

# Ofcom Broadcast and On Demand Bulletin

Issue 451  
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## Breakfast Show

<b>Type of case</b>	Broadcast Standards
<b>Outcome</b>	In Breach
<b>Service</b>	Link FM 96.7
<b>Date &amp; time</b>	14 April 2021, 08:00
<b>Category</b>	Offensive language Generally accepted standards
<b>Summary</b>	Offensive language was broadcast when children were particularly likely to be listening. Breach of Rules 1.16 and 2.3.

## Introduction

Link FM is a community radio station broadcasting in the Sheffield area. The licence for Link FM is held by the Pakistan Muslim Centre (Sheffield) Limited (“PMC” or “the Licensee”). The *Breakfast Show* is usually broadcast on Mondays to Thursdays between 08:00 and 10:00.

Ofcom received a complaint from a listener who raised concerns about the song “*Still on Deen*” by Khaleed Saddiq, broadcast at approximately 08:55 which featured two instances of the word “*niggas*”. They were particularly concerned that this is a time when children might be listening during the school run.

The song features the following lyric twice: “*In the mornin’, pray for my niggas*”. We considered this raised potential issues under the following rules of the Code:

- Rule 1.16: “Offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio), unless it is justified by the context...”.
- Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...such material may include, but is not limited to, offensive language...”.

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

## **Response**

The Licensee accepted that the song had been played in error and said it was “extremely apologetic” that it had been broadcast at this time (08:00 to 09:00), when content is typically broadcast with children in mind, including competitions and other features aimed at them. It added that this programme typically features traditional nasheeds, (devotional songs referencing Islamic beliefs, history and current events), which would not contain any offensive language. It further stated that it took its responsibilities “very seriously” and that it worked with a number of organisations that fight racism and prejudice.

PMC said that it had conducted an internal investigation and found that:

- the song had been saved to the music folder of a former presenter at Link FM who had hosted a late night programme;
- the song had been approved for broadcast by the previous station manager and had not been played since the former presenter had left Link FM several years ago; and
- on this occasion, the *Breakfast Show’s* presenter was late for their show and in haste to get started, had opened the wrong music folder and played the song in error. The Licensee said it had currently suspended the presenter from on air duties.

PMC confirmed that: it was in the process of changing to a new play out system, including “vetting” all its music libraries again; and all of Link FM’s presenters were undergoing compliance training and their volunteer agreements has been updated to reflect this. It added that it was doing everything it can to ensure that this incident did not happen again.

Ofcom prepared an initial Preliminary View that the content broadcast by Link FM was in breach of Rules 1.16 and 2.3 and provided it to the Licensee for its comments. In response, the Licensee agreed that the language broadcast in this song was unacceptable and reiterated its apology that this song was broadcast.

Ofcom took account of the comments made by the Licensee and prepared a Revised Preliminary View that the programme was in breach of Rules 1.16 and 2.3, which it provided to PMC for its further comments and to provide the presenter an opportunity to make any third party representations to Ofcom on the case. Link FM confirmed that it had no further comments to make on the Revised Preliminary View. However, Ofcom received representations from the *Breakfast Show’s* presenter.

## **Response from *Breakfast Show* presenter on Ofcom’s Revised Preliminary View**

The presenter said that they were “shocked” by the Licensee’s comments as summarised in the Revised Preliminary View. They added that “[I have] never been late for my show, [and] would come in well before 8am to prepare my show to start at 8. And neither have I put tracks in haste. I’ve always worked as a professional, at the best of my ability”.

The presenter said that they played the song as they were looking for a suitable length track in a folder of tracks that “had been checked and so were deemed suitable for broadcast”. They stated that they

were not familiar with this particular song, however, because “there was nothing to say in the title that the track was offensive, (as Deen means Faith)” and they had been told by a colleague that “the tracks were safe to play”. The presenter said that “clearly there has been a mis-management of the music database” which had led to this situation.

The presenter said that they regretted and apologised for the broadcast of this track, but stated that “this track was played by me with innocence, and no malice”.

## Decision

Reflecting our duties under the Communications Act 2003, Section One of the Code requires that people under the age of 18 are sufficiently protected from unsuitable material in programmes. Section Two of the Code requires that generally accepted standards are applied so as to provide adequate protection for members of the public from the inclusion of harmful or offensive material in programmes.

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 a broadcaster’s compliance with the Code.

### Rule 1.16

Rule 1.16 states that offensive language must not be broadcast when children are particularly likely to be listening unless it is justified by the context.

[Ofcom’s research on offensive language](#)<sup>1</sup> clearly indicates that “nigger” and variations of it are considered to be highly offensive language.

The Code states that “when children are particularly likely to be listening” particularly refers to the school run and breakfast time. According to Ofcom’s [Guidance on offensive language on radio](#), radio broadcasters should have particular regard to broadcasting content at the following times: between 06:00 and 09:00 and 15:00 and 19:00 Monday to Friday during term time; and between 06:00 and 19:00 at weekends all year around, and in addition, during the same times from Monday to Fridays during school holidays. Potentially highly offensive language was therefore broadcast at a time when children were particularly likely to be listening.

We went on to consider whether the use of potentially highly offensive language was justified by the context. Context includes, for example, the nature of the content, the service in which the programme is broadcast, its editorial content, and the likely expectation of the audience.

We considered that although it is not endorsed by all rap artists, the word “niggas” is used in some rap music, and therefore some listeners of the genre may be more accepting of the word. However, this song was not played amongst other rap songs, or during a programme that commonly plays the genre. The song was broadcast in a section of the programme which the Licensee said was typically broadcast with children in mind. It was also during a time when children are particularly likely to be listening.

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<sup>1</sup> In September 2021 Ofcom published a new report into [public attitudes to offensive language](#). As this programme was broadcast prior to that publication of that research we have considered this case in relation to the research available to the licensee at the time of broadcast.

Ofcom therefore considered that listeners, particularly parents and carers, would have had an expectation that children would be protected from unsuitable material at this time.

Ofcom acknowledged the actions taken by the Licensee to ensure compliance in the future, including re-training its volunteers. We also took into account the presenter's representations on this matter. However, Ofcom's Decision is that the programme was in breach of Rule 1.16 of the Code.

### **Rule 2.3**

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

We first considered whether the language broadcast in this song had the potential to cause offence.

As stated above, Ofcom's research on offensive language clearly indicates that "nigger" and variations of it had the potential to cause significant offence.

Ofcom then considered whether the broadcast of this offensive language was justified by the context. We took into account that the word "nigga" is sometimes used in the rap/hip hop genre and listeners of rap/hip hop music may be more accepting of the word in some instances. However, we noted that this track was broadcast during a programme which typically features traditional nasheeds, (devotional songs referencing Islamic beliefs, history and current events), which would not contain any offensive language. As also discussed above, as this hour of the programme (08:00 to 09:00) is typically broadcast with children in mind, we considered that regular listeners to the programme would not be expecting to hear a song containing highly offensive language at this time. Consequently, this content was likely to have exceeded audience expectations of this programme. There were no mitigating factors which might have helped to justify the use of this offensive language in this context.

We took into account that the Licensee accepted that the content was not appropriate for broadcast at this time during this programme, and it had been broadcast in error. We also took into account the presenter's representations on this matter.

Ofcom's Decision is that the content exceeded generally accepted standards and, therefore, the programme was also in breach of Rule 2.3 of the Code.

### **Breach of Rules 1.16 and 2.3**