

# **Ofcom broadcast bulletin**

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## Introduction

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

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

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

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

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

## In Breach

### Hutch Cup coverage and Allianz Cup coverage

*ARY Digital, 26 January 2006 and 6 February 2006*

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#### Introduction

Three viewers complained about “advertising” shown during ARY Digital’s coverage of India vs. Pakistan cricket matches.

We viewed the coverage of both matches and noted that within the programmes there appeared to be messages crediting sponsors each time a boundary was hit or an action-replay shown. These were:

- “WOW! Yet another boundary! Courtesy: KESSER JEWELLERS – BRADFORD – 01374 733851” each time a player hit a boundary
- “Action replay courtesy: UK LAND INVESTMENTS FREEHOLD LAND From £14500 in North London. First 100 callers get 25%discount. Call now 0207 969 1815” each time an action reply was shown.

These messages were shown against a blue background at the bottom of the screen during play.

In addition to the messages within the match coverage, there were credits for the programme sponsors at the start of the programmes. These included a credit for:

- the main programme sponsor, UK Land Investments, that included the claim “World leader in land investment” and
- one of the co-sponsors, United Nations Bank, that included the bank’s telephone number with the text “FREE Number – Lines open 9am-9pm”

We asked for the broadcaster’s comments in relation to Section 9 (Sponsorship) and Section 10 (Commercial References) of Ofcom’s Broadcasting Code.

#### Response

ARY Digital said that cricket broadcasts generally demand a different treatment to sponsorship than any other genre or programming, including other sports. They are unusually long broadcasts (up to 8 hours in one stretch) and allow very little time for commercial breaks during the game.

In this instance, the sponsors were allowed to sponsor the action replays and boundaries to allow them some exposure during the hours of play.

ARY Digital said that the main sponsor, UK Land Investments, did not have any direct or indirect interest in the content of the programme and the credits were completely separated from advertising. The credits were included in such a way because the nature of cricket broadcasts allowed very few opportunities for sponsorship messages otherwise.

ARY Digital provided details of the average number of action replays shown, which it calculated at approximately 200 per broadcast. It did not supply details of the numbers of boundaries hit.

## Decision

Although the complainants objected to the amount of “advertising” featured within the matches, this matter raised two issues for Ofcom: the suitability of the sponsorship arrangements and the content and placing of the sponsors’ credits.

Ofcom’s Broadcasting Code states:

- Rule 9.14: “Sponsorship must be clearly separated from advertising. Sponsor credits must not contain advertising messages or calls to action. In particular, credits must not encourage the purchase or rental of the products or services of the sponsor or a third party.”
- Rule 10.3: “Products and services must not be promoted in programmes. This rule does not apply to programme related material. (See Rule 10.6.)”
- Rule 10.4: “No undue prominence may be given in any programme to a product or service.”
- Note:: “Undue prominence” may result from:
- the presence of, or reference to, a product or service (including company names, brand names, logos) in a programme where there is no editorial justification; or
  - the manner in which a product or service (including company names, brand names, logos) appears or is referred to in a programme.

### Suitable sponsorship

Section 9 of the Broadcasting Code allows programmes to be sponsored (either alone or as part of a strand or series). It does not preclude the sponsorship of programme parts but does require that sponsorship arrangements are transparent and do not undermine the editorial integrity of the programme. Furthermore, credits for the sponsor must be clearly separated from both the sponsored programme and advertising.

When considering the acceptability of the sponsorship of the action replays and boundaries, we needed to take into account whether these were scheduled parts of the broadcast content and were recognisable as distinct parts of the programme.

In the case of the boundaries, these were elements of the match itself and took place independently of the broadcast. As such, they were not within the broadcaster’s control and were unsuitable for broadcast sponsorship. Because the broadcaster could not control the number of boundaries hit, the number of times the sponsor was credited - and the sponsor’s resulting prominence within the programme - was determined by the match and not the broadcaster. Allowing the sponsorship of the boundaries resulted in frequent mentions for the sponsor (in the form of the credits) within the programme and resulted in undue prominence for the sponsor.

In relation to the action replays, we accept that these were part of the broadcast content. However they formed an integral, and frequent, part of the continuous flow of the match coverage and were not a distinct and separate feature within the programme like, for example, a weather section. Based on the estimated figures provided by ARY Digital, actions replays were shown, and therefore sponsor credits broadcast, approximately once every two and a half minutes during the match

coverage. This resulted in an extremely high and unjustified level of prominence for the sponsor within the programme.

These elements were in breach of Rule 10.4 of the Code.

### Sponsor credits

The Code requires that sponsorship arrangements be identified clearly at the beginning and/or end of the programme. Sponsors can also be acknowledged at other times around the programme. Credits must be clearly separated from programmes and distinct from advertising. They should not include advertising messages or “calls to action”. In particular, credits must not encourage the purchase or rental of the sponsor’s products or services.

We are satisfied that the manner in which the credits were shown ensured they were appropriately separated from the editorial content of the programmes.

The UK Land Investments credits that accompanied the action replays included specific price information about the sponsor’s business, a sales incentive along with a direct invitation to viewers to contact the sponsor. Such information is tantamount to advertising, unacceptable in a sponsor credit and in breach of Rules 9.14 and 10.3.

The UK Land Investments main programme sponsor credits included a claim that the sponsor is a market leader in its field. Again, we consider such a claim to be an advertising message, unacceptable in a sponsor credit and in breach of Rules 9.14 and 10.3.

While credits may contain basic contact details, the credit for United Nations Bank emphasised the fact that calls to the number stated were “FREE”. We also consider this specific price information was included for promotional purposes and the credit was therefore in breach of the Code.

**Breach of 9.14 (sponsor credits), 10.3 (promotion of products and services) and 10.4 (undue prominence).**

## **Bid2Win**

*Quiz TV, 31 March 2006, 12:00*

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### **Introduction**

Bid2Win runs lowest unique bid auctions, in which viewers may bid via a premium rate telephone service. In a lowest unique bid auction, the audience is invited to bid for an item. The person with the lowest bid price not already suggested by any other bidder may then purchase the item.

In an auction for a *Desperate Housewives Dirty Laundry Game* (or a cash alternative of £40) ("the auction"), a viewer believed that the age restriction in operation (18 years and over) was unclear and that the presenter's comment: "...Get a bit of alcohol in the mix and you can have a fantastic night with this game", breached the CAP(B) Television Advertising Standards Code. The complainant also claimed that the presenter had misled viewers towards the end of the auction by announcing that bids between 1p and 10p were no longer unique, as the 'winner' (with the lowest unique bid) actually obtained the item for 4p.

In addition to the complaint, we were concerned that the terms and conditions on the programme's website, stated that "payment of the Bid value and the postage and packing charges" were required prior to the dispatch of auctioned items. *Bid2Win* therefore appeared to contain a series of genuine auctions, rather than auction-based prize competitions, as callers bid, although in a competitive manner, to secure the purchase of a product. The goods were therefore for sale, not prizes.

Under the terms of its Ofcom licence, Quiz TV is permitted to broadcast up to three hours of teleshopping (i.e. direct sale advertising) each day. We sought the broadcaster's clarification about whether it had intended *Bid2Win* to be teleshopping or editorial output. Quiz TV confirmed that the broadcast was editorial output, describing the auction as "a skill-based prize competition."

The programme and the complaint were therefore considered by Ofcom, under the Ofcom Broadcasting Code, which is concerned with editorial content. We were concerned about:

- the possibility that the broadcaster had not maintained its independence of editorial control over programme content;
- the possible lack of separation between the advertising and programme elements of the service;
- the apparent promotion of a product in the programme;
- the apparent undue prominence given to that product in the programme; and
- the possibility that product placement had taken place in the programme.

We sought the broadcaster's comments on these matters.

### **Response**

Quiz TV confirmed that it had no commercial partnership with the manufacturers or suppliers of the goods it chose "to give as prizes." It added that the broadcast was "not devoted to the benefits of the product, although these [were] talked up in the same way that any prize is promoted to competition participants."

The broadcaster said that most of the broadcast was “devoted to the ongoing operation of the prize competition mechanic” and confirmed that unsuccessful participants paid only the price of the premium rate call for their entry.

## Decision

A competition with a lowest unique bid auction mechanic may be legitimate editorial output, when the winner does not ultimately buy a product or service. Rule 10.3 of the Broadcasting Code states:

“Products and services must not be promoted in programmes...”.

In order to comply with this Rule, such a competition must not try to sell a product but try to find a winner. However, in this case, the auction sold a product to the lowest unique bidder. The presenter, who referred to himself as the “auctioneer”, stressed the programme’s provision of “top notch brands for rock bottom prices” and the successful participant (i.e. the purchaser) had to pay both the bid price (albeit only 4p) and a postage and packing charge of £6.95. The broadcast therefore breached Rule 10.3 of the Broadcasting Code.

Rule 10.2 of the Broadcasting Code states:

“Broadcasters must ensure that the advertising and programme elements of a service are kept separate.”

Generally, information about a postage and packing charge should not feature as part of editorial output, as it is associated with a purchase. In this case, information about post and packing charges was screened regularly throughout the auction. We therefore believe the output confused programming and advertising, in breach of Rule 10.2 of the Broadcasting Code.

We welcome Quiz TV’s assurance concerning the independence of its choice of “prizes” (i.e. goods for auction). As there was no commercial involvement in this process, product placement did not appear to have occurred in the auction.

However, Rule 10.4 of the Broadcasting Code states:

“No undue prominence may be given in any programme to a product or service.”

We acknowledge that, as the *Desperate Housewives Dirty Laundry Game* was the first item for sale in the programme, this section of the output featured substantial details of the way the auction worked. While the auctioneer also regularly updated viewers on the auction’s current state of play, the emphasis he placed on the board game itself was considerable, including details of how it was played, the question cards, the actors in the associated television programme and the possibility of the game becoming a collector’s item, due to its “hard wearing metal case.”

This went beyond the level of detail normally required for a potential competition participant to make an informed decision on whether to enter. The output was intended to be “a skill-based prize competition.” The emphasis placed on the *Desperate Housewives Dirty Laundry Game* was therefore unduly prominent, in breach of Rule 10.4 of the Broadcasting Code.



The complainant was also concerned about how the auction was run. Rule 2.11 of the Broadcasting Code requires that:

“Competitions should be conducted fairly, prizes should be described accurately and rules should be clear and appropriately made known.”

For a competition to be run fairly, we would normally expect any age restriction to feature regularly throughout a competition. In this case the auction was broadcast at midday during term time, the product for sale was specifically for adults and unlikely to be of interest to minors and, to participate, viewers had to register or obtain temporary guest status. The auctioneer also mentioned the ‘adults only’ restriction twice during the auction, which lasted only ten minutes. Having considered these factors, we do not believe the absence of regular age restriction messages breached Rule 2.11.

Towards the end of the auction, the auctioneer said: “Do not bid between 5 and 10p. 5 to 10p are no longer unique. 1p, 2p, 3p, 4p; up to 10p have been taken. Do not bid 5 to 10p.” Although the penultimate sentence could have been clearer, we believe the overall message was clear and therefore fair – viewers should not bid between 5p and 10p, inclusive.

Section One of the Broadcasting Code concerns protection of the Under-Eighteens. In that Section, Rule 1.10 requires that the misuse of alcohol, “...must generally be avoided and in any case must not be condoned, encouraged or glamorised...”. The auctioneer’s comments did not concern the misuse of alcohol. His suggestion, “...Get a bit of alcohol in the mix and you can have a fantastic night with this game”, was made in passing, while informing viewers that the product was only suitable for adults and explaining that the game involved players revealing each other’s ‘dirty laundry’. This comment did not breach Rule 1.10 of the Code.

#### **Breach of Rules 10.2, 10.3 and 10.4**

## News

*ITV1, BBC, Sky News and GMTV, Various times, 23 June 2006*

## Trail for ITV News

*ITV 1, 25 May 2006, 22:15*

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### Introduction

**News Bulletins:** Six viewers complained about the use in various television news bulletins of CCTV images depicting an unprovoked knife attack on two students. The assault caused the death of one of the victims, Daniel Pollen, and the serious injury of the other.

**Trail:** Four viewers complained about the use of images from the beginning of the attack in a trail for an ITV News bulletin. The trail was transmitted at 22:15 during an advertising break within a *Soccer Aid* charity programme, presented by Ant and Dec. The viewers said the images were too disturbing to be shown, without warning, within the context of a break in a light entertainment programme.

### Response

**News Bulletins:** ITV responded to a specific complaint about use of the images in the ITV News at 12:30.

The broadcaster pointed out that the pictures formed a central part of a murder case which had ended that day with the sentencing of the attackers. The CCTV images had already been shown on a number of channels, and had generated considerable public interest. The issue of knife crime was high on the public agenda at the time.

Additionally, both the police and the families of the two victims had made it clear that they wanted the images to be shown to illustrate the inherent danger of young men carrying knives.

The available footage had been carefully edited to ensure that the actual fatal blow delivered to the murder victim was not shown.

However, ITV accepted that greater caution should have been exercised in the use of the images, and that violence of this nature can rarely be justified before the watershed. In any event, a clear warning about the content should have been given in the introduction.

As a result, ITV News has introduced a policy making it clear that violent scenes should not be shown in future before the watershed, without the express permission of the editorial management. Additionally, a seminar has been organised for all programme editors to reinforce editorial guidelines.

The BBC responded to a complaint about use of the images in a bulletin transmitted at 18:00. As with ITV, the BBC also stressed the public interest justification in showing the nature of such a violent crime, and pointed to the support of the victims' families.

Additionally, the BBC pointed out that the images had been placed in a proper context with a clear introduction which warned viewers of the "appalling" and "chilling"

nature of pictures to come. Finally, it pointed out that the images were not run in their entirety, but “frozen” some time before the fatal blow to the murder victim.

Sky News responded to a specific complaint that the images had been run in a news bulletin at 16:00 without any warning to viewers about the content. The channel accepted that this was the case, but said it was a mistake which occurred in the 16:00 bulletin alone. All the other bulletins carried by Sky News that day carried a clear and specific warning.

Sky, too, said that showing the images was in the public interest in the light of growing concern about “knife culture”; and that the release of the images had been supported by the families and the police. The broadcaster acknowledged that this did not absolve the journalists from deciding the suitability for themselves, but suggested that viewers could better understand the use of the images in those circumstances.

Finally, Sky pointed out that the actual murderous blow cannot be seen on the released images. Instead, Daniel Pollen is seen backing away from his attacker and is out of frame when the knife strikes. This fact is made clear in the commentary.

GMTV defended the use of the images within a regional news bulletin ‘opt out’ for the London area. It pointed out that only a very small proportion of its viewers are children, and that its output is designated as ‘news’. However, it accepted that it was wrong for the pictures to have been transmitted without a clear warning to viewers.

The actual stabbing of the murder victim was not shown and – within the context of coverage of the court case – it considered that the use of the images was appropriate. However, the broadcaster accepted that – with hindsight – they ‘needed different treatment’, given the breakfast time transmission.

GMTV has reminded all the suppliers of its regional bulletins (including ITN, who supplied this bulletin) that footage should be carefully vetted in future, and suitable warnings inserted where appropriate. As with ITV News, new guidelines have been issued to the particular programme editors.

**Trail:** The sequence of images selected for the ITV News trail at 22:15 featured a punch to one of the victims, and *not* the fatal stabbing that led to the murder. In fact, more disturbing images were specifically rejected for use in the trail.

However, ITV regretted that the accompanying script had not made it clear that the images shown in the trail were not of the murder itself. It also accepted the concerns of the complainants about the juxtaposition of the trail with the *Soccer Aid* charity programme.

ITV stated that, with hindsight, the trail should either have carried a warning about the nature of the images or – given the time constraint – a less violent image should have been selected. As a result of these complaints, new guidelines had been issued to programme teams reminding them of the care required in selecting images for trails.

## **Decision**

**News Bulletins:** The images depicting the attack on Daniel Pollen and his friend were particularly graphic and disturbing. The two students are seen quite clearly waiting innocently for a taxi outside a shopping centre. They are then viciously assaulted by three men with fists and knives in an obviously unprovoked attack.

The original court case had ended a month earlier, in May, and the CCTV images had been released at that time to press and broadcasters. They were run in late evening bulletins on at least two channels, and two complaints were received by Ofcom about the graphic nature of the footage. At the time, Ofcom did not uphold the complaints because the images had been presented well after the watershed; in a proper news context; and with appropriate warnings to viewers.

These further complaints relate to the re-use of the images some four weeks later, on the day that the victim's murderer was jailed for life. It is clear that the further use of the pictures was supported by both the parents of the victims and by the police and public prosecutors.

Nevertheless, it is important that broadcasters exercise their own judgement on whether material is suitable for transmission and – if so – how it should be handled. We note that the further uses of these images were in bulletins transmitted before the 21:00 watershed, and that special care is required when handling particularly violent material.

Broadcasting images of a death within any factual television programme requires a very cautious approach – not least considerations of the time of broadcast – as well as clear editorial justification. However, it is important to note that the CCTV pictures – even where shown in full - did not capture either the fatal blow to the murder victim (which occurred out of frame) or the moment of his death, which happened some time later.

In the exceptional circumstances of this case, we accept that there may be a public interest justification in showing these images in some form, even before the watershed. However, such extreme material must be handled in an appropriate manner.

Each complaint has been considered separately on its own individual merits.

ITV's use of the images within a lunchtime news bulletin raised few issues regarding the potential exposure to children. This transmission was on a weekday within normal school hours, and it is unlikely that significant numbers of children would have been watching.

Even so, viewers should have been given a clear warning about the nature of the images about to be shown, and we welcome ITV's acknowledgement of this point. We also welcome the assurances that tighter editorial control has been introduced over the use of violent images in pre-watershed news bulletins. For these reasons we have concluded that the complaint is resolved.

The BBC's use of the pictures occurred in an early evening news bulletin. On this occasion, the context was clearly established; an indication of the nature of the images was conveyed to the audience; and the pictures were "frozen" before any of the stabbing incidents were seen. For these reasons, the complaint is not upheld.

Sky News is a dedicated news channel with a very small child audience. The CCTV images of the assault were used in a properly established context and not in a gratuitous way, such as in headline sequences or trailers. We accept that clear warnings were given to viewers before all transmissions, except the bulletin at 16:00.

The failure to transmit a warning at 16:00 was unfortunate, but we welcome Sky News' acknowledgement of the error. For this reason, the complaint is resolved.

GMTV's use of the images within a breakfast time programme raise particular issues, given the potential for children to catch sight of the images, even if they are not specifically viewing the programme. Even so, we accept that this was a news bulletin, and that some parts of the footage could be run – if handled with care.

Unlike the other reports, the item ran *before* the sentencing of the victim's murderer - scheduled for later that day - and harked back to the previous court case.

Unfortunately, the short nature of GMTV's 'opted out' regional bulletin did not allow time for a proper context to be established. The violent CCTV images of the attack were already being seen on screen by the time the newsreader completed an introductory sentence ("the random knife attack which cost Daniel Pollen's life was captured on CCTV"). The problem was compounded because the tone of the introduction did not convey any sense of warning about the shocking images being shown.

Further, there was no attempt to explain to viewers precisely what was being shown. The wording itself left the *impression* that viewers were watching the actual murder of the victim when, in fact, the images ended just before the fatal blow. This casual use of exceptionally violent material added to the potential for causing offence to viewers.

We welcome GMTV's assurance that lessons have been learned, and that procedures have been changed. Nevertheless, the particular handling of this story, within the regional news opt-out, was especially inappropriate and unsuitable and therefore in breach of Ofcom's Broadcasting Code.

**Trail:** Although the images selected for the trail were not of the actual fatal stabbing, the accompanying script may well have left the impression it was ("Coming up – knife crime Britain. Shocking pictures of the mindless murder that was caught on camera").

Viewers watching the *Soccer Aid* charity programme would have been unprepared for such a violent interlude. There was no time for a proper context to be established, and there was no information transmitted prior to the images being broadcast.

Nevertheless, it is clear from ITV's response that the complaints have been considered seriously. We welcome the acknowledgement that greater care should have been taken, and that new guidelines have now been issued. In view of this, and the fact that, as the trail was shown at 22:15 it was not likely to be seen by children, we consider the matter resolved.

**GMTV News – Breach of 2.3**  
**ITV News, Sky News, Trail for ITV News - Resolved**  
**BBC News – Not in Breach**

## Resolved

### **You've Been Framed**

*ITV 1, 17 May 2006, 17:30*

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#### **Introduction**

We received a complaint about a clip in this programme in which a woman (who the complainant mistook for a child) was shown hiding inside a fridge waiting to surprise a man who came to open the fridge.

The complainant was concerned about the risk of emulation.

Rule 1.13 of the Ofcom Broadcasting Code states:

“Dangerous behaviour, or the portrayal of dangerous behaviour, that is likely to be easily imitable by children in a manner that is harmful:

...must not be broadcast before the watershed ... unless there is editorial justification.”

#### **Response**

ITV noted that it was a woman who stepped out of the fridge, not a child. It said that the clip involved a large fridge and the action could not easily be imitated using a standard domestic UK fridge.

The production team had been reminded that such clips should generally be avoided because of the known danger of children climbing into fridges abandoned on rubbish tips. Whilst ITV considered that this particular clip was not problematic, it said that, in view of the complaint, it would not repeat the clip.

#### **Decision**

Although we accept that the clip showed a woman, rather than a child hiding in the fridge, playing in fridges does present a real danger of suffocation. We are therefore pleased to note that ITV will not show this clip again. We consider the matter resolved.

#### **Resolved**

## **‘Smile’: Lily Allen video**

*Smash Hits!*, 24 June 2006, 13:00

*The Hits*, 7 July 2006, 15:50

*The Box*, 19 July 2006, 08:14

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### **Introduction**

Three viewers were concerned by the behaviour shown in this music video, which they felt was unsuitable for broadcast when many children would be available to watch television.

The video tells the story of a woman who takes revenge on her ex-boyfriend for sleeping with another woman.

Complainants particularly mentioned three scenes:

- an assault on the ex-boyfriend;
- laxatives mixed in with his cup of coffee; and
- damage done to his flat and property.

Rule 2.4 of the Ofcom Broadcasting Code states:

“Programmes must not include material which condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour.”

We also noted that, although a partial edit had been made, it did not appear to be adequate to prevent viewers understanding the lyric “fucking the girl next door”.

### **Response**

Emap, the broadcaster responsible for these channels, explained that it was aware that younger viewers were attracted to these music stations and that these incidents could be construed as acts of anti-social and perhaps dangerous behaviour.

However, when considering this video for broadcast, the following points were taken into account:

- the context was broadly a light-hearted bitter-sweet love and revenge story;
- the revenge was no stronger than might be found in children’s comedy movies or a gritty tea-time drama series;
- the incidents were all given only fleeting screen time and were in no way graphic in their portrayal.

The broadcaster accepted that the swearing could have been better obscured and had taken steps to ensure the masking was more effective.

Although Emap believed that the context of the video made it suitable to be shown during the day, it immediately withdrew it from the afternoon schedule on *Smash Hits*, the channel skewed towards younger viewers. It had also issued new guidance to its music editors regarding ‘bleeping’.

## **Decision**

The song and accompanying video tell the story of a woman who gains revenge on her cheating ex-boyfriend by paying to have him mugged, beaten-up, his flat and possessions wrecked e.g. scratching his entire vinyl collection and by finally putting laxatives in his coffee.

We can understand why some viewers were concerned by the content of this video which can appear on one level to condone anti-social and potentially dangerous behaviour. However, the video is presented in a stylised format, which distances it from real life and so it would be unlikely to generally encourage any viewer to copy such behaviour.

However we do welcome the broadcaster's action in removing this video from the schedule when younger children are likely to form a significant part of the audience. We also welcome the broadcaster's action to re-edit the swearing and the steps taken to improve 'bleeping' in the future.

On this basis, we consider these issues resolved.

## **Resolved**



## **Escape: Human Cargo**

*ACTIONMAX, 30 July 2006, 15:30*

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### **Introduction**

A viewer complained about the use of the word “fuck” in this film which they considered unsuitable for broadcast at this time of the afternoon.

### **Response**

ACTIONMAX apologised for the transmission of this unedited film during the afternoon. The broadcaster said that it had had to move its playout facility at short notice and the post-watershed version of the film was shown by mistake.

The broadcaster stated that it had a rigorous policy of ensuring films containing such language were edited for pre-watershed transmission and steps had been taken to ensure that this mistake did not occur again.

### **Decision**

The brief use of this language was inappropriate in a film shown in the afternoon. However we accept that the broadcaster inadvertently showed the wrong version of the film. Given the steps subsequently taken, we consider the matter resolved.

### **Resolved**

## **When Lineker Met Maradona**

*UKTV G2, 5 July 2006, 18:00*

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### **Introduction**

This programme included scenes of Diego Maradona and Gary Lineker attending a football match in Argentina. During the course of the match, Maradona became excited and started shouting and swearing (“fuck”) in Spanish. While the swearing was obscured in the audio of the programme, the words were transmitted in the accompanying English subtitles.

One viewer complained that this was unacceptable at this time of day.

### **Response**

The broadcaster, UKTV, accepted that the language broadcast in the subtitles was unacceptable. It had arranged for a broadcast apology to be transmitted on 12 July 2006 at the same time as the original programme, so as many of the same viewers as possible saw it.

The swearing in the translation subtitles was not spotted by the compliance viewer who watched and made edit recommendations for the programme overall. He and the broadcaster apologised for the mistake.

### **Decision**

We accept that the swearing was broadcast in the subtitles as a result of human error. In the light of this, and the fact that the broadcaster apologised of its own accord, we consider the matter resolved.

### **Resolved**

## **Iain Lee**

*LBC, 30 July 2006, 23:00*

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### **Introduction**

Two listeners complained that the word “cunt” was used by a caller to the show during a late night phone-in.

### **Response**

Prior to receiving any formal complaints from listeners, LBC had already alerted us to the incident. The broadcaster explained that the call had been ‘dumped’ (the station operates a permanent 7 second delay which allows it to ‘dump’ unsuitable material). Unfortunately, although the delay unit had previously been tested and found to be working correctly, as a result of a technical fault, the dump facility removed the offending word from the DAB transmission, but not the FM transmission. When the problem was identified, the presenter apologised for any offence and did not take any further calls to air while the matter was investigated.

The station thought that because of the time of day and the likely audience, most listeners would have understood that this was a technical error and accepted the subsequent apology. Nevertheless, it said that the incident was regrettable and it had taken all reasonable steps to make sure this did not happen again.

### **Decision**

The word “cunt” is amongst those considered the most offensive in research into swearing carried out by Ofcom. However we appreciate the broadcaster’s prompt action alerting us to the incident and accept that it occurred as a result of a technical error. In the light of this, and the fact that the broadcaster apologised of its own accord, we consider the matter resolved.

### **Resolved**

## **Mindshock: Sex on the Brain trail & Big Brother trail**

*Channel 4, 9 July 2006, 20:25 & 21:00*

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### **Introduction**

A viewer was concerned by the sexual nature of these trails which he saw while watching *100 Greatest Family Films* with his children.

The trail for *Mindshock: Sex on the Brain* was shown at approximately 20:25 with a voiceover stating that “serious brain injury can release your inhibitions and unlock your deepest desires, so what happens when sexual obsessions get out of control?”. One of the contributors then explained how this condition removed any moral control over his sexual behaviour and showed a photograph of him with his teenage step-daughter. Amongst the images playing behind the man, was a blurred scene of sexual activity accompanied by a moaning female voice.

The *Big Brother* trail, shown after 21:00, referred to “the start of a beautiful new relationship under the duvet” and showed a picture of Imogen and Nikki lying in bed laughing and “high-fiving” each other.

### **Response**

Channel 4 said that the trail for *Mindshock: Sex on the Brain* was given a “post 20:00” scheduling restriction. This category was given on the basis that the trail clearly showed the scientific nature of the programme and gave a non-explicit, impressionistic interpretation of sexual obsession. The broadcaster had established through audience research that generally there was a significant drop in under-15s watching after 20:00. For this reason, trails containing material that is slightly more challenging were shown in this time slot.

Channel 4 said that it was unusual for it to show a programme, such as *100 Greatest Family Films*, appealing to a wide-ranging audience starting at 19:00 and continuing after the 21:00 watershed until 22:00. The broadcaster said that it acknowledged that the “post 20:00” categorisation for this trail was not subtle enough to take account of this unusual scheduling. The channel regretted any offence this may have caused the complainant. In the light of this situation, the broadcaster has reminded its scheduling department to take account of *all* the issues surrounding the scheduling of trails.

Turning to the scheduling of the *Big Brother* trail, Channel 4 explained that this had received a “Schedule all times” categorisation. Although the trail clearly made a joke about the on-going speculation regarding sexual activity in the house, the reference to “a beautiful new relationship under the duvet” was used in this instance to show that these two girls were now friends after previously not getting along well. The trail was completely inexplicit and did not refer to any sexual activity. On this basis, Channel 4 believed that this light-hearted reference to “under the duvet” would not have been beyond the expectations of the majority of the audience.

### **Decision**

The trail for *Mindshock: Sex on the Brain* did not dwell on any sexual activity. However the tone of the trail and its subject matter made it not entirely suitable for scheduling in a programme which could reasonably expect to attract a significant

child audience. We welcome Channel 4's undertaking to ensure that steps are taken to prevent any similar recurrence and consider the matter resolved.

The trail for *Big Brother* did not contain any material which went beyond a mild sexual reference to sexual activity in the house. At this level, we do not believe it was unsuitable for broadcast at this time.

***Mindshock: Sex on the Brain* trail – resolved**  
***Big Brother* trail – not in breach**

## Other programmes not in breach/out of remit

2 August 2006 – 15 August 2006

Programme	Trans Date	Channel	Category	No of complaints
Adult Channels	01/08/2006	Adult channels	Sex/Nudity	1
Adult Swing	24/07/2006	Bravo	Violence	1
Atanarjuat	21/05/2006	BBC4	Animal welfare	1
Bad Girls	20/07/2006	ITV1	Religious offence	1
Bad Lads Army	01/08/2006	ITV1	Offensive language	1
BBC Look East	19/06/2006	BBC1	Generally Accepted Standards	1
BBC News	27/07/2006	BBC1	Due Impartiality/Bias	1
Big Brother's Big Mouth	04/08/2006	Channel 4	Violence	2
Big Brother's Little Brother	01/08/2006	Channel 4	Due Impartiality/Bias	1
Big Brother's Little Brother	10/08/2006	Channel 4	Due Impartiality/Bias	1
Brainiac	03/08/2006	Sky One	Offensive language	1
Carry on Behind	06/05/2006	UK Gold	Sex/Nudity	1
Cash Call	24/07/2006	The Box	Competitions	1
Cash Call	26/07/2006	The Box	Competitions	1
Channel 4 celebrity ident	30/07/2006	Channel 4	Substance Abuse	1
Channel 4 News	31/07/2006	Channel 4	Due Impartiality/Bias	1
Chester's Chart with Gavin	30/07/2006	Dee 106.3	Due Impartiality/Bias	1
Chris Rock: Bigger and Blacker	20/07/2006	Paramount	Generally Accepted Standards	1
Christian O'Connell's Sunday Service	17/07/2006	Sky One	Religious offence	1
Christian O'Connell's Sunday Service	03/08/2006	Sky One	Dangerous behaviour	1
Coronation Street	12/07/2006	ITV1	U18s in Programmes	1
Countdown	28/07/2006	Channel 4	Generally Accepted Standards	1
Dispatches - What Muslims Want	31/07/2006	Channel 4	Generally Accepted Standards	2
Dispatches - What Muslims Want	02/08/2006	Channel 4	Generally Accepted Standards	1
Dispatches - What Muslims Want	07/08/2006	Channel 4	Due Impartiality/Bias	1
Driving Mum and Dad Mad	31/07/2006	ITV1	U18s in Programmes	1
Emmerdale	31/07/2006	ITV1	Crime Incitement/Encouragement	1
Emmerdale	01/08/2006	ITV1	Dangerous behaviour	1
Emmerdale	09/08/2006	ITV1	U18s in Programmes	1
Emmerdale	10/08/2006	ITV1	Crime Incitement/Encouragement	1
Excuse My French	01/08/2006	BBC2	Generally Accepted Standards	1
F1: Spanish Grand Prix	14/05/2006	ITV1	Advertising	1
Fifth Gear	29/05/2006	Five	Crime Incitement/Encouragement	1
FTN - Quiz Night Live	29/05/2006	FTN	Competitions	1

GMTV	19/07/2006	ITV	Inaccuracy/Misleading	2
Hooligans	02/08/2006	BBC1	Inaccuracy/Misleading	1
Ian Collins	10/08/2006	Talksport	Other	1
Is This The Worst Weather Ever?	03/08/2006	Channel 4	Offensive language	1
ITV News	23/05/2006	ITV1	Due Impartiality/Bias	1
ITV News	27/07/2006	ITV1	Sex/Nudity	1
ITV News	28/07/2006	ITV1	Due Impartiality/Bias	1
ITV News	31/07/2006	ITV1	Inaccuracy/Misleading	2
ITV News	01/08/2006	ITV1	Dangerous behaviour	1
ITV News	10/08/2006	ITV1	Due Impartiality/Bias	1
Jamie's Great Escape	03/08/2006	Channel 4	Animal welfare	2
Jane Hall	02/08/2006	ITV1	Sex/Nudity	2
Jane Hall	26/07/2006	ITV1	Sex/Nudity	1
John Turner	03/02/2006	BBC Radio Bristol	Religious offence	1
Justin Timberlake Video Exclusive	28/07/2006	Channel 4	Sex/Nudity	1
Keith Middleton	15/07/2006	BBC_WM	Generally Accepted Standards	1
Las Vegas	02/08/2006	Sky Three	Violence	1
Law of the Playground	04/08/2006	Channel 4	Violence	4
Lock, Stock and Four Stolen Hooves	15/07/2006	Men & Motors	Scheduling	1
London Tonight	04/07/2006	ITV1	Inaccuracy/Misleading	1
Love Island	01/08/2006	ITV1	Generally Accepted Standards	2
Love Island	06/08/2006	ITV1	Crime Incitement/Encouragement	1
Love Island	08/08/2006	ITV1	Generally Accepted Standards	1
Modern Toss	11/07/2006	Channel 4	Offensive language	1
National Television Awards	27/07/2006	ITV1	Inaccuracy/Misleading	1
Newsnight	27/07/2006	BBC2	Due Impartiality/Bias	1
No Girls Allowed	03/06/2006	Five	Violence	1
Porno, Preachers and Peddlers	20/07/2006	BBC3	Religious offence	1
Porno, Preachers and Peddlers	26/07/2006	BBC3	Sex/Nudity	1
Quiz Call	02/08/2006	Quiz Call	Flashing Images	1
Quiz Call	09/08/2006	Quiz Call	Competitions	1
Ramsay's F Word	09/08/2006	Channel 4	Animal welfare	2
Reading 107	23/06/2006	Reading 107FM	Format	1
Real Radio	01/08/2006	Real Radio	Other	1
Richard and Judy	14/08/2006	Channel 4	Offence	1
Richard and Judy	22/06/2006	Channel 4	Offensive language	1
Richard and Judy	25/07/2006	Channel 4	Sex/Nudity	2
Richard and Judy	01/08/2006	Channel 4	Due Impartiality/Bias	1
Richard and Judy	31/07/2006	Channel 4	Offensive language	1
Richard and Judy	02/08/2006	Channel 4	Sex/Nudity	2
Sky News	03/07/2006	Sky News	Due Impartiality/Bias	1
Sky News	13/07/2006	Sky News	Due Impartiality/Bias	1

Sky News	15/07/2006	Sky News	Due Impartiality/Bias	1
Sky News	29/07/2006	Sky News	Violence	1
Soccer Aid Live from Old Trafford	04/08/2006	Channel 4	Inaccuracy/Misleading	1
Star Trek	01/08/2006	Sci Fi Channel	Inaccuracy/Misleading	1
Steve Allen Show	19/07/2006	LBC97.3	Crime Incitement/Encouragement	1
Steve Allen Show	03/08/2006	LBC97.3	Crime Incitement/Encouragement	1
Steve Harris	27/06/2006	Kerrang!	Scheduling	1
Sunrise Radio	01/06/2006	SunriseFM	Due Impartiality/Bias	1
T4	26/07/2006	Channel 4	Generally Accepted Standards	1
Taggart	04/08/2006	ITV1	Due Impartiality/Bias	2
Television X	19/07/2006	Television X	Sex/Nudity	1
The Daily Show With Jon Stewart	25/07/2006	More4	Generally Accepted Standards	1
The Friday Night Project	04/08/2006	Channel 4	Inaccuracy/Misleading	1
The Gimp	24/07/2006	The Hits	Generally Accepted Standards	1
The Great Big British Quiz	08/08/2006	Five	Competitions	1
The Hits	11/08/2006	The Hits	Advertising	1
The Hotel Inspector	03/08/2006	Five	Offensive language	1
The Inspector Lynley Mysteries	27/07/2006	BBC1	Violence	1
The Jeremy Kyle Show	18/07/2006	ITV1	Generally Accepted Standards	1
The Mint	19/07/2006	ITV1	Competitions	1
The Mint	26/07/2006	ITV1	Competitions	1
The Mint	02/08/2006	ITV1	Competitions	1
The Mint	03/08/2006	ITV1	Competitions	1
The O'Reilly Factor	08/06/2006	Fox News	Generally Accepted Standards	1
The O'Reilly Factor	10/06/2006	Fox News	Generally Accepted Standards	1
The Planet's Funniest Animals	23/07/2006	ITV1	Animal welfare	1
The Springer Show	26/07/2006	ITV1	Scheduling	1
The Week the Women Went	10/08/2006	BBC4	Other	1
Thought For The Day	14/07/2006	BBC Radio 4	Generally Accepted Standards	1
Three Men in a Boat	02/08/2006	BBC2	Offensive language	1
Time Trumpet	03/08/2006	BBC2	Generally Accepted Standards	1
Top Gear	14/05/2006	BBC2	Crime Incitement/Encouragement	1
Top Gear	16/07/2006	BBC2	Generally Accepted Standards	1
Top Gear	23/07/2006	BBC2	Generally Accepted Standards	1
Top Gear	16/07/2006	BBC2	Generally Accepted Standards	1
Top Gear	30/07/2006	BBC2	Dangerous behaviour	1



Tribe	30/07/2006	BBC2	U18s in Programmes	1
UEFA Champions League - Live	09/08/2006	ITV1	Due Impartiality/Bias	1
UFO	01/08/2006	ITV4	Sponsorship	1
UFO	08/08/2006	ITV4	Sponsorship	1
UTV Live at Six	26/05/2006	ITV1	Inaccuracy/Misleading	1
Vent	11/07/2006	BBC Radio 4	Generally Accepted Standards	1
Wrestling	30/05/2006	Sky Sports	Violence	1