

# Ofcom Broadcast and On Demand Bulletin

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## Number 6

**Type of case** Broadcast Standards

**Outcome** In Breach

**Service** Channel 7

**Date & time** 19 April 2022, 12:30

**Category** Scheduling  
Offensive language  
Generally accepted standards

**Summary** Offensive language, sexual content and racially discriminatory content was broadcast that was not justified by the context, nor appropriately scheduled so as to protect children. In breach of Rules 1.3, 1.14, 1.16 and 2.3 of the Broadcasting Code.

## Introduction

Channel 7 is a general entertainment television channel. The licence for the service is held by Channel 7 Limited (“Channel 7” or “the Licensee”).

Ofcom received a complaint about the broadcast of offensive language, sexual content and racially discriminatory content during the programme *Number 6*, which featured a number of pre-recorded comedy performances at the Top Secret Comedy Club in London.

During one of the comedy segments, comedian Toju Okorodudu performed a stand-up comedy routine lasting approximately 10 minutes, which began with him coming onto the stage and trying to prompt reactions from audience members by shouting. In an exaggerated upper class British accent, impersonating what he called “*Englishness*”, he said:

*“I refuse to react to this negro, I’m giving you nothing”.*

He then impersonated women from the north of England, including their reaction to him and how it was more “*aggressive*” than women in London:

*“I want to take fucking photo with a Black fella. ‘Ere, Black fella, we want to take photo. Sandra, stand there with the Black fella”.*

He then said, in his own voice:

*“I don’t even have a name, I’m the ‘Black fella”.*

Mr Okorodudu continued in a UK northern accent:

*“Here, Black fella, come back here, take fucking photo, you Black bastard”.*

He then said, in his own voice:

*“And they talk about you in past tense like you’re dead”.*

Mr Okorodudu then spoke in a UK northern accent again:

*“Black fella he were, Black fella he was, fucking Black fella”.*

He then said, in his own voice:

*“I’m still Black, I’m still here, you motherfucker”.*

Mr Okorodudu then referred to White people not being afraid of anything and gave an example of the movie Jaws:

*“For example, in the movie Jaws, all the White people were warned: stay out of the water, there’s a shark in it. White people –”.*

He then mimicked a UK southern White accent and said:

*“Bollocks! Get the kids love, we’re going swimming”.*

Mr Okorodudu then described trying to enter a Chinese restaurant at closing time:

*“You know what, folks, a lot of people say that hip hop concerts are quite hostile. Yes sir, that’s true, but there’s other shit that’s hostile too. For example, sir, have you ever tried to get into a Chinese restaurant when it’s closing? I know you want to laugh and you’re looking around the room to see if there’s any Chinese people. There’s none here, you can laugh...have you ever tried to get into a Chinese restaurant, sir, when it’s closing? That’s hostility. When their shit’s shut, it’s shut. No negotiation, no conversation, that’s it. I went to a restaurant, sir, the other day, the waiter physically drove me away. He’s like –”.*

He then mimicked a Chinese accent and said:

*“Agh, we close, we close, we close, we close, we close, we close. I spell for you, C-O-S-E, closed, that’s it, don’t come back”.*

Mr Okorodudu continued in his own voice:

*“The Chinese, man, they have no people skills whatsoever. Brother, with them, there’s no negotiation. Get your egg fried rice and get the fuck out. They don’t even let you tell them how good the food is. You’ll be like ‘Hey man, the food’s great’”.*

He then impersonated a Chinese accent:

*“‘Yeah, yeah, whatever. Next’”.*

Mr Okorodudu continued in his own voice:

*“Seriously brother, try giving them a compliment, sister, they will spit that shit back in your face like acid. ‘Hey man, the food’s great’”.*

He then mimicked a Chinese accent, while thumping his chest, and said:

*“‘I know the food great, he know the food great, she know the food great. The food great, tell me some shit I don’t know. The food great, who the fuck you think cooked the food’”.*

Mr Okorodudu then said:

*“And some of the hygiene in Chinese restaurants is questionable. Sister, I went into one restaurant, there was a cockroach on the wall. It’s pretty disgusting right? So I called the manager. ‘Hey, what the fuck is that on the wall?’ Manager gives me this pissy attitude”.*

He continued in a Chinese accent:

*“‘Ah, he no bother you, no bother him’”.*

Mr Okorodudu reverted back to his own voice:

*“What do you mean, he’s not bothering me? Of course he’s bothering me. He’s a cockroach with a menu, get him off the wall”.*

He continued in a Chinese accent:

*“‘Ah, I cannot do that’”.*

Mr Okorodudu reverted back to own voice:

*“Why not?”*

He continued in a Chinese accent:

*“‘He a regular’”.*

Mr Okorodudu reverted back to his own voice:

*“He’s a regular! You mean he’s in here all the time?”*

He continued in a Chinese accent:

*“Yeah, that’s what regular means. Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday, everyday that motherfucker here”.*

Mr Okorodudu reverted back to his own voice:

*“Look, I don’t care who he is, what he does or where he’s from. Get him off the wall”.*

He continued in a Chinese accent:

*“Alright, alright, you have to go, you have to go, you have to go. Come back later when Black bastard gone”.*

Mr Okorodudu then moved on to talking about being a huge Bruce Lee fan and said the following:

*“I’m a huge Bruce Lee fan, but could you imagine Bruce Lee having a wank, sister? This is the part where the audience gets extra English...sister, could you imagine Bruce Lee having a wank? It would be like –”.*

He then mimicked the action of masturbating while screaming in a Chinese accent.

Mr Okorodudu then said:

*“And you know that Popeye jerks off, I mean, how else did the brother get forearms that big? You don’t get forearms that size by eating spinach. Fuck spinach, spinach ain’t got shit to do with it. You know that Popeye jerks off. Popeye only has one eye. How do you think he lost that eye?”*

He went on to impersonate Popeye’s voice, while mimicking the act of masturbation, and said:

*“Oh, sorry Olive, I’ve got cum in your eye”.*

Mr Okorodudu then turned to the front row of the audience and said in an exaggerated upper class British accent:

*“Popeye, who is Popeye? Who is this Popeye you speak of? Bruce Lee wanking, what’s going on here?”*

He then engaged with various members of the audience, and made the following statement to audience members in the front row:

*“Nigerian women are the best in bed. Brother, you’re a virgin aren’t you? In fact, this whole crew is. I know that this section of the show, I’m going to lose you, because you’re looking at me like ‘What’s vagina? I’ve*

*heard it's a magical place where dreams come true. One day I want to go there and stay there forever".*

Mr Okorodudu then said to one woman in the audience, in reference to her dreadlocks:

*"Dreads, oh man, what I would do to you. Oh, a woman with dreads, do you know what that is, love?...you know what's great about a woman with dreads?"*

He then said:

*"When you do her doggy style, oh, oh".*

Mr Okorodudu then mimicked holding a person's dreadlocks in one hand whilst engaging in sexual intercourse, addressing the front row once again as follows:

*"See, I know you're excited at the prospect now of having pussy, aren't you?"*

He then jumped up and down in mock excitement, impersonating a young audience member's apparent reaction to having sex. Mr Okorodudu then said to the front row in an exaggerated upper class British accent:

*"Who is this negro, where are you from? Guard, seize this man and throw him to the lions. I don't care for your brand of humour".*

He then shook the hand of a young audience member in the front row and asked him:

*"How you doing, son? Why do you look so tense, man? What, do I owe you money? He's looking at me like one of those old school Bond villains".*

Mr Okorodudu then switched to an exaggerated upper class British accent and said:

*"See that some harm comes to the negro".*

He then greeted a member of the audience in a UK northern accent before saying to someone he described as "Nigerian":

*"Black guy at the back R&B style, how you doing? Don't look around motherfucker, I'm talking to you. My man's sitting there like he's too sexy for the show".*

Mr Okorodudu then concluded his act by talking about a "Nigerian security guard in Primark" who 'overdoes' his job and is stabbed by someone shoplifting a pair of socks.

Ofcom considered that this material raised potential issues under the following rules of the Code:

Rule 1.3: "Children must... be protected by appropriate scheduling from material that is unsuitable for them...".

- Rule 1.14: “The most offensive language must not be broadcast before the watershed (in the case of television)...”.
- Rule 1.16: “Offensive language must not be broadcast before the watershed (in the case of television)...unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed”.
- 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...sex...discriminatory treatment or language (for example on the grounds of...race...)...Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

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

### **Response**

Channel 7 said that it would not “under any circumstance put children in jeopardy of violence, language, or violence of any kind deliberately”. Channel 7 apologised for what it described as the “mishap” in this case and said it had taken “all the required steps” to prevent it happening again. The Licensee stated that it takes “adhering to all Ofcom’s requirements” seriously and would continue to do so.

### **Preliminary View**

Ofcom issued a Preliminary View (the “First Preliminary View”) finding the programme in breach of Rules 1.3, 1.14, 1.16 and 2.3 of the Code and provided it to the Licensee for its comments. In response, the Licensee said that it was “very sorry for the error in scheduling” which had resulted in the breaches and that it had taken steps to prevent recurrence by “changing the timeslot for Number 6 immediately”. Channel 7 reiterated that it was committed to ensuring that “all Ofcom regulations and protocols are duly observed”.

### **Revised Preliminary View**

Following receipt of the Licensee’s representations on Ofcom’s First Preliminary View, oversight of this investigation moved to a second stage decision maker.

After careful consideration, it was decided that, taking into account the findings of Ofcom’s [2021 research into public attitudes towards offensive language on TV and radio](#) (“2021 offensive language research”), some of the language in the programme (i.e. the word “cum”) did not amount to the most offensive language for the purposes of Rule 1.14 but did raise issues under Rule 1.16. Accordingly, further consideration was required on whether the broadcast of this potentially offensive language was justified by the context.

We therefore prepared a Revised Preliminary View and provided it to the Licensee, giving it a further opportunity to make representations. The Licensee did not provide any representations on Ofcom’s Revised Preliminary View.

## Decision

Reflecting our duties under the [Communications Act 2003](#), Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes. Section Two of the Code requires that generally accepted standards are applied to content 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 as set out in Article 10 of the European Convention on Human Rights when considering a broadcaster's compliance with the Code.

### Rule 1.14

Rule 1.14 requires that the most offensive language must not be broadcast on television before the watershed. When considering this case, Ofcom took into account its 2021 offensive language research. This research found that the words "*fuck*" and "*motherfucker*" were considered by audiences to be among the most offensive language and required clear and strong contextual justification. It also found that audiences consider that, in order to protect children, these words should not be aired before the watershed on television. In this case, the broadcast of seven instances of "*fuck*" or "*fucking*" and three instances of "*motherfucker*" were clear examples of the most offensive language being broadcast before the watershed.

The Licensee did not dispute our provisional findings in its representations on Ofcom's First Preliminary View, nor did it provide any representations on Ofcom's Revised Preliminary View.

For the reasons set out above, it is Ofcom's Decision that this pre-recorded programme included several uses of the most offensive language before the watershed and therefore was in breach of Rule 1.14.

### Rule 1.16

Rule 1.16 states that offensive language must not be broadcast on television before the watershed unless it is justified by the context.

In this case, there were three instances of the word "*negro*" and one instance of the word "*cum*" used during Mr Okorodudu's routine. Our 2021 offensive language research classified "*negro*" and "*cum*" as 'strong' language, considered by audiences to be highly offensive and requiring very strong or strong contextual justification, depending on the context.

The programme also included the following language classified as 'moderate' in our research, considered by audiences to have greater potential for offence than mild words and requiring a higher level of context: five instances of "*shit*"; three instances of "*wank[ing]*"; two instances of "*bastard*"; one instance of "*bollocks*"; and one instance of "*pussy*".

Our 2021 offensive language research recognised the significant levels of offence that words related to race, ethnicity and nationality could cause, and participants felt words such as "*negro*" should be used carefully, with consideration of the wider context and likely audience. Therefore, for many, including participants from minority communities, this meant that such language did have a place on TV and radio before the watershed, for example, in documentaries or dramas reflecting real life or raising

awareness of discrimination. This was in contrast to very offensive general swear words (such as those discussed above under Rule 1.14), where participants did not want children being exposed to such words and therefore felt they should not be broadcast pre-watershed.

We therefore considered whether the broadcast of this potentially offensive language was justified by the context. Context is assessed by a range of factors including: the editorial content of the programme; the degree of offence; the effect of the material on audiences who might come across it unawares; the service on which it was broadcast; the time of the broadcast; the broadcast of any warnings; and the likely audience expectations.

We took into account that the audience of a stand up comedy programme are likely to expect some offensive language and potentially challenging material. In the particular circumstances of this case, the word “*negro*” was used by the comedian to refer to himself and as a means of highlighting and satirising his experience of racism. However, this programme was broadcast mid-afternoon and we did not consider this context justified the broadcast of such highly offensive words relating to race at this time of day to an audience which potentially included children.

Channel 7 broadcasts a broad range of programming for its audience including: lifestyle shows; discussion programmes; African drama series, documentaries and music; religious services; comedy; and news. We considered that, given its usual daytime programming, Channel 7’s audience (including any parents and carers) would have expected children to be protected against the broadcast of offensive language, including potentially offensive racial and sexual language on this channel at this time of day. Ofcom also took into account that there were no warnings to alert viewers to the nature of the content before the start of the programme.

Rule 1.16 not only requires offensive language broadcast before the watershed to be justified by the context, but also states that “in any event, frequent use of such language must be avoided before the watershed”. This is consistent with Ofcom’s [Guidance](#) on Rule 1.16, which states that “milder language in the early part of the evening may be acceptable, for example, if mitigated by a humorous context. However, in general, viewers and listeners do not wish to hear frequent or regular use of such language, including profanity, before 2100”.

Ofcom acknowledges that there may be circumstances where the broadcast of potentially offensive language in pre-watershed programming is justified by the context. However, it does not follow that a broadcaster is permitted to use highly and moderately offensive words frequently in a pre-watershed programme. Ofcom noted that, in this sequence lasting approximately ten minutes, there were a further twelve instances of moderately offensive language. In Ofcom’s view, the broadcast of this language in a relatively short period of time clearly constituted “frequent use” of offensive language.

We took into account the Licensee’s initial representations that it would not “under any circumstance put children in jeopardy of...language...deliberately” and that it had taken “all the required steps” to prevent it happening again. We also took into account the Licensee’s representations in response to Ofcom’s First Preliminary View that it had since changed the timeslot of *Number 6*. However, in relation to the programme as broadcast, Ofcom did not consider that the Licensee took appropriate steps to avoid the frequent use of offensive language in this pre-watershed programme, nor to ensure that the broadcast of the language was justified by the context.



For the reasons set out above, it is Ofcom’s Decision that the broadcast of this offensive language before the watershed was not justified by the context, in breach of Rule 1.16.

### Rule 1.3

Rule 1.3 requires that broadcasters must ensure that children are protected from unsuitable material through appropriate scheduling. Appropriate scheduling is judged according to factors such as: the nature of the content; the likely number and age range of children in the audience; the transmission time; the nature of the channel; and the likely expectations of the audience for a particular channel or station at a particular time of day.

This programme was broadcast at 12:45 on a Tuesday, when many children would have been available to view this content. Tuesday 19 April 2022 was the start date of the Summer term for many schools across the UK, however, as this date would have fallen within the Easter school holidays for some children, it is likely that more children would have been in the audience than on a normal weekday during term time. In addition, there is a possibility that younger, pre-school children could have also been in the audience at the time the content was broadcast.

We considered that the various instances of offensive language discussed under Rule 1.14 and 1.16 above were clearly unsuitable for children. The programme also included representations of sexual behaviour which Ofcom considered to be clearly unsuitable for children, specifically Mr Okorodudu mimicking sex along with a reference to “*doing her doggy style*” and mimicking masturbation.

Further, we also considered that the routine included derogatory comments about the hygiene standards of Chinese restaurants and the mimicking of a Chinese accent at length. Our 2021 offensive language research mentioned above highlighted that the targeted mimicking of accents associated with minority ethnic groups was regarded as “highly offensive in some circumstances”. In this case, we considered that the mimicking of the accent had the potential to increase the offence caused by the racial stereotyping and discriminatory comments that were being made. We considered that most parents and carers would be unlikely to have expected this type of content to be scheduled at this time of day on this channel and would likely have considered it unsuitable for children.

The Licensee did not dispute our provisional findings in its representations on Ofcom’s First Preliminary View, nor did it provide any representations on Ofcom’s Revised Preliminary View. Ofcom took into account that the Licensee had apologised in its initial representations for the “mishap” and had said that it had taken “all the required steps” to prevent recurrence, including changing the timeslot in which *Number 6* is scheduled. We also took into account the Licensee’s initial representations that it would not “under any circumstance put children in jeopardy of...language...deliberately”.

However, Ofcom’s Decision is that this programme was not appropriately scheduled so as to protect any children in the audience from this unsuitable material and was therefore in breach of Rule 1.3.

### Rule 2.3

Rule 2.3 requires that broadcasters must ensure that the broadcast of potentially offensive content is justified by the context. As outlined above, context includes, for example: the editorial content of the programme; the service on which it was broadcast; the time of the broadcast; and the likely expectation of the audience.

As set out above, Ofcom takes account of the audience's and the broadcaster's right to freedom of expression as set out in Article 10 of the European Convention on Human Rights when considering a broadcaster's compliance with Rule 2.3.

Ofcom first considered whether the material broadcast had the potential to cause offence. As set out above, the programme contained the most offensive language, highly offensive racially discriminatory language, references to sexual behaviour, and derogatory comments about Chinese people. In Ofcom's view, the broadcast of this material was capable of causing significant offence to viewers. We then considered whether the offence was justified by the context.

Ofcom considered that viewers of a stand-up comedy programme might reasonably expect it to contain strong language, sexual references, and challenging material which would be likely to offend some in the audience. Ofcom also recognised the freedom of expression of comedians to explore and reflect on their experiences of racism through their routines, as well as the right of the Licensee to broadcast these views and the right of the audience to receive this information. As highlighted above, Ofcom took into consideration that the word "negro" was used by the comedian in this circumstance self-referentially and to highlight and satirise his experiences of racism.

However, we did not consider that viewers would have expected to hear offensive and discriminatory language and content on multiple occasions, as well as explicit descriptions of sexual activity, during a pre-recorded programme broadcast in the afternoon pre-watershed. While the genre of stand-up comedy provided some contextual justification for the inclusion of this content, Ofcom considered that audiences would likely expect stronger comedy material, such as that broadcast in this case, to be scheduled after the watershed and later in the evening. Ofcom therefore considered that, in this case, the nature of the editorial content would have exceeded the likely expectations of the audience for the time of the broadcast. Further, and as already highlighted above, there were no additional contextual factors which would have alerted the audience to the nature of the content, such as a warning before the start of the programme.

The Licensee did not dispute our provisional findings in its representations on Ofcom's First Preliminary View, nor did it provide any representations on Ofcom's Revised Preliminary View.

It is Ofcom's Decision that, taking the above factors into account, the broadcast of this offensive content was not justified by the context, in breach of Rule 2.3.

In Issue 454 of Ofcom's Broadcast and On Demand Bulletin, published on 11 July 2022, Ofcom recorded breaches against the Licensee of Rules 1 and 2 of the Code on the Scheduling of Television Advertising (COSTA), Rules 9.4, 9.5, 9.10 and 9.13 of the Broadcasting Code, and Licence Condition 17(2) relating to its compliance procedures. In Ofcom's view, those breaches raised concerns about Channel 7's ability to comply with the conditions of its licence. Ofcom held a meeting with the Licensee to discuss the compliance arrangements it has in place.

In light of those breaches and the breaches outlined in this Decision, Ofcom may consider taking further regulatory action as appropriate should further breaches occur.

**Decision: Breaches of Rules 1.3, 1.14, 1.16 and 2.3**