

# Ofcom Broadcast and On Demand Bulletin

## Tony Williams

<b>Type of case</b>	Broadcast Standards
<b>Decision</b>	In Breach
<b>Service</b>	Uckfield FM
<b>Date &amp; time</b>	28 February 2020, 09:00
<b>Category</b>	Harm
<b>Summary</b>	This programme featured potentially harmful statements about the Coronavirus. In breach of Rule 2.1 of the Broadcasting Code.

### Introduction

Uckfield FM is a community radio station for the community of Uckfield and the surrounding area of the Sussex Weald. The licence for Uckfield FM is held by Uckfield Community Radio Limited (“UCRL” or “the Licensee”). The *Tony Williams* programme broadcasts every weekday between 09:00 and 13:00.

Ofcom received two complaints from listeners who were concerned about inaccurate and potentially harmful statements made by a guest on this programme about the Coronavirus crisis.

Ofcom is prioritising cases related to the Coronavirus which could cause harm to audiences. This could include:

- health claims related to the virus which may be harmful;
- medical advice which may be harmful; and,
- accuracy or materially misleadingness in programmes in relation to the virus or public policy regarding it.

We therefore informed UCRL that it was necessary for us to depart from our normal published procedures to expedite this investigation.

During a 20-minute segment of the programme, the presenter interviewed a guest who was introduced as a “*registered nurse*”. At the start of the interview the guest gave the following disclaimer:

Guest: *“Well before we start because you and I know about Ofcom, let’s just say a disclaimer. Everything that I give today is information, it is not intended to replace any advice given by your medical practitioner, if you are sick always seek advice from your GP”.*

While the interview covered several different subjects, Ofcom’s investigation focused on the statements made by the guest about Coronavirus. In particular, the following claims were made by the guest about the cause and origins of the virus:

Guest: *“I just want to go back to something which the majority of the people won’t know is that first of all China mandated vaccines in December of 2019, so they have their vaccination schedule and it is mandatory... Also, in the fall in the Autumn of 2019, Wuhan, the city of Wuhan, was the test city to have 5G rolled out over the city. And that is really important that we discuss both of those things”.*

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Guest: *“Now all of these people then that were being tested in Wuhan for coronavirus all tested positive for a particular vaccine. Now this vaccine, when the genome sequence was analysed, it had an inversion of vector technology, so this was a lab virus, this was not wild coronavirus. This was a lab one”.*

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Guest: *“Now what I want to say about, what I see, as a nurse of 35 years, I am also an independent nurse prescriber, I am also a personal nutritionist... What we’re seeing with these cases in Wuhan and we’ve all seen it on social media is these people suddenly just fall over and they have a dry cough. I have never seen a patient be walking along doing their own thing and suddenly fall over because they’ve got pneumonia, it just doesn’t happen. However, it does happen with 5G”.*

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Guest: *“What 5G actually does, it absorbs oxygen and that’s really important to know. So, on your oxygen molecules, the little electrons, with 5G they start to like oscillate, so this 5G is absorbing the oxygen and then your haemoglobin can’t take up the oxygen. So how long do you think it’s going to take the human body to fall over because it suddenly cannot take up oxygen into the cells? Every cell in the body needs oxygen. It’s not going to take very long, it’s probably not even going to take a minute. It’s going to take seconds”.*

Presenter: *“No”.*

Guest: *“So remember what I said at the beginning of this. 5G was rolled out in Wuhan in the Autumn of 2019”.*

Presenter: *“It was their test area wasn’t it yeah”.*

Guest: *"It was the test area. And this was not in mainstream media..."*

Presenter: *"No, but it's well documented though isn't it..."*

Guest: *"Yeah but what we're seeing, the symptoms of this correlates with what we're seeing on people falling over, dry coughs"*

Presenter: *"But where's the connection with that and the coronavirus? I get the point with the oxygen, and it makes perfect sense some of that, but what's the correlation with that and the coronavirus?"*

Guest: *"Well we can only assume. So were these people in Wuhan, in China, were they given a vaccine which was a coronavirus vaccine like the SARS vaccine, were they given that and this is why they're testing positive for it and it's just coincidence and it's being used? Now you know me, you and I are friends. I read far and wide. And I want to draw everyone's attention to "Agenda 21". You can look it up, there's an author called Rosa Koire, she wrote the book "Behind the Green Mask".*

Presenter: *"We are getting into conspiracy theory territory here"*

Guest: *"No, no, no, this is not conspiracy theory this is absolutely not a conspiracy theory"*

Presenter: *"Well it's what some people would class as a conspiracy theory"*

Guest: *"Then they are ignorant because this is not conspiracy theory"*

During the interview the guest said their views on various subjects were the *"truth...evidence-based truth"*, and that it was *"important that we don't just believe what the media is telling us"* and *"I for one don't believe everything my Government tells me"*.

Later there was the following exchange:

Presenter: *"But there are two sides to this, so why is there – and I have to ask this question – because there are generally two sides to a discussion, there's not just one side, there are two sides. Why is it then, that we have on one side a large number of people that would take issue with what you say?"*

Guest: *"Well there are two sides, there's generally truth and then there's generally lies"*

Presenter: *"Again, you use that word [lies] which is a very strong word to use"*

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Guest: *"... And that is what I will say as well to nurses and doctors out there. Just because you have this qualification, do not wear that like a crown of glory... The days are gone when you were a doctor and a nurse and everybody trusted you. Those days are well gone. Do your own research. Do not trust a qualification. I know many people who are*

*very qualified who know very little. Because remember the people that own the establishments that teach us, it all travels back to the same thing. It's all owned by big pharma. They own the medical elite and they determine what gets published".*

We considered this content raised potential issues under the following Broadcasting Code ("the Code") rule:

Rule 2.1: "Generally accepted standards must be applied to the content of television and radio services...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material".

We requested comments from UCRL on how this material complied with this rule.

## **Response**

The Licensee accepted that the interview did not meet generally accepted standards and "would appear" to have breached the Code, which it stated was "highly regrettable". It apologised for the "confusion and concern" resulting from the broadcast.

UCRL said that the guest had "professional qualifications" and promoted "alternative medicines", often expressing views that were not considered "mainstream". The Licensee said that the guest's view on Coronavirus given in the programme "ran contrary to the opinion of medical experts across the world" and that the guest "introduced untested theories for its existence". It added that: "If necessary, [the guest] would state [they have] evidence to back up [their] specific claims, and the language [they] used to make [their] points". However, UCRL added it "would prefer not to get into a long and protracted analysis over the precise statements made" and accepted "taking a broader and more holistic view, that the overall quality of this interview" was not acceptable.

Following contact from Ofcom, UCRL said that it took "immediate action" and said that the guest would not be interviewed on the station again, and any references to the interview on its social media channels had been removed. The Licensee also added that it was "reviewing" its interview procedures to prevent this happening again.

The Licensee said it had briefed all its presenters on Ofcom's guidance to broadcasters on compliance with the Code during the Coronavirus situation<sup>1</sup>. UCRL said it is working to "safely maintain" its service to serve the community and is prioritising the "health and wellbeing" of its members while maintaining as "full a radio service as possible".

The Licensee urged Ofcom to take into account its previous history of compliance and "positive and proactive" response to Ofcom's concerns.

Ofcom gave the Licensee the opportunity to comment on its Preliminary View that the programme was in breach of Rule 2.1. In response UCRL "apologised for this incident" and agreed that Ofcom's "assessment is fair and reasonable". It reiterated that it "accepts that on this occasion a mistake has

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<sup>1</sup> On 23 March 2020, Ofcom published a [Note to Broadcasters on the Coronavirus](https://www.ofcom.org.uk/_data/assets/pdf_file/0025/193075/Note-to-broadcasters-Coronavirus.pdf). See: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0025/193075/Note-to-broadcasters-Coronavirus.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0025/193075/Note-to-broadcasters-Coronavirus.pdf).

been made in this particular broadcast” and confirmed that “work is urgently under way to produce a station interviews policy with procedures”.

## Decision

Reflecting our duties under the Communications Act 2003, Section Two of the Code provides protection for members of the public from the inclusion of harmful and/or offensive material.

Ofcom takes account of the audience’s and the broadcaster’s right to freedom of expression, set out in Article 10 of the European Convention on Human Rights, when considering whether a broadcaster has provided its audience with adequate protection from potentially harmful material in a programme.

Rule 2.1 requires that broadcasters apply generally accepted standards so as to provide adequate protection for the audience from the inclusion of harmful material. It is for the broadcaster to decide how to secure such protection where necessary. Ofcom must assess the nature of the material and whether there is a reasonable likelihood of it causing members of the public actual or potential harm. Context is important and the extent of any protection required will depend on all the circumstances, including the service on which the material is broadcast, the degree of harm likely to be caused, the likely expectation of the audience and the effect of this material on viewers who may come across it unawares.

We recognise that during the Coronavirus crisis, Ofcom licensees will want to broadcast content about the crisis and that dissemination of accurate and up-to-date information to audiences will be essential. However, broadcasters should be alert to the potential for significant harm to audiences related to the Coronavirus, which could include: harmful health claims; harmful medical advice; and misleading statements about the virus or public policy regarding it. Consistent with freedom of expression, broadcasters can include content in their services about the Coronavirus, but they must ensure they provide adequate protection for the audience from the inclusion of harmful material.

First, Ofcom examined the guest’s claims about the causes and origins of the Coronavirus to assess whether they were potentially harmful to listeners. In considering the potential for harm, Ofcom takes into account a number of factors, such as: the severity of the situation; whether the material was targeted at a particularly vulnerable audience; and whether the claims were made by a speaker who is portrayed as having authority. We also take into account factors such as the absence of a range of information or views, and advice based on limited information<sup>2</sup>.

In our view it was clear that the subject of this discussion was particularly sensitive given the current global Coronavirus crisis. Therefore we considered that listeners would have been particularly vulnerable to any misleading or unsubstantiated claims that could be potentially harmful to them, at a time when they were highly likely to be seeking information about how to protect themselves and others from the spread of the virus.

The guest was presented to listeners as a health professional, and therefore as having medical authority – they were introduced as a “*registered nurse*” and described themselves as a “*nurse of 35 years*” and an “*independent nurse prescriber*”. Ofcom took account of UCRL’s comments, that the

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<sup>2</sup> Ofcom has published research [Health and wealth claims in programming: audience attitudes to potential harm](https://www.ofcom.org.uk/data/assets/pdf_file/0016/104650/Health-claims-report.pdf), setting out audience views on the potential harm arising from programmes involving health or wealth claims (see [https://www.ofcom.org.uk/data/assets/pdf\\_file/0016/104650/Health-claims-report.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0016/104650/Health-claims-report.pdf)).

guest was known to present views that differ to that of the “mainstream”, and that in this interview they gave views that were “contrary” to global medical experts and cited “untested theories”.

The interview included significant claims, as laid out in the Introduction, that the virus outbreak was linked to the rollout of 5G technology, and cast doubt over the symptoms being reported as being indicative of the Coronavirus. For example, the guest said: *“What we’re seeing with these cases in Wuhan and we’ve all seen it on social media is these people suddenly just fall over and they have a dry cough. I have never seen a patient be walking along doing their own thing and suddenly fall over because they’ve got pneumonia, it just doesn’t happen. However, it does happen with 5G”*.

The interview also included statements which suggested to listeners that they were being misled by information about the Coronavirus. For example, the guest said that their views countered “ignorance” and were “evidence-based truth” and referred to the two sides of a debate as “generally truth” and “generally lies”. The guest also encouraged a mistrust in some sources of information about the virus with statements such as it is “important that we don’t just believe what the media is telling us”, “I for one don’t believe everything my Government tells me” and “do not trust a qualification”.

Ofcom was greatly concerned that listeners may have been led to believe that the Coronavirus was caused by the rollout of 5G technology. Ofcom is not aware of any reputable scientific evidence to corroborate such a contentious claim which runs contrary to all official advice, both in the UK and internationally, about the Coronavirus. We were significantly concerned that listeners may have been led to believe that they were being misled by mainstream sources of information about the virus. In our view, although there was no direct instruction to listeners not to follow the advice given by the UK Government or other public authorities, statements made by the guest in the interview had the potential to undermine people’s trust in the advice of mainstream sources of information. We therefore considered this material had the potential to cause significant harm at a time of widespread national and international concern about the Coronavirus crisis.

Ofcom went on to consider whether the Licensee provided adequate protection to listeners from this potentially harmful material. It is an editorial decision for the individual broadcaster as to how adequate protection might be achieved and [our published guidance](#) states that there are various methods broadcasters can consider<sup>3</sup>.

We acknowledged that the presenter attempted to challenge some of the comments by referring to the existence of differing views on subjects (albeit without referring to them in any detail). For example, the presenter said: *“We are getting into conspiracy theory territory here”* and *“Why is it then, that we have on one side a large number of people that would take issue with what you say?”*.

However, Ofcom was concerned that when the presenter did challenge the guest’s view, the guest then immediately and robustly dismissed differing views as incorrect, ignorant or not based on facts. For example, the guest said: *“Then they are ignorant because this is not conspiracy theory”* and *“Well there are two sides, there’s generally truth and then there’s generally lies”*. The presenter did not challenge this further in any detail other than to say: *“...Again, you use that word [lies] which is a very strong word to use”*.

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<sup>3</sup> See [https://www.ofcom.org.uk/data/assets/pdf\\_file/0023/104657/Section-2-Guidance-Notes.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0023/104657/Section-2-Guidance-Notes.pdf).

Further, the presenter also made statements in support of some of the guest's views (*"it makes perfect sense some of that"*) and permitted the interview to continue at length, without any significant scrutiny of the guest's allegations and claims.

Ofcom took into account that, before the discussion, the guest did offer listeners a *"disclaimer"* that their views were *"not intended to replace any advice given by your medical practitioner"*, and told listeners to *"always"* speak to their GP if they are unwell. [Ofcom's published research on health and wealth claims](#) found that warnings can have questionable impact if directly contradicted by comments made by an authoritative speaker<sup>4</sup>. In our view this disclaimer was directly contradicted, and undermined, by the unchallenged highly contentious statements about the causes and origins of the Coronavirus, and the status of official public policy statements about the virus.

We therefore concluded that the Licensee did not provide adequate protection for listeners from the inclusion of the potentially harmful material in this programme.

We took into account that Uckfield FM is a community radio station staffed largely by volunteers. However given the ongoing concerns surrounding the Coronavirus crisis, it is essential that all Ofcom regulated broadcasters act responsibly when the crisis is discussed in their programmes.

We also took into account the steps taken by the Licensee to improve compliance as a result of this incident which included *"urgent work to produce a station interviews policy with procedures"*. However, we considered that UCRL did not take sufficient steps to provide listeners with adequate protection from the potentially harmful claims made during this interview. Ofcom's Decision is therefore that the Licensee did not apply generally accepted standards and breached Rule 2.1.

#### **Decision: Breach of Rule 2.1**

Given the serious breach in this case, **Ofcom directs the Licensee to broadcast a summary of Ofcom's Decision in a form and manner to be decided by Ofcom.**

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<sup>4</sup> See footnote 2.