

Ofcom Broadcast and On Demand Bulletin

Issue 452
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News Programming

Type of case Broadcast Standards

Outcome In Breach

Service LBC News

Date & time 15 May 2021, Various times

Category Due Accuracy
Generally Accepted Standards

Summary During news coverage of the protests held in London relating to the Israel-Palestine conflict, the reporter inaccurately described the Israeli Embassy as the “*Jewish Embassy*” nine times across three news items, potentially causing offence. In breach of Rules 5.1 and 2.3 of the Broadcasting Code.

Introduction

LBC News is a national radio station¹ providing a 24-hour rolling news service that primarily features regular news bulletins, opinions and debates. The licence for LBC News is held by LBC Radio Limited (“LBC Radio” or “the Licensee”).

Ofcom received two complaints that a reporter had inaccurately called the Israeli Embassy in London the “*Jewish Embassy*” and that this could contribute to antisemitic hate speech and attacks in the UK.

At 16:06, within a four-hour segment of rolling news broadcast from 15:00 to 19:00, a news item was broadcast about protests taking place outside the Israeli Embassy in London relating to the Israel-Palestine conflict. The presenter invited an on-site reporter to give a live update on the situation outside the Israeli Embassy:

Presenter: *“But for now, let’s get an update on that protest heading through Central London. Thousands of people marching in solidarity with*

¹ LBC News broadcasts in Greater London on AM and UK wide on DAB.

Palestinian groups with the ongoing conflict with Israel. We have just been hearing in the past few minutes that an Israeli airstrike has flattened the Gaza offices of major news organisations. We don't know if anyone has been hurt yet but of course will keep you up to date with that. We do know 139 people according to Palestinian officials have been killed across the past six days of airstrikes. Eight Israelis at least have died. LBC's reporter...has been at the protest in Central London this afternoon".

The reporter, and interviewee Ben Jamal ("BJ"), then made the following comments:

Reporter: *"About 40 metres down the road from me is the gates to the Jewish Embassy but between me and them is a sea of protestors. Thousands are down this street with lots and lots of different signs, 'free Palestine', 'long live Palestine', 'free Gaza', and hundreds of Palestinian flags being waved as well. Protestors have climbed up on to the walls of the nearby hotel and about ten of them are on top of a bus stop as well. There is a huge amount of people down here at the moment. It started at Hyde Park Corner at 12 o'clock and then walked all the way here to the Jewish Embassy. Ben Jamal was the director of the Palestine Solidarity Campaign. He told me he wants the protest to stay peaceful".*

BJ: *"We believe that everyone has equal rights and we believe in principles of freedom, truth, justice, and equality. Those are the principles and firm anti-racist principles that inform why we are marching. And we ask everybody to respect that. Everybody will know when you bring ten, twenty, thirty thousand people on the streets, you will have a few individuals who don't respect those principles. We ask them to, that's in their responsibility to adhere to that".*

Reporter: *"The Jewish Embassy's gates are closed. There are lots of police officers outside it. In front of the main gate is a stage where this protest is being conducted from. And the Israeli Embassy sent me a statement which says, ' Hamas is a radical terrorist organisation that fires rockets indiscriminately on civilian populations. Their charter calls for the establishment of an Islamic state instead of Israel. It is regrettable to see citizens of a democratic country giving legitimacy to such an organisation and its violent actions. Unfortunately, over the last week we've seen an incitement to violence and antisemitic signs and slogans chanted in demonstrations. This has forced the Israeli Embassy in the heart of London to need to be barricaded by the police for protection'. That is the Israeli statement. And it's understood that there are no people in the embassy today. It is Shabbat² today as well. Now this*

² Shabbat, or the Sabbath, is the day of rest in Judaism and takes place every Saturday.

protest comes through the escalating violence in the Middle East. Israeli airstrikes on target in the Gaza strip killed ten people on Saturday because Palestinian militants there fired rockets into Israel. This week's violence is the worst since 2014. At least 136 people have been killed in Gaza and eight have died in Israel since the fighting began. Micky Rosenfeld is the spokesperson for the Israel police force in Tel Aviv, he spoke to LBC earlier".

The reporter then spoke to Micky Rosenfeld, who he introduced as *"a spokesperson for the Israel police force in Tel Aviv"*. Mr Rosenfeld expressed sadness at the *"outbreaks of violence...all across Israel"*. The reporter spoke briefly about de-escalation talks. He ended the report by noting that the scene of the protest in London showed *"just how much this highly divisive issue impacts the public consciousness around the globe"*. The presenter said that the reporter had been reporting from *"Central London"* and that the programme would continue to update listeners on the matter. She then moved on to other topics.

A recording of this report was re-broadcast at 17:08 and 18:06. Each time, the presenter's comments surrounding the report differed slightly, as news about recent events relating to the Israel-Palestine conflict unfolded. However, in each of these two re-broadcasts, the reporter used the term *"Jewish Embassy"* as set out above. In her introduction and in her closing remarks to the 17:08 news item, the presenter stated that the reporter was *"outside the Israeli Embassy"*. In the 18:06 news item she reverted to stating that he was reporting from *"Central London"*.

In an earlier news item broadcast at 15:06, covering the same topic, the presenter and the reporter referred exclusively to the Israeli Embassy in London, with no use of the term 'Jewish Embassy'.

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

- Rule 5.1: "News, in whatever form, must be reported with due accuracy and presented with due impartiality".
- 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... discriminatory treatment or language (for example on the grounds of...race, religion or belief...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

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

Response

The Licensee said that the reporter had "tripped over his words in error during the heat of the moment whilst recording this segment of the programme from what was a stressful and tense situation". LBC Radio added that the reporter had inaccurately named the Israeli Embassy as the *"Jewish Embassy"* due to "the difficulty of reporting live from a high-stress and tense environment".

LBC Radio made the following points in relation to the live report outside the Israeli Embassy:
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- the reporter had been live at the scene of the protest and thousands had attended the protest and it was predominantly peaceful but, “tensions ran high at the gathering point outside the Israeli Embassy;
- thirteen protesters were purportedly arrested, and nine police officers were injured³;
- “smoke flares were being lit continuously which burned his eyes and throat, and protestors were in ‘uproar’ climbing walls and bus stops around him”;
- “individuals in the crowd were constantly filming [the reporter] and giving their own commentary, which stole his focus from the reporting itself as he needed to monitor his surroundings and ensure his own welfare”; and
- the reporter had confirmed that “they had to rely on the ‘hostile environment training’ they had received”.

The Licensee said, “the reporter did correct his language during the initial broadcast at 16:06, and correctly named the embassy as the Israeli Embassy during the same report”. It added that once it “had identified that the report was repeated [at 17:08 and 18:06], [it removed] the full 4-hour programme as quickly as possible from [its] catch up services”. It added that, as LBC News had covered the protest “throughout the day...listeners who had heard the incorrect reference to the ‘Jewish Embassy’ would have understood that this was a brief anomaly in reporting among the overall coverage, which was fully accurate, and would have heard the correct reference to the Israeli Embassy each time the report was played out”.

LBC News said that “there was absolutely no intention to cause any harm or offence during the recording or broadcast of this report”. It explained that the error was “far from ideal”, but “in no way malicious or purposefully intended to offend the Jewish community”.

According to the Licensee, its news station operates with a small programming team with “meticulous compliance processes [which] ensure anything that is ‘broadcast ready’ is loaded onto a central database allowing others to listen to the reports before they go out on air; thus, checking for any mistakes”. However, on this occasion, it stated, “our processes and usual practices fell short due to Covid social distancing requirements”⁴. It added that “the issue was then compounded by the news report not being uploaded properly to the central database for others to access or review”.

LBC News stated that when dealing with contentious issues its news teams always work to the “highest journalistic standards”. It said a memo was circulated within LBC News the day before the broadcast in question to reiterate these standards when reporting on the conflict between Israel and Palestine. This, it said, referred to maintaining factual accuracy and balance. It added that “LBC has a

³ [Thirteen arrested in London protest against violence in Gaza](#), The Guardian, 16 May 2021.

⁴ In previous correspondence the Licensee had explained that this meant only one producer at a time could occupy its room where audio is checked, but in normal circumstances three producers would be listening to and monitoring its output.

proven track record when it comes to its news reporting on this issue; the Israeli ambassador had chosen LBC for an interview a few days before the protest⁵”.

Furthermore, the Licensee said their staff, including the programming teams and journalists at LBC News, “fully understand their obligations under the Code especially with respect to the generally accepted standards in Section Two” and are also “up to date with Ofcom compliance training”. However, it had “proactively made adjustments” since the broadcast, with: the placement of an “extra producer on programming broadcast at the weekends”; the re-training of the whole team; and a reminder to the team of “their responsibilities around internal processes and audio systems, checking content before it is broadcast and the correct labelling of content”.

Decision

Rule 5.1

Reflecting our duties under the Communications Act 2003, Section Five of the Code requires that the due impartiality and due accuracy requirements are met.

Rule 5.1 requires that news, in whatever form, must be reported with due accuracy and presented with due impartiality. It is primarily intended to ensure that viewers can trust news broadcasters to report the facts of the news, and the factual background to it, with appropriate accuracy. It goes to the heart of the relationship of trust between a news broadcaster and its audience.

Ofcom’s published Guidance to Section Five⁶ makes clear that accuracy entails getting the facts right. “Due” means adequate or appropriate to the subject and nature of the programme. For example, where a matter is of particular public interest, the requirement to present that matter with due accuracy will be correspondingly higher.

In applying the rules in the Code, Ofcom takes account of the broadcaster’s and the audience’s right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights.

During a news item broadcast at 16:06 about protests relating to the Israel-Palestine conflict which were taking place outside the Israeli Embassy in London, the news reporter used the term “*Jewish Embassy*” three times: “*About 40 metres down the road from me is the gates to the Jewish Embassy*”; “[the protest] *started at Hyde Park Corner at 12 o’clock and then walked all the way here to the Jewish Embassy*”; and “*The Jewish Embassy’s gates are closed*”. In the same report, the reporter later used the term “*Israeli Embassy*” two times. This news report was repeated twice later in the programme.

The references to a “*Jewish Embassy*” were an inaccurate description of the Israeli Embassy in London. The Licensee did not dispute that an error occurred. We consider that the repeated use of the incorrect term for the Israeli Embassy compounded the inaccuracy.

LBC News submitted that “listeners who had heard the incorrect reference to the ‘Jewish Embassy’ would have understood that this was a brief anomaly in reporting among the overall coverage [of the

⁵ [Israeli ambassador brands accusations of country as apartheid state the ‘biggest lie’, LBC, 13 May 2021](#).

⁶ Paragraphs 1.7 and 1.10 of [Guidance Notes, Section 5: Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions](#) (ofcom.org.uk).

protest throughout the day] which was fully accurate, and would have heard the correct reference to the Israeli Embassy each time the report was played out”. We also took into account that LBC News had covered the protest in a news item at 15:06 and had correctly used the term “*Israeli Embassy*”. However, we did not consider that correct statements made during a news item broadcast at 15:06 ensured that the statements made during news items broadcast one, two and three hours later were duly accurate.

We have taken into account that in the 16:06 news item, and the repeats of it at 17:08 and 18:06, after the reporter had incorrectly used the term “*Jewish Embassy*” three times in a row, he then used the correct term, “*Israeli Embassy*”, twice. Also, in the case of the 17:08 news item, the presenter stated in her introductory and closing remarks that the reporter was “*outside the Israeli Embassy*”. Despite these instances of the correct term being used, in all three news items (i.e. at 16:06, 17:08 and 18:06) there was no explicit acknowledgment or correction of, or apology for, the reporter’s error. We considered that this interchanging use of the words “*Jewish*” and “*Israeli*” to describe the Israeli Embassy in London, in three out of four news items reporting on the protest broadcast between 15:00 and 19:00, conflated Jewish people and the state of Israel as the focus of the protests.

The published Guidance to Section Five states, “where a matter is of particular public interest, the requirement to present that matter with due accuracy will be correspondingly higher”. We considered the extent to which the use of the incorrect term “*Jewish Embassy*” related to a matter of particular public interest. We took into account that the broadcast was at a time of escalated conflict between Palestine and Israel and that reported attacks on Jewish people in London rose significantly during this period.⁷ We considered that in this case there was a particular public interest, and a correspondingly high requirement, to not conflate the actions of the Israeli state with Jewish people.

We took into account the Licensee’s explanation of the circumstances, in that the reporter was “reporting live from a high-stress and tense environment”. We recognise that broadcasting in a challenging live situation may provide some mitigation for an inaccuracy during a live report and that there is clearly a high public interest in journalists reporting live from situations such as these. However, we did not think in the circumstances of this case that this provided sufficient mitigation for the inaccuracy, which had been originally broadcast live in the 16:06 programme, to have been repeated in two further broadcasts, as a pre-recorded news piece when those mitigating circumstances did not apply, and without correction or context being provided.

Although LBC News explained that circumstances related to the Coronavirus pandemic had led to the material not being identified before rebroadcast, Ofcom has been clear with all licensees since March 2020 that we expect plans to be in place to ensure their output complies with the Code⁸.

⁷ See:

- [Violence against Jewish people quadrupled in London after Israel-Gaza conflict in May](#), Sky News, 29 July 2021.
- The antisemitic hate crime category in the [Metropolitan Police’s Hate Crime or Special Crime Dashboard](https://www.met.police.uk/sd/stats-and-data/met/hate-crime-dashboard/) (<https://www.met.police.uk/sd/stats-and-data/met/hate-crime-dashboard/>).

⁸ [Note to broadcasters: Coronavirus](#), Published on 23 March 2020 (ofcom.org.uk).

In reaching our Decision, we also acknowledged the steps taken by LBC News to improve compliance and to remove the programme from its catch-up services as quickly as possible. However, the Code's requirement for due accuracy reflects the significant trust that audiences place in news broadcasts.

For the reasons set out above, our Decision is that the broadcast was not duly accurate, in breach of Rule 5.1 of the Code.

Rule 2.3

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. Context includes, for example, the time and service in which the programme is broadcast, its editorial content and the likely expectation of the audience.

We first considered whether the material broadcast had the potential to cause offence.

We acknowledged that the Licensee submitted that there was "no intention to cause any harm or offence during the recording or broadcast of this report". However, in our view, the interchanging use of the terms "*Israeli Embassy*" and "*Jewish Embassy*", as well as being clearly inaccurate, conflated Israeli national identity with Jewish, including British Jewish, identity. We considered that this was potentially offensive to some listeners in the context of a series of news items reporting on a protest against the policies and action of the Israeli Government in relation to the Israel-Palestine conflict. We considered it was potentially offensive as it implied that "Jews were collectively responsible for actions of the state of Israel"⁹. While in the context of these news reports, we did not consider the reference to the "*Jewish Embassy*" constituted antisemitic hate speech¹⁰, we still considered there was the potential for significant offence.

We then considered whether the potentially offensive content was justified by the context.

As above, we acknowledged LBC News' representations in relation to Rule 5.1 on the difficult circumstances in which the report was recorded and its view that listeners would have understood that the use of the term "*Jewish embassy*" was "a brief anomaly" in otherwise accurate reporting of the protest throughout the day, which also included "correct reference to the Israeli embassy each time the report was played out".

We considered that the correct use of the term "*Israeli Embassy*", together with the incorrect use of the term "*Jewish Embassy*", contributed to the conflation of Israeli national identity with Jewish, including British Jewish, identity. Therefore, we did not consider that it reduced the potential for offence.

We took into account the fact that the report was on a protest which, as the Licensee has stated, used the Israeli Embassy in London as a focal point and at which "tensions ran high"¹¹. We also took into

⁹ See the International Holocaust Remembrance Alliance's [examples of antisemitism](#).

¹⁰ Rule 3.2 states, "Material which contains hate speech must not be included in television...programmes ...except where it is justified by the context". The Code defines hate speech as: "All forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of...ethnicity...race, religion or belief...".

¹¹ See footnote 3.

account that the report was made at a time when violence against Jewish people had quadrupled in London during the Israel-Gaza conflict¹², with some perpetrators appearing to wrongly associate Jewish Londoners with the actions of Israel during the conflict. We considered that in this context listeners, especially Jewish people and those concerned by this rise in antisemitism in London at the time of the report, may have found the conflation particularly offensive.

As under our consideration of Rule 5.1, we recognise that broadcasting in a challenging live situation may be a mitigating factor, and there is a high public interest in live reports from situations such as these. However, we did not think in the circumstances of this case that this provided sufficient mitigation for the conflation which was broadcast live and said three times during the report. We were also concerned that this report was broadcast two further times in the programme as a pre-recorded news piece when those mitigating circumstances did not apply, and that at no time was an on-air apology offered for the error or other context provided. Although the Licensee explained that circumstances related to the Coronavirus pandemic had led to the material not being identified before rebroadcast, Ofcom has been clear with all licensees since March 2020 that we expect plans to be in place to ensure their output complies with the Code¹³.

We acknowledged the steps taken by the Licensee to improve compliance and to remove the programme from its catch-up services as quickly as possible. However, we considered that these actions were insufficient to mitigate the potential offence or justify the broadcast of the potentially offensive content in this programme.

For the reasons set out above, our Decision is that this programme breached Rule 2.3.

Breaches of Rules 5.1 and 2.3

¹² See footnote 7.

¹³ See footnote 8.

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