

# **Ofcom Broadcast Bulletin**

**Issue number 118  
29 September 2008**

## Standards cases

### In Breach

<b>Taggart</b> <i>ITV1; 20, 21, and 27 May, and 3, 4 and 5 June (six episodes); 15:30</i>	3
<b>The Work of Mad Men</b> <i>Red TV, 11 July 2008, 19:55 (repeated 12 July 2008, 11:30)</i>	6
<b>LivexxBabes</b> <i>LivexxBabes, 8 June 2008, 21:00–03:00</i>	7
<b>“Getting under the skin of a famous celebrity” competition</b> <i>The Breakfast Show, Mercia FM, 30 April 2008, 06:00</i>	9
<b>Cinema give-away competition</b> <i>The Breakfast Show, Mercury FM (Crawley), 17 May 2008, 06:00</i>	11
<b>CSI:Crime Scene Investigation</b> <i>Five, 4 March 2008, 21:00</i>	13
<b>Trailer</b> <i>(True CSI) Five US, 16 June 2008, 21:30</i>	15
<b>News</b> <i>Channel S ATN, 22 August 2007, 23:15</i>	17
<b>Mortgage and Finance</b> <i>Mortgage and Finance, Channel S, 27 January 2008, 17:00</i>	18
<b>Scrolled promotion of live tarot reading</b> <i>MATV, 25 April 2008, 12:00-17:00</i>	20

### Resolved

<b>PK’s Afternoon Drive</b> <i>Cool FM, 10 June 2008, 14:00</i>	21
<b>Ax Men</b> <i>The History Channel, 1 August 2008, 10:00</i>	22

## Fairness & Privacy cases

### Upheld in Part

<b>Complaint by Southwark Council</b> <i>Inside Out, BBC1 (London), 17 October 2007</i>	23
--	----

## Standards cases

### In Breach

#### Taggart

ITV1; 20, 21, and 27 May, and 3, 4 and 5 June (six episodes); 15:30

---

#### Introduction

*Taggart*, the long running and well-known murder crime drama series involving a team of Glasgow police detectives, was originally scheduled on ITV1 at 21:00.

During the repeat run of the series in an afternoon slot, Ofcom received 13 complaints, across six separate episodes, expressing concern about extremely violent acts being shown at a time when children could be watching. These included: characters being set on fire; self immolation; a man being shot in the head at close range; a bottle smashed in a man's face to kill him; bleach forced down a struggling victim's throat; a man beaten up, a murder with a blowtorch and a heavily charred face shown after the attack; and scenes where characters were stabbed or suffered knife wounds. Ofcom noted that there had been little or no programme information regarding the content provided to the audience before the programmes commenced.

Ofcom wrote to STV, who complied this programme for ITV1, for its comments. We asked for comments under Rules 1.3 (children must be protected by appropriate scheduling), 1.11 (violence must be appropriately limited) and 2.3 (material which may cause offence must be justified by the context) of the Code.

#### Response

STV replied that when it was asked, at what it described as "short notice", to provide episodes of *Taggart* for the afternoon slot on ITV1, it very carefully considered the transmission time, the overall scheduling, likely audience expectations and the subject matter. It said that since ITV1 ceased its weekday children's programming in 2006, the afternoon timeslot had been filled with programmes aimed at adult viewers, in particular crime drama. Therefore, STV said it believed the audience would be largely aware of the format and style of *Taggart*, in that every episode contains at least one murder, and parents' expectations would be informed by the programme title itself.

STV confirmed that some episodes of *Taggart* were considered unsuitable for an afternoon timeslot because of the subject matter. For the episodes that were shown, the broadcaster said the programme was edited to reduce the levels of violence. Overall, STV considered the low level of the child audience – over the afternoon repeats, an average 2% of viewers to the programme were children – indicated that the programmes had been appropriately scheduled.

STV pointed out that the sequence where a man set himself alight could not be edited out entirely for reasons of continuity. In retrospect, it considered that this episode was inappropriate for broadcast in the afternoon.

STV acknowledged that the scene where a woman was forced to swallow bleach "might have" exceeded audience expectations and that viewers may have been

taken by surprise by the amount of blood shown in a sequence where a detective was stabbed in the arm. Overall, however, it believed that the episodes broadcast had been edited to ensure that any scenes of violence were appropriately limited and were suitable for a well-known crime drama.

STV also pointed out that, after being informed of the complaints and even before responding to Ofcom, it decided to cease all broadcasts of *Taggart* before the watershed.

## Decision

In principle, material which has been originally aired after 21:00 can be broadcast during the day and comply with the Code, provided any necessary edits have been made or other necessary measures taken to ensure it is appropriate for a daytime audience, which may include children. Therefore, in accordance with Rule 1.11, while violence may be shown before 21:00, broadcasters must be mindful that such acts must not be unduly graphic or prolonged.

*Taggart* is an uncompromising and hard-hitting drama that regularly deals with more challenging adult subject matter and often portrays disturbing murders in a frank and unflinching manner. Given that *Taggart* is a much "grittier" drama than for example *Midsomer Murders*, very careful contextualisation and editing were clearly essential to ensure the programme was appropriate for an afternoon timeslot, as STV has acknowledged.

In coming to its decision, Ofcom noted that, whilst the programme on 27 May 2008 gave some information about content before transmission (*"it's a grisly trail of murder for the Taggart team"*) other episodes had little (e.g. on 3 June 2008: *"DCI Burke's in mortal danger in Taggart"*) or no information provided by the broadcaster.

Whilst noting that STV had sought to make these episodes suitable for afternoon transmission, it is Ofcom's opinion that the depictions of violence and its after-effects, in the scenes complained of, were too explicit and not appropriately limited. Ofcom notes the acknowledgement by STV that the sequence where a man sets fire to himself was not appropriate for an afternoon slot. However, Ofcom is also of the view that the other scenes featured in the episodes complained about included excessive depictions of violence and its after-effects and were therefore in breach of Rule 1.11.

These scenes included:

- a character being shot in the head at close range. This did not show any blood but the sound effect occurred immediately the gun was placed on the man's temple and was so loud that viewers would have been in no doubt as to the brutality of what had occurred. A second shooting in the same episode showed the victim hit in the chest by gunfire and falling backwards followed by the gurgling sound of his death throes (*21 May 2008*);
- a struggling victim who had bleach forced down her throat by the murderer and a bottle being smashed in a man's face to kill him (*27 May 2008*);
- two characters being shot, one fatally, with blood clearly visible (*3 June 2008*);

- the charred remains of a man murdered with a blowtorch and a man hanging upside down with his fingers cut off (4 June 2008); and
- a policeman being stabbed in the shoulder and blood pouring from his wound. (5 June 2008).

Several other sequences (21 May 2008, 27 May 2008, 4 June 2008 and 5 June 2008) showed the result of characters having been stabbed, shot or strangled. Although the moment of death was not shown, the cumulative effect of these sequences was in Ofcom's view unrelenting.

Ofcom recognises that these programmes were aimed primarily at an adult audience and that in order to reflect real life they included challenging material. However, given the afternoon scheduled slot, when children were likely to be viewing, the content needed to be treated with particular care. In Ofcom's view the violence was not appropriately limited for the afternoon slot and contained harrowing and brutal scenes across the six episodes we investigated and it was not justified by the context. It was therefore in breach of Rule 1.11.

Rule 1.3 requires children to be protected from unsuitable content by appropriate scheduling. Broadcasters must make decisions *before* a programme has been broadcast, as to the number of children likely to watch, to inform their decision as to whether it is appropriately scheduled. In this case, given that *Taggart* was scheduled to be broadcast at 15:30, it was, in Ofcom's opinion, likely that a certain number of children would be watching, some unaccompanied by an adult, especially since ITV1 is a flagship general entertainment channel. This has been confirmed by the final audience figures. An average of approximately 15,000 children (under 15 year olds) watched each of these episodes of *Taggart*. Ofcom further notes that at the times when *Taggart* was broadcast the total number of children watching all television was about 1 million. Therefore, although children formed a small minority of the audience of *Taggart*, there were a not inconsiderable number overall who watched the episodes complained of and a large number who were available to view.

Given the violent and often brutal nature of the images shown, Ofcom believes the 15:30 timeslot provided insufficient protection to children. The programmes complained of were in breach of Rule 1.3.

Whilst Ofcom notes the desire of ITV1 to move away from children's programming in some of its afternoon timeslots towards crime drama, audiences do not expect inappropriate material to be shown at this time. We acknowledge that STV made some edits to the episodes complained of. Its argument that some inappropriate sequences were not edited out completely because this would have interrupted the continuity of the programme, but that nonetheless the relevant episode was suitable for broadcast, is not acceptable. Such an episode in Ofcom's view may simply not be appropriate for broadcast in the afternoon.

The graphic and brutal nature of the violent scenes shown in the episodes investigated and discussed above, and their lack of contextual justification, particularly given the afternoon timeslot, resulted in these scenes exceeding audience expectations. It is Ofcom's view that the violence in these episodes went beyond generally accepted standards for an afternoon drama, and was not justified by the context. Rule 2.3 was also breached as a result.

### **Breach of Rules 1.3, 1.11 and 2.3**

## **The Work of Mad Men**

*Red TV, 11 July 2008, 19:55 (repeated 12 July 2008, 11:30)*

---

### **Introduction**

Red TV is a general entertainment channel focusing on factual programming. *The Work of Mad Men* is an entertainment series, featuring bizarre and amusing advertisements from around the world. The episode complained of included an advertisement from Holland for an English language institute called '*Soesman Language Training*'. The advertisement showed Dutch-speaking parents in a car with their children listening to a pop song in English. The lyrics of the song contain repeated use of the phrase "*I want to fuck you in the ass*" – which the children appeared to understand and giggle over but their parents failed to comprehend.

Ofcom received two complaints from a viewer who was concerned by this broadcast of offensive language before the watershed and the repeat broadcast of the episode. Ofcom asked Red TV for its comments under Rule 1.3 (children must be protected by appropriate scheduling from material that is unsuitable for them) and Rule 1.14 (the most offensive language must not be broadcast before the watershed).

### **Response**

Red TV acknowledged that the clip should not have been broadcast before the watershed. It stated that the offensive language had not been spotted by its compliance staff. This was due, it said, to its team being largely made up of people from outside the UK who have a lack of understanding regarding issues relating to the watershed. In response to the complaints, Red TV stated that it has taken steps to issue guidelines to its compliance team to ensure they understand what can be broadcast prior to 21:00. Red TV also said that it has withdrawn the series from production, planned an on air apology to be broadcast and taken other steps to improve its compliance procedures.

### **Decision**

Rule 1.14 of the Code states that "the most offensive language must not be broadcast before the watershed or when children are particularly likely to be listening". The broadcast of the word "*fuck*" six times within the advertisement complained of, when children were likely to be viewing, was clearly unacceptable. Ofcom was also concerned that the programme was repeated the next day at 11:30 on a Saturday morning and that such strong language was not picked up by Red TV's compliance procedures.

While Red TV broadcast an apology, and has given assurances of improved compliance, Ofcom is concerned that the compliance procedures in place were clearly insufficient when these items were broadcast. Broadcasters must have in place robust procedures and appropriate staff to ensure compliance with the Code.

The programme was therefore in breach of Rules 1.3 and 1.14.

### **Breach of Rule 1.3 and 1.14**

## **LivexxBabes**

*LivexxBabes, 8 June 2008, 21:00–03:00*

---

### **Introduction**

LivexxBabes is free-to-air unencrypted programming in the adult section of the Sky electronic programme guide (“EPG”). The channel broadcasts programmes based on interactive ‘adult’ chat services: viewers are invited to contact on-screen presenters (“babes”) via premium rate telephony services (“PRS”). The female presenters dress and behave provocatively.

Ofcom received a complaint alleging that the broadcast amounted to ‘adult-sex’ material within the meaning of Code Rule 1.24 and therefore should have been transmitted in line with that rule’s requirements, including encryption. In particular, after 22:00 there was constant nudity and a voiceover periodically referred to “*mutual tommy-tanking*”.

Ofcom viewed the material. It noted that between 21:00 and 22:00 the presenters were dressed in a relatively modest way. After 22:00 however the presenters bared their breasts and for the rest of the broadcast performed in an overtly sexual manner, including thrusting their backsides to camera so that on occasion their anal area was showing.

Ofcom sought comments from the Licensee in respect of Rules 2.1 (generally accepted standards must be applied) and 2.3 (offensive material must be justified by context) of the Code.

### **Response**

The broadcaster replied through the Participation Television Broadcasters Association (“PTVBA” or “the Association”). The PTVBA is a not-for-profit trade association that represents a number of licensees from various participation TV sectors, including ‘adult’ chat TV channels like LivexxBabes.

The Association said that it did not believe that the content on LivexxBabes posed any risk of harm and offence. It pointed out that LivexxBabes is situated within the ‘adult’ section of the EPG and stated that the broadcaster observes the Association’s guidance on graduation of content, “namely that presenters should not remove their tops until after 9.30pm, when partial nudity (i.e. topless females) is more widely accessible on satellite television, including in the general entertainment section.” The Association did not believe that there was any question of a Code breach and, further, that if Ofcom recorded a breach it would represent a significant move away from Ofcom’s current policy and enforcement activity that would necessitate unequivocal notification to stakeholders.

In respect of the presenters’ anuses being apparent, the Association said that it did not believe that one shot could reasonably be considered as amounting to a contravention of the Code.

The PTVBA referred to a number of other matters they considered to be mitigating factors:

- the complaint, it understood, was not made by a member of the public;
- the PTVBA seeks to co-operate with regulators, among others, to ensure compliance with rules and offer safe viewing. The PTVBA said that it had produced a film to be played on all members' channels demonstrating how to impose parental controls on the entire adult section of the EPG; and
- members of the PTVBA have put in place internal procedures to ensure compliance with its principles, including complaint handling and staff training.

## **Decision**

It is a requirement of the Code that content which is considered to be 'adult-sex' material must be PIN protected and encrypted (Rule 1.24). In this case, Ofcom did not consider the content complained of to be 'adult-sex' material. This decision was reached taking all the relevant circumstances into account, including the sexual explicitness and nature of the images (including such factors as their length and editing) and language, the purpose of broadcasting this material and the overall context in which it was broadcast. In particular, although clearly material of a sexual nature, the programming did not include simulated or real genital stimulation and contact between presenters was avoided.

However, in this case the presenters were wearing thongs and while they thrust their bottoms towards the camera there were a few, brief occasions when their anal areas were shown in intrusive detail. The location of the channel in the 'adult' section of the EPG and late transmission were not sufficient to justify these aspects of the content. This, in Ofcom's opinion, was so revealing as to be offensive and in breach of generally accepted standards on a free-to-air channel in the adult section of the EPG.

In order to remain compliant with the Code, broadcasters operating in the free-to-air 'adult' chat sector, should take great care when using extreme close-ups of the crotch and backside. These images can result in physically invasive shots which are not suitable for free to air transmission<sup>1</sup>.

## **Breach of Rules 2.1 and 2.3**

---

<sup>1</sup> This is also relevant to unencrypted material broadcast on adult sex channels.

## **“Getting under the skin of a famous celebrity” competition**

*The Breakfast Show, Mercia FM, 30 April 2008, 06:00*

---

### **Introduction**

On 2 May 2008, GCap Media (“GCap”), the owner of the local radio station Mercia FM, contacted Ofcom stating that a problem had occurred with a listener competition. On this occasion, a technological fault meant that the production team could not retrieve any texts that had been submitted by listeners. As a consequence, the presenter called her neighbour and put her on air as the winner.

Ofcom asked GCap about the conduct of the competition with regard to Rule 2.11 which states that “competitions should be conducted fairly”.

### **Response**

GCap confirmed that the competition was held on 30 April 2008 between 08:30 and 08:55 and that the prize was a skin care kit. To win the prize, a well known actress was impersonated on air and listeners had to identify the actress in question. In order to enter the competition, listeners had to text “mercia healthy” to the text number 82122.

GCap explained that Mercia FM uses a text service called ‘Flytext’ which collates all text based entries that are received. On this occasion however, the system developed a technical fault where the computer screen which should have shown all of the entries received from listeners went blank. As the entries were not visible, the presenters in the studio were unable to select a winner so one of the presenters contacted her neighbour and put her on air as the winner of the competition.

The presenters and the producer of the show reported what had occurred to their immediate superior, the Programme Controller, who brought the matter to the attention of the Managing Director of Mercia FM. Subsequently, an on-air apology was transmitted and also published on Mercia FM’s website which stated:

*“...A technical problem occurred which meant that competition entries didn’t get through to the studio. As a result, we put to air a stand-in caller who had not entered the contest. This was a grave mistake on the part of the presenters, and Mercia has taken the decision to take the presenters off air with immediate effect. We would like to apologise unreservedly for this. Everyone who entered on Wednesday will be put in a draw, and one person will be picked at random to win the prize”.*

GCap continued that the competition received 87 entries in total and that the cost of each entry was a text message charged at the sender’s standard text message rate. It explained that the Flytext system was capable of identifying the details of the entrants, all of whom were put into a new draw on Friday 2 May 2008. A winner was chosen at random and the original prize that had been on offer was awarded.

GCap said that the presenters “made an error by inventing a winner instead of being honest with their listeners”. Both presenters were employed under freelance contracts and the producer was an employee of Mercia FM. As soon as the events came to light, the contracts of the two presenters were terminated and the employee was suspended. At a subsequent disciplinary hearing the employee was dismissed. GCap said that this action was “consistent with the facts of the case, to re-instil trust

with [its] listeners, to apologise to them” and to remedy the situation accordingly. It also confirmed that its legal department had issued guidelines to all GCap stations during the two weeks following this incident.

## **Decision**

Ofcom’s Guidance on Rule 2.11 states: “two features have been found particularly likely to produce difficulties with the proper running of competitions: the technical complexity of telephony and other communication technology chains, and the pressures of production, particularly live production. Each can give rise to problems by itself, but frequently the two effects interrelate”<sup>1</sup>.

Broadcasters must at all times ensure that the audience is not misled as to the fair conduct of a competition. In addition, it is never acceptable for presenters to consider that the faking of a competition winner is the best and most appropriate way to conclude a competition in the face of technical difficulties. Broadcasters must therefore ensure that members of staff responsible for conducting competitions are fully aware of the types of appropriate contingencies that should be put in place.

Whilst Ofcom noted that the broadcaster took swift and appropriate action to remedy the matter and to discipline those responsible, the competition was nevertheless conducted unfairly, by concluding it with a fake winner. The competition was therefore in breach of Rule 2.11.

Ofcom notes the subsequent action taken by GCap, including informing the regulator of the issue and re-running the competition with all the original entrants. However, breaching the audience’s trust in such a way is never acceptable, regardless of the circumstances in which it has occurred. Ofcom expects Mercia FM to take particular care in ensuring that the conduct of its future competitions complies with the Code and that its staff is appropriately trained to deal with technical problems if they arise.

## **Breach of Rule 2.11**

---

<sup>1</sup> <http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance2.pdf>

## **Cinema give-away competition**

*The Breakfast Show, Mercury FM (Crawley), 17 May 2008, 06:00*

---

### **Introduction**

GCap Media (“GCap”), the owner of local radio station Mercury FM (Crawley) informed Ofcom that during a competition in the *Breakfast Show* to win two cinema tickets, the telephone system failed. To conclude the competition, the presenter announced a fictitious name as the winner on air.

Ofcom asked GCap about the conduct of the competition with regard to Rule 2.11 of the Code which states that “competitions should be conducted fairly”.

### **Response**

GCap confirmed that this was a local competition to win two cinema tickets. An audio clip of an interview with a celebrity was broadcast and the presenters asked listeners a question based on the information contained in the clip. Listeners were then invited to call the radio station with the correct answer, following which a winner should have been selected.

It confirmed that all radio stations within the GCap group use a computer-based telephone system to route studio calls. During networked programmes, the telephone system is configured to forward all regional telephone calls from listeners to the network studio centre in Bristol. However, during regional programmes this divert function is manually disabled by the presenter of each programme.

GCap confirmed that on this occasion the presenter had failed to disable the divert function and consequently, any telephone calls that were made would have been routed to the network studio centre in Bristol rather than to the *Breakfast Show* on Mercury FM (Crawley). GCap stated that the telephone number used for the competition was a local rate number and therefore the cost of any call would have been at the applicable standard local rate if made from a landline. However, it stated that no calls were answered by the network system at the time the competition was conducted, so any listeners who may have tried to enter the competition would not have been charged for attempting to do so. In addition, GCap confirmed that the prize was not awarded.

GCap said that after the incident, the presenter responsible for ensuring that the content of the programme adhered to the Code, emailed the station’s Programme Controller who immediately reported the matter to the Legal department and the Regional Managing Director.

Mercury FM (Crawley) transmitted an apology and posted an apology on its website which stated:

*“On Saturday 17<sup>th</sup> May during the Breakfast Show’s cinema give-away contest, a technical problem occurred which meant that the competition entries didn’t get through to the studio. As a result, we announced on air a winner’s name who had not entered the contest. This was a grave mistake on the part of the presenter and Mercury FM would like to apologise unreservedly for this”.*

## **Decision**

Ofcom Guidance on Rule 2.11 states: “two features have been found particularly likely to produce difficulties with the proper running of competitions: the technical complexity of telephony and other communication technology chains, and the pressures of production, particularly live production. Each can give rise to problems by itself, but frequently the two effects interrelate”<sup>1</sup>.

Broadcasters must at all times ensure that the audience is not misled into thinking that it can legitimately interact with a programme. Further, it is never acceptable for a presenter to consider that the faking of the name of a competition winner is the best and most expedient way to deal with an unexpected technical malfunction. Ofcom considers that broadcasters should have planned contingencies in place for such situations - for example, the competition could have been postponed and conducted at a later time when the technical problem had been resolved.

Ofcom noted that no consumer harm was caused because no calls were answered. It also noted that the presenter referred the matter to her seniors and her contract was subsequently terminated by GCap. Further, Mercury FM (Crawley) had apologised to its listeners for the incident. However, the competition was concluded unfairly, by the presenter announcing a fictitious name on air as the winner. The competition was therefore in breach of Rule 2.11.

Breaching the audience’s trust in such a way is never acceptable, regardless of the circumstances in which it has occurred. Ofcom expects Mercury FM (Crawley) to take particular care in ensuring that the conduct of its future competitions complies with the Code and that its staff is appropriately trained to deal with technical problems if they arise.

## **Breach of Rule 2.11**

---

<sup>1</sup> <http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance2.pdf>

# **CSI: Crime Scene Investigation**

*Five, 4 March 2008, 21:00*

---

## **Introduction**

Ofcom received one complaint from a viewer who was concerned that this episode of *CSI* contained several instances of flashing images. These images were primarily from scenes set in a nightclub, and comprised 'strobe' lighting effects. No warning of any sort was broadcast before or during the programme.

Certain types of flashing images present a danger of triggering seizures in viewers who are susceptible to photosensitive epilepsy ("PSE"). Rule 2.13 of the Code states that television broadcasters must take precautions to maintain a low level of risk to viewers who have PSE. Ofcom therefore asked Five how this broadcast complied with Rule 2.13.

## **Response**

Five explained that, due to the recent US writers' strike, this episode of *CSI* was delivered late, and was only available to the broadcaster on the day before the scheduled transmission. Five's compliance staff identified that the programme contained flashing images, and highlighted a need for the programme to carry a pre-broadcast announcement alerting viewers to the presence of these images. However, the compliance department's warning came too late to be implemented by Five's presentation department, therefore an announcement was not actually broadcast. Five acknowledged that by not broadcasting any warning it had breached Rule 2.13.

Due to the short timescales involved, Five said however that it would not have been reasonably practicable to re-edit the programme to eliminate or reduce the severity of the flashing sequences prior to broadcast. Additionally, it said it would not have been normal practice to reject the programme in its entirety, as the episodes of the series are sequential, and details of the programme would have appeared in the listings and other information some weeks in advance of broadcast. Five have since put in place a system to ensure that any late compliance warnings are correctly passed to their presentation department in future.

## **Decision**

A technical assessment by Ofcom concluded that the programme contained over 20 distinct sequences of flashing images where the rate, intensity and screen area occupied by the flashes did not comply with the technical criteria outlined in Ofcom's Guidance Note on Flashing Images ('the Guidance').

We expect broadcasters to be always alert to material which poses a risk to viewers subject to PSE and to check whether such content complies with Ofcom's technical criteria set out in the Guidance. If it does not, then Rule 2.13 requires the broadcaster to take any "reasonably practicable" measures to follow the Guidance and make the material compliant. If it is not reasonably practicable to follow the Guidance but the broadcaster still wishes to transmit such material, it must (a) be able to demonstrate that it is editorially justified to broadcast the non-compliant material; and (b) that it gave an adequate warning or warnings.

In this case Five was aware that the flashing images breached Ofcom's technical criteria but no warning was broadcast. It therefore breached Rule 2.13. Ofcom does not need in this case to decide whether – if a warning had been broadcast – Five would have been editorially justified in showing the flashing images. It is possible for a broadcaster to demonstrate that it is editorially justified in showing material which does not comply with Ofcom PSE guidance in any type of programming (including drama). Whether it is in fact editorially justified in a particular case, however, depends on all the circumstances – including such factors as the extent to which the material breaches the Guidance and the context in which the flashing images are broadcast. It is for Ofcom to decide in the context of Rule 2.13 whether any editorial justification claimed is in fact sufficient.

We welcome Five's assurances that compliance procedures have been improved following this complaint. However, we would reiterate the need for broadcasters to exercise caution in relation to flashing images where harm may be caused.

This decision is published following a review requested by the broadcaster.

### **Breach of Rule 2.13**

## Trailer

(*True CSI*) Five US, 16 June 2008, 21:30

---

### Introduction

Ofcom received a complaint about a trailer broadcast for the programme *True CSI*, a documentary series showing stories of real-life crimes. The trailer included footage from the programme which was edited to resemble a video tape being fast-forwarded, interspersed with text on a static background. In some cases this fast-forwarding effect led to flashing images being broadcast. The complainant said the trailer caused his wife to have a mild seizure.

Certain types of flashing images may trigger seizures in viewers who are susceptible to photosensitive epilepsy ("PSE"). Rule 2.13 of the Code therefore states that: "Broadcasters must take precautions to maintain a low level of risk to viewers who have PSE. Where it is not reasonably practicable to follow the Ofcom guidance...and where broadcasters can demonstrate that the broadcasting of flashing lights and/or patterns is editorially justified, viewers should be given an adequate verbal and also, if appropriate, text warning at the start of the programme or programme item". Ofcom guidance sets out technical criteria which broadcasts of flashing lights or images should comply with to help ensure compliance with Rule 2.13.

We asked Five for its comments on this trailer with regard to Rule 2.13.

### Response

Five stated the trailer was identified as potentially raising an issue during the production process, due to the fast-forwarding effect used. The trailer then underwent Five's quality control ("QC") process on two separate occasions: firstly during the editing stage and again prior to transmission. The promotional trailer passed both these checks. Five has since learnt from an external adviser that the trailer was not compliant with Ofcom's technical guidance. It has therefore acknowledged that the trailer should not have been broadcast.

Five has informed Ofcom that all promotion makers have been instructed to avoid the use of this fast-forwarding effect or any other contentious flashing as part of the creative treatment within a promotion. Five has also reminded its QC operators that any such material should be rejected. Five apologised for the failure of its compliance procedures in this instance. It said that it is confident the steps it has taken will prevent any recurrence.

### Decision

A technical assessment by Ofcom found that during this 40 second trailer, there were six distinct sequences (lasting approximately 8 seconds in total), where the rate, intensity and screen area occupied by flashing images breached the technical criteria outlined in Ofcom's Guidance Note on Flashing Images ('the Guidance'<sup>1</sup>). Ofcom noted Five's apology and the compliance measures taken in response to this complaint. However, we were concerned that Five's compliance procedures failed to detect that the material did not comply with Rule 2.13 of the Code. We remind television broadcasters that it is their responsibility to ensure that all material they

---

<sup>1</sup> available at <http://www.ofcom.org.uk/tv/ifi/guidance/bguidance/guidance2.pdf>

transmit complies with this Code. This responsibility is particularly important where there is potential for harm to viewers.

The broadcast of this material was therefore in breach of Rule 2.13.

**Breach of Rule 2.13**

## **News**

*Channel S ATN, 22 August 2007, 23:15*

---

### **Introduction**

ATN, known at the time of broadcast as Channel S ATN, is a television service aimed at the British Bangladeshi community.

A viewer was concerned that news broadcast on Channel S ATN appeared to be sponsored.

Further, Ofcom noted that news summaries within the news bulletin appeared to be sponsored by Mutual Trust Bank Limited and United Commercial Bank Limited. We asked the broadcaster for its comments with regard to Rule 9.1 of Code, which prohibits the sponsorship of news and current affairs programmes on television.

### **Response**

Channel S ATN said that the news bulletin was broadcast live from Bangladesh and that it had therefore had no opportunity to re-edit the material.

### **Decision**

The sponsorship of news is prohibited to ensure that the broadcaster maintains editorial control over (impartial) output that has not been distorted for commercial purposes. This requirement comes from European legislation – the Television Without Frontiers Directive.

Nevertheless, in this case, Channel S decided to transmit a live news broadcast from Bangladesh without considering UK regulatory compliance.

Broadcasters are responsible for ensuring that the material they broadcast on services licensed by Ofcom complies with the Code. Ofcom is concerned that Channel S ATN appeared to believe it was acceptable to transmit live material from overseas without doing so. In this instance Channel S ATN broadcast news summaries as sponsored output, in breach of Rule 9.1 of the Code.

### **Breach of Rule 9.1**

## Mortgage and Finance

*Mortgage and Finance, Channel S, 27 January 2008, 17:00*

---

### Introduction

Channel S is a television service aimed at the British Bangladeshi community.

During a one and a half hour discussion programme, which was sponsored by Premier Properties and Olympia Properties & Finance, viewers were invited to call the studio on a standard (020...) London telephone line for general advice on financial matters. The studio guest, who responded to the callers' queries, was introduced as *"the Managing Director of Premier Properties Group."* A viewer was concerned that the programme appeared to promote Premier Properties.

Further, Ofcom noted that viewers were not informed (by sponsorship credit) of the sponsorship arrangement at the beginning or end of the programme but only as it entered the two commercial breaks within the broadcast.

Throughout the programme both the presenter and the studio guest responded to callers with such comments as (translated from Bengali):

- *"...so if you phone the studio and ask for my phone number, we will try and help you. We have an office at Stratford..."*
- *...contact our offices at 'Premier Properties' or if you phone the studio, then brother Munir will give you the number and we would be able to help you...*
- *...Docklands, OK, our office is in Stratford, so there is no problem. Get in touch with us. We will process it for you...*
- *...before putting the phone down, you ask the control room for the phone number; brother Kamrul's number...*
- *...yes, we can help in many ways for the financial side of it. We specialise for people who buy at auction...*
- *...I think if you make an appointment and come for a one to one session, then your problem could be solved..."*

We asked the broadcaster for its comments with regard to the following Code Rules:

- Rule 9.5, which requires that, in a sponsored programme, there must be no promotional reference to the sponsor or its activities, services or products, or to any direct or indirect interests, there must be no promotional generic references and any non-promotional references are permitted only where they are editorially justified and incidental; and
- Rule 9.6, which, for the purpose of absolute transparency to viewers, requires that any programme sponsorship arrangement must be clearly identified as such by the reference to the name and/or logo of the sponsor at the beginning and/or end of the programme.

### Response

Channel S said that the programme was a "pilot episode" of teleshopping, produced "as an info commercial for shopping hours in Bengali." It added that the broadcast "was not supposed to be a normal chat programme" and had been produced to reflect the type of material it had found on shopping channels, rather than having

been considered with regard to relevant compliance requirements. The broadcaster said that a full series had not subsequently been commissioned.

## **Decision**

Ofcom notes that the presenter both introduced the studio guest (the Managing Director of one of the programme's sponsors) as "*our guest who was with us last week*" and acknowledged that "*last week we could not answer a lot of calls.*" While Channel S told us that a full series of *Mortgage and Finance* may not have been commissioned, we note that this broadcast was not a stand-alone "pilot episode". Ofcom was therefore concerned that Channel S could consider *Mortgage and Finance* to be a "pilot episode" of teleshopping.

Teleshopping must comply with the Broadcast Committee of Advertising Practice Television Advertising Standards Code. However, a fundamental requirement of teleshopping is that the advertiser makes a direct offer of goods or services that viewers can purchase within the broadcast. Prices, methods of payment and selling messages tend to feature heavily in such output. This broadcast made no direct offer, quoted no prices and mentioned no payment method. Further, viewers were unable to purchase anything in the broadcast. Viewers were therefore most likely to have considered *Mortgage and Finance* to be editorial – i.e. a phone-in programme for general advice on money matters.

In a sponsored programme, Rule 9.5 of the Code permits only editorially justified references to the sponsor that are incidental and non-promotional. This programme was sponsored by Premier Properties and Olympia Properties & Finance and the studio guest was introduced as "*the Managing Director of Premier Properties Group.*" Both the presenter and the studio guest solicited business for the sponsor throughout the broadcast. The programme was therefore in breach of Rule 9.5 of the Code.

Rule 9.6 of the Code aims to ensure transparency of any sponsorship arrangement to viewers by requiring that a sponsored programme is clearly identified as such at its beginning and/or end. This is a minimum requirement, as required by European legislation (the Television Without Frontiers Directive), but a broadcaster may choose to broadcast additional credits (subject to Rule 10.4 of the Code, regarding undue prominence). In this case, however, Channel S only featured credits before each of the two commercial breaks in the broadcast. It therefore failed to meet the minimum requirement of placing a sponsorship credit at the beginning and/or end of this one and a half hour programme, and was therefore in breach of Rule 9.6 of the Code.

## **Breach of Rules 9.5 and 9.6**

## **Scrolled promotion of live tarot reading**

*MATV, 25 April 2008, 12:00-17:00*

---

### **Introduction**

MATV provides a news and family entertainment service for the Asian community. During routine sampling of the channel's output, it was noted that a scrolling caption appeared intermittently across the bottom of the screen throughout afternoon programmes. The caption promoted a premium rate telephone number that viewers could call for live tarot readings.

MATV confirmed that the scrolled caption was editorial output. However, this intermittent promotion of live tarot services appeared unconnected to the content of the programmes over which it appeared. Ofcom therefore asked the broadcaster for its comments with regard to the following Code Rules:

- 10.3 – “Products and services must not be promoted in programmes...”; and
- 10.4 – “No undue prominence may be given in any programme to a product or service.”

### **Response**

MATV said that the scrolling caption was originally broadcast during a “tarot show” that was now no longer being transmitted. It added that the material had been broadcast by mistake and had been removed from air as soon as it was noticed – there had been a delay in identifying the error due to staff absence.

The broadcaster said that, to date, its transmission service had been operated at an outsourced facility, but that no scrolled information would now be transmitted unless it has been approved by MATV's Head of Compliance.

### **Decision**

Ofcom notes that MATV said the scrolled promotion of live tarot services was a mistake and that it had been broadcast previously during a tarot show, which was no longer being transmitted. However, we called the promoted premium rate number and a tarot reading service was still being offered to callers. MATV had therefore promoted a tarot reading service throughout afternoon programmes, in breach of Rule 10.3.

In this instance, the on-screen promotion of a tarot reading service had no connection with the programmes in which it appeared. There was no editorial justification for its broadcast and the service was therefore given undue prominence, in breach of Rule 10.4 of the Code.

### **Breach of Rules 10.3 and 10.4**

## Resolved

### PK's Afternoon Drive

Cool FM, 10 June 2008, 14:00

---

#### Introduction

*PK's Afternoon Drive* is a general entertainment radio programme broadcast on weekdays. During this particular edition, the presenter asked listeners to guess the city alluded to in the following sentence: *"the most famous chase in this city was years ago when a man called Jesse Owens chased down Olympic gold in front of Adolf Hitler in 1936."* Contestants submitted their answer via text message charged at 25 pence per entry and the presenter advised that the winner would be selected from all the entrants who answered correctly.

Shortly after the competition closed, the selected entrant was put on air and gave the (incorrect) answer as *"Munich"*. He was then announced as the winner of a prize of a trip for two people to that destination and entry into a draw to win a BMW 1 Series Coupé. Ofcom received a complaint from a listener who identified that the correct answer was in fact Berlin and as such, all those who submitted this answer were unfairly excluded from the competition.

Ofcom asked Bauer Radio, the owner of Cool FM, for its comments under Rule 2.11 of the Code which states that "competitions should be conducted fairly."

#### Response

Bauer Radio explained that shortly after the prize was awarded, the presenter realised the error and announced his mistake on air. He added that a second draw would be taking place with a similar prize. The station's telephone system identified all entrants that had submitted "Berlin" as their answer and a re-draw took place within the following hour. A trip for two people to Berlin was awarded to the contestant selected.

The broadcaster accepted it was entirely responsible for the error but stressed that the re-draw ensured no listener was materially harmed and allowed the competition to reach a fair conclusion.

#### Decision

Ofcom recognises that the mistake occurred due to human error. Nevertheless, it appears that the answer was not properly researched in advance of the competition being broadcast. Ultimately this led to the misallocation of the original prize. Rule 2.11 states that all competitions should be conducted fairly. Where broadcasters are inviting the audience to pay to enter such competitions, it is particularly important that due care is taken to ensure that no such errors occur.

However, in this instance, Ofcom welcomes the swift action taken by the broadcaster to avoid unfairness and therefore considers the matter resolved.

#### Resolved

## **Ax Men**

*The History Channel, 1 August 2008, 10:00*

---

### **Introduction**

*Ax Men* is a factual programme which looks at the day-to-day work of different logging companies in the north west of the USA. One viewer complained to Ofcom that in the last 10 minutes of the programme various forms of bad language, including “*bullshit*” and “*fuck*”, were used.

Ofcom asked The History Channel to respond under Rule 1.14 (the most offensive language must not be broadcast before the watershed) of the Code.

### **Response**

The History Channel offered its unreserved apologies for the broadcast of this language. The broadcaster said that as soon as it was made aware that this language had been transmitted, it withdrew all copies of *Ax Men* for further review and began an internal investigation. This enquiry found that the broadcaster’s compliance team had made numerous changes to the programme to ensure it complied with the Code, but some of these changes were later and inadvertently reversed in error by a technician. This mistake led to the offensive language in question being broadcast. The History Channel said that on the same day this incident came to their attention, it further tightened its compliance procedures.

### **Decision**

Ofcom does not consider the infrequent use of “*bullshit*”, which is considered to be mild offensive language, to be at odds with the Code when broadcast in a factual programme unlikely to appeal to children. However, “*fuck*” is considered one of the most offensive forms of language. Rule 1.14 clearly states that this should not be broadcast before the watershed.

In Bulletin 89, published on 16 July 2007, Ofcom made clear its concerns about broadcasters showing post-watershed content before 21:00 without ensuring the material was suitable for this earlier timeslot. We acknowledge The History Channel’s apology and admission that the most offensive language should not have been broadcast. Ofcom also notes the broadcaster has made compliance changes as a result of this incident and that it has had a good compliance record to date.

The History Channel should have had more robust procedures in place in the first instance and its error resulted in one of the most offensive terms being broadcast at a time when viewers would not expect such language. However, given that this is the first time such an incident has occurred on the channel and it has put additional compliance measures in place, we consider this matter resolved. Nevertheless, Ofcom would not expect a recurrence of this language in the future.

### **Resolved**

## Fairness & Privacy cases

### Upheld in Part

#### Complaint by Southwark Council

*Inside Out, BBC1 (London), 17 October 2007*

---

**Summary:** Ofcom has upheld part of this complaint of unfair treatment, made by Southwark Council.

On 17 October 2008, BBC1 broadcast an edition of its regional current affairs programme *Inside Out* that included an item on Southwark Council (“the Council”). The programme examined the Council’s management of leasehold properties and the charges that it was alleged to have imposed on leaseholders. These charges related to refurbishment and upgrading costs and services such as cleaning.

The Council complained that it had been treated unfairly in that the programme makers had misrepresented and disregarded material facts and had not provided it with an appropriate opportunity to respond to the programme’s allegations.

Ofcom found as follows:

- Ofcom found that the programme makers had not presented material facts in an unfair way and had provided the Council with an appropriate opportunity to respond to the allegations, in all but one instance.
- Ofcom found that the programme had made the significant allegation that the Council’s bills were forcing leaseholders to sell their properties. Ofcom found that in presenting this allegation, the programme did not refer to the fact that the Council had introduced a range of options to help leaseholders pay their bills, without selling their homes. Ofcom found that this information had been provided to the programme makers prior to broadcast (during an interview with the Council) but that it had not been represented, or otherwise reflected, in the programme. Ofcom found the programme resulted in unfairness to the Council in this respect.

## Introduction

On 17 October 2007, BBC1 (London) broadcast an edition of *Inside Out*, a regional current affairs and investigative programme. This programme included a feature on Southwark Council (“the Council”) and its management of council leasehold properties.

The item concerned an investigation into charges levied by the Council on leaseholders of ex-council homes for the purpose of refurbishing and upgrading their properties (referred to as repair and major works charges by the complainant). The programme also questioned the Council’s charges for services such as cleaning.

The programme featured interviews with three Council leaseholders in the Southwark area, Mrs Emine Yousuf, Mrs Mary Jean Paul and Mr David Clarke. Mrs Yousuf and Mrs Jean Paul were shown stating that they felt they were in fear of losing their homes as a result of not being able to pay the charges requested by the Council.

Footage of Mr Clarke was shown with the commentary:

Commentary: *“David Clarke managed to force the Council to open their books so he could check the sums”.*

Mr Clarke: *“We discovered £1.5 million worth of illegitimate charges. Fortunately because we discovered them they were not charged to leaseholders.”*

The programme also featured an independent external auditor, Ms Anita Shields, who was employed by the Council to examine the management of leasehold charges.

The Council complained to Ofcom that it had been treated unfairly in the programme as broadcast.

## The Complaint

### The Council’s case

In summary, the Council complained that it had been treated unfairly in the programme as broadcast in that:

- a) The programme makers misrepresented and disregarded material facts in a way that was unfair to the Council, in that:
  - i) The programme incorrectly stated that the interviewees, Mrs Mary Jean Paul and Mrs Emine Yousuf, were in danger of losing their homes. The Council stated that Mrs Yousuf had already agreed with the Council that she was to pay nothing.

By way of background, the Council stated that leaseholders had not been forced to sell up because of bills; if they were unable to pay, they were charged nothing, did not have to relocate and the amount was recovered when the property was ultimately sold.

- ii) Ms Shields had not reviewed repairs or major works to leaseholder properties and her comments regarding the repairs and major works were “guesswork”.

- iii) The comment by David Clarke that he had “*discovered £1.5 million worth of illegitimate charges*” was presented as having occurred recently, when the incident took place in 2003/4 and had nothing to do with current bills.
  - iv) The distinction between leaseholder major works charges and service charges was not made in the programme and as such, Ms Shields’ comments on service charges including cleaning should not have been used to illustrate major works charges.
- b) The programme makers did not give the Council an appropriate opportunity to respond to the allegations made in the programme. At no stage did the programme makers check the alleged facts given by the leaseholders, Mr Clarke or Ms Shields. The Council said that the programme makers refused to inform the Council of the detail of the report despite numerous requests from the Council’s Press Office.

### **The BBC’s first statement in response to the complaint**

In response to the complaint, the BBC said the focus of the investigation was the manner in which Council leaseholders had been presented with bills for major repairs to their properties. It said the programme had presented evidence which cast doubt on whether these major charges had been fair and properly apportioned. The BBC said the programme also presented evidence concerning the Council’s management of billing for service charges and repairs, which related to the Council’s ability to maintain fair and transparent systems for charging leaseholders.

- a) In relation to the complaint that the programme makers had misrepresented and disregarded material facts in a way that was unfair to the Council, the BBC addressed each of the four sub-heads separately:
- i) The BBC said the programme had not stated that Mrs Jean Paul and Mrs Yousuf were in danger of losing their homes. The BBC said the actual commentary had stated:

*“Both in their late sixties and with their husbands gone Emine and Mary feel they’re being given no option but to sell up and move out of their homes.”*

The BBC said this commentary reflected the fact that leaseholders who are unable to meet these bills, have a legal charge placed on their property. It said it was disingenuous of the Council to claim that it had been agreed that Mrs Yousuf would pay nothing, as it is more accurate to say that Mrs Yousuf did not have to pay anything yet (BBC emphasis). The BBC said that in the case of Mrs Yousuf, the charge on her property was already in excess of £40,000 which would be recovered by the Council when the property was sold.

The BBC said the leaseholders interviewed in the programme were deeply worried that allowing such charges to be placed on their property meant they would be incurring large debts, which would increase significantly as interest charges were added to them. The BBC said the debt had caused considerable distress in other ways, as Mrs Yousuf had been taken to court by the Council over her debt and her inability to pay it.

In addition, both leaseholders featured in the film had been notified of further work on the estate and feared that this would result in them facing more bills and incurring more debt. In the circumstances both felt that this left them with

no option but to sell up and move out. The BBC said the actual words used by Mrs Yousuf, in the programme, reflected the situation as she saw it:

*"I feel really sad because it was my husband's house.....but I've got no choice, I've been forced to sell it".*

- ii) In response to the complaint that Ms Shields (the independent auditor) had not reviewed repairs or major works to leaseholder properties, and her comments on the subject were "guess work", the BBC stated that Mrs Shields had told the programme makers that she was brought in by the Council to examine all aspects of money charges being made to leaseholders. She also informed the BBC that during her engagement with the Council she had been given wide ranging access to records of costs and charges to leaseholders for cleaning and repairs, both minor and major.

The BBC maintained that Ms Shields was therefore well placed to make the observations she did in the programme, and her comments had not been "guesswork" but had been based on the Council's own records.

- iii) In relation to the comments made by Mr Clarke about the discovery of £1.5 million worth of illegitimate charges, the BBC said that while the programme did not give specific dates for this incident, it would have been clear that Mr Clarke's discoveries were set some time in the past. The BBC referred to the following part of the programme:

Commentary: *"Leaseholder, Dave Clarke, frustrated by an endless stream of unclear bills managed to force the Council to open the books so he could check their sums."*

Dave Clarke: *"We discovered £1.5m worth of illegitimate charges luckily before they were added to the bills of leaseholders."*

Commentary: *"Alive to the criticism, last February Southwark took the unusual step of hiring an independent external auditor."*

The BBC said that from the way it had been described it was clear that what Mr Clarke had found must have preceded February 2007 by some time and could not have been current.

- iv) In relation to the complaint that the programme should not have used Ms Shields' comments on service charges to illustrate major works charges, the BBC said it did not accept that Ms Shields' comments were unfair to the Council.

The BBC said Ms Shields' comments had been presented clearly as being illustrative of the Council's shortcomings in apportioning costs for repairs and services.

The BBC said it was also Ms Shields' view that criticisms in relation to the cleaning charges, could equally be made of charges for other services as well as repairs, both minor and major. Therefore, the BBC did not believe it was unfair to use Ms Shields' criticisms of the billing of cleaning services specifically

to illustrate the general point she was making about the Council's apparent inability to operate transparent systems which could apportion costs in a fair way, for either major or minor service charges.

- b) In response to the complaint that the Council had not been given an appropriate opportunity to respond to the allegations, the BBC said the programme makers had written to the Council on two occasions before the programme was broadcast.

The programme makers first contacted the Council by email on 9 October 2007. This email contained a request for an interview.

In response to a request from the Council for more information, the programme makers wrote again on 12 October 2007. This letter set out the areas which the programme makers wished to cover in the interview, and confirmed arrangements for the interview which had been agreed by telephone. The BBC said it believed that this letter gave more than enough information about the programme for the Council to prepare a response.

The BBC said the Council made no further requests for information before the interview on 16 October 2007. It said that following the interview, the Council gave no indication that it believed it had been given an insufficient opportunity to respond.

### **The Council's comments in response to the statement**

The Council provided written comments in response to the BBC's statement.

- a) In relation to its complaint that the programme makers had misrepresented and disregarded material facts in an unfair way, the Council commented as follows:
- i) The Council said that the programme did not explain voluntary charges at all, or the fact that this is one of the options available to leaseholders.

In relation to the BBC's statement that the leaseholders had been concerned about the charges placed on their homes, the Council said that this was not what the programme had stated. The Council said the programme had stated that the leaseholders were deeply worried about the bills they had received. The Council said the programme clearly linked the major works bills received by the leaseholders in the programme with them having no option but to sell their property, i.e. lose their homes.

The Council said it was factually incorrect for the programme to state that the bill was getting larger. The Council said the programme had referred to the "*bill getting bigger*", but did not mention that it was interest in relation to a voluntary option taken by the leaseholder. The Council also added that the interest charged was simple and not compound.

In response to the BBC's statement that the leaseholders had been notified of further works on the estate, the Council said that it had informed the leaseholders that no major works had been proposed in the next five years. The Council said the leaseholders had only received minor repairs contracts for heating and door entry.

- iii) The Council said it was not the case that David Clarke had "*managed to force the Council to open their books*", as suggested by the programme. The Council

said that in December 2004, the Council agreed to “open book accounting” which enabled the leaseholders to review the costs before service charges were constructed and issued. The Council said it was part of its “Home Ownership” improvement plan agreed by leaseholders.

### **The BBC’s second statement in response to the complaint**

The BBC provided a second statement in response to the Council’s complaint.

- a) In relation to the Council’s complaint that the programme makers had misrepresented and disregarded material facts in an unfair way, the BBC responded as follows:
  - i) The BBC said the Council’s distinction between the original bill and the voluntary charge was not significant. It said the voluntary charge derived directly from the bill. It said that if the bill had not been incurred, there would be no voluntary charge. Likewise the interest had only been incurred because the bill had not been paid. The BBC said that although simple interest meant that the debt did not accumulate at a faster rate, it was nevertheless accumulating and this fed into the fears of the leaseholders that their equity was being eroded.

The BBC said the programme had linked the bills received, to the leaseholders’ feeling that they were being forced to sell their homes. The BBC said that the fact that voluntary charges are one option open to the leaseholders to manage payment of the bills did not undermine this fact at all. The BBC said that the voluntary charges did not make the bills go away, but merely postponed the payment of them. The BBC said it was the prospect of growing debt eroding the leaseholder’s equity which was one of the main factors persuading them that they had no choice but to sell.

The BBC said the programme did not specify that the future works of which the leaseholders were aware were major works. However, the BBC said that for the leaseholders, such a distinction between major and minor works is academic. To the leaseholder both represent possible future liabilities over which they have little or no control and which might further erode the equity in their property. The BBC said that it noted that the Council had admitted that after five years there may be bills for further major works.

- iii) The BBC maintained that the line of commentary that *“We discovered £1.5 million worth of illegitimate charges. Fortunately because we discovered them they were not charged to leaseholders”*, was not unfair. The BBC said that the Council had introduced its “open book account” in December 2004 as a response to concerns raised by the Leaseholder Council. The BBC noted that the Leaseholder Council had been chaired by the programme contributor, Mr Clarke.

### **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 and unwarranted infringement of privacy in, or in the making of, 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.

The Council's complaint was considered by Ofcom's Executive Fairness Group. In reaching its decision, the Committee carefully considered all the relevant material provided by both parties. This included recordings and transcripts of the programme as broadcast and Councillor Kim Humphries' full, untransmitted interview and both parties' written submissions.

- a) Ofcom first considered the complaint that the programme makers misrepresented and disregarded material facts in a way that was unfair to the Council. In reaching its decision in relation to this complaint, Ofcom considered each of the four sub-heads of complaint and took account of Practice 7.9 of its Broadcasting Code which states that:

“Before broadcasting a factual programme, including programmes examining past events, broadcasters should 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; and anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.”

- i) Ofcom considered the Council's complaint that the programme had incorrectly stated that the interviewees, Mrs Mary Jean Paul and Mrs Emine Yousuf, were in danger of losing their homes. The Council stated that Mrs Yousuf had already agreed with the Council that she was to pay nothing. By way of background Ofcom noted the Council's statement that leaseholders had not been forced to sell up because of bills and if they were unable to pay they were charged nothing, did not have to relocate and the amount was recovered when the property was ultimately sold.

In considering this part of the complaint, Ofcom took account of Practice 7.9 (set out above).

Ofcom noted that in the programme Mrs Yousuf and Mrs Jean Paul had expressed concern over the size of the bills from the Council and how they were to pay for them. Extracts from the programme included:

Mrs Jean Paul:           *“When we got the bill and it said £44,000 I couldn't believe it. I was shocked.”*

And

Commentary:           *“As pensioners, neither could afford loans to pay.”*

And

Mrs Yousuf: *"It's so much money. I'm a disabled person. I've got a heart problem. This is all stress."*

And

Commentary: *"Without the money to pay and unable to afford a loan, Emine, faced the prospect of being taken to court by the council to get the money. Meanwhile the bill was getting bigger."*

Mrs Yousuf: *"... Well I didn't know, I don't know anything about interest. I asked my son to read the letter to me and they said it had gone up to £38,000 pounds."*

Ofcom noted that towards the end of the programme, Mrs Jean Paul and Mrs Yousuf's positions were summarised in the following way:

Commentary: *"Both in their late sixties and with their husbands gone, Emine and Mary feel they're being given no option but to sell up and move out of their homes."*

Reporter: *"How do you feel now after 31 years that you're going to have to move out?"*

Mrs Yousuf: *"I feel really, really sad because it was my husband's house...but I've got no choice I've been forced to sell it."*

Ofcom noted that the programme had summarised the personal views of Mrs Yousuf and Mrs Jean Paul that from their perspective they were being forced to sell their homes. Ofcom also noted that towards the end of the programme, the reporter's question *"How do you feel now after 31 years that you're going to have to move out?"* appeared to reinforce the leaseholder's point of view, that they were going to *"have to move out"*.

Ofcom considered that the programme was very likely to have left viewers with the impression that the women had no other option available to them, than to sell their homes, as they could not afford a loan and the bills continued to grow due to interest.

Ofcom noted from the information provided by both parties that leaseholders like Mrs Yousuf and Mrs Jean Paul had a number of payment options made available to them by the Council, including one which would allow them to stay in their home and delay payment of the bills until its eventual sale. Ofcom also noted that information relating to the options available to leaseholders in relation to payment of the bills had been provided to the programme maker's prior to broadcast (i.e. during the interview with Councillor Kim Humphries). See Head b) for further details.

In Ofcom's view, the omission of any reference to these options was significant as viewers were likely to have been left with an unfairly negative impression of the Council's approach to recouping its bills.

Taking the above factors into account, Ofcom found that in presenting the views of the leaseholders that the Council's bills were forcing them to sell and move

out of their homes, the programme makers disregarded material facts in a way that was unfair to the Council.

Ofcom has therefore, upheld this part of the Council's complaint.

ii) & iv) Ofcom next considered Heads (a) (ii) and (iv) (these complaints were considered together, as they both related to the comments made in the programme by Ms Shields). The Council complained that:

- Ms Shields' comments on service charges should not have been used in the programme to illustrate major works billing. Ofcom noted the Council's belief that the distinction between leaseholder major works charges and services charges had not been made in the programme as broadcast; and
- Ms Shields' comments regarding the repairs and major works were "guesswork" as she had not reviewed repairs or major works to leaseholder properties.

In reaching a decision in relation to these complaints, Ofcom had regard to Practice 7.9 (as set out above).

Ofcom noted that Ms Shields' first appearance in the programme came after the contribution by the leaseholder, David Clarke (Mr Clarke had described in the programme how he had discovered £1.5m worth of illegitimate charges to leaseholders). The programme introduced Ms Shields as follows:

Commentary: *"Alive to the criticism, last February Southwark took the unusual step of hiring an independent external auditor"*

Ms Shields: *What I wanted to show, was the reassurance, I could say to the leaseholder this is the cost and this is what I found. Yes. It's been allocated to the right person fairly, equitably.*

Commentary: *The Council's system for dividing up charges to leaseholders went under the microscope. A few weeks into the audit Anita was puzzled by what she found.*

Ms Shields: *There was no transparency of costs. Sometimes you will have a leaseholder who has had a lot of repairs and would have hardly any charge to him, but then the poor little leaseholder who did not incur any repairs or maintenance would have a whammy of a bill."*

Ofcom noted that the programme went on to refer to Ms Shields' audit:

Commentary: *"When Anita got down to the nitty gritty detail of Council bills in Southwark for services like cleaning she describes a catalogue of poor practices."*

Ms Shields: *Well I found that there was no signature for the cleaner who had done the work; on the timesheet there was this attendance book of files that was sometimes kept, sometimes the records were thrown away, not even kept on site. The supervisor who was supposed to control the work of the cleaners, there is no signature. There were so many different types of errors.*

Commentary: *These errors meant the independent auditor was finding it impossible to work out how leaseholders were being charged for basic services."*

In Ofcom's view, it was reasonable for the programme makers to include comments from Ms Shields who, as an auditor had had access to records of charges, for some cleaning and repairs, and was qualified to make the comments she did in the programme.

Ofcom noted that Ms Shields' contribution was included amongst some discussion about major works charges. However, Ofcom considered that viewers would not have assumed from this that Ms Shields' comments were about major works bills, nor did it believe that the programme had otherwise, given such an impression. Ofcom noted that both the programme commentary and Ms Shields' comments, gave clear indications about the types of leaseholder charges being referred to i.e. cleaning and basic services.

In the circumstances, Ofcom found no unfairness to the Council in relation to Heads (ii) and (iv).

- iii) Ofcom next turned to the complaint that the comment by David Clarke that he had "*discovered £1.5 million worth of illegitimate charges*" had been presented in the programme as having occurred recently, when in reality the incident had taken place in 2003/4 and had nothing to do with current bills.

As set out above, Ofcom took account of Practice 7.9 of the Code (as set out above).

Ofcom noted that this complaint related to the following part of the programme:

Commentary: *"Leaseholder, David Clarke, frustrated by an endless stream of unclear bills managed to force the Council to open the books so he could check their sums."*

David Clarke: *We discovered £1.5m worth of illegitimate charges, luckily, before they were added to bill of leaseholders."*

Commentary: *Alive to the criticism, last February, Southwark took the unusual step of hiring an independent external auditor."*

Ofcom considered that the line of commentary "*Alive to criticism, last February...*" was likely to have indicated to viewers that the illegitimate charges referred to had been discovered some time before February 2008. Ofcom noted from the complainant's submission that the actual events had taken place in 2003/2004.

In Ofcom's opinion, while the programme did not provide details of when the charges had been discovered, the precise time of the incident was not so significant that unfairness was caused by its omission. Ofcom considered that the programme had fairly portrayed the chronology of events that were background to the decision to hire an auditor.

In the circumstances, Ofcom found no unfairness to the Council in this respect.

Therefore, in relation to Head (a) of the complaint, Ofcom has upheld Head (a) (i) and found no unfairness in relation to the other sub-heads of the complaint.

- b) Ofcom next considered the Council's complaint that the programme makers did not give the Council an appropriate opportunity to respond to the allegations made in the programme. The Council stated that at no stage had the programme makers checked the alleged facts given by the leaseholders, Mr Clarke or Ms Shields and the programme makers had refused to inform the Council of the detail of the report despite numerous requests from the Council Press Office.

In reaching a decision in relation to this complaint Ofcom took account of Practice 7.11 which states that:

"If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond".

#### Leaseholders

Ofcom first considered the contribution of the leaseholders.

In Ofcom's view the contribution of the leaseholders contained a significant allegation against the Council in that it suggested that leaseholders were being "*forced to sell*" their homes because of the Council bills. Ofcom considered that in the interests of fairness the Council was entitled to an opportunity to respond to this allegation.

Ofcom noted that the programme makers raised this allegation with the Council during an interview with its representative Councillor Kim Humphries. In response to queries about the pressures faced by leaseholders because of the bills, Mr Humphries gave two replies: firstly that the Council was required to meet the ambitious refurbishment targets set by the government; and secondly, the Council was alive and sympathetic to the pressures on leaseholders and in response had introduced a range of options for leaseholders to pay the bills. In relation to the range of options available to leaseholders the Councillor had stated that:

"We, as a local authority are trying to do our utmost to make sure that we can minimise that pain for leaseholders, because we accept that those costs are very high. That's why we, as a Council, **introduced a whole range** of methods in terms of ... **allowing leaseholders to stagger those payments twelve to thirty-six months, interest-free loans, mortgage style loans, actually for some...taking charges on the property so that they actually pay us back at the time the property is actually sold.** But that's actually not enough, we're actually **looking to go further** than that and we have been working with the government in terms of a range of options, for example, **equity loans**, and how we can get the shared ownership much more involved in this process".

(Ofcom emphasis)

Ofcom noted that the programme reflected the first part of the Councillor's response (i.e. that the Council was required to improve their housing stock by the government) and also included the following statement by the Councillor about how sympathetic the Council was towards the pressures on leaseholders to pay its bills:

*Reporter: "And for those who say they have to sell because they cannot afford to pay the bills?"*

*Cllr Humphries: "I say to any leaseholder that what's important is you enter into a dialogue with us, that we try and deal with these issues as early as possible so that we don't get into a situation where people feel they have to make those difficult decisions."*

However, Ofcom noted that the programme contained no indication that the Council had introduced a number of ways for leaseholders to pay their bills, without selling their homes.

In deciding whether this omission resulted in unfairness to the Council, Ofcom had regard to the BBC's statement that Mrs Yousuf and Mrs Jean Paul felt genuinely that the debt for the bills (even if it did not need to be paid immediately) made them feel that they needed to sell. In Ofcom's view, while the programme may have reflected the genuinely held views of the women, in providing their viewpoint the programme makers had an obligation to fairly represent the Council's response to this significant allegation.

In the circumstances Ofcom has upheld this part of the Council's complaint.

#### Mr Clarke and Ms Shields

Ofcom next considered the contributions of David Clarke and Anita Shields with a view to determining whether either made significant allegations against the Council to which it was entitled to an opportunity to respond.

Looking at the programme as a whole, Ofcom considered that the contributions of David Clarke and Anita Shields were used in the programme to illustrate an allegation that the Council was not being fair or transparent in their billing of leaseholders (in relation to both major and minor charges).

In Ofcom's view, this allegation was significant and in the interests of fairness the Council was entitled to an opportunity to respond to them.

Ofcom considered the pre-broadcast communications between the programme makers and the Council, and the unedited interview of Councillor Kim Humphries in order to understand whether the programme maker's had offered the Council an appropriate opportunity to respond to the allegation made in the programme.

Ofcom noted from the information provided that the programme makers had emailed the Council on 9 October 2007, advising it of the programme and extending an invitation of an interview:

*"BBC1's Inside Out programme is broadcasting an item on leaseholder charging in Southwark. The film will cover major works and service charges. We would like to invite a spokesperson to be interviewed for the programme, which is due to be transmitted on Wednesday 17<sup>th</sup> October. The interview would be pre-recorded and included within the film. Please could you contact me to discuss this..."*

Following this email, the programme makers spoke with the Council by phone.

The programme makers then wrote again to the Council on 12 October 2007 setting out the areas of questioning, as follows:

“Further to our telephone discussion, I would like to give you further details of our programme.

BBC 1’s *Inside Out* programme is due to be transmitted on Wednesday 17<sup>th</sup> October, 7.30pm. The programme covers the subject of leaseholder charges.

We would like to interview Southwark Council around the following question areas:

- 1) Points raised by Southwark leaseholders we have spoken to including:
  - lack of clarity and accuracy over how bills are apportioned between leaseholders and the council
  - concern over whether they are receiving value for money
  - concern over the size of major works bills and the necessity of some of the repairs; linked to this, the inability of some older leaseholders to pay for their bills.
- 2) We would also like to ask about the points raised by auditor Anita Shields in her external independent interim report on leaseholder charges.

I would also like to confirm that the interview is arranged for Tuesday 16<sup>th</sup> October 10am, Southwark Town Hall. Please could you confirm these details.”

A recorded interview was then conducted on 16 October 2008, with Councillor Kim Humphries. Ofcom was provided with the unedited recording of this interview and noted that he had been asked a number of questions in relation to whether its billing of charges to leaseholders was transparent and fair.

Ofcom acknowledged that neither the pre-interview correspondence nor the interview itself referred to all of the individual programme contributors by name. It should be noted that where a programme intends to broadcast a significant allegation against an individual or organisation, the obligation is on the programme makers and broadcaster to provide those concerned with sufficient information to be able to respond to the allegation. In this case, Ofcom considered that the names of those individuals who contributed to the programme were not necessary for the Council to have understood the allegation.

Taking the above factors into consideration, Ofcom considered that the information provided by the programme makers was sufficient to allow the Council to be able to provide a response to the allegation (that had been illustrated by Mr Clarke and Ms Shields in the programme).

Ofcom found no unfairness in relation to this part of the Council’s complaint.

**Accordingly Ofcom has upheld part of the Council’s complaint of unfair treatment in the programme as broadcast. Ofcom found the BBC in breach of Rule 7.1 of its Broadcasting Code.**

**Ofcom has directed the BBC to broadcast a summary of this finding.**

The Executive Fairness Group  
17 September 2008

## Other Programmes Not in Breach/Resolved

**12 September 2008 – 24 September 2008**

Programme	Trans Date	Channel	Category	No of Complaints
8 Out Of 10 Cats	04/09/2008	Channel 4	Generally Accepted Standards	7
Airwick sponsorship of Emmerdale	11/09/2008	ITV1	Generally Accepted Standards	1
BBC News	08/09/2008	BBC1	Crime (incite/encourage)	1
Big Brother 9	01/09/2008	Channel 4	Generally Accepted Standards	1
Big Brother 9	04/09/2008	Channel 4	Generally Accepted Standards	1
Big Brother's Big Mouth (trailer)	03/09/2008	Channel 4	Generally Accepted Standards	4
Car Booty	05/09/2008	BBC1	Dangerous Behaviour	1
Cartridge World sponsorship	n/a	ITV4	Inaccuracy/Misleading	1
Channel 4 News	04/09/2008	Channel 4	Due Impartiality/Bias	1
Channel 4 News	01/09/2008	Channel 4	Inaccuracy/Misleading	1
Channel 4 News	26/08/2008	Channel 4	Inaccuracy/Misleading	1
Chris Moyles Show	13/08/2008	BBC Radio 1	Religious Offence	1
Chute	24/08/2008	CBBC	Violence	1
Cobra sponsor credit	n/a	n/a	Sex/Nudity	2
Come Dine With Me	04/09/2008	Channel 4	Animal Welfare	1
Come Dine With Me	02/09/2008	Channel 4	Offensive Language	2
Comedy Lab: Headwreckers	25/08/2008	Channel 4	Generally Accepted Standards	1
Comedy Lab: Mr and Mrs Fandango	26/08/2008	Channel 4	Offensive Language	1
Comedy Lab: Mr and Mrs Fandango	26/08/2008	Channel 4	Generally Accepted Standards	1
Coronation Street	03/09/2008	ITV1	Substance Abuse	2
Coronation Street	03/09/2008	ITV1	Violence	3
Coronation Street	03/09/2008	ITV1	Offensive Language	1
Coronation Street	10/09/2008	ITV1	Crime (incite/encourage)	1
Coronation Street	27/08/2008	ITV1	Generally Accepted Standards	1
Dispatches: How the Banks Never Lose	25/08/2008	Channel 4	Due Impartiality/Bias	1
Driving Mum and Dad Mad	03/09/2008	BBC Three	Dangerous Behaviour	1
Eastenders	15/09/2008	BBC1	Crime (incite/encourage)	1
Eastenders	04/09/2008	BBC1	Sex/Nudity	3
Eastenders	05/09/2008	BBC1	Sex/Nudity	1
Ek Dihara Kam Na	23/08/2008	KBC2	Animal Welfare	1
Embarrassing Illnesses	02/09/2008	Channel 4	Generally Accepted Standards	1
Embarrassing Illnesses	10/09/2008	Channel 4	Generally Accepted Standards	3
Emmerdale	04/09/2008	ITV1	Sex/Nudity	4
Emmerdale	02/09/2008	ITV1	Violence	1
Emmerdale	02/09/2008	ITV1	Scheduling	1
Extreme Fishing with Robson Green	01/09/2008	Five	Animal Welfare	1

F1: Belgian Grand Prix Live	07/09/2008	ITV1	Due Impartiality/Bias	2
Fiona's Story	31/08/2008	BBC1	Offensive Language	8
Five News	04/09/2008	Five	Dangerous Behaviour	1
Friday Night with Jonathan Ross	05/09/2008	BBC1	Sex/Nudity	1
GMTV	05/09/2008	ITV1	Substance Abuse	1
GMTV	21/08/2008	ITV1	Generally Accepted Standards	1
George Galloway	30/08/2008	Talksport	Generally Accepted Standards	1
George Lamb	27/08/2008	BBC 6 Music	Generally Accepted Standards	1
Ghosthunting with Paul O'Grady and Friends	04/09/2008	ITV2	Generally Accepted Standards	1
Gonzo with Zane Lowe	05/09/2008	MTV2	Offensive Language	1
Green Wing promotion	n/a	Virgin TV	Generally Accepted Standards	1
HD Promotion	27/08/2008	Sky HD2	Inaccuracy/Misleading	1
Halfords sponsorship / Top Gear	n/a	Dave	Inaccuracy/Misleading	1
Hollyoaks	11/09/2008	Channel 4	Generally Accepted Standards	1
How Clean Is Your House?	03/09/2008	Channel 4	Religious Offence	1
How Do They Do It?	21/08/2008	Five	Religious Offence	1
I Own Britain's Best Home & Garden (trailer)	04/09/2008	Five	Sex/Nudity	1
I Predict a Riot	26/08/2008	Bravo	Crime (incite/encourage)	1
ITV News	26/08/2008	ITV1	Inaccuracy/Misleading	1
ITV News	18/09/2008	ITV1	Inaccuracy/Misleading	1
ITV News	08/09/2008	ITV1	Religious Offence	1
Ian Collins	21/08/2008	Talksport	Generally Accepted Standards	1
Iron Chef America	31/08/2008	UKTVFood	Generally Accepted Standards	1
Jon Gaunt	29/08/2008	Talksport	Generally Accepted Standards	1
Jon Gaunt	01/09/2008	Talksport	Generally Accepted Standards	1
Knights of the Night	10/04/2008	AIT	Sex/Nudity	1
Luton Airport	05/09/2008	Sky One	Offensive Language	1
Maestro	02/09/2008	BBC2	Offensive Language	1
Martin Clunes: A Man and His Dogs	24/08/2008	ITV1	Inaccuracy/Misleading	1
Match of The Day	30/08/2008	BBC1	Generally Accepted Standards	3
Medium	03/09/2008	BBC1	Generally Accepted Standards	1
Metal and Underground	28/08/2008	Red TV	Violence	1
Mock The Week	21/08/2008	BBC2	Generally Accepted Standards	1
Mock The Week	04/09/2008	BBC2	Generally Accepted Standards	1
Mock The Week	25/08/2008	Dave	Religious Offence	1
Mock The Week	30/08/2008	BBC2	Generally Accepted Standards	1
Mock the Week	28/08/2008	BBC2	Generally Accepted Standards	1
Most Haunted Live	29/08/2008	Living	Inaccuracy/Misleading	6

Mythbusters	29/07/2008	Discovery Science	Offensive Language	1
NFU Mutual sponsorship / The Royal	n/a	ITV1	Inaccuracy/Misleading	1
Neighbours	04/09/2008	Five	Inaccuracy/Misleading	1
News	04/09/2008	BBC Radio 1	Sex/Nudity	7
News	24/05/2008	Setanta Sports News	Generally Accepted Standards	1
News	10/08/2008	Russia Today	Offensive Language	1
News	12/08/2008	Russia Today	Due Impartiality/Bias	1
News at Ten	08/09/2008	ITV1	Due Impartiality/Bias	1
One of Our Dinosaurs Is Missing	06/09/2008	BBC2	Generally Accepted Standards	4
Other People's Breast Milk	09/09/2008	Channel 4	Generally Accepted Standards	7
Other People's Breast Milk (trailer)	05/09/2008	Channel 4	Sex/Nudity	3
Porn Family Business	28/08/2008	TMF	Offensive Language	1
Promo	20/09/2008	NickToonsters	Other	1
Quiz Call	07/09/2008	Five	Use of Premium Rate Numbers	1
Samantha Who (trailer)	21/09/2008	E4	Offensive Language	1
Scott Mills	28/08/2008	BBC Radio 1	Generally Accepted Standards	1
Secrets of the Jesus Tomb	02/09/2008	Five	Religious Offence	4
Sesame Tree	11/08/2008	CBeebies	Generally Accepted Standards	1
Sky News	17/08/2008	Sky News	Generally Accepted Standards	27
Sky News	26/08/2008	Sky News	Dangerous Behaviour	2
Sky News (trailer)	26/08/2008	Sky Sports 2	Generally Accepted Standards	1
Soccer Aid	07/09/2008	ITV1	Sex/Nudity	1
Soccer Aid	07/09/2008	ITV1	Generally Accepted Standards	1
Soccer Aid	03/09/2008	ITV1	Generally Accepted Standards	1
SportxxxBabes promo	29/07/2008	SportxxxGirls	Inaccuracy/Misleading	1
Steve Allen	02/09/2008	LBC 97.3FM	Generally Accepted Standards	1
The Andrew Marr Show	07/09/2008	BBC1	Generally Accepted Standards	1
The Bill	26/08/2008	ITV1	Dangerous Behaviour	1
The Genius of Charles Darwin	18/08/2008	Channel 4	Due Impartiality/Bias	2
The Janice Dickinson Modelling Agency	28/08/2008	TMF	Violence	1
The Jeremy Kyle Show	26/08/2008	ITV1	Offensive Language	1
The Kevin Bishop Show	29/08/2008	Channel 4	Generally Accepted Standards	28
The ONE Show	05/09/2008	BBC1	Generally Accepted Standards	1
The Rock Block	25/08/2008	106.1 Rock Radio	Offensive Language	1
The Today Programme	22/07/2008	BBC Radio 4	Offensive Language	1
The Unit (trailer)	25/08/2008	Virgin1	Inaccuracy/Misleading	1
The Weather Man	07/09/2008	BBC1	Offensive Language	1
The X Factor	06/09/2008	ITV1	Generally Accepted	3

				Standards	
The X Factor	06/09/2008	ITV1	Sex/Nudity		1
The X Factor	20/09/2008	ITV1	Dangerous Behaviour		1
Today	26/08/2008	BBC Radio 4	Generally Accepted Standards		1
Top Gear	14/09/2008	BBC2	Offensive Language		1
Toughest Villages in Britain	28/08/2008	Sky Three	Generally Accepted Standards		1
UEFA Champions League Live	17/09/2008	Sky Sports 2	Religious Offence		1
UEFA Super Cup Football	29/08/2008	ITV1	Offensive Language		1
UEFA Super Cup Football	29/08/2008	ITV1	Generally Accepted Standards		1
War of The Worlds	27/07/2008	BBC1	Offensive Language		1
When Women Rule the World	04/09/2008	Channel 4	Generally Accepted Standards		5
Who Do You Think You Are?	03/09/2008	BBC1	Dangerous Behaviour		1
Who Wants to be Millionaire (trailer)	01/08/2008	Challenge +1	Flashing images		1