

Ofcom broadcast bulletin

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Introduction

Ofcom's Broadcasting Code took effect on 25 July 2005 (with the exception of Rule 10.17 which came into effect on 1 July 2005). This Code is used to assess the compliance of all programmes broadcast on or after 25 July 2005. The Broadcasting Code can be found at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>

The Rules on the Amount and Distribution of Advertising (RADA) apply to advertising issues within Ofcom's remit from 25 July 2005. The Rules can be found at <http://www.ofcom.org.uk/tv/ifi/codes/advertising/#content>

The Communications Act 2003 allowed for the codes of the legacy regulators to remain in force until such time as Ofcom developed its own Code. While Ofcom has now published its Broadcasting Code, the following legacy Codes apply to content broadcast before 25 July 2005.

- Advertising and Sponsorship Code (Radio Authority)
- News & Current Affairs Code and Programme Code (Radio Authority)
- Code on Standards (Broadcasting Standards Commission)
- Code on Fairness and Privacy (Broadcasting Standards Commission)
- Programme Code (Independent Television Commission)
- Programme Sponsorship Code (Independent Television Commission)
- Rules on the Amount and Distribution of Advertising

From time to time adjudications relating to advertising content may appear in the bulletin in relation to areas of advertising regulation which remain with Ofcom (including the application of statutory sanctions by Ofcom).

Resolved

Hallmark Channel Quiz

Hallmark Channel, 14 July 2006, 13:00

Introduction

A viewer believed that the prize amount promoted in the *What's Missing?* word tower competition was misleading. It stated, "£1600 PRIZE". In fact, seven of eight possible answers had been correctly identified. However, the £1600 referred to the total prize money for all eight correct answers. Some of the money had therefore already been won and only £1,000 remained available for the final answer.

Response

Hallmark said that it displayed the prize total for each game rather than the amount still left to be won. However, it had responded to the concern by ensuring that the prize total in similar competitions now reflected the amount remaining to be won and was changed each time a question was answered correctly.

Decision

The amount of cash that would be awarded for each correct answer was clearly stated on screen. However, we can understand why viewers may not have understood that the most prominent prize reference on screen referred to the total prize fund available for the entire competition, rather than the remaining amount available to be won. We therefore welcome the prompt action taken, which we believe resolves the matter.

Resolved

Is This the Worst Weather Ever?

ITV1, 14 August 2006, 20:00

Introduction

Four viewers complained that this programme contained repeated swearing (“fuck” “shit”) by storm chasers as they attempted to film a tornado. They considered this unsuitable for broadcast when children were watching.

Response

ITV apologised for the inclusion of this swearing in the programme. This was a pre-watershed repeat of a programme originally broadcast at 22:00.

An experienced compliance manager who viewed the programme before it was broadcast had noted the presence of swearing but had inexplicably certified it as suitable for transmission at any time. As a result the critical information that the programme could only be broadcast in this form post-watershed was not entered.

ITV became aware of the mistake the day after broadcast. It instituted a review of the entire series and re-edited the programme to create a version suitable for broadcast before 21:00. The broadcaster also reviewed and updated the computer file setting out the programme’s rating.

Decision

The swearing could be heard as the storm chasers were overtaken by a tornado that they were trying to film. The language was unsuitable for broadcast at 20:00 - an hour before the 21:00 watershed. In such circumstances, an apology at some juncture would have been appropriate and we are concerned that ITV did not exercise this option. However we welcome ITV’s subsequent action and, on balance, consider the matter resolved.

Resolved

Fairness and Privacy Cases

Not Upheld

Complaint by Ms A on her own behalf and on behalf of Ms J and her son (a minor)

Traffic and Travel Bulletin, Radio City 96.7FM, 14 September 2005

Summary: Ofcom has not upheld this complaint of unwarranted infringement of privacy. This traffic bulletin reported on an overturned lorry that had caused road disruption after shedding its load of frozen chips. The programme's presenter commented that if the chips "had been McDonalds fries it would have been cleared about 5 minutes after. It's obviously those big thick, chunky, chips isn't it?". The traffic bulletin reader responded "it's ... jumbo chunky chips - no worries." Mr D, the driver of the lorry, died as a result of the accident.

Ms A (Mr D's sister-in-law) complained that her privacy and the privacy of other family members was unwarrantably infringed in the broadcast of the programme.

Ofcom recognised that the programme's references to the accident were undoubtedly upsetting for Ms A and the other family members. However, Ofcom concluded that the comments made in the programme did not amount to an infringement of privacy in the circumstances of this particular case. No personal information about Mr D or his family was disclosed in the bulletin, nor was the detail given about the accident sufficient to have identified Mr D or any of his family to those listeners who did not already know about the incident.

Introduction

On 14 September 2005 at 0844 hours, Radio City 96.7FM broadcast a traffic and travel bulletin during the *Kev Seed Show*. The bulletin included information on an overturned lorry that had caused road disruption after shedding its load of frozen chips. The radio presenter, Kev Seed, commented that if the chips that were carried by the lorry "had been McDonalds fries it would have been cleared about 5 minutes after. It's obviously those big, thick, chunky chips isn't it?". The traffic bulletin reader responded "it's ... jumbo chunky chips - no worries". Mr D was the driver of the lorry and died as a result of the accident. Although Mr D was not named in the report, specific details of where the accident had occurred and what his lorry had been carrying were included.

Ms A (Mr D's sister-in-law), complained on her own behalf and on behalf of Ms J (Mr D's partner) and Ms J's and Mr D's son that their privacy was unwarrantably infringed in the broadcast of the item.

Ms A, Ms J and Ms J's and Mr D's son were not named or otherwise identified in the item.

The Complaint

Ms A's case

In summary, Ms A complained on her own behalf and on behalf of Ms J and Ms J's and Mr D's son that their privacy was unwarrantably infringed in the broadcast of the programme in that the comments made by the programme's presenter created unwanted attention to them on the day of the accident and afterwards. The comments caused upset and distress.

Ms A said that the accident had happened at approximately 0230 hours on the morning of 14 September 2006. Mr D's body was not formally identified by his family until 0930 hours that morning. The lorry and debris caused by the accident were not cleared until 1700 hours. The timescale from when the accident happened to when the roads were clear indicated the seriousness of the accident. Ms A said that the police had confirmed that they had issued a press release to all local radio and news stations which said that a driver had been killed at the scene and later named him. Comments were made on the radio stations, including Radio City 96.7FM, after they had been informed that there had been a fatality.

Emap's case on behalf of Radio City 96.7FM

In summary, Emap, who owns the station, responded on behalf of Radio City 96.7FM, that:

The traffic news provider had told the station that they expected the roads affected by the accident and the spillage to be cleared by around 1000 hours later that morning and the bulletins had been advising listeners to that effect. However, by the time of the bulletin at 0844 hours, the station had been told that the road closures were likely to be in place until around 1700 hours and it reported this during the course of that bulletin. The programme's presenter was surprised that the extent of the road closures was suddenly expected to be much greater than had been originally reported. As a way of highlighting this, the presenter linked the much longer delay with the reported contents of the lorry and commented that "if it had been McDonalds fries it would have been cleared about five minutes after. It's obviously those big, thick, chunky chips".

Emap said that the comment was solely intended to reflect the surprise of the programme's presenter, which was no doubt shared by many of the station's listeners that the spillage was going to cause road closures for far longer than had initially been expected and reported. The station first learnt about the incident at 0621 hours from its traffic news provider system. The reports referred only to lane closures caused by a lorry that had shed its load of frozen food. The reports mentioned that the police estimated that the lane closures would be in place until around 1000 hours. This changed at 0813 hours when the estimated time the lane closures would end was amended to around 1700 hours. This was reported without comment in all the stations traffic bulletins except the one that followed the 0813 hours update.

At the time the comment was made, the station had no indication that the accident had involved any injuries to the lorry driver or to anyone else. It only became aware that there had been a fatality the following day when the station was contacted by a representative of Mr D's family who said that the comments had upset members of the family. Emap said that the police confirmed that they issued a press release informing the media that there had been a fatality at 1150 hours on the day of the accident. This was issued a number of hours after the comment was made by the programme's presenter. The then Managing Director of Radio City sent a letter of apology to the family representative. Additionally, the station asked its traffic news provider to give as much additional information as possible about the nature of any

accident especially when serious injuries may be involved and told its presenters to refrain from making any comments about any incidents reported.

Neither the presenter nor Radio City had any intention to cause any distress to Mr D's family. The comment was solely intended to highlight the unexpected extension of the road closures. Aside from the comment about the size of the chips, the report was a factual statement about the accident and the road closures caused by it. There was no information broadcast that divulged or could have revealed the identity of the driver of the lorry or his family and relations. While it regretted any distress the comment may have inadvertently caused, the station found it difficult to accept that the item led to an unwarranted infringement of privacy.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes included in such services. Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness, if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In Ofcom's view, the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy, Ofcom will therefore, where necessary, address itself to two distinct questions: First, has there been an infringement of privacy? Second, if so, was it warranted?

This case was considered by Ofcom's Executive Fairness Group. The Group's decision is set out below.

Ms A complained that her privacy and that of Ms J and Ms J's and Mr D's son was unwarrantably infringed in the broadcast of the programme in that the comments made by the programme's presenter created unwanted attention on the day of the accident and afterwards. The comments caused upset and distress.

When people are caught up in events which are covered by the news they still have a right to privacy in both the making and broadcast of a programme, unless it is warranted to infringe it. This applies both to the time when these events are taking place and to any later programmes that revisit those events.

By examining a recording of the bulletin and reading the transcript of it, Ofcom considered that although the programme presenter's references to the type of frozen chips and the accident were undoubtedly upsetting for Ms A, Ms J and Ms J's and Mr D's son, no private information about them was disclosed. Although Ofcom accepted that neither Mr D nor any of his family were identified in the bulletin, it noted that the comments made by the bulletin reader and the programme's presenter's were a specific reference to an incident that had occurred in a specific area. The name of the locally well-known stretch of road where the accident occurred was referred to as well as the details of the accident itself.

Having taken all these factors referred to above into consideration, Ofcom concluded that the comments made in the programme about the accident in which Mr D died did not amount to an unwarranted infringement of privacy in the circumstances of this particular case. No personal information about Mr D or his family was disclosed in the bulletin, nor was the detail given about the accident sufficient to have identified Mr D or any of his family to those listeners who did not already know about the incident.

This was clearly an unfortunate incident. We do not believe that the presenter's remark was a deliberate intention to make a joke about an accident in which there had a fatality. However, this case highlights the care that is needed when handling live programming. It is unusual for a road traffic accident to result in the closure of a road for such a length of time, unless a serious incident has taken place. It would therefore have been sensible, on learning that the road was to be closed for a considerable amount of time for the station to have been more circumspect about its comments. The likelihood that there had been a fatality in the accident was increased when the station learnt about the amount of time the road was to be closed. Had the traffic provider or the station taken the opportunity to ascertain the status of the accident and therefore approached the presentation of the report about the accident more cautiously, Ms A, Ms J and Ms J's and Mr D's son may have been spared the distress the comments caused.

Ofcom welcomes the broadcaster's request to its traffic news provider to give the station as much detailed information as possible about the nature of any accident, especially when serious injuries may be involved and that the broadcaster had told its presenters to refrain from making any comments about any incidents reported.

Accordingly, the complaint of unwarranted infringement of privacy in the broadcast of the programme was not upheld.

Complaint by Ms A on her own behalf and on behalf of Ms J and her son (a minor)

Traffic Bulletin, Juice FM (Liverpool), 14 September 2005

Summary: Ofcom has not upheld this complaint of unwarranted infringement of privacy. This traffic bulletin reported on an overturned lorry that had caused road disruption after shedding its load of frozen chips. The bulletin reporter commented that “It was actually a shed load of frozen chips, funnily enough”. After the bulletin, the programme’s presenter commented “the next time you do the travel I want a chip related pun when you talk about the chips”, and then gave the example, “I would have thought that when everyone gets into work if they’re delayed, their heads would have been battered wouldn’t they?” Mr D, the driver of the lorry, died as a result of the accident.

Ms A (Mr D’s sister-in-law), complained that her privacy and the privacy of other family members was unwarrantably infringed in the broadcast of the programme.

Ofcom recognised that the programme’s references to the accident were undoubtedly upsetting for Ms A and the other family members. However, Ofcom concluded that the comments made in the programme did not amount to an infringement of privacy in the circumstances of this particular case. No personal information about Mr D or his family was disclosed in the bulletin, nor was the detail given about the accident sufficient to have identified Mr D or any of his family to those listeners who did not already know about the incident.

Introduction

On 14 September 2005 at 1544 hours, Juice FM (Liverpool) broadcast a traffic bulletin which reported on an overturned lorry that had caused road disruption after shedding its load of frozen chips. The reporter commented that “It was actually a shed load of frozen chips, funnily enough”. After the bulletin, the programme’s presenter commented “ the next time you do the travel I want a chip related pun when you talk about the chips”, and then gave the example, “I would have thought that when everyone gets into work if they’re delayed, their heads would have been battered wouldn’t they?”. Mr D was the driver of the lorry and died as a result of the accident. Although Mr D was not named in the report, specific details of where the accident had occurred and what his lorry had been carrying were included.

Ms A (Mr D’s sister-in-law), complained on her own behalf and on behalf of Ms J (Mr D’s partner) and Ms J’s and Mr D’s son that their privacy was unwarrantably infringed in the broadcast of the item.

Ms A, Ms J and Ms J’s and Mr D’s son were not named or otherwise identified in the item.

The Complaint

Ms A’s case

In summary, Ms A complained on her own behalf and on behalf of Ms J and Ms J’s and Mr D’s son that their privacy was unwarrantably infringed in the broadcast of the programme in that the comments made by the programme’s presenter created unwanted attention on the day of the accident and afterwards. The comments caused upset and distress.

Ms A said that the accident had happened at approximately 0230 hours on the morning of 14 September 2006. Mr D's body was not formally identified by his family until 0930 hours that morning. The lorry and debris caused by the accident were not cleared until 1700 hours. The timescale from when the accident happened to when the roads were clear and reopened indicated the seriousness of the accident. Ms A said that the police had issued a press release to all local radio and news stations which said that a driver had been killed at the scene and later named him. The local newspaper, the Liverpool Echo, had already published a story about the accident with photographs at the time of the broadcast. Comments about the accident and its load of frozen chips were made on the radio station after it would have had been informed that there had been a fatality.

Juice FM's case

In summary, Juice FM said that:

It wholeheartedly apologised for offence caused by the remarks made during the bulletin. At the time of the broadcast, both the programme's presenter and the traffic bulletin reader were unaware of the serious nature of the accident. Juice FM said that if they had been aware they would have treated the matter with the sensitivity it deserved. The programme's presenter was told about Ms A's complaint to Ofcom and has apologised for causing distress and for not first finding out the extent of the incident before commenting. Also the traffic report provider has undertaken to talk to bulletin readers about using due care and consideration, particularly with regard to local incidents. Juice FM said that steps had been taken to ensure that a similar mistake should not happen again.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes included in such services. Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness, if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In Ofcom's view, the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy, Ofcom will therefore, where necessary, address itself to two distinct questions: First, has there been an infringement of privacy? Second, if so, was it warranted?

This case was considered by Ofcom's Executive Fairness Group. The Group's decision is set out below.

Ms A complained that her privacy and that of Ms J and Ms J's and Mr D's son was unwarrantably infringed in the broadcast of the programme in that the comments

made by the programme's presenter created unwanted attention to them on the day of the accident and afterwards. The comments caused upset and distress.

When people are caught up in events which are covered by the news they still have a right to privacy in both the making and broadcast of a programme, unless it is warranted to infringe it. This applies both to the time when these events are taking place and to any later programmes that revisit those events.

By examining a recording of the bulletin and reading the transcript of it, Ofcom considered that although the bulletin reader's and programme presenter's references to the spillage of frozen chips and the accident were undoubtedly upsetting for Ms A, Ms J and Ms J's and Mr D's son, no private information about them was disclosed. Although Ofcom accepted that neither Mr D nor any of his family were identified in the bulletin, it noted that the comments made by the bulletin reader and the programme's presenter's were a specific reference to an incident that had occurred in a specific area. The name of the locally well-known stretch of road where the accident occurred was referred to as well as the details of the accident itself.

Having taken all these factors referred to above into consideration, Ofcom concluded that the comments made in the programme about the accident in which Mr D died did not amount to an infringement of privacy in the circumstances of this particular case. No personal information about Mr D or his family was disclosed in the bulletin, nor was the detail given about the accident sufficient to have identified Mr D or any of his family to those listeners who did not already know about the incident.

This was clearly an unfortunate incident. We do not believe that the bulletins reader's and presenter's remarks were made with a deliberate intention to make a joke about an accident in which there had a fatality. However, this case highlights the care that is needed when handling live programming. It is unusual for a road traffic accident to result in the closure of a road for such a length of time, unless a serious incident has taken place. It would therefore have been sensible for the station to have been more circumspect about its comments. The likelihood that there had been a fatality in the accident was increased given the amount of time the road had been closed. At the time of the bulletin the accident had occurred over 13 hours ago and the road had been closed for a considerable period of time. Had the traffic provider or the station taken the opportunity to ascertain the status of the accident and therefore approached the presentation of the report about the accident more cautiously, Ms A, Ms J and Mr J's and Mr D's son may have been spared the distress their comments caused.

Ofcom welcomes the broadcaster's undertaking that its traffic news provider had agreed to talk to traffic bulletin readers regarding the use of due care and consideration, particularly with regard to local incidents, and that procedures had been put in place to ensure such a situation would not arise again.

Accordingly, the complaint of unwarranted infringement of privacy in the broadcast of the programme was not upheld.

Complaint by Mr Hennessey

The World's Strangest UFO Stories – Have aliens invaded Scotland?
Discovery Channel, 5 & 10 February

Summary: Ofcom has not upheld this complaint of unfair treatment by Mr Hennessey.

Mr Hennessey participated in this programme to explain his theory for why there was a concentration of UFO sightings over Scotland. The programme explained that Mr Hennessey believed the military was in alliance with extraterrestrials, and this alliance was facilitated by a large network of underground cavern systems. During the programme Mr Hennessey visited a site and indicated a fire exit which he believed led to an underground military base. The programme consulted the Land Registry Office and explained on the programme that the site was an underground reservoir.

Mr Hennessey complained that the programme had failed to indicate to viewers that the Rosyth Military Complex ("Rosyth Base") used to sit adjacent to the reservoir site. Mr Hennessey said the omission of this fact gave the impression that he had invented the existence of a military base; and mistaken a "mundane" water reservoir for a military base.

Ofcom found as follows:

- a) Ofcom noted that Mr Hennessey's contribution to the programme was introduced by suggesting that Mr Hennessey had developed his theory after he noticed "regular NATO bases" and took them for evidence of covert underground activity between aliens and the military. Ofcom also noted that during the programme Mr Hennessey described the site of the reservoir as being "on the southern approaches to one of the biggest command centres probably in Western Europe". Ofcom considered that although the programme did not specifically name Rosyth Base, viewers were likely to have understood that both Mr Hennessey and the programme were considering the existence of covert alien and military activity in the context of existing military bases. Ofcom therefore found that the programme did not give the false impression that Mr Hennessey invented a military base.
- b) As noted above, Ofcom found that the programme gave sufficient information for viewers to have understood that the site of the reservoir was near to a large military base. Ofcom did not believe it was incumbent on the programme makers to explicitly state that this military base was named "Rosyth" as Mr Hennessey's theory related to an alliance between extraterrestrials and the military, in general, and not specifically with those based at Rosyth.

Introduction

This programme reported that Scotland has experienced a dramatic increase in UFO sightings since 1992. According to the programme, many of these sightings have occurred within an area of the country known as the Falkirk Triangle. The programme included a number of theories to explain the high number of UFO sightings.

Mr Hennessey participated in the programme to explain his theory as to why there was a concentration of UFO sightings over Scotland. The programme explained that Mr Hennessey believed the military was in alliance with extraterrestrials, and this

alliance was facilitated by a large network of underground cavern systems. During the programme Mr Hennessey visited a site and indicated a fire exit which he believed led to an underground military base. The programme consulted the Land Registry Office and explained on the programme that the site was an underground reservoir.

Mr Hennessey complained of unfair treatment in the programme as broadcast.

The Complaint

Mr Hennessey's case

In summary, Mr Hennessey complained of unfair treatment in the programme as broadcast in that:

- a) The programme implied that he had invented the existence of a military base, when in reality the Rosyth Base had existed very near to the reservoir site;
- b) The programme failed to indicate that the Rosyth Base had resided adjacent to the reservoir site. By not pointing this out, and stating that the site was a reservoir, the programme implied that Mr Hennessey had mistaken a "mundane reservoir" for a military base. Mr Hennessey said that in reality it was very likely that that the reservoir was part of the Rosyth Base, or even that the reservoir sat above the Rosyth Base.

Discovery Channel's statement of response

Discovery Channel (Discovery) provided a statement in response to the complaint. In summary Discovery responded as follows:

- a) Discovery denied that the programme suggested the complainant had invented the existence of a military base. The programme did not address the question of whether or not a military complex existed at Rosyth because it is an internationally well known military base. The question that was under investigation, based on Mr Hennessey's theory, was whether real military bases such as Rosyth Base had any connection at all to any secret underground complexes run by extraterrestrials. The programme makers found no evidence to support Mr Hennessey's claim that the reservoir led to an underground complex and Discovery believed that any fair minded person would have reached the same conclusion.
- b) Discovery said that based on the evidence gathered by the programme makers, they did not think that the reservoir had anything to do with the Rosyth Base nor any underground alien base. Notwithstanding this, the programme made it clear that Scotland is dotted with military sites. The programme as broadcast clearly indicated aerials and listening devices from those sites. Such images were also indicated in one long shot during Mr Hennessey's interview.

Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes and unwarrantable infringement of privacy in and in the making of programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In reaching its decision about this complaint Ofcom had regard for both party's written submissions, an unedited recording of Mr Hennessey's interview, and the responsibilities of all programme makers to be fair in their dealings with potential contributors. These responsibilities include ensuring that participants' contributions are edited fairly, and that before broadcasting a factual programme, programme makers take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

In relation to the specific heads of complaint Ofcom found as follows:

- a) Mr Hennessey complained the programme implied that he had invented the existence of a military base, when in reality Rosyth Base had existed very near to the reservoir site.

Ofcom viewed the programme and took note of how the programme commentary introduced Mr Hennessey and this theory of an alliance between the military and extraterrestrials. Ofcom noted that this element of the programme was introduced by suggesting that Mr Hennessey had reached his conclusions when he noticed "regular NATO bases" and took them for evidence of covert underground activity between aliens and the military. Specifically the programme stated:

"Other people are convinced that the military remain the solution to the Scottish UFO hotspot phenomenon. People like this man. Author Andrew Hennessey. He's got an incredible theory. He says that the military are in Scotland in far greater numbers than anyone could ever imagine – and that they are involved in an extraordinary alliance with extraterrestrials. What's more he says all of this is going on in a network of caverns and tunnels under the feet of the people who live there."

and

*"Hennessey came to this remarkable conclusion, when he noticed that across Scotland there were a large number of pylons, secret sites and fenced off areas. To anyone else they'd have just been **regular NATO bases**."* [emphasis added]

Ofcom further noted that during Mr Hennessey's interview the following statement, about the underground tunnels, was included in the programme:

*"It stretches all the way up into Dunfermline for miles and miles and miles, over the transmitters and pylons and dishes **of the military command centre itself ...**"* [emphasis added]

and Mr Hennessey later described the location as being:

"...on the southern approaches to one of the biggest command centres probably in Western Europe".

Ofcom considered that based on the information provided in the programme, viewers - even those unfamiliar with Rosyth Base - would have understood that both Mr Hennessey and the programme were considering the existence of covert alien and military activity in the context of existing military bases. Ofcom acknowledged that Rosyth Base (home of the former naval base and presently home of the Rosyth Royal Dockyard) was not named. However, in Ofcom's view it was not necessary to name Rosyth Base to understand that Mr Hennessey believed his theory (of an alliance between the military and extraterrestrials) was supported by the fact that a high number of UFO sightings have been made in areas where military bases exist. In the circumstances, Ofcom concluded that the programme did not imply Mr Hennessey had invented a military base, and as such found no unfairness to Mr Hennessey in this respect.

- b) Mr Hennessey complained that the programme failed to indicate that Rosyth Base had resided adjacent to the reservoir site. By not pointing this out, and stating that the site was a reservoir, the programme implied that Mr Hennessey had mistaken a "mundane reservoir" for a military base. Mr Hennessey said that in reality it was very likely that the reservoir was part of the Rosyth Base, or even that the reservoir sat above the Rosyth Base.

Ofcom was required to determine whether it was incumbent on the programme makers to explain that the former Rosyth Naval Base was near to the reservoir site.

As noted above (finding (a)), Ofcom found that sufficient information had been given to viewers to leave them with the impression that the site of the interview had a military background. It is Ofcom's opinion that viewers would have understood that Mr Hennessey believed the location connected to the military base he had identified when he spoke of "*the military command centre itself*". In addition Ofcom noted from the programme that Mr Hennessey himself was included explaining very clearly that he believed:

"This is a fire exit on the southern approaches to one of the biggest command centres probably in Western Europe...it's a fire exit for the underground base"

It is Ofcom's opinion that it was not necessary to name the former base as Rosyth, as this level of detail was not required for the programme makers to be fair to Mr Hennessey. In reaching this decision, Ofcom considered that Mr Hennessey's theory related to an alliance of extraterrestrials with the military. This theory was based on an alliance with the military in general terms and not specifically with those based at Rosyth. Ofcom concluded that the fact the area near to the reservoir site used to be a naval base called Rosyth, would not have materially affected or changed viewers' understanding of Mr Hennessey or his theory.

As regards the programme's revelation that the fire exit identified by Mr Hennessey led to a water reservoir, Ofcom found that it was fair for the programme to state this finding having ascertained that it was the case from the Land Registry Office.

Accordingly Ofcom has not upheld Mr Hennessey's complaint of unfair treatment in the programme as broadcast.

Other Programmes Not in Breach/Out of Remit

30 August 2006 – 12 September 2006

Programme	Trans Date	Channel	Category	No of complaints
28 Acts in 28 Minutes	28/06/2006	BBC Radio 4	Generally Accepted Standards	1
30 Minutes	18/08/2006	Channel 4	Due Impartiality/Bias	1
8 Out of 10 Cats	18/08/2006	Channel 4	Generally Accepted Standards	4
Admission Impossible	23/08/2006	Channel 4	Generally Accepted Standards	1
Airplane 2 - The Sequel	13/08/2006	Five	Scheduling	1
All New You've Been Framed!	02/09/2006	ITV1	Animal welfare	1
Bad Lads Army	15/08/2006	ITV1	Crime Incitement/Encouragement	1
Bad Lads Army: Extreme	12/09/2006	ITV1	Generally Accepted Standards	1
Battle of the Popstars Live	03/09/2006	Five	Competitions	1
BBC News	14/08/2006	BBC1	Generally Accepted Standards	1
BBC News	30/08/2006	BBC1	Generally Accepted Standards	1
BBC News	20/08/2006	BBC1	Generally Accepted Standards	1
BBC News	03/09/2006	BBC1	Crime Incitement/Encouragement	1
BBC News	05/09/2006	BBC1	Due Impartiality/Bias	1
Ben Moss	30/07/2006	Core	Offensive Language	1
Big Brother 7	17/08/2006	Channel 4	Generally Accepted Standards	1
Big Brother 7	16/06/2006	Channel 4	Offensive Language	1
Big Brother's Big Mouth	25/08/2006	E4	Generally Accepted Standards	1
Brainiac's Test Tube Baby	03/08/2006	Sky One	Dangerous Behaviour	1
Bulls and Bears	07/08/2006	Fox News	Inaccuracy/Misleading	1
Channel 4 News	29/07/2006	Channel 4	Due Impartiality/Bias	1
Channel 4 News	15/08/2006	Channel 4	Generally Accepted Standards	1
Channel 4 News	23/08/2006	Channel 4	Inaccuracy/Misleading	1
Club Reps	01/09/2006	ITV1	Dangerous Behaviour	1
Colin and Edith	03/08/2006	BBC Radio 1	Generally Accepted Standards	1
Come Dine with Me	07/09/2006	Channel 4	Offensive Language	1
Cooking in the Danger Zone	25/07/2006	BBC4	Animal welfare	1
Coronation Street	03/09/2006	ITV1	Generally Accepted Standards	1
Death of a President	10/09/2006	Channel 4	Generally Accepted Standards	1
Death of a President	01/09/2006	Channel 4	Generally Accepted Standards	1
Dispatches	21/08/2006	Channel 4	Due Impartiality/Bias	1
Dwarf Curling	29/08/2006	Channel 4	Generally Accepted Standards	1
EastEnders	25/08/2006	BBC1	Violence	4
EastEnders	31/08/2006	BBC1	Violence	1
Ewen and Roughy	11/08/2006	100-101 FM	Offensive Language	1
F People	08/09/2006	Fashion TV	Offensive Language	1
Festival	27/08/2006	Channel 4	Sex/Nudity	1
Fox News	08/08/2006	Fox News	Offensive Language	1
GMTV	26/07/2006	ITV1	Due Impartiality/Bias	1
Honey I Suckle the Kids: Hidden Lives	23/08/2006	Five	Generally Accepted Standards	1
Honey I Suckle the Kids:	28/08/2006	Five	U18 in Programmes	1

Hidden Lives				
Honey I Suckle the Kids: Hidden Lives	28/08/2006	Five	Generally Accepted Standards	1
How To Look Good Naked	08/08/2006	Channel 4	Generally Accepted Standards	3
I'm with Stupid	05/09/2006	BBC1	Offensive Language	1
Ian Collins	10/08/2006	Talksport	Generally Accepted Standards	1
ITV News	26/05/2006	ITV1	Generally Accepted Standards	1
ITV News	08/08/2006	ITV1	Due Impartiality/Bias	1
ITV News	07/08/2006	ITV1	Due Impartiality/Bias	1
ITV News	12/07/2006	ITV1	Inaccuracy/Misleading	1
ITV News	17/08/2006	ITV1	Generally Accepted Standards	1
ITV News	20/08/2006	ITV1	Generally Accepted Standards	1
ITV News	18/08/2006	ITV1	Due Impartiality/Bias	1
ITV News	23/08/2006	ITV1	Generally Accepted Standards	1
ITV News	30/08/2006	ITV1	Generally Accepted Standards	1
ITV News	06/09/2006	ITV1	Due Impartiality/Bias	1
Jonathan Ross	03/06/2006	BBC Radio 2	Sex/Nudity	1
Jules Botfield	03/08/2006	BBC London	Generally Accepted Standards	1
Jurassic Park	22/07/2006	ITV1	Offensive Language	2
Just A Minute	04/09/2006	BBC Radio 4	Inaccuracy/Misleading	1
Kasamh Se	24/07/2006	Zee TV	Scheduling	1
Law of the Playground	18/08/2006	Channel 4	Generally Accepted Standards	1
Law of the Playground	01/09/2006	Channel 4	Generally Accepted Standards	1
Life Begins	11/09/2006	ITV1	Generally Accepted Standards	1
Little Britain	25/08/2006	BBC1	Sex/Nudity	1
Little Miss Jocelyn	22/08/2006	BBC3	Generally Accepted Standards	2
Little Miss Jocelyn	23/08/2006	BBC3	Generally Accepted Standards	1
Live & European	06/02/2006	Sport XXX Babes	Sex/Nudity	1
Live at Five	17/08/2006	Sky News	Inaccuracy/Misleading	1
Love Island	12/08/2006	ITV2	Competitions	1
Love Island	14/08/2006	ITV2	Violence	1
Love Island	21/08/2006	ITV1	Violence	2
Love Island	25/08/2006	ITV1	Religious Offence	1
Match of the Day	02/09/2006	BBC1	Due Impartiality/Bias	1
Murphy's Law	25/08/2006	BBC1	Violence	1
Murphy's Law	29/08/2006	BBC1	Violence	1
My Penis and I	18/08/2006	BBC3	Sex/Nudity	1
Neighbours	04/09/2006	BBC1	Offensive Language	1
News	02/08/2006	Talksport	Inaccuracy/Misleading	1
Nuremberg: Goering's Last Stand	24/08/2006	Channel 4	Inaccuracy/Misleading	1
Our New Life in Everwood	15/08/2006	ITV1	Offensive Language	1
Outtake TV	16/08/2006	BBC1	Generally Accepted Standards	1
Paul Ross	27/08/2006	LBC97.3	Generally Accepted Standards	1
Pet Poisoners	07/09/2006	Five	Crime Incitement/Encouragement	1
Porn Shutdown	02/09/2006	Channel 4	Sex/Nudity	1
Power Rangers	05/09/2006	Jetix	Violence	1
Pulling Power	26/08/2006	ITV1	Generally Accepted Standards	1
Quiz Call	08/06/2006	Quiz Call	Competitions	2
Quiz Call	13/08/2006	Five	Competitions	1

Quiz Call	19/08/2006	Quiz Call	Competitions	1
Ramsay's F Word	09/08/2006	Channel 4	Animal welfare	1
Reporting Scotland	06/06/2006	BBC1	Generally Accepted Standards	1
Respectable	23/08/2006	Five	Generally Accepted Standards	1
Respectable	25/08/2006	Five	Generally Accepted Standards	3
Respectable	25/08/2006	Five	Sex/Nudity	3
Respectable	31/08/2006	Five	Sex/Nudity	1
Respectable	29/08/2006	Five	Generally Accepted Standards	1
Respectable	30/08/2006	Five	Generally Accepted Standards	2
Respectable	31/08/2006	Five	Generally Accepted Standards	2
Respectable	01/09/2006	Five	Generally Accepted Standards	2
Respectable	12/09/2006	Five	Generally Accepted Standards	2
RHS Chelsea Flower Show	27/05/2006	BBC2	Inaccuracy/Misleading	1
Richard and Judy	16/08/2006	Channel 4	Generally Accepted Standards	3
Richard and Judy	22/08/2006	Channel 4	Due Impartiality/Bias	2
Richard and Judy	29/08/2006	Channel 4	Offensive Language	1
Ricky Gervais Live: Animals	24/08/2006	E4	Generally Accepted Standards	1
Robin Banks	30/06/2006	Kiss 100 FM	Generally Accepted Standards	1
Rogue Traders	04/09/2006	BBC1	Offensive Language	2
Sesiwn Fawr Dolgellau	21/07/2006	S4C	Offensive Language	1
SFM Radio	06/08/2006	SFM	Offensive Language	1
Sky News	04/08/2006	Sky News	Due Impartiality/Bias	1
Sky News	06/08/2006	Sky News	Due Impartiality/Bias	1
Soccer AM	19/08/2006	Sky Sports	Offensive Language	1
Sorted	15/08/2006	BBC1	Generally Accepted Standards	1
SpongeBob SquarePants	03/09/2006	ITV1	Dangerous Behaviour	1
Star News	11/08/2006	Star News	Crime Incitement/Encouragement	1
Steve Allen Show	24/08/2006	LBC97.3	Generally Accepted Standards	1
Supernanny	29/08/2006	Channel 4	U18 in Programmes	2
T4	15/08/2006	Channel 4	Generally Accepted Standards	1
Ted Bundy: Natural Porn Killer	16/08/2006	Channel 4	Undue prominence	1
The Bill	23/08/2006	ITV1	Crime Incitement/Encouragement	4
The Bill	30/08/2006	ITV1	Offensive Language	1
The Charlotte Church Show	01/09/2006	Channel 4	Offensive Language	2
The Chris Moyles Show	17/08/2006	BBC Radio 1	Generally Accepted Standards	1
The Chris Moyles Show	23/08/2006	BBC Radio 1	Generally Accepted Standards	1
The Complete Guide to Parenting	06/09/2006	ITV1	U18 Sexual/Other Offence	1
The Friday Night Project	25/08/2006	Channel 4	Generally Accepted Standards	1
The Great British Black Invasion	05/08/2006	Channel 4	Generally Accepted Standards	1
The Hotel Inspector	17/08/2006	Five	Offensive Language	1
The Jeremy Kyle Show	11/08/2006	ITV2	Inaccuracy/Misleading	1
The Line of Beauty	17/05/2006	BBC2	Sex/Nudity	1
The Mint	29/06/2006	ITV2	Competitions	1
The Mint	04/09/2006	ITV1	Competitions	2
The Mint	05/09/2006	ITV1	Competitions	2
The Miracles of Jesus	13/08/2006	BBC1	Religious Offence	3

The Power FM Breakfast Show	16/08/2006	103.2 Power FM	Sex/Nudity	1
The Sharon Osbourne Show	30/08/2006	ITV1	Sex/Nudity	1
The Silent Terrorist	22/08/2006	BBC Radio 4	Crime Incitement/Encouragement	1
The Thin Club	22/05/2006	Channel 4	Dangerous Behaviour	1
The X Factor	26/08/2006	ITV1	Generally Accepted Standards	1
The X Factor	01/09/2006	ITV1	Generally Accepted Standards	1
The X Factor	05/09/2006	ITV1	Generally Accepted Standards	1
The X Factor	03/09/2006	ITV1	Generally Accepted Standards	1
The Xtra Factor	19/08/2006	ITV2	Offensive Language	1
The Xtra Factor	12/08/2006	ITV2	Generally Accepted Standards	1
The Xtra Factor	01/09/2006	ITV2	Generally Accepted Standards	1
Three Minute Wonder	13/07/2006	Channel 4	Sex/Nudity	1
Time Trumpet	24/08/2006	BBC2	Generally Accepted Standards	1
Top Gear	30/07/2006	BBC2	Dangerous Behaviour	1
Top Gear	18/07/2006	BBC2	Generally Accepted Standards	1
Tyne Tees News	25/07/2006	ITV1	Generally Accepted Standards	1
V Festival 2006	19/08/2006	E4	Other	1
Whatever	25/08/2006	Channel 4	Violence	1
Whatever	25/08/2006	Channel 4	Offensive Language	1
Whatever	01/09/2006	Channel 4	Generally Accepted Standards	1
Whatever	01/09/2006	Channel 4	Crime Incitement/Encouragement	3
Wimbledon 2006	01/07/2006	BBC1	Offensive Language	1
World's Most Amazing Videos	22/08/2006	Bravo	Inaccuracy/Misleading	1
You've Been Framed	16/05/2006	ITV1	Dangerous Behaviour	1
Young Black Farmers	23/08/2006	Channel 4	Generally Accepted Standards	1