

Ramsay's Kitchen Nightmares USA

Type of case Broadcast Standards

Decision In Breach

Service E4 Extra

Date & time 7 July 2022, 16:00

Category Offensive language

Summary Multiple instances of offensive language, including the most offensive language, were broadcast before the watershed and were not justified by the context. In breach of Rules 1.14, 1.16 and 2.3 of the Broadcasting Code.

Introduction

E4 Extra is a free-to-air channel that broadcasts a range of comedy and entertainment programming. The licence for E4 Extra is held by Channel Four Television Corporation ("Channel 4" or "the Licensee").

Ramsay's Kitchen Nightmares USA is a long-running documentary series featuring celebrity chef Gordon Ramsay as he attempts to rescue struggling restaurant businesses across the United States.

Ofcom received a complaint about the broadcast of multiple instances of offensive language during this programme, which was broadcast at 16:00 on a weekday.

During the programme, 17 instances of the word "fuck" and its variations were broadcast, as well as nine instances of the word "shit" and its variations, five instances of the word "piss" and its variations, four instances of the word "crap", three instances of "bloody hell", and one instance of the word "bitch".

We considered this raised potential issues under the following rules of the Code:

- Rule 1.14: “The most offensive language must not be broadcast before the watershed (in the case of television)...”.
- Rule 1.16: “Offensive language must not be broadcast before the watershed (in the case of television)...unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed”.
- Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to, offensive language...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

Ofcom requested comments from the Licensee on how the programme complied with these rules.

Response

Channel 4 said that it accepted that the broadcast was in breach of 1.14, 1.16 and 2.3 of the Broadcasting Code and apologised. It explained that it has two versions of *Ramsay’s Kitchen Nightmares USA*: the original post-watershed programme, and a “re-versioned” programme which has been edited to be suitable for broadcast in the daytime. It explained that each of the four parts of the programme are “locked in” to its schedule separately and that, in this instance, human error led to two parts of the post-watershed version being mistaken for the pre-watershed version. Channel 4 said that, as a result, two parts of the programme broadcast contained material that was not suitable for daytime scheduling.

It added that, since the broadcast, a number of measures were introduced to prevent recurrence of the issue, including:

- two additional manual checks of the content schedule of E4 Extra: one being introduced by Channel 4’s Content Management Team, so that programme parts locked into the schedule will be reviewed by an additional member of staff before it is sent to playout services; and one at the playout service provider facility, so that Channel 4 can view programme materials on the system and staff are able to confirm all E4 Extra schedules are correct prior to transmission; and
- from April 2023, E4 Extra will use the same media management system as Channel 4, which “simply does not allow a programme with a post-watershed certification to be played out pre-watershed”.

Although Channel 4 accepted that the content was in breach of Rules 1.14, 1.16 and 2.3, it said that it was a mistake which the Licensee had taken steps, including technological updates, to ensure that future recurrence is not possible. Channel 4 therefore asked that Ofcom consider the matter resolved.

Ofcom prepared a Preliminary View finding the programme in breach of Rules 1.14, 1.16 and 2.3 and provided it to the Licensee for its comments. In response, the Licensee confirmed that it had no further representations to make.

Decision

Reflecting our duties under the Communications Act 2003, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes. Section Two of the Code requires that generally accepted standards are applied to content so as to provide adequate protection for members of the public from the inclusion of harmful or offensive material in programmes.

Ofcom takes account of the audience's and the broadcaster's right to freedom of expression as set out in Article 10 of the European Convention on Human Rights when considering a broadcaster's compliance with the Code.

Rule 1.14

Rule 1.14 requires that the most offensive language must not be broadcast before the watershed on television.

When considering this case, Ofcom took into account our research into [Public attitudes towards offensive language on TV and radio](#), which was published in September 2021. This research found that the word "fuck" and variations of it were considered by audiences to be highly offensive and required clear and strong contextual justification. It also found that audiences consider that, in order to protect children, this word should not be aired before the watershed on television.

In this case, the broadcast of 17 instances of "fuck" and its variations at 16:00 was a clear example of the most offensive language being broadcast before the watershed, in breach of Rule 1.14.

Rule 1.16

Rule 1.16 states that offensive language must not be broadcast on television before the watershed unless it is justified by the context and that, in any event, frequent use of such language must be avoided before the watershed.

In this case, there were nine instances of the word "shit" and its variations broadcast during the programme. Our 2021 offensive language research classified this word as 'moderate' language, considered by audiences to have greater potential for offence than mild words and requiring a higher level of context.

The programme also included the following language classified as 'mild' in our research, considered by audiences to be unlikely to cause concern in most circumstances and requiring limited context: five instances of the word "piss" and its variations, four instances of the word "crap", three instances of "bloody hell", and one instance of the word "bitch".

We went on to consider whether the use of this potentially offensive language was justified by the context. Context includes, for example: the editorial content of the programme; the service on which it is broadcast; the time of broadcast and the likely expectations of the audience.

E4 Extra provides comedy and entertainment programming aimed at a younger audience. While we accept that the audience may expect some mild or moderately offensive language on this channel at this time, we considered the repeated nature of the moderately offensive language in this case would have exceeded audience expectations at this time of day. Ofcom also took into account that the

programme was pre-recorded and there was no apology after the use of the offensive language. Ofcom therefore considered that there was insufficient contextual justification for the use of potentially offensive language during the programme.

Rule 1.16 not only requires offensive language broadcast before the watershed to be justified by the context, but also states that “in any event, frequent use of such language must be avoided before the watershed”. This is consistent with Ofcom’s [Guidance](#) on Rule 1.16, which states that “milder language in the early part of the evening may be acceptable, for example, if mitigated by a humorous context. However, in general, viewers and listeners do not wish to hear frequent or regular use of such language, including profanity, before 2100”.

Ofcom noted that, across the hour-long programme, there was a total of 22 instances of mildly and moderately offensive language, in addition to the 17 instances of the most offensive language discussed under Rule 1.14 above. In Ofcom’s view, this clearly constituted “frequent use” of offensive language before the watershed, in breach of Rule 1.16.

Rule 2.3

Rule 2.3 requires that broadcasters must ensure that the broadcast of potentially offensive content is justified by the context. As above, context includes, for example: the editorial content of the programme; the service on which it is broadcast; the time of broadcast and the likely expectations of the audience.

In Ofcom’s view, the repeated use of offensive language, including the most offensive language, before the watershed in a pre-recorded programme on a widely available free-to-air channel was clearly capable of causing a high level of offence. As above, we did consider the audience may expect some mild or moderately offensive language on this channel at this time. However, we considered that the majority of viewers, and in particular parents and carers, would not have expected to hear this level and frequency of potentially highly offensive language, particularly 17 instances of the word “fuck”, at this time of day. There was also no warning ahead of the programme or apology broadcast.

Ofcom’s Decision is that, taking the above factors into account, the broadcast of strong and repeated offensive language in this programme was not justified by the context and was in breach of Rule 2.3.

Conclusion

We took into account that the Licensee apologised in its representations to Ofcom and that it said it was taking steps to prevent recurrence. We also took into account that, given the circumstances of the case, the Licensee had asked Ofcom to consider the case resolved. Ofcom did not consider that was warranted given that this pre-recorded programme included multiple instances of the most offensive language, moderately and mildly offensive language before the watershed and there were no mitigations, such as an on air apology, made by Channel 4 following the broadcast.

Decision: Breaches of Rules 1.14, 1.16 and 2.3