

Programming

Type of case	Broadcast Standards
Outcome	In Breach
Service	Secklow Sounds
Date & time	19 July 2019, 14:56 and 24 July 2019, 11:56
Category	Offensive Language
Summary	A song containing several uses of offensive language was broadcast twice when children were particularly likely to have been listening. Breach of Rules 1.16 and 2.3 of the Broadcasting Code.

Introduction

Secklow Sounds is a community radio station broadcasting a range of music and speech to people in and around Milton Keynes. The licence for Secklow Sounds is held by the Secklow Sounds Community Interest Company (“SSCIC” or “the Licensee”).

Ofcom received a complaint about multiple uses of offensive language in a music track, “*Can I have it Like That*” by Pharrell, which was played on 19 July 2019 at 14:56 and again on 24 July 2019 at 11:56.

The lyrics included one use each of “bitch” and “shit” and four uses of the word “nigger”.

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

- Rule 1.16: “Offensive language must not be broadcast...when children are particularly likely to be listening...unless it is justified by the context.”
- 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...”

We therefore requested the Licensee’s comments on how the content complied with these rules.

Response

The Licensee did not respond to our initial request for comments.

In response to our Preliminary View, SSCIC agreed with Ofcom's provisional conclusion and acknowledged that this type of language was not acceptable to listeners of Secklow Sounds. It said it had and would continue to "purge the library to eradicate such songs". It also said it had "terminated" the show in which this music was played.

Decision

Reflecting our duties under the Communications Act, Rule 1.16 says that offensive language must not be broadcast when children are likely to be listening to the radio unless it is justified by the context. Context includes factors such as the service on which the content is broadcast, the time of broadcast and likely audience expectations.

[Ofcom's research on offensive language](#) indicates the words "bitch" and "shit" are considered by audiences to be medium strength words. The research makes clear that the word "nigger" is considered by audiences to be highly offensive language.

The broadcasts in this case took place when some children would have been on school summer holidays, and were therefore at a time when children were particularly likely to be listening. In our view, listeners to a community radio station which broadcasts a range of music – and particularly parents and carers – would not have expected music tracks to be played at these times during the day with several uses of offensive language.

Rule 2.3 requires that the broadcast of potentially offensive material is justified by the context. As stated above, we do not consider there to be contextual justification for a community radio station to play music containing repeated offensive language at these times of the day.

Therefore, taking account of all of the factors above, our Decision is this material breached Rules 1.16 and 2.3.

Ofcom found the Licensee in breach of the same rules in May 2019¹ for broadcasting three music tracks with offensive language during an early morning breakfast show. We acknowledged Secklow Sounds is a community station staffed by volunteers but, given the relatively short period of time between these two cases, we intend to discuss with the Licensee its approach to compliance in this area.

Breaches of Rules 1.16 and 2.3

¹ Published in [Issue 379 of Ofcom's Broadcast and On Demand Bulletin](#) on 28 May 2019.