakistan exposed by its own*”, because according to news reports, following capture by Indian authorities he had named Pakistan as having “played a vital role of pushing terrorism into India”.

In conclusion, the Licensee said that the news programme was part of its “continuous coverage” of the UNGA speech to be made by Sushma Swarajh on 26 September 2016 and Nawaz Sharif’s speech to the UNGA on 21 September 2016. In this context, Times Global said that Nawaz Sharif’s speech to the UNGA on 21 September 2016 “was also carried on the channel” thereby “putting across the position of Pakistan on the key issues placed before the UNGA”.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that news included in television and radio services is presented with due impartiality. This objective is reflected in Section Five of the Code.

Broadcasters are required to comply with the rules in Section Five to ensure that the impartiality requirements of the Act are complied with, including that due impartiality is preserved on matters of political or industrial controversy and matters relating to current public policy.

When applying the requirement to preserve due impartiality, Ofcom must take into account Article 10 of the European Convention on Human Rights. This provides for the broadcaster's and audience's right to freedom of expression, which encompasses the right to hold opinions and to receive and impart information and ideas without interference by public authority. The broadcaster's right to freedom of expression is not absolute. In carrying out its duties, Ofcom must balance the right to freedom of expression against the requirement in the Code to preserve "due impartiality" in matters relating to political or industrial controversy or matters relating to current public policy.

Ofcom recognises that Section Five of the Code acts to limit, to some extent, freedom of expression. This is because its application necessarily requires broadcasters to ensure that neither side of a debate relating to matters of political or industrial controversy and matters relating to current public policy is unduly favoured. Therefore, while any Ofcom licensee should have the freedom to discuss any controversial subject or include particular points of view in its programming, in doing so broadcasters must always comply with the Code.

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

The Code does not prohibit broadcasters from discussing or reporting on any controversial subject, or including any particular point of view in a news programme. To do so would be an unacceptable restriction on a broadcaster's freedom of expression. Therefore, the broadcasting of critical comments concerning the policies and actions of any government is not, in itself, a breach of due impartiality rules. The Code does not prohibit broadcasters from, for example, criticising particular nation states, governments or one side in a particular conflict or dispute, for example, such as the dispute between India and Pakistan referred to in this case. However, it may be necessary to reflect alternative viewpoints in an appropriate way and/or provide context to ensure due impartiality is preserved.

Rule 5.1 of the Code states that:

"News, in whatever form, must be reported with due accuracy and presented with due impartiality".

The obligation in Rule 5.1 to present news with due impartiality applies potentially to any matter covered in a news programme, and not just matters of political or industrial controversy and matters relating to current public policy. Due impartiality may be preserved in a number of ways and it is an editorial decision for the broadcaster as to how it ensures a news story is presented with due impartiality. We take into account all relevant facts in the case, including: the substance of the story in question; the nature of the coverage; whether there are varying viewpoints on a news story, and if so, how a particular viewpoint could be or is reflected within news programming; and, the context of the particular broadcast, including factors such as

the type of programme and channel, and the likely expectation of the audience. A key part of Ofcom's analysis is an assessment of whether a particular view or response needed to be reflected, or context provided, to ensure due impartiality, and – if so – whether it was appropriately reflected or provided. This is a matter of judgement, to be decided taking account of all the relevant circumstances.

The news content in this case discussed a forthcoming speech due to be delivered by the Indian External Affairs Minister at the UNGA, with the speech being described as a response to the speech made five days earlier (on 21 September 2016) by the Pakistani Prime Minister, also at the UNGA. The coverage discussed possible diplomatic steps that India could take against Pakistan following the Uri attack of 18 September 2016, which had been reported as being carried out by terrorist groups emanating from Pakistan. One possible diplomatic step for India was the revision of the Indus Waters treaty¹⁰. In reporting on these matters, the content included various statements, as outlined in the Introduction, which commented directly or indirectly on the Pakistani Government's policies and actions. For example, Pakistan was variously labelled as: *"a terrorist state, entirely governed by the terrorist mafia"*; the *"epicentre of terror"*; *"not doing anything to cut terrorism directed to India"* and pursuing a *"policy of using terrorism as an instrumental state policy against"* India. In addition, Nawaz Sharif was described as *"a puppet"* who told *"lie[s]"*, and it was also stated that the *"real power of Pakistan now resides with the Generals"*.

Ofcom was of the view that the statements set out in the Introduction contained various comments that were clearly critical of, or in opposition to, the Pakistani Government and its policies in relation to India and tackling cross-border terrorism. We therefore considered that news about these matters required the viewpoint of the Pakistani Government to be reflected appropriately or sufficient context provided to ensure due impartiality was maintained.

We noted the Licensee stated that the content "primarily focused on India's position at the UNGA in the background of the Uri attacks and Pakistan's statements on terrorism made by Mr Sharif before the UNGA that required to be countered". Given that Times Now originates from India and is broadcast in India, it is not surprising that the Licensee would wish to focus on the issues discussed within in the content from an Indian perspective. However, in doing so Times Global had to present this news content with due impartiality.

In terms of context, we noted that the Licensee provided background to the various statements made in the news content including that: Pakistan faced "diplomatic isolation not just from India but from other countries in the world"; Nawaz Sharif, the Pakistani Prime Minister had said that the Pakistani Government "fully supported...Burhan Wani, 'a purported terrorist'"; during his speech to the UNGA; and Nawaz Sharif had said nothing about "terrorists...who are allowed to roam freely, [and] send supplies to Kashmir to fuel unrest". However, these contextual factors, in our view, were not relevant to whether the viewpoints of the Pakistani Government had been adequately represented, or whether the critical statements made about the Pakistani Government's policies and actions were adequately challenged or sufficient other context provided.

Times Global added the statements made by the former diplomats (for example from Arun Kumar Singh and from Kanwal Sibal) were "their views and opinions" and that they had "perhaps the best strategic view" in relation to the Indian External Affairs Minister making her speech at the UNGA. The Licensee also said that the "opinions

¹⁰ See footnote 4

and statements expressed by experts [within the news content were] were their independent views and that the inclusion of their opinion was vital to the news coverage”. However, we considered that the news content contained various statements that: referred to the policies and actions of the Pakistani Government, including the Pakistani Prime Minister, Nawaz Sharif (for example in relation to cross-border terrorism); were highly critical of those policies; and were issues on which the Pakistani Government was likely to have had a view different to that expressed in the news content. Accordingly, in Ofcom’s view the content was dealing with matters which needed to be presented with due impartiality. The Licensee therefore needed to ensure the viewpoint of the Pakistani Government was appropriately reflected or that relevant context was also provided.

The Licensee argued that Times Now had “also carried” the speech of Nawaz Sharif the Prime Minister of Pakistan to the UNGA on 21 September 2016 (i.e. five days before the broadcast in this case). In the view of Times Global it was therefore “putting across the position of Pakistan on the key issues placed before the UNGA”. We recognise there may be occasions when a broadcaster may be able to comply with Rule 5.1 in one news programme by broadcasting material in a different news programme or programmes. For example, due impartiality in news might be achieved through broadcasting different viewpoints on a particular issue on successive days in a series of explicitly linked ‘special’ news reports which each separately focus on one particular viewpoint on a particular subject. Depending on the circumstances in each case, such an editorial approach might ensure compliance with Rule 5.1, as long as it is clearly signposted to the audience, in line with Rule 5.6¹¹ of the Code. In the present case, this approach was not taken.

In conclusion, we could not identify any viewpoints being reflected in this news content which could be described as reflecting the viewpoint of the Pakistani Government on the matters being discussed in the content, or otherwise countering or challenging the various critical statements being made about the Pakistani Government, for example in relation to its policy towards terrorism. By failing to provide such viewpoints, the criticisms of the Pakistani Government’s actions and policies in relation to various policies, such as tackling cross-border terrorism, remained unchallenged and therefore Times Now failed to ensure this news content was presented with due impartiality.

Our Decision was therefore that the Licensee did not present the news item with due impartiality and Rule 5.1 of the Code was breached.

Breach of Rule 5.1

¹¹ Rule 5.6 states: “The broadcast of editorially linked programmes dealing with the same subject matter (as part of a series in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air”.

In Breach

News

Radio Sangam, 28 October to 9 December 2016, various times

Introduction

Radio Sangam is a community radio station serving the Indian, Pakistani and Bangladeshi communities of Huddersfield. The licence for the service is held by Communities Together (“the Licensee”).

A complainant alerted Ofcom to the station’s sponsored news output, which he considered to be in breach of the Code.

The following pre-recorded sponsorship credit (i.e. a commercial reference) was broadcast on Radio Sangam before every clock hour from 28 October to 9 December 2016:

“On the hour, every hour, this is Radio Sangam national and international news, in association with Haji Jewellers, [address] – providers of jewellery for all occasions – telephone, [number]”.

This was followed on each clock hour by *News*, comprising national and international news provided by an independent source.

We considered the material raised issues warranting investigation under Rule 10.3 of the Code, which states:

“No commercial reference, or material that implies a commercial arrangement, is permitted in or around news bulletins or news desk presentations...”.

We sought the Licensee’s comments on how the material complied with this rule.

Response

The Licensee said it had made a verbal agreement with Haji Jewellers that, in return for the company making a contribution to the cost of acquiring the news from an independent source, the station “would acknowledge their support once an hour” on air. It said that, “having read and fully understood Rule 10.3 of the code, [it] believe[d] that this did not comply with the Rule”. Communities Together added that “this was a genuine oversight of this rule and came about due to misinformation about promos and jingles from a highly regarded broadcasting organisation in the UK who were acting as a consultant to [the station] during [its] first year of broadcasting”. The Licensee said it was “taking this up as a legal matter with this organisation, separately to this investigation”.

Communities Together assured Ofcom that “Radio Sangam will do all that it can to ensure that it fully meets its obligations and takes compliance seriously”.

Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure standards

objectives. These objectives include ensuring that: "...generally accepted standards are applied to the contents of ... radio services so as to provide adequate protection for members of the public from the inclusion in such services of ... harmful material"; "the unsuitable sponsorship of programmes included in ... radio services is prevented"; and "news included in ... radio services is presented with due impartiality...". In setting or revising such standards, Ofcom must also, under the Act, have regard to "...the desirability of maintaining the independence of editorial control over programme content".

Ofcom has reflected these requirements in, among other things, Rule 10.3 of the Code. This rule prohibits any commercial reference, or material that implies a commercial arrangement, in or around news bulletins or news desk presentations (subject to specific exceptions). The purpose of Rule 10.3 is to ensure that news bulletins and news desk presentations are neither distorted for commercial purposes nor perceived by listeners to have been so distorted.

Guidance to Section Ten of the Code states that "sponsored programming is programming ... that has had some or all of its costs met by a sponsor...". A formal arrangement for a third party – in this instance, Haji Jewellers – to contribute specifically to the cost of acquiring the news from an independent source meets this definition. *News*, broadcast hourly on Radio Sangam, was therefore sponsored and a commercial reference – in this instance, a sponsorship credit – was broadcast before news bulletins. The content was therefore in breach of Rule 10.3 of the Code.

Breach of Rule 10.3

In Breach

Various programmes

Flow TV, 28 June 2016, various times

Introduction

Flow TV is a Christian channel that broadcasts on satellite and cable platforms. The licence for this service is held by Flow TV Limited (“Flow TV” or “the Licensee”).

As part of its routine monitoring, Ofcom assessed the following programmes which contained various references to products, services and trade marks.

Changing Your World – Creflo Dollar, 06:05

This series features the ministry of Dr Creflo Dollar and offers a religious message to viewers. In this episode Dr Creflo Dollar discussed “*Cooperating with the Law of Faith*”. Viewers were advised that the material was brought to them by “*the partners of Creflo Dollar Ministries*” and captions appeared at the bottom of the screen which included the following information:

“TO ORDER: Cooperating with the Law of Faith, [telephone numbers and website address given]”.

“2016 MINISTERS AND LEADERSHIP CONFERENCE, SUPERNATURAL LEADERSHIP, PURCHASE TICKETS TODAY, October 4TH – 6TH Atlanta GA, Taffi Dollar, Tony Brazelton, Cynthia Brazelton, Earl Johnson, Gregory Powe, Michael Smith”.

Contact information for Creflo Dollar Ministries appeared on screen on a number of occasions throughout the programme, including a website and phone numbers for viewers in Europe and the US.

Towards the end of the programme, a voiceover said:

“Stop fighting God and start cooperating with God with this limited time television offer from Creflo Dollar. You’ll receive the liberating three message series ‘Cooperating with God’, where you will learn how to walk the talk and trust God in all areas of your life. Next, you’ll receive the ‘Cooperating with God’ mini book to coach you through your daily walk with God, and we’ll send you the two message series ‘Receiving All the Provisions of Grace’, all for your love gift of \$35 or more to the ministry. Or for a love gift of any amount we’ll send you the two message series ‘Receiving All the Provisions of Grace’. Start cooperating with God, and experience the blessings of being his child. Order your copy today”.

The programme ended with the following voiceover:

“Reboot your life with God’s Grace at the 2016 Grace Life Conference, July 11 – July 15 in Atlanta, Georgia. For five days, refuel yourself with five speakers who will share about God’s grace for the first time together. Grace Life Conference 2016, spaces limited, so purchase your tickets online today”.

Believers' Voice of Victory, 08:00

This series provides teaching on religious matters such as prayer, healing, relationships and finances, and is presented by Kenneth and Gloria Copeland from Kenneth Copeland Ministries. During this half-hour episode, a number of captions appeared at the bottom of the screen. These included contact information for Kenneth Copeland Ministries and Billye Brim Ministries, including phone numbers and websites.

Towards the end of the programme, a voiceover said:

"The 'How To Be Led By The Spirit of God Package' helps you know the difference between the Holy Spirit and the enemy's distractions. Hearing from God is critical, it's not an option. You need to know how to do this. Kenneth Heagan's book 'How You Can Be Led By The Spirit of God' teaches you how to: stay lined up with the leading of the Holy Spirit; unify with other believers and exercise your spiritual authority; trust God to direct you and listen to your heart; experience fresh insights, wisdom, direction and peace; understand the prophetic aspects of the Psalms; the Tehillim by Artscroll was a Hebrew to English translation of the Psalms, complete with commentary, available in an easy to carry five book set. It's never been more important than now to be led by the spirit of God. Order your 'How To Be Led By The Spirit Of God Package' today and train yourself to hear God's voice clearly and to follow his direction. Available now for 560 Rand plus 15 percent for postage. Out South Africa add 40 percent. Go to [website address given], or phone on [telephone number given]. Take advantage of these study resources that Brillye Brim personally selected to go with this week's teaching. Order your package today".

The programme ended with the presenter Gloria Copeland talking directly to the camera:

"Be sure to make your plans to join us at the 'Southwest Believers Convention', you don't want to miss this. July 4 to 9 downtown Fort Worth, and we're going to hear so much Word all day and half the night that you cannot leave the same way you came. So don't miss it. Go to [website address given] for all the details..."

The following caption also appeared at the bottom of the screen:

"Southwest Believers Convention, 4-9 July, Fort Worth Convention Center, Fort Worth Texas, USA, [telephone number and website address given]"

At the end of the programme, a caption stated: *"This program was brought to you by the Partners of Kenneth Copeland Ministries"*.

Ramson Mumba Ministries, 20:00

This series features the religious teaching and spiritual healing of Senior Pastors and Founders of the El-Shaddai International Christian Centre, Dr Ramson and Estrella Mumba. During this half-hour episode, the following caption appeared at the bottom of the screen:

"Connect To This Anointing, Receive Your Miracle & Healing Today For Prayer and to Sow Into This Vision, [telephone numbers given], Give Online at [website address given]"

Contact information for El Shaddai, Johannesburg and the El Shaddai International Christian Centre was also displayed in captions, including service times, postal addresses, phone numbers and email addresses. In addition, announcements were included in captions about opportunities to hear Dr Ramson Mumba preach, giving service times and postal addresses.

At another point in the programme, a voiceover said:

“In cities like Houston, London, New York, Hyderabad, Washington D.C., Cape Town and now Nairobi it’s your turn to experience the goodness of God as you join us in an ‘Atmosphere for the Supernatural’. Our healing and miracle conference for Nairobi, Kenya is taking place on July 28th to 29th 2016, at the very prestigious and world-renowned All Saints Cathedral Auditorium, Kenyatta Avenue, Nairobi, Kenya...To register call [telephone numbers given], or email [email address given]”.

During the above voiceover, the following caption was displayed at the bottom of the screen:

“Dr. Ramson Mumba, Atmosphere for the Supernatural, All Saints Cathedral Auditorium, Kenyatta Avenue, Nairobi, Kenya, Thursday July 28th at 5pm, Friday 29th July at 10am and 5pm, Call [telephone numbers given], Email: [email address given]”.

Captions also included registration information for the above event, including phone numbers, an email address, the venue’s postal address and the date and times of the event.

Towards the end of the programme, captions also displayed the various locations of the “*El Shaddai Global Network of Churches*”, with phone numbers for individual churches, and an email address and website address for El Shaddai.

This is Your Day! – Benny Hinn, 22:30

In this series, Pastor Benny Hinn, a televangelist best known for his revival meetings and faith healing events, preaches the Christian faith from an evangelical perspective. At various points throughout this half-hour episode, the following captions appeared at the bottom of the screen:

“Get the NEW Benny Hinn Ministries Mobile App”.

“Miracle Service and other event information call: [telephone number given] or visit: [website address given]”.

“Request Pastor Benny Hinn’s Teachings in the mail [telephone number, website address and postal address given]”.

“Enroll in Pastor Benny’s School of Ministry online! [website address given]”.

During the programme, captions also alerted viewers to the Twitter and Periscope accounts, Facebook page and YouTube channel of Benny Hinn Ministries. Repeated captions invited viewers to send in “*Prayer Requests*” or “*Praise Reports*” to a phone number, website address or postal address.

Towards the end of the programme, a voiceover said:

“The Dake Study Bible is recognised as the most comprehensive and important examination of the scriptures ever created. Containing more resources for personal study than any other bible, this ultimate tool for understanding God’s work can be yours today. Don’t miss this opportunity to get your own copy of the Dake Study Bible, or give it as a gift to a loved one or friend. Call or order online now”.

During this voiceover, a caption provided viewers with a telephone number, a website address and a postal address to contact to order the “Dake Study Bible”.

The voiceover also said:

“Join Pastor Benny Hinn in Israel, October 29th to November 7th for a time of impartation and visitation in the land of miracles. You’ll walk where Jesus walked, from Galilee to Jerusalem, from the Jordan River to the Upper Room. Visit the ministry website to download a brochure. Experience Israel with Pastor Benny Hinn. You’ll never be the same”.

During this voiceover, the following text appeared on screen:

“Experience Israel with Pastor Benny Hinn, October 29th – November 7th, Experience Israel! Your Life will never be the same, download your brochure today! Israel Tour 2016 [website address given]”.

Gospel Truth – With Andrew Wommack, 23:30

This series offers religious teachings to viewers. At the beginning of this 30-minute episode, the presenter Andrew Wommack said:

“I’ve got this product entitled ‘Lessons from Elijah’, I’ll tell you, this is one powerful book. And then we have DVDs and CDs, and I have a study guide that is specifically designed to train other people to make disciples with this. And then we have a package that we’re offering, our announcer will give you all the information at the end of the programme about this. But we’re also offering the ‘Lessons from David’ and the ‘Lessons from Joseph’, I think we call it the ‘Lessons Package’”.

During the programme, the following captions were shown:

“The Lessons from Elijah collection CD Album £16, DVD Album £16, Book In English £9, Study Guide £17.50 + Postage & Packing [telephone number given]”.

“Become a Grace Partner Today [telephone number and website address given]”.

A website address for Andrew Wommack Ministries was constantly on screen throughout the programme, and captions appeared alerting viewers to the organisation’s offices in Germany and Hungary, giving website addresses and phone numbers for these locations. A caption also provided the Andrew Wommack Ministries Instagram, Twitter and Pinterest account information and Facebook page. Approximately 27 minutes into the programme, a voiceover also provided details of a website that viewers could visit for “*the inside story*” of Andrew Wommack Ministries.

1onOne with Damon Davies, 18:00

In this 30-minute programme, Damon Davies spoke to Pastor Teresa Goggins about her book *Trained to Conquer*.

At the beginning and end of the programme, the following message appeared on screen:

“The following/preceding was a paid advertisement brought to you by 1onOne”.

A website address and phone number for 1onOne featured on screen constantly.

Towards the end of the programme, Damon Davies said via voiceover (with occasional speech delivered to camera):

“Pastor T, my friend who you saw on today’s programme, is going to provide you with the training and the tools that you need to conquer in every area of your life. In her powerful book ‘Trained to Conquer’ you’re going to discover how to unlock the power, the gifts, the talents, the stuff that God put inside of you to help you experience victory in the battles in your life...It’s a practical guide that will show you how you can identify the work of the devil, and how you can win with the word of God in your life...In addition to her incredible step-by-step guide you’re going to also receive an exclusive companion video teaching, where Pastor T helps you into a place where you’re tapping into the power and the authority that is yours through prayer...Believe me, this collection is not one that you want to miss. It’s a 1-2 punch that will equip you to overcome every single attack against you. But there’s more. As part of this exclusive offer, you also get a personal prayer CD from Pastor T. Both the book ‘Trained to Conquer’, the companion video teaching and this prayer CD are available to you today for your love gift of only £40 or more”.

During the voiceover, the following captions were shown:

“CONTACT US ON: [telephone number given]”.

“Mail Check or Money Order To: [postal address given]”.

Ofcom’s investigation

The Licensee explained that all of the above content was broadcast as editorial rather than advertising material, and that there were no commercial arrangements in place relating to the broadcast of the programmes or the inclusion of references to products, services and trade marks in the programmes.

Based on this information, Ofcom considered that the material raised issues warranting investigation under the Code.

Ofcom therefore asked the Licensee for its comments on how *Changing Your World – Creflo Dollar, Believers’ Voice of Victory, Ramson Mumba Ministries, This Is Your Day! – Benny Hinn and Gospel Truth – with Andrew Wommack* complied with the following rules:

Rule 9.4: “Products, services and trade marks must not be promoted in programming”.

Rule 9.5: “No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:

- the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
- the manner in which a product, service or trade mark appears or is referred to in programming”.

We also asked for the Licensee’s comments on how *1onOne with Damon Davies* complied with the following rule:

Rule 9.2 “Broadcasters must ensure that editorial content is distinct from advertising”.

Response

The Licensee emphasised the importance of its status as “a Christian religious television channel”, rather than a “‘mixed content’ channel”, and argued that the nature of the service would have been clear to viewers from its labelling and positioning in the electronic programme guide. In Flow TV’s view, this would have shaped expectations that content broadcast on the service would express a Christian perspective, including “interpretation of scripture in the Holy Bible”. It added: “[M]any viewers are Christian and the channel is aimed at satisfying their spiritual needs”.

The Licensee described an “operating model” for Christian television broadcasters and programme providers internationally. It explained that broadcasters generally finance their operations through donations and the sale of airtime to programme providers. Flow TV also stated that programme providers who purchased airtime also relied on “donations from the general public to their respective ministries” and “revenue streams traditionally and integrally related to these ministries”. The Licensee added that these programme providers were almost exclusively “Christian ministries”, recognised as “not-for-profit organisations or charities”, and were therefore not commercial in nature.

Flow TV said that “the term ‘products’ does not appear to be defined in the Code”, and disputed that the “items” referred to in the programmes constituted “‘products’ in the commercial sense”, due to the “integral relationship that they hold in relation to the religious content” of the programmes. In its view, the “ministry teachings and material” referred to in programmes are “designed to undergird the religious principles being taught” and to “build...religious faith”. The Licensee stated that viewers would expect teachings to be complemented by references to “supporting works, authorships and conferences”, and that this material was “integrally related to the content of the channel and not merely arbitrary products of a commercial nature”. It added: “[M]any of the viewers may already be partners of the specific ministry (programme provider) making the material available”. Flow TV also said that the inclusion of such material in programmes is consistent with international practice for Christian television broadcasters, and that to prevent it from doing so would be “nonsensical and counter-productive to the very intention of the program[me] itself”.

The Licensee described the approach set out above as “the most practical and effective way that a ministry can notify viewers...of the wealth of ministry material available for them”. It added that programme makers “provide precisely the same packaged programme content to all of the Christian television broadcasters with whom they deal”, and that it is uncommon for providers to edit content “for individual

broadcasters in any single country or region". The Licensee said that Flow TV had taken the decision to limit the "promotion of ministry material" to "2 minutes 30 seconds per program[me]".

The Licensee said that it "seeks to be [as] co-operative as possible with Ofcom", and would "consider airing appropriately worded banners or 'strips'" to highlight to viewers that "Flow TV is a Christian religious channel and that views expressed by programmers should be interpreted accordingly". Flow TV concluded that although it did not agree that any "contraventions exist" in this case, it welcomed Ofcom's guidance on compliance.

Changing Your World – Creflo Dollar, Believers Voice of Victory, Ramson Mumba Ministries, This Is Your Day! – Benny Hinn and Gospel Truth – with Andrew Wommack

With regard to Rule 9.4, the Licensee said that the material in these programmes was intended to "complement" and "increase" viewers' "religious knowledge". Flow TV stated that the programmes included "notifications of conferences that pastors will be attending as speakers", and "invitations for viewers to contact particular ministries for ministry support and upliftment". The Licensee reiterated that in its view this was "the most practical way to advertise" the information. Flow TV underlined its point that the conferences, which it said were "integral" to the work of ministries, were for that reason not a "commercial endeavour". The Licensee also noted that mobile applications and social media provided viewers with another way to interact with ministries, stating that invitations to "make contact with the respective ministries in order to be further ministered to" were the "intention of the entire programming". Finally, Flow TV suggested that, when issuing it with its licence, Ofcom should have anticipated that the service would operate in accordance with the "international practice for religious programme content" summarised in its response.

With regard to Rule 9.5, Flow TV stated that, as it believed the terms "advertising" and "editorial justification" are not defined in the Code, its interpretation of "editorial justification" was that references to "ministry tools" should be "editorially justified or appropriate and in good taste" in relation to the overall programme. The Licensee added that these references "should not represent a stand-alone advertisement", and be an "integrally related...essential part" of the overall programme. Flow TV reiterated its view that it is an international practice for Christian channels to include references, such as those highlighted by Ofcom, in order to "complement" religious teachings. The Licensee considered these references to be editorially justified. Flow TV identified the inclusion of contact information as "one of the primary reasons" for ministries to use Flow TV to air programmes, and argued that preventing ministries from including such material in programming "could be construed as absurd". The Licensee added that the nature of the channel and the context in which references appeared must be considered when assessing their compliance with the Code.

Flow TV referred to Rules 9.31 and 9.32, which cover programme-related material ("PRM"):

- Rule 9.31: "Programme-related material may be promoted only during or around the programme from which it is directly derived and only where it is editorially justified".
- Rule 9.32: "The broadcaster must retain responsibility for ensuring the appropriateness of programme-related material".

The Licensee stated that in its view “religious material offered to viewers” met the definition of PRM, because it was “directly related to the programme or ministry presenting the programme”, and allowed viewers “to benefit from, or interact, with, that programme or religious ministry initiative”. The Licensee added that due to the context in which “religious material” and “contact information” was made available to viewers, their inclusion was “editorially justified” as set out in Rule 9.31. Under Rule 9.32, Flow TV also stated that its selection process for programmes ensured the appropriateness of PRM. The Licensee went on to explain that the “spiritual integrity of the programme and contents” are assessed, along with their consistency with “international practice”.

1onOne with Damon Davies

With regard to Rule 9.2, Flow TV referred to its comments as summarised above, and also pointed to an on-screen message shown at the beginning and end of the programme that stated: “*the following/preceding was a paid advertisement brought to you by 1on One*”. The Licensee said that the programme had been produced by a ministry in the USA, and that the on-screen message was included “as a requirement [of] US regulatory agencies”. Flow TV said that it could not “adequately comment on the reasons why such a statement would be required by them”. The Licensee added that term “advertisement” was “misleading” in this case, as the “material and ministry contact information” within the programme was “not advertising in a narrow commercial sense”, but instead a “necessary concomitant of religious programming and religious ministry initiatives”. Flow TV reiterated its view that it would be unfair for ministries not to be able to include such information within programmes.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure specific standards objectives, including “that the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Services (“AVMS”) Directive.

The AVMS Directive places limits on the amount of airtime that broadcasters can use for advertising. It also requires that television advertising is kept visually and/or audibly distinct from programming. These requirements are reflected in Ofcom’s Code on the Scheduling of Television Advertising (COSTA) as well as Section Nine of the Code.

While COSTA contains rules that apply to television advertising, Section Nine of the Code sets out the rules that apply to commercial references included within television programming. The rules in this section limit the extent to which references to products, services and trade marks can feature in programming and therefore help to maintain a distinction between advertising and programming and prevent broadcasters increasing the amount of airtime used for advertising activities.

Section Nine does not prevent broadcasters transmitting programmes about particular organisations (whether they are commercial or non-commercial in nature). Neither does it proscribe all references to products and services in programmes. Licensees are free to cover whatever subjects they wish in programmes, provided they comply with the Code. In relation to Section Nine, this means ensuring that a distinction is maintained between programming and advertising. To comply with the rules in Section Nine, a programme’s narrative must therefore always serve an

editorial end: its purpose must not be, or appear to be, to promote the products or services of a third party.

In this case, Ofcom noted the Licensee's view that:

- the ministries featured in the programmes were “not-for-profit organisations or charities”, and were therefore not commercial in nature;
- the “items” referred to in the programmes did not constitute “products’ in the commercial sense”, due to the “integral relationship that they hold in relation to the religious content” of the programmes; and
- viewers would expect teachings to be complemented by references to “supporting works, authorships and conferences”, and that this material was “integrally related to the content of the channel and not merely arbitrary products of a commercial nature”.

Section Nine makes clear that a commercial reference is “[a]ny visual or audio reference within programming to a product, service or trade mark (whether related to a commercial or non-commercial organisation)”. Ofcom therefore considered the references to the various ministries, books, conferences, DVDs etc in the programmes to be commercial references, and Section Nine therefore applied to them.

Changing Your World – Creflo Dollar, Believers Voice of Victory, Ramson Mumba Ministries, This Is Your Day! – Benny Hinn and Gospel Truth – With Andrew Wommack

Rule 9.4

Programmes should not be used to sell products and services – such activity should be reserved to advertising. Rule 9.4 therefore prevents the promotion of products, services and trade marks during programmes. Ofcom's Guidance¹ on Rule 9.4 explains: “In general, products or services should not be referred to using favourable or superlative language and prices and availability should not be discussed”.

On a number of occasions in the above programmes, viewers were invited to attend events and contact organisations. For example:

“2016 MINISTERS AND LEADERSHIP CONFERENCE, SUPERNATURAL LEADERSHIP, PURCHASE TICKETS TODAY, October 4TH – 6TH Atlanta GA, Taffi Dollar, Tony Brazelton, Cynthia Brazelton, Earl Johnson, Gregory Powe, Michael Smith”.

“Reboot your life with God's Grace at the 2016 Grace Life Conference, July 11 – July 15 in Atlanta, Georgia. For five days, refuel yourself with five speakers who will share about God's grace for the first time together. Grace Life Conference 2016, spaces limited, so purchase your tickets online today”.

“Southwest Believers Convention, 4-9 July, Fort Worth Convention Center, Fort Worth Texas, USA, [telephone number and website address given]”.

¹ http://www.ofcom.org.uk/data/assets/pdf_file/0014/33611/section9_may16.pdf.

“Request Pastor Benny Hinn’s Teachings in the mail [telephone number, website address and postal address given]”.

Further, viewers were urged on a number of occasions to purchase products and/or services and details of prices, and information on how to purchase were given. For example:

“Start cooperating with God, and experience the blessings of being his child. Order your copy today”.

“Don’t miss this opportunity to get your own copy of the Dake Study Bible, or give it as a gift to a loved one or friend. Call or order online now”.

“Take advantage of these study resources that Brillye Brim personally selected to go with this week’s teaching. Order your package today”.

“TO ORDER: Cooperating with the Law of Faith, [telephone numbers and website address given]”.

“Order your ‘How To Be Led By The Spirit Of God Package’ today...Available now for 560 Rand plus 15 percent for postage. Out South Africa add 40 percent. Go to [website address given], or phone on [telephone number given]...Order your package today”.

“Lessons from Elijah collection CD Album £16, DVD Album £16, Book In English £9, Study Guide £17.50 + Postage & Packing [telephone number given]”.

Ofcom also identified multiple instances in the above programmes of favourable or superlative language being used in programmes, either by a presenter, guest or voiceover.

For example:

“The Dake Study Bible is recognised as the most comprehensive and important examination of the scriptures ever created. Containing more resources for personal study than any other bible, this ultimate tool for understanding God’s work can be yours today. Don’t miss this opportunity to get your own copy of the Dake Study Bible, or give it as a gift to a loved one or friend. Call or order online now”.

“Believe me, this collection is not one that you want to miss. It’s a 1-2 punch that will equip you to overcome every single attack against you. But there’s more. As part of this exclusive offer, you also get a personal prayer CD from Pastor T...”.

“I’ve got this product entitled ‘Lessons from Elijah’, I’ll tell you, this is one powerful book. And then we have DVDs and CDs, and I have a study guide that is specifically designed to train other people to make disciples with this”.

“Join Pastor Benny Hinn in Israel, October 29th to November 7th for a time of impartation and visitation in the land of miracles. You’ll walk where Jesus walked, from Galilee to Jerusalem, from the Jordan River to the Upper Room. Visit the ministry website to download a brochure. Experience Israel with Pastor Benny Hinn. You’ll never be the same”.

Ofcom did not accept the Licensee's view that the "items" referred to in the programmes did not constitute "products" in the commercial sense". Rather, Ofcom took the view that the programmes repeatedly:

- referred to products and services;
- used favourable and superlative language to describe them;
- referred to pricing and availability;
- urged viewers to attend events and contact organisations; and
- encouraged the purchase of the products and services.

Ofcom noted Flow TV's comment that it had imposed a limit on the promotion of ministry material of "2 minutes 30 seconds per program". Ofcom wishes to emphasise that the Code does not allow for the inclusion of promotional material in programming subject to any time limit: the promotion of products, services and trade marks in programming is prohibited, with the very limited exception of material that meets the Code's definition of PRM.

We noted that the Licensee considered that the "religious material offered to viewers" met the definition of the PRM. The Code makes clear that for a product or service to qualify as PRM it must be both directly derived from the programme it is promoted during or around, and specifically intended to allow viewers to benefit fully from, or to interact with, that programme. Ofcom's Guidance to Section Nine of the Code explains that "similarity, in terms of genre or theme(s), between a programme and a product or service...is not in itself sufficient to establish that the product or service is directly derived from the programme".

Ofcom disagreed that the products and services referred to in these programmes met the definition of PRM, because in our view these products and services were not directly derived from the programmes themselves, but from the wider work of the ministries concerned. Further, we considered that in most cases the products and services were intended to improve viewers' spiritual well-being more generally, instead of being specifically focused on allowing viewers to fully benefit from or interact with the programmes. As a result, we did not accept the Licensee's argument regarding Rules 9.31 and 9.32.

For the reasons set out above, Ofcom's Decision was therefore that the programmes promoted products and services, in breach of Rule 9.4.

Rule 9.5

Rule 9.5 states that no undue prominence may be given in programming to a product, service or trade mark, and makes clear that undue prominence may result from a reference to a product, service or trade mark where there is no editorial justification, or from the manner to which a product, service or trade mark is referred.

Ofcom's Guidance states: "Whether a product, service or trade mark appears in a programme for solely editorial reasons...or as a result of commercial arrangement between the broadcaster or producer and a third party funder...there must be editorial justification for its inclusion. The level of prominence given to a product,

service or trade mark will be judged against the editorial context in which the reference appears”.

Ofcom recognises that viewers of a Christian religious television channel would clearly expect content that expresses a Christian perspective. We therefore took into account the nature of the channel, and that the editorial context of these programmes was the discussion of religious teachings, when considering the commercial references in the programmes. We considered Flow TV’s comment that, in its view, “editorial justification” meant the need for references to “ministry tools” in programmes to be “appropriate and in good taste” in relation to the programme, and to form an “integrally related...essential part” of the overall programme. We noted the Licensee’s argument that the purpose of these references was to “complement” and “undergird the religious principles being taught” to viewers to “build...religious faith”.

Although there may be editorial reasons to refer to religious materials in programmes of a religious nature, Ofcom did not consider that the extent, nature and frequency of the references to the products and services in these programmes were editorially justified. In our view, the programmes at times appeared to become a platform for showcasing these products and services rather than focusing on a religious narrative.

We noted that Flow TV referred to the inclusion of ministry contact information, including “social media platforms”, as “one of the primary reasons” for ministries to air programmes on Flow TV, and that to prevent this could be deemed “absurd”. Ofcom accepts that broadcasters may wish to provide methods for viewers to contact a programme or broadcaster. However, we emphasise that programming should not be used to promote the contact details of third party organisations unless there is clear editorial justification. The fact that ministries may wish to use television programming to promote themselves or their activities does not, in itself, provide editorial justification for doing so.

Our Decision was therefore that the programmes were in breach of Rule 9.5.

1onOne with Damon Davies

Rule 9.2

Rule 9.2 states that broadcasters must ensure that editorial content is distinct from advertising. This rule ensures that viewers are easily able to differentiate between editorial and advertising material, and that they are reassured that programming is not subject to commercial influence in a way which would undermine its integrity.

At the beginning and end of *1onOne with Damon Davies*, the following caption was shown: “*The following/preceding was a paid advertisement brought to you by 1onOne*”.

The programme included an interview between the presenter and Pastor Teresa Goggins, about her book *Trained to Conquer*. Towards the end of the programme, Damon Davies said the following:

“Pastor T, my friend who you saw on today’s programme, is going to provide you with the training and the tools that you need to conquer in every area of your life. In her powerful book Trained to Conquer you’re going to discover how to unlock the power, the gifts, the talents, the stuff that God put inside of you to help you experience victory in the battles in your life...It’s a practical guide that will show you how you can identify the work of the devil, and how you can win with the

word of God in your life...In addition to her incredible step-by-step guide you're going to also receive an exclusive companion video teaching, where Pastor T helps you into a place where you're tapping into the power and the authority that is yours through prayer...Believe me, this collection is not one that you want to miss. It's a one-two punch that will equip you to overcome every single attack against you. But there's more. As part of this exclusive offer, you also get a personal prayer CD from Pastor T... Both the book 'Trained to Conquer', the companion video teaching and this prayer CD are available to you today for your love gift of only £40 or more".

During the voiceover, the following captions appeared on screen:

"CONTACT US ON: [telephone number given]".

"Mail Check or Money Order To: [postal address given]".

The message *"Visit [website given]"* also appeared on screen throughout the programme.

We noted that most of the programme was dedicated to a discussion with the author of the book, and that as a result it effectively became a vehicle for promoting the Trained to Conquer package. Further, the direction to viewers to visit the website for the organisation Oneto1 appeared on screen throughout the programme, which meant that it included a constant promotional message.

In view of the message to viewers before and after the content describing it as a "paid advertisement", and the highly promotional nature of the references to the book 'Trained to Conquer', the accompanying video and CD, and the organisation 1onOne, we considered that viewers were likely to have assumed they were watching advertising, rather than editorial material.

Flow TV stated that the term "advertisement" was "misleading", as the programme was "not advertising in a narrow commercial sense". The Licensee said that the products and services referred to were a "necessary concomitant of religious programming and religious ministry initiatives", and that it would be "absurd" for it to not include this material in the programme. It added that it had included the on-screen message that the programme was a paid advertisement as "a requirement by US regulatory agencies". Ofcom licensees are required to ensure that material broadcast on their services is compliant with applicable UK regulations, not those imposed under other regulatory regimes. It was Flow TV's responsibility to ensure that editorial and advertising material were sufficiently distinct, regardless of the reasons for including these references. For the reasons set out above, Ofcom's Decision was that the Licensee had not done so in this case, and the programme was in breach of Rule 9.2.

Conclusion

In reaching its Decision in this case, Ofcom took into account the nature of the Licensee's service and Flow TV's belief that its viewers would expect religious teachings to be complemented "with supporting works, authorships and conferences", and that to prevent programmes from doing this would be "nonsensical and counter-productive" to the intention of the programming.

Although Ofcom recognises the importance of audience expectations, Flow TV (and other broadcasters) are nevertheless required to ensure that their programmes

comply with the rules for commercial references in television programming as set out in the Code. The Licensee said that the programme makers had “provide[d] precisely the same packaged programme” to other broadcasters, and that its providers did not usually tailor content for an individual broadcaster. Ofcom reminds the Licensee that where necessary it may need to edit material to ensure that it is compliant with the Code.

The proposal Flow TV made to broadcast “banners or ‘strips’” highlighting to viewers that “Flow TV is a Christian religious channel”, was not acceptable, as this would not have served to justify the inclusion of material that was promotional and unduly prominent during programming.

The Licensee stated that Ofcom should have anticipated that the service would operate in accordance with the “international practice for religious programme content”. It also said that its references in the programmes to “ministry tools” in these programmes as “the most practical and effective way that a ministry can notify viewers...of the wealth of ministry material available for them”, was consistent with “international practice” for channels of this type.

We are concerned that in these comments Flow TV did not demonstrate an adequate understanding of the requirements of its Ofcom licence and of Section Nine of the Code. Compliance with Ofcom’s standards codes is a condition of all Ofcom broadcasting licences. International broadcasting practices do not justify Ofcom licensees transmitting material that is not compliant with the codes. We are requesting that Flow TV attends a meeting with Ofcom to discuss its compliance arrangements.

Breaches of Rules 9.4 and 9.5: *Changing Your World – Creflo Dollar, Believers Voice of Victory, Ramson Mumba Ministries, This Is Your Day! – Benny Hinn and Gospel Truth – With Andrew Wommack*

Breach of Rule 9.2: *1onOne with Damon Davies*

Advertising scheduling cases

In Breach

Advertising minutage

TLC (Slovenia), 2 September 2016, 07:00

Introduction

TLC broadcasts documentaries and reality programmes on cable and satellite platforms. The licence for the service is owned by Discovery Communications Europe Limited (“Discovery” or “the Licensee”).

Rule 2 of the Code on the Scheduling of Television Advertising (“COSTA”) states:

“Time devoted to television advertising and teleshopping spots on any channel in any clock hour must not exceed 12 minutes”.

Ofcom was alerted to an incident that occurred on the Slovenian feed of the service that resulted in the 07:00 clock hour exceeding the permitted allowance by one minute and 23 seconds.

Ofcom considered the matter raised issues warranting investigation in respect of Rule 2 of COSTA and therefore sought comments from the Licensee as to how the material complied with this rule.

Response

Discovery said that a technical failure specific to the Slovenian feed of TLC resulted in the 07:00 clock hour on 2 September 2016 containing two more commercial breaks than intended.

The Licensee explained that owing to a communication issue between its own system and the system used by its sales agency in Slovenia, two commercial breaks containing local advertising scheduled for 1 September 2016 were not broadcast. Because its sales agency’s system does not remove commercial breaks from its playlist until they are broadcast, these commercial breaks were still pending when the schedule commenced on 2 September 2016. Consequently, when the first scheduled commercial breaks were broadcast on 2 September, the system additionally triggered the transmission of the pending breaks from the previous day. This resulted in the 07:00 clock hour containing more advertising than permitted.

Discovery said that to reduce the likelihood of further issues, it was testing alternative means of communicating commercial break triggers to its sales agency. It also confirmed that its sales agency’s current system is unable to identify when commercials have been pushed into the next broadcasting day and as such, it will encourage the sales agency to investigate new equipment to capture this kind of error.

The Licensee added that to mitigate the effect of the breach, it reduced the amount of advertising that was scheduled in the 07:00 clock hour on 16 December 2016 by one minute and 23 seconds.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content which it considers are best calculated to secure a number of standards objectives. One of these objectives is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Services (“AVMS”) Directive.

Article 23 of the AVMS Directive sets a strict limit on the amount of television advertising broadcaster can transmit. Ofcom has transposed this requirement via Rule 2 of COSTA.

In this case, the amount of advertising in the 07:00 clock hour exceeded the permitted allowance and therefore breached Rule 2 of COSTA.

Ofcom noted the measures undertaken by the Licensee to improve its systems and its decision to drop advertising minutage from its schedules to compensate for the overrun. However, we were concerned that a key contributing factor of the incident (i.e. the sales agency’s system inability to identify failed commercial breaks from the previous day) had still not been fully addressed. Although the Licensee had recognised the problem, it did not appear to have put in place sufficient measures to prevent recurrence. e.g. ensuring the improvement or replacement of its sales agency’s system.

Ofcom has recorded breaches of COSTA for similar incidents on the service TLC (Slovenia) in Broadcast Bulletins 278¹ and 292². We are concerned that another breach has occurred and are therefore requesting that the Licensee attends a meeting to discuss the issues raised in these cases.

Breach of Rule 2 of COSTA

¹ Ofcom Broadcast Bulletin 278 can be viewed at https://www.ofcom.org.uk/_data/assets/pdf_file/0020/50582/issue_278.pdf

² Ofcom Broadcast Bulletin 292 can be viewed at https://www.ofcom.org.uk/_data/assets/pdf_file/0025/54358/issue_292.pdf

In Breach

Advertising minutage

Travel Channel (Slovenia), various times and dates

Introduction

Travel Channel broadcasts documentaries and reality programmes related to leisure and world travel on terrestrial, cable and satellite platforms. The licence for the service is owned by Scripps Networks Limited (“the Licensee”).

Rule 2 of the Code on the Scheduling of Television Advertising (“COSTA”) states:

“time devoted to television advertising and teleshopping spots on any channel in any one hour must not exceed 12 minutes”.

Ofcom was alerted to three incidents on the Slovenian feed of the service between 2 and 6 September 2016 where the amount of advertising in a clock hour exceeded the permitted allowance. The excess minutage over the three clock hours totalled three minutes and 39 seconds.

Ofcom considered the matter raised issues warranting investigation in respect of Rule 2 of COSTA. We therefore asked the Licensee for its comments under this rule.

Response

The Licensee explained that the incidents were caused by the unintentional absence of triggers (to transmit local advertising) at particular points in the schedule. It said that on each of the affected days, a trigger was missing from the schedule and consequently, instead of the planned local advertising break, the main feed of Travel Channel was broadcast. This delayed the transmission of the planned break until the next trigger, by which time the local breaks were no longer synchronised with the main feed. As a result, a number of subsequent local breaks overran their allotted time which resulted in a clock hour being overloaded with advertising.

The Licensee said the placement of triggers in the schedule is carried out by a third party sales house and that following discussions, the sales house had introduced a new process for reviewing the daily break schedule to ensure that no triggers were missing and the daily break schedule remained aligned with the main feed. The Licensee said it had also reminded the sales house of its contractual obligations with regard to compliance with Ofcom’s rules.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content which it considers are best calculated to secure a number of standards objectives. One of these objectives is that “the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Services (“AVMS”) Directive.

Article 23 of the AVMS Directive sets a strict limit on the amount of television advertising broadcaster can transmit. Ofcom has transposed this requirement via Rule 2 of COSTA.

Ofcom noted the measures undertaken by the Licensee to mitigate the likelihood of a recurrence. However, on three occasions, the amount of advertising broadcast in a clock hour exceeded the permitted allowance, breaching of Rule 2 of COSTA.

Breaches of Rule 2 of COSTA

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 30 January to 12 February 2017 decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

Investigations conducted under the Procedures for investigating breaches of content standards for television and radio¹

Programme	Broadcaster	Transmission date	Categories
New Blood	BBC1	14/07/2016	Flashing images
Charlotte Foster and Stuart George	BBC Radio Stoke	12/10/2015	Harm
Going Underground	RT	12/09/2015	Harm

For more information about how Ofcom conducts investigations about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Investigations conducted under the Procedures for investigating breaches of rules for On Demand programme services

Service provider	Categories
BabeFox	Protection of Under 18s

For more information about how Ofcom conducts investigations about on demand services, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0033/74499/procedures-investigating-breaches.pdf

¹ This table was amended after publication to correct a factual inaccuracy.

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 30 January to 12 February 2017 because they did not raise issues warranting investigation.

Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
My Wife and Kids	5Star	21/01/2017	Sexual orientation discrimination/offence	1
Dip In Kitchen	B4U Music	17/12/2016	Advertising/editorial distinction	1
Apple Tree Yard	BBC 1	22/01/2017	Sexual material	1
Apple Tree Yard	BBC 1	29/01/2017	Gender discrimination/offence	1
Apple Tree Yard	BBC 1	06/02/2017	Generally accepted standards	1
BBC News	BBC 1	24/01/2017	Violence	1
BBC Regional News (Midlands Today)	BBC 1	18/01/2017	Animal welfare	1
BBC Regional News (North East)	BBC 1	12/01/2017	Generally accepted standards	1
Breakfast	BBC 1	31/01/2017	Generally accepted standards	1
Celebrity Mastermind	BBC 1	07/01/2017	Race discrimination/offence	1
Countrywise	BBC 1	05/02/2017	Harm	1
Doctors	BBC 1	24/01/2017	Religious/Beliefs discrimination/offence	1
EastEnders	BBC 1	31/01/2017	Disability discrimination/offence	1
Question Time	BBC 1	02/02/2017	Generally accepted standards	1
Sherlock	BBC 1	15/01/2017	Generally accepted standards	1
Sherlock	BBC 1	15/01/2017	Other	5
Songs of Praise	BBC 1	29/01/2017	Generally accepted standards	1
Taboo	BBC 1	14/01/2017	Offensive language	2
Taboo	BBC 1	28/01/2017	Generally accepted standards	3
Taboo	BBC 1	04/02/2017	Generally accepted standards	1
Taboo	BBC 1	04/02/2017	Violence	1
The One Show	BBC 1	31/01/2017	Offensive language	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Tracey Ullman's Show	BBC 1	03/02/2017	Religious/Beliefs discrimination/offence	9
Inside Out	BBC 1 West	23/01/2017	Race discrimination/offence	1
Indian Ocean with Simon Reeve	BBC 2	06/02/2017	Offensive language	1
Newsbeat	BBC Radio 1	25/01/2017	Sexual material	1
Scott Mills	BBC Radio 1	01/02/2017	Generally accepted standards	1
BBC News	BBC Radio 2	25/01/2017	Gender discrimination/offence	1
Various	BBC Radio 2	Various	Other	1
Radio 4	BBC Radio 4	01/02/2017	Religious/Beliefs discrimination/offence	1
5 Live Breakfast: Your Call	BBC Radio 5 Live	10/01/2017	Race discrimination/offence	1
Breakfast Show	BBC Radio Sheffield	17/01/2017	Race discrimination/offence	1
The Nolan Show	BBC Radio Ulster	01/02/2017	Religious/Beliefs discrimination/offence	1
FA Cup Football Plymouth v Liverpool	BT Sport 1	18/01/2017	Generally accepted standards	2
Live Scottish Professional Football League	BT Sport 1	28/12/2016	Generally accepted standards	1
News	Capital FM (Liverpool)	30/01/2017	Due impartiality/bias	1
The Vodafone Big Top 40	Capital FM (London)	05/02/2017	Offensive language	1
Dave Berry, George & Lilah	Capital FM (North East)	27/01/2017	Offensive language	1
Thomas Hannet	Capital FM (North East)	29/01/2017	Offensive language	1
The Last Exorcism (trailer)	CBS Reality	23/01/2017	Scheduling	1
The Crystal Maze	Challenge	27/01/2017	Harm	1
Channel 4 News	Channel 4	09/11/2016	Due impartiality/bias	1
Channel 4 News	Channel 4	28/01/2017	Due impartiality/bias	1
Channel 4 News	Channel 4	30/01/2017	Due impartiality/bias	1
Channel 4 News	Channel 4	01/02/2017	Due accuracy	1
Channel 4 News	Channel 4	09/02/2017	Due accuracy	1
How To Lose Weight Well	Channel 4	24/01/2017	Materially misleading	2
No Offence	Channel 4	18/01/2017	Offensive language	2
The Jump	Channel 4	05/02/2017	Offensive language	4
The Jump (trailer)	Channel 4	03/02/2017	Hypnotic and other techniques	1
The Last Leg	Channel 4	27/01/2017	Crime and disorder	1
The Simpsons	Channel 4	26/01/2017	Race discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Undercover: Britain's Cheap Clothes	Channel 4	30/01/2017	Offensive language	1
Celebrity Big Brother	Channel 5	15/01/2017	Generally accepted standards	1
Celebrity Big Brother	Channel 5	17/01/2017	Generally accepted standards	23
Celebrity Big Brother	Channel 5	18/01/2017	Generally accepted standards	58
Celebrity Big Brother	Channel 5	19/01/2017	Generally accepted standards	4
Celebrity Big Brother	Channel 5	22/01/2017	Generally accepted standards	1
Celebrity Big Brother	Channel 5	23/01/2017	Generally accepted standards	42
Celebrity Big Brother	Channel 5	24/01/2017	Generally accepted standards	1
Celebrity Big Brother	Channel 5	24/01/2017	Offensive language	1
Celebrity Big Brother	Channel 5	25/01/2017	Generally accepted standards	4
Celebrity Big Brother	Channel 5	26/01/2017	Generally accepted standards	4
Celebrity Big Brother	Channel 5	28/01/2017	Generally accepted standards	1
Celebrity Big Brother	Channel 5	29/01/2017	Gender discrimination/offence	3
Celebrity Big Brother	Channel 5	29/01/2017	Generally accepted standards	2
Celebrity Big Brother	Channel 5	30/01/2017	Generally accepted standards	1
Channel 5 2017 programming (trailer)	Channel 5	24/01/2017	Animal welfare	1
GPs Behind Closed Doors	Channel 5	01/02/2017	Harm	1
In Therapy	Channel 5	25/01/2017	Materially misleading	1
Kittens Make You Laugh Out Loud	Channel 5	08/01/2017	Animal welfare	6
Kittens Make You Laugh Out Loud	Channel 5	14/01/2017	Animal welfare	2
Lip Sync Battle UK	Channel 5	27/01/2017	Generally accepted standards	1
Monkeys Make You Laugh Out Loud	Channel 5	03/02/2017	Animal welfare	4
Police Interceptors	Channel 5	06/02/2017	Materially misleading	1
The Cars That Made Britain Great	Channel 5	06/02/2017	Offensive language	3
The Wright Stuff	Channel 5	30/01/2017	Materially misleading	1
The Wright stuff	Channel 5	30/01/2017	Race discrimination/offence	1
The Wright Stuff	Channel 5	31/01/2017	Scheduling	1
The Wright Stuff	Channel 5	01/02/2017	Drugs, smoking, solvents or alcohol	1
The Wright Stuff	Channel 5	07/02/2017	Generally accepted standards	45

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Too Close to Kill	Channel 5	23/01/2017	Offensive language	1
When Live TV Goes Horribly Wrong	Channel 5	05/02/2017	Generally accepted standards	2
Station ident	Classic FM	19/01/2017	Disability discrimination/offence	1
QI	Dave	23/01/2017	Offensive language	1
Tenko	Drama	04/02/2017	Nudity	1
Virtually Famous	E4	31/01/2017	Generally accepted standards	1
Jamie and Emma's Breakfast Show	Heart FM (North West)	16/01/2017	Competitions	1
2Awesome: Freakish (trailer)	ITV	05/02/2017	Scheduling	1
Coronation Street	ITV	16/01/2017	Scheduling	2
Coronation Street	ITV	16/01/2017	Violence	1
Coronation Street	ITV	18/01/2017	Disability discrimination/offence	1
Coronation Street	ITV	27/01/2017	Gender discrimination/offence	1
Coronation Street	ITV	30/01/2017	Generally accepted standards	1
Coronation Street	ITV	03/02/2017	Violence	1
Coronation Street	ITV	06/02/2017	Offensive language	1
Dance Dance Dance	ITV	15/01/2017	Scheduling	9
Dance Dance Dance	ITV	05/02/2017	Offensive language	1
Emmerdale	ITV	12/01/2017	Scheduling	1
Emmerdale	ITV	17/01/2017	Generally accepted standards	1
Emmerdale	ITV	02/02/2017	Generally accepted standards	1
Emmerdale	ITV	02/02/2017	Scheduling	2
Gala Bingo's sponsorship of The Chase	ITV	06/02/2017	Sponsorship credits	1
Good Morning Britain	ITV	11/01/2017	Generally accepted standards	1
Good Morning Britain	ITV	23/01/2017	Generally accepted standards	13
Good Morning Britain	ITV	24/01/2017	Gender discrimination/offence	11
Good Morning Britain	ITV	25/01/2017	Gender discrimination/offence	1
Good Morning Britain	ITV	31/01/2017	Due impartiality/bias	1
Good Morning Britain	ITV	02/02/2017	Scheduling	1
Good Morning Britain	ITV	30/01/2017	Due impartiality/bias	1
In Plain Sight	ITV	07/12/2016	Privacy	1
ITV News	ITV	17/01/2017	Due impartiality/bias	1
ITV News	ITV	18/01/2017	Due accuracy	1
ITV News	ITV	26/01/2017	Due accuracy	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
ITV News	ITV	30/01/2017	Due impartiality/bias	1
ITV News	ITV	30/01/2017	Offensive language	9
ITV News	ITV	31/01/2017	Due impartiality/bias	1
ITV News	ITV	01/02/2017	Due accuracy	2
Jeremy Kyle's Emergency Room	ITV	23/01/2017	Scheduling	1
Live Broadcast of Presidential Inauguration	ITV	20/01/2017	Generally accepted standards	1
Loose Women	ITV	31/01/2017	Generally accepted standards	3
Sainsbury's sponsorship of ITV Showcase Drama	ITV	26/01/2017	Sponsorship credits	1
Save Money: Lose Weight	ITV	05/01/2017	Materially misleading	4
Six Nations Rugby (trailer)	ITV	02/02/2017	Materially misleading	1
Six Nations Rugby Live	ITV	04/02/2015	Offensive language	1
Sugar Free Farm	ITV	24/01/2016	Materially misleading	1
Sugar Free Farm	ITV	31/01/2017	Generally accepted standards	1
The Chase	ITV	01/02/2017	Generally accepted standards	1
The Cruise: Sailing the Mediterranean	ITV	12/01/2017	Animal welfare	1
The Jeremy Kyle Show	ITV	25/01/2017	Generally accepted standards	1
The Martin Lewis Money Show	ITV	30/01/2017	Crime and disorder	1
The National Television Awards 2017	ITV	25/01/2017	Due impartiality/bias	1
The Voice UK	ITV	04/02/2017	Generally accepted standards	1
This Morning	ITV	23/01/2017	Generally accepted standards	2
Tipping Point	ITV	26/01/2017	Materially misleading	1
Tipping Point	ITV	02/02/2017	Other	1
2Awesome: Freakish (trailer)	ITV2	15/01/2017	Scheduling	1
2Awesome: Freakish (trailer)	ITV2	21/01/2017	Scheduling	1
Celebrity Juice	ITV2	31/01/2017	Sexual orientation discrimination/offence	1
Coronation Street	ITV2	30/01/2017	Scheduling	1
Family Guy	ITV2	Various	Race discrimination/offence	2
Endeavour	ITV3	01/01/2017	Religious/Beliefs discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Specsavers Audiologists' sponsorship of ITV3 Mornings	ITV3	09/01/2017	Sponsorship credits	4
Specsavers Audiologists' sponsorship of ITV3 Mornings	ITV3	17/01/2017	Sponsorship credits	1
Storage Wars Texas	ITV4	07/02/2017	Violence	1
News	KCFM	01/02/2017	Due accuracy	1
Rickie, Melvin & Charlie in the Morning	Kiss FM	02/02/2017	Offensive language	1
James O'Brien	LBC 97.3 FM	30/01/2017	Religious/Beliefs discrimination/offence	1
James O'Brien	LBC 97.3 FM	Various	Due impartiality/bias	1
Matt Stadlen	LBC 97.3 FM	28/01/2017	Race discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	25/01/2017	Generally accepted standards	1
Nigel Farage	LBC 97.3 FM	24/01/2017	Crime and disorder	1
Nigel Farage	LBC 97.3 FM	24/01/2017	Due accuracy	1
Nigel Farage	LBC 97.3 FM	24/01/2017	Due impartiality/bias	1
Ex On The Beach	MTV	17/01/2017	Generally accepted standards	1
Blackadder the Third / Blackadder Goes Forth	n/a	Various	Animal welfare	1
Night Night, Sleep Tight	Oldham Community Radio	15/12/2016	Generally accepted standards	1
Specsavers' sponsorship of Judge Judy	Pick	Various	Sponsorship	1
Date My Porn Star	Really	18/01/2017	Generally accepted standards	1
Crosstalk	RT	25/01/2017	Crime and disorder	1
Headline News	RT	03/01/2017	Due accuracy	1
Headline News	RT	07/01/2017	Due impartiality/bias	1
News Headlines	RT	13/01/2017	Due accuracy	1
The Affair	Sky Atlantic	16/01/2017	Offensive language	1
Sky News	Sky News	29/01/2017	Due impartiality/bias	1
Sky News	Sky News	30/01/2017	Due accuracy	2
Sky News	Sky News	30/01/2017	Due impartiality/bias	2
Sky News	Sky News	01/02/2017	Due accuracy	1
Sky News at Ten	Sky News	30/01/2017	Due impartiality/bias	1
Sky News with Kay Burley	Sky News	23/01/2017	Due impartiality/bias	1
Sky News with Kay Burley	Sky News	23/01/2017	Generally accepted standards	1
Sky News with Kay Burley	Sky News	25/01/2017	Due impartiality/bias	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Premier League Football: Manchester United v Liverpool	Sky Sports 1	15/01/2017	Generally accepted standards	1
Premier League Football: Manchester United v Liverpool	Sky Sports 1	15/01/2017	Race discrimination/offence	1
Gillette Soccer Saturday	Sky Sports News HQ	21/01/2017	Generally accepted standards	1
118 118's sponsorship of ITV Movies	STV	Various	Sponsorship credits	1
Party Political Broadcast by the Scottish National Party	STV	26/01/2017	Materially misleading	1
STV News at Six	STV	27/01/2017	Generally accepted standards	1
News	Talksport	25/01/2017	Due impartiality/bias	1
Du är vad du äter (You Are What You Eat)	TV3 Sweden	01/12/2016	Materially misleading	1
Istikhara Online	TV99	01/01/2017	Materially misleading	1
Istikhara Online	TV99	02/01/2017	Materially misleading	1
Face the Facts: Black Magic	Ummah Channel	01/01/2017	Materially misleading	1
Six Nations Rugby Live	UTV	04/02/2017	Generally accepted standards	1
Advertisements	Various	Various	Participation TV - Protection of under 18s	1
News	Various	29/01/2017	Due impartiality/bias	1
News	Various	30/01/2017	Due impartiality/bias	2
Alim Online Istikhara	Venus TV	09/01/2017	Materially misleading	1
Istikhara Markaz	Venus TV	04/01/2017	Materially misleading	1
Balls Deep	Viceland	31/01/2017	Scheduling	1
Masterchef Junior USA	W	09/01/2017	Product placement	1

Complaints assessed under the General Procedures for investigating breaches of broadcast licences

For more information about how Ofcom assesses complaints about broadcast licences, go to: https://www.ofcom.org.uk/data/assets/pdf_file/0019/31942/general-procedures.pdf

Licensee	Licensed service	Categories
TFM Radio Limited	TFM	Format

Complaints assessed under the Procedures for investigating breaches of rules for On Demand programme services

Service provider	Categories	Number of complaints
Sky	Access services	1
YouTube	Protection of Under 18s	1

For more information about how Ofcom assesses complaints about on demand services, go to:

https://www.ofcom.org.uk/data/assets/pdf_file/0033/74499/procedures-investigating-breaches.pdf

Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts, accuracy in BBC programmes or an on demand service does not fall within the scope of regulation.

For more information about what Ofcom's rules cover, go to:

<http://consumers.ofcom.org.uk/complain/tv-and-radio-complaints/what-does-ofcom-cover/>

Complaints about television or radio programmes

For more information about how Ofcom assesses complaints about television and radio programmes, go to:

https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	27/01/2017	Due impartiality/bias	1
BBC News	BBC 1	06/02/2017	Due impartiality/bias	1
BBC News	BBC 1	08/02/2017	Due impartiality/bias	1
Rip Off Britain	BBC 1	03/02/2017	Outside of remit	1
Newsnight	BBC 2	30/01/2017	Due impartiality/bias	1
BBC News	BBC News Channel	29/01/2017	Due impartiality/bias	1
Clara Amfo	BBC Radio 1	08/02/2017	Other	1
News	BBC Radio 4	28/01/2017	Due impartiality/bias	1
PM	BBC Radio 4	03/02/2017	Due impartiality/bias	1
The World at One	BBC Radio 4	06/02/2017	Due impartiality/bias	2
Jo Good	BBC Radio London	26/01/2017	Promotion of products/services	1
Advertisement	BT Sport 1	31/01/2017	Advertising content	1
Advertisement	Channel 4	01/02/2017	Advertising content	1
Advertisement	Disney Junior HD	02/02/2017	Advertising content	1
Advertisement	Drama	30/01/2017	Advertising content	1
Advertisement	ITV	30/01/2017	Advertising content	3
Advertisement	ITV	31/01/2017	Advertising content	1
Advertisement	ITV	02/02/2017	Advertising content	1
Advertisement	Magic	09/02/2017	Advertising content	1
Advertisements	n/a	05/02/2017	Advertising content	1
Advertisement	S4C	08/02/2017	Advertising content	1
Advertisement	Sky	08/02/2017	Advertising content	1
Advertisement	Sky News	30/01/2017	Advertising content	1
Advertisements	Various	31/01/2017	Advertising content	1

Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 30 January 2017 to 12 February 2017.

Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Broadcaster	Transmission date
Celebrity 100% Hotter	5Star	25 January 2017
Programming	Akaal Channel	14 November 2016
Singapore GP: Qualifying highlights	Channel 4	17 September 2016
Broadcast competition	Channel 5	09 January 2017
Fun Kids Breakfast Show	Fun Kids	20 January 2017
Katie Hopkins	LBC 97.3 FM	29 January 2017
Shromani Akali Dal Badal	PTC Punjabi	29 November 2016
Football League: Huddersfield Town v Leeds United	Sky Sports 2	5 February 2017
Live Singapore Grand Prix: Qualifying	Sky Sports F1 HD	17 September 2016
The Two Mikes	Talksport	29 December 2016
To Be the Best	True Entertainment	20 January 2017

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to: https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf

Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
Communities Together	Radio Sangam
West Hull Community Radio Limited	West Hull Community Radio

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

https://www.ofcom.org.uk/data/assets/pdf_file/0019/31942/general-procedures.pdf