

# **Ofcom Broadcast and On Demand Bulletin**

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## Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives<sup>1</sup>. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act<sup>2</sup>. Ofcom must include these standards in a code, codes or rules. These are listed below.

The Broadcast and On Demand Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and rules below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by the ASA on the basis of their rules and guidance for advertising content on ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in television programmes, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility for on television and radio services. These include:
  - the prohibition on ‘political’ advertising;
  - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 of the Code);
  - ‘participation TV’ advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including ‘adult’ chat), ‘psychic’ readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and ‘message board’ material where these are broadcast as advertising<sup>3</sup>.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS. Ofcom considers sanctions in relation to advertising content on ODPS on referral by the Advertising Standards Authority (“ASA”), the co-regulator of ODPS for advertising or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

**It is Ofcom's policy to describe fully the content in television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.**

## Note to Broadcasters

### Election programming

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On 4 May 2017, various local elections will be taking place across the UK.

Ofcom would like to remind all broadcasters of the rules surrounding election-related programmes and content. In particular, broadcasters should ensure that they comply with Section Five (Due Impartiality) and Section Six (Elections and Referendums) of the Code, as well as the prohibition of political advertising contained in section 321 of the Communications Act 2003 and reflected as Section 7 of the BCAP Code.

On 9 March 2017, Ofcom published a Statement<sup>1</sup> setting out:

- our decision to remove the concept of the list of larger parties from Section Six of the Code and the rules on party political and referendum broadcasts (“PPRB Rules”); and
- changes to apply Section Five (due impartiality and due accuracy) and Section Six of the Code, to the BBC

Our changes to Section Five and Section Six of the Code and the PPRB Rules will come into effect on 22 March 2017, the date when Ofcom becomes responsible for enforcing these rules, in relation to BBC content. The changes to these rules are laid out in our Statement<sup>2</sup> and will be published on the Ofcom website on 22 March 2017, along with updated versions of the Guidance to Section Five and Section Six of the Code.

Following the removal of the concept of larger parties from our rules, and to help broadcasters to take editorial decisions during election campaigns, we have published<sup>3</sup> an annual digest of past electoral and current support ahead of the elections taking place on 4 May 2017. This also sets out the factors we would consider when making decisions in the area of elections, including that we put more weight on evidence of past electoral support than evidence of current support (e.g. opinion polls).

In relation to the elections being contested on 4 May 2017, the rules in Section Six of the Code will apply when the “election period” commences, which will be as follows for the different categories of elections:

- English local (and mayoral) government: 27 March 2017.
- Welsh local government: 27 March 2017.
- Scottish local government: 22 March 2017.

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<sup>1</sup> See [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0030/98148/Due-impartiality-and-elections-statement.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0030/98148/Due-impartiality-and-elections-statement.pdf)

<sup>2</sup> See footnote 1. The new version of the PPRB Rules is contained in Annex 1 and the new versions of Section Five and Section Six of the Code are contained in Annex 2.

<sup>3</sup> See [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0031/98149/Election-Digest.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0031/98149/Election-Digest.pdf)

Ofcom will consider any breach arising from election-related programming to be potentially serious, and will consider taking appropriate regulatory action, including considering the imposition of a statutory sanction.

If a complaint is made which raises a substantive issue concerning due impartiality during the election period, and in Ofcom's opinion the complaint, if upheld, might require redress before the election, it will be considered by Ofcom's Election Committee<sup>4</sup>. In these cases, it will be necessary for Ofcom to act quickly to determine the outcome in a proportionate and transparent manner before the election and broadcasters should be prepared to engage with Ofcom on short timescales.

For further information about the various elections being contested on 4 May 2017, broadcasters should visit the Electoral Commission website at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

Broadcasters are also reminded that if they would find it helpful to have informal guidance on Sections Five and Six of the Code, they can contact Ofcom directly ([adam.baxter@ofcom.org.uk](mailto:adam.baxter@ofcom.org.uk) or [stephen.taylor@ofcom.org.uk](mailto:stephen.taylor@ofcom.org.uk)).

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<sup>4</sup> See Ofcom Election Committee's Terms of Reference <http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/election-committee/terms-of-reference/>

## Broadcast Standards cases

### In Breach

#### Second Story Man

*Sony Movie Channel, 17 January 2017, 11:00*

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#### Introduction

Sony Movie Channel broadcasts on terrestrial, satellite and cable platforms. The licence for Sony Movie Channel is held by Entertainment Networks (UK) Limited (“ENL” or “the Licensee”), a subsidiary of Sony Pictures Entertainment.

*Second Story Man* is a made for television film about a man’s struggle to cope following the death of his wife during their attempt to rob a bank. A complainant alerted Ofcom to the inclusion of the most offensive language in the broadcast.

There were three instances of the word “fucking”: at the following times:

- “...*call it a fucking job*” and “[i]t’s *politics man, always fucking politics*” at approximately 11:49; and
- “...*what would make this fucking fair!*” at 12:20.

Ofcom considered the material raised issues warranting investigation under Rule 1.14 of the Code which states:

“The most offensive language must not be broadcast before the watershed...”.

We therefore asked the Licensee for its comments under this rule.

#### Response

ENL explained that while most of the offensive language had been edited from the film prior to broadcast, three instances of the most offensive language remained. This was the result of human error.

The Licensee said that once it had been made aware of the issue it had: removed the content from its library; reviewed similar material that had been edited around the same time; met with the individual member of staff to review their understanding of the rule and procedures in place; and arranged a training session for all quality control operators to reinforce their understanding of the Code and its own internal escalation procedures.

ENL stated that it took incidents of this nature seriously and would continue to ensure it had robust compliance procedures in place.

#### Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.14 states the most offensive language must not be broadcast on television before the watershed. Ofcom's 2016 research<sup>1</sup> on offensive language clearly indicates that the word "fuck" and variations of it are considered by audiences to be amongst the most offensive language.

In this case the word "fucking" was broadcast three times – clear examples of the most offensive language being broadcast before the watershed.

Ofcom noted the steps taken by the Licensee to ensure ongoing compliance with the Code, Nonetheless, the broadcast of this material was a clear breach of Rule 1.14.

### **Breach of Rule 1.14**

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<sup>1</sup> On 30 September 2016, Ofcom published updated research in this area: Attitudes to potentially offensive language and gestures on television and on radio:  
[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/91624/OfcomOffensiveLanguage.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf)

## In Breach

### Dai Haywood Rock & Roll

BRFM, 25 October 2016, 19:00

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#### Introduction

BRFM is a community radio station serving Brynmawr and the surrounding area of Blaenau Gwent in South Wales. It broadcasts a mixture of music and speech in English and Welsh. The licence for BRFM is held by BRFM Limited (“BRFML” or “the Licensee”).

*Dai Haywood Rock & Roll* is a weekly programme specialising in rock and roll music from the 1950s and 1960s.

A complainant alerted Ofcom to a comment which they felt was offensive. It was made by the presenter, Dai Haywood, about gay and bisexual people:

*“Just been talking to Graham about the way, the way the world is going with everybody being bis and gays and, well they say: like Betty was saying; there won’t be no midwives 20 years from now, midwives will be a thing of the past. ‘Cause my granddaughter’s hoping to become a midwife, and funny I only said to her yesterday you’ll be redundant by the time you’re 40, with all the gay people around. There’ll be no reproduction going on. But Betty did say they’d be opening two new factories in Blaenau: they’ll be for blow up, male blow-up dolls and the other will be a dildo factory. So there will be work around!”*

We considered this material raised potential substantive warranting investigation under Rule 2.3 of Code:

“In applying generally accepted standards, broadcasters must ensure material that may cause offence is justified by the context. Such material may include...discrimination treatment or language (for example on the grounds of...sexuality...). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

We therefore asked BRFML how the material complied with this rule.

#### Response

The Licensee expressed its “deepest apologies” for the broadcast of this content. It added that the presenter was a volunteer and had apologised “sincerely” for his remarks. BRFML also stated its belief that the presenter had been encouraged to make his comments by two listeners to the programme. Nonetheless, it added that there was “no excuse” for the broadcast of these comments.

The Licensee said that as soon as it became aware of the incident, it suspended the presenter with immediate effect and after further discussions, confirmed that the presenter would no longer be involved with the station.

BRFML said that it had issued an on-air apology for any offence that may have been caused by the comments and also held a meeting with its presenters and volunteers

to “reiterate the code of conduct and the responsibility to the organisation of presenters”.

The Licensee highlighted its good compliance record and submitted that although it could not defend the presenter’s remarks, as the programme was live the comments would have been difficult to prevent.

## Decision

Under the Communications Act 2003, Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material”. This duty is reflected in Section Two of the Code.

In reaching its Decision in this case, Ofcom has taken account of the Licensee’s and audience’s right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights.

Rule 2.3 of the Code requires that potentially offensive material is justified by the context. Context is assessed by reference to a range of factors including the editorial content of the programme, the service in which the material is broadcast and the likely expectations of the audience.

Ofcom first considered whether the material in this programme had the potential to cause offence.

In this case during a live music programme, a presenter recounted having discussed *“the way the world is going with everybody being bis and gays”* with a member of the audience while off-air. He then stated on air that *“20 years from now, midwives will be a thing of the past... There’ll be no reproduction going on”*, i.e. that children would not be born in future, implying, in his view, a dramatic decrease in the number of heterosexual people in society coupled with a rise in the number of homosexual and bisexual people. The presenter then sought to illustrate this line of argument by reference to his granddaughter’s desire to become a midwife, by stating *“you’ll be redundant by the time you’re 40, with all the gay people around”*.

We took into account that sexual orientation is a protected characteristic under UK equality legislation<sup>1</sup>. We considered that the presenter’s statements about homosexual and bisexual people were likely to have been interpreted by listeners as offensive because they were derogatory and stereotypical. The likely level of offence in this case would have been increased by the presenter referring to two factories opening up in the local area, which he joked would be for making *“male blow-up dolls”* and *“dildos”*. This served to reinforce the presenter’s derogatory comments by presenting a negative and stereotyped view on the sexual behaviour of homosexual and bisexual people. In Ofcom’s opinion, the general tone of the presenter’s remarks was likely to have been interpreted as an implied attack on homosexual and bisexual people, presenting their increased numbers as a threat to society. We considered that these pejorative references to sexual orientation had the potential to cause serious offence to listeners.

We went on to consider if the broadcast of this material was justified by the context.

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<sup>1</sup> Equality Act 2010.

Ofcom noted that the comments were made during a live music programme and therefore the comments were unlikely to have been planned or scripted. However, at no other point in the programme was the topic of sexual orientation discussed, and nor were the presenter's highly offensive references to homosexual and bisexual people challenged or otherwise contextualised. We also noted that one of the Licensee's key commitments<sup>2</sup> is to "promote the physical, emotional and mental well-being of the target community through its radio programming... [and to] improve social inclusion, embracing heritage, culture, and diversity, and promotes the Welsh language". Consequently, Ofcom considered that the presenter's comments were likely to have exceeded audience expectations for this programme on this station.

Ofcom noted the Licensee's decision to permanently suspend the presenter and issue an on-air apology. We also noted the measures it undertook to remind presenters of their responsibilities.

However, taking all the relevant factors into account, we did not consider the broadcast of this material which had the potential to cause offence, was justified by the context. Therefore, Rule 2.3 of the Code was breached.

### **Breach of Rule 2.3**

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<sup>2</sup>BRFM's key Commitments can be viewed in full at:<http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000110.pdf>

## In Breach

### Sponsorship of news bulletin

*BCR FM, 16 December 2016, 09:00*

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#### Introduction

BCR FM was a Short Term Restricted Service Licence (S-RSL) station. It broadcast to the Peterhead area of Aberdeenshire from 16 December 2016 to 1 January 2017 and covered the local Christmas and New Year festivities. The licence for the service was held by Mr Cropley (or “the Licensee”).

A complainant alerted Ofcom to the station’s sponsored news output, which he considered to be in breach of the Code.

The following pre-recorded sponsorship credit (i.e. a commercial reference) was broadcast immediately following a news bulletin:

*“BCR’s local news bulletin is sponsored by Phonetech, for all your mobile and computing solutions. We do phone repairs, computer repairs, phone unlocking, hand-free kits, top-up SIM cards and we also supply stuff for e-cigs and much, much more. Find us at [address], or call us today on [telephone number] or you can email us on [email address] you can also find us on Facebook. That’s Phonetech in Peterhead”.*

We considered the material raised issues warranting investigation under Rule 10.3 of the Code, which states:

“No commercial reference, or material that implies a commercial arrangement, is permitted in or around news bulletins or news desk presentations...”.

We sought the Licensee’s comments on how the material complied with this rule.

#### Response

The Licensee said that it was a result of a “genuine error” and that he recognised that this commercial reference was unacceptable under the Code. He added that he was “new to FM broadcasting” and that he was “still learning”.

The Licensee said that the funds received from the sponsorship arrangement had been used for “running costs” associated with the service. He offered his sincere apologies and informed Ofcom that he had since implemented additional training sessions for staff on the requirements of the Code and would continue to review his processes to prevent recurrence during any future broadcasts.

#### Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure standards objectives. These objectives include ensuring that: “...generally accepted standards are applied to the contents of ... radio services so as to provide adequate protection for members of the public from the inclusion in such services of ... harmful material”; “the unsuitable sponsorship of programmes included in...radio services is

prevented”; and “news included in...radio services is presented with due impartiality...”. In setting or revising such standards, Ofcom must also, under the Act, have regard to “...the desirability of maintaining the independence of editorial control over programme content”.

Ofcom has reflected these requirements in, among other things, Rule 10.3 of the Code. This rule prohibits any commercial reference, or material that implies a commercial arrangement, in or around news bulletins or news desk presentations (subject to specific exceptions). The purpose of Rule 10.3 is to ensure that news bulletins and news desk presentations are neither distorted for commercial purposes nor perceived by listeners to have been so distorted.

Guidance to Section Ten of the Code states that “sponsored programming is programming...that has had some or all of its costs met by a sponsor...”.

We noted the steps taken by the Licensee to prevent recurrence during future broadcasts. However, in this instance, Phonotech contributed towards the costs of the news bulletins around which the commercial reference appeared. The reference was clearly presented in the form of a sponsorship credit. The content was therefore in breach of Rule 10.3 of the Code.

### **Breach of Rule 10.3**

## Resolved

### The JVS Show

*BBC Three Counties Radio, 21 November 2016, 09:00*

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#### Introduction

BBC Three Counties Radio is a local radio service broadcasting to the counties of Bedfordshire, Buckinghamshire and Hertfordshire.

*The JVS Show* is a daily programme broadcast between 09:00 and 12:00, presented by Jonathan Vernon-Smith, which discusses local issues and includes a regular phone-in with listeners between 09:00 and 10:00.

A listener alerted Ofcom to potentially derogatory references to children with autism<sup>1</sup> during a phone-in discussion in this programme. The presenter introduced this discussion by referring to a local news story involving a five year-old boy with autism. According to the presenter, this news story contained the following elements:

- the boy had been queuing with his mother to see Father Christmas at the switch-on of Christmas lights in a local town;
- while queuing, the boy had become excited and pulled his mother to the front of the queue, which caused him to be “*told off*” by Father Christmas for being “*naughty*”; and
- the boy was reported to be very upset by the encounter with Father Christmas and his mother had to remove him from the event.

The presenter then started the phone-in discussion by posing the following question:

*“Do you think it was okay for Father Christmas to tell off [mother’s name]’s autistic son for being naughty?”*

The programme also played a clip from an interview that the boy’s mother had given on the breakfast programme immediately preceding this edition of *the JVS Show*, where she explained what had happened. The presenter then introduced Heather Pickering, who participated in the programme via telephone, and who was described as an “*etiquette expert and consultant*”. There was then the following exchange between the presenter (“JVS”) and Heather Pickering (“HP”):

JVS: *“Do you think it was okay for Father Christmas to tell off [mother’s name]’s autistic son?”*

HP: *“Yes, I do. On another subject, well on the same subject, I always blame the mothers”.*

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<sup>1</sup> The NHS defines autism as follows: “Autism spectrum disorder (ASD) is a condition that affects social interaction, communication, interests and behaviour... People with ASD tend to have problems with social interaction and communication... Children and young people with ASD frequently experience a range of cognitive (thinking), learning, emotional and behavioural problems”. (See <http://www.nhs.uk/conditions/Autistic-spectrum-disorder/Pages/Introduction.aspx>)

JVS: *“What do you mean you blame the mother? In this case, how could you blame the mother?”*

HP: *“Well, the mother shouldn’t have taken the child out, knowing that he was autistic. The child shouldn’t have been exposed to difficult situations”.*

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JVS: *“But...if you told a child off and it turned out that child had autism or some kind of disability, wouldn’t you feel absolutely terrible?”*

HP: *“No. I didn’t?”*

JVS: *“You’ve done it? You’ve told a child –”.*

HP: *[interrupting] “I have done it. In a library, yes. I mean the child was misbehaving. The mother was saying, ‘No, no, no. Stop that, stop that’, in a very feeble voice, and I said, ‘Well, can’t you control that child? Can’t you tell it to stop?’ And the mother said, ‘Oh, he’s autistic’. And I said, ‘Any excuse will do’. And this is what is used by mothers”.*

JVS: *“What? You think autism is used as an excuse?”*

HP: *“Well, yes I do. I don’t think it is an excuse because the child is autistic... The child shouldn’t be a discomfort to other people, any other users. Whether it’s the supermarket or a library”.*

JVS: *“But the child can’t help it, maybe”.*

HP: *“Well, all the more reason for it to be shut away”.*

JVS: *“When you say ‘shut away’, though, what do you mean?”*

HP: *“Well, I mean each with his own. Give it horse-riding lessons or something”.*

JVS: *“‘Give it horse-riding lessons?’ This is a child you’re talking about”.*

HP: *“Horses are supposed to be good for children with autism”.*

JVS: *“So only ever allow the child out of the house to do horse riding lessons?”*

HP: *“Well no. I blame the schools because the integration system where you have to integrate autistic children on a high autism spectrum with children who behave normally, I think is wrong”.*

After this exchange, the presenter said many people had called in objecting to Heather Pickering’s opinions and, over the next 90 minutes, a number of listeners took part in the programme by telephone, challenging what Heather Pickering had said. Such callers, including a representative of the Disability Hate Crime Network variously said that they had direct, personal experience of children with autism, and strongly challenged Ms Pickering’s views. Some callers were able to directly challenge Heather Pickering as she remained present for the duration of this phone-

in discussion. The presenter also read out various text messages received from listeners, including the following:

*“What a horrible woman. She obviously views children as sub-humans. Children are a force of nature. I suspect she’s not a parent herself”.*

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*“Listening to that awful ignorant woman with my chin on the floor. Disgusting”.*

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*“Is this woman a female version of Hitler? She only wants perfect people around her. Repulsive woman”.*

The boy’s grandmother (“G”), also contacted the programme by telephone and had the following exchange with Heather Pickering:

G: *“I think this woman is absolutely horrible. She doesn’t understand autism at all. If you met [Boy’s name] –”*

HP: [interrupting] *“Well, I don’t pretend to”.*

G: *“No. Then you should have no say on it. If you do not understand what you are talking about –”*

HP: [interrupting] *“But I understand good manners”.*

G: *“– then you should keep your mouth shut”.*

The boy’s grandmother went on to describe how, at the switch-on of the Christmas lights featuring Father Christmas, her grandson was behaving in a similar manner to other autistic children. Heather Pickering replied:

*“Well, they don’t wear labels, autistic children. I mean, it would be easy for an autistic child to stand out in a library or a supermarket if he carried a label which everyone could see, saying ‘I am autistic’”.*

The presenter then asked the boy’s grandmother: *“If you went into your local supermarket and a child was smashing stuff up in the supermarket, you would just ignore it and walk on by? You wouldn’t go and interfere or say to the mother, ‘You really need to control your child?’ or say to the child, ‘You need to stop doing that. That’s naughty’. You wouldn’t do anything?”*

In response, the boy’s grandmother said that she would approach the child’s mother and ask if she needed any help. This prompted Heather Pickering to laugh and there was the following exchange between the presenter, Heather Pickering and the boy’s grandmother:

HP: [laughing] *“Oh dear me”.*

JVS: *“Why are you laughing, Heather?”*

HP: *“Well, I can’t believe what I’m hearing, because I don’t think people have enough discipline. They don’t have enough sense of personal*

*responsibility. I mean if I saw that a supermarket was being smashed up, as you said Jonathan, then I would tell off the mother. I would go and speak to the mother and say, you know, 'Get your child out of here'. I wouldn't just ignore it, and I certainly wouldn't say it was alright".*

G: *"No, I would ask the mother if she needed any help, and make sure that she was okay".*

HP: *"Well, yes. Help getting the child out of the door. So it doesn't disturb other people. Courtesy is everything".*

After more callers were put to air to challenge Heather Pickering on her position, the boy's mother ("M"), also contacted the programme by telephone and had the following exchange with Heather Pickering:

M: *"I heard you say that I was coming here to slag you off. That is not my intention. Everyone's entitled to their own opinion. However, I just want awareness for autism. These children aren't misbehaving; they're not being naughty. Inside of their heads they can't understand what's going on. Their brains are wired very, very differently".*

HP: *"Well, that's why they should wear a label".*

M: *"But that's defeating the object. They're individuals. They shouldn't have to be labelled for the whole of their lives. They're entitled to the same as you and me. They're entitled to go out in public".*

HP: *"So, I'm going to be surrounded by screaming children, am I?"*

M: *"But there's a difference between screaming children because they're screaming because they want something, or they're genuinely misbehaving".*

HP: *"Well, there's no difference as far as I'm concerned".*

M: *"They're screaming because they're going through – but they're going through personal struggles themselves".*

HP: *"Well, I don't care".*

Later in the programme, some listeners contacted the programme by telephone to express their support for Heather Pickering's position. For example, there were the following two exchanges between the presenter, Heather Pickering and two separate listeners ("Caller 1" and "Caller 2"):

Caller 1: *"There's a simple solution to the autism problem. They should design some sort of discreet little badge that people can wear on their collars or something and you know if a child is not behaving well, if it's getting over-excited, if it's causing disruption, you look at it and say 'Of course, that is the problem'. We all understand, and we'll be more understanding".*

HP: *"I agree with you".*

Caller 1: *"It's so simple".*

JVS: *“So, you’d like children to be actually labelled?”*

Caller 1: *“It’s not a label. It would be a help thing. You know, if these parents are getting so uptight in themselves because people don’t understand what’s wrong with my child, they’ve got a solution”.*

JVS: *“But many of those people would argue, don’t get involved with other peoples’ parenting if you see a child misbehaving. Leave it to the parents”.*

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Caller 2: *“To come on to the radio and say, ‘Oh, I’m a single parent’ and put that out as if it’s some sort of illness. It was that lady’s choice to be a single parent and if she hangs about with an autistic child, perhaps she shouldn’t have been going to bed with men to get the bloody child – if you excuse my language”.*

JVS: *“Hang on a moment”.*

HP: *“Well, I agree”.*

JVS: *“Hang on a minute. We don’t know somebody’s circumstances”.*

Caller 2: *“We can pretty well guess Jonathan. There’s an awful lot of single women with children around these days. And why? It never used to happen. It always used to be two people looking after the child”.*

JVS: *“But hang on a minute, [Caller 2]. You don’t know why somebody may end up on their own, raising a child. It may well have been that the man they thought was a lovely man, who they thought was going to be a wonderful father, runs off with somebody else. Don’t blame the woman for that. It seems a bit unfair”.*

Ofcom considered that the content warranted investigation under Rule 2.3 of the Code:

*“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...discriminatory treatment or language (for example on the grounds of...disability...)”.*

Ofcom therefore asked the BBC how the content had complied with this rule.

## **Response**

The BBC said *The JVS Show* conducts debates among the target audience (people aged 55 and over) focusing on stories that will have been reported in the preceding breakfast programme. It added that these debates will be the subject of the programme’s phone-in segment, which takes place between 09:00 and 10:00 each weekday.

The broadcaster explained the programme “has a history of engaging local listeners of all backgrounds and experiences on topics which yield powerful personal stories, and elicit sincerely-held opinions which can sometimes be divisive”. It added that “the presenter aims to chair these debates in a way which facilitates open, honest and

frank discussion between listeners and interviewees and which encourages passion and conviction”.

The BBC said that the phone-in discussion in this case had been prompted by a news story about an autistic boy, and this news story had originally been “covered on the station’s breakfast programme” immediately prior to the edition of *The JVS Show* in this case. According to the BBC, during the breakfast programme the news story had generated “an unusually large response from listeners, with texts and phone calls expressing a range of views on the acceptability or otherwise of attempting to discipline other people’s children in public places”. As the “weight of response” to the subject could not be adequately reflected in the breakfast programme, the BBC said the news story became “the obvious choice” for the subject of the phone-in discussion during the edition *The JVS Show*, that followed the breakfast programme.

The broadcaster said the etiquette consultant was invited to participate because she held views shared by many within the target audience of the programme, “who raised children in the 1950s and 60s, at a time when there was less tolerance of disruptive behaviour in public and disciplinary interventions by concerned adults were largely uncontroversial”.

The BBC also said that the programme-makers intended Heather Pickering’s views to “act as a counterbalance to those of parents of autistic children who are regularly given a voice on the programme”.

It added that the etiquette consultant’s views were also “strongly challenged” by a number of callers, including a representative from the Disability Hate Crime Network and that “a number of personal stories from family members of children with complex needs” were also broadcast. In the broadcaster’s view, this would have “provided insight for the many listeners in the target audience who had no such experience” of autism.

The BBC said while the nature of the subject matter was legitimate, “the sensitivity of the topic was such that insight and understanding were not best served by setting the discussion in the context of the robust expression of a contentious position.” In addition, the broadcaster explained that the presenter’s interventions, “though intended to mitigate the effect of the etiquette consultant’s views, mainly had the effect of prompting their re-assertion in a yet more confrontational fashion”.

The BBC said it was also “unfortunate” that the subject topic was approached as a matter of etiquette with “the reactions of autistic children to certain public situations...[being] regarded simply as a sub-class of ‘bad’ or ‘naughty’ behaviour”.

The broadcaster said that following the programme, senior editorial staff at BBC Three Counties Radio discussed the phone-in, and agreed that “while the intention had been to offer a rounded debate, an etiquette consultant was not the most appropriate choice of guest for this particular discussion”. As a consequence, the BBC said that “the programme would not use an etiquette consultant to discuss topics of such a sensitive nature as autism in future”.

## **Decision**

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that “generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public

from harmful and/or offensive material". This duty is reflected in Section Two of the Code.

In accordance with the right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights, the Code does not prohibit broadcast content from referring to any particular topic, subject or group of people. However, under Rule 2.3, broadcasters must ensure that potentially offensive material (including offensive and discriminatory language) is justified by the context. Particular attention must be paid to discriminatory treatment of protected groups such as people with disabilities.

In this case, Ofcom first considered whether the material in the programme had the potential to cause offence.

*The JVS Show* featured a 90-minute phone-in discussion which highlighted public reactions to autistic behaviour. Specifically, the discussion centred on a news story featuring a five year-old boy with autism being verbally chastised by an adult (playing the role of Father Christmas) for, in his mother's words, pulling her to the front of the queue to see Father Christmas and "*generally making noise*". The theme of the discussion was whether this was acceptable.

Throughout the discussion, contributor Heather Pickering consistently and firmly made clear her view that it is acceptable for adults to verbally chastise in public children with autism who might be "*misbehaving*". She also framed the behaviour of children with autism as a matter of etiquette under the broad umbrella of what was labelled as "*naughty*" behaviour as opposed to recognising the fact that autism is a disability which is known to sometimes cause unpredictable behaviour. In Ofcom's view, throughout the discussion, Heather Pickering spoke in highly dismissive and insensitive terms about children with autism. For example, she variously: referred to an autistic child with the impersonal pronoun, "*it*"; suggested that autistic children should be "*shut away*" or "*wear a label*"; and blamed the parents of autistic children when the children misbehave in public.

We considered that the views being expressed by Ms Pickering had the potential to be highly offensive to listeners, and this was likely to have been increased by the strident manner in which Heather Pickering spoke. Specifically, we considered listeners could have interpreted this tone as demonstrating a profound lack of understanding, on the part of Ms Pickering, about the nature of autism as a disability and the fact that autistic children (and their parents) would have little to no ability to control their behaviour in public situations.

Ofcom went on to consider whether the broadcast of the potentially offensive material was justified by the context.

Ofcom took into account that it was legitimate for a phone-in programme to discuss issues of a sensitive and contentious nature and as such, the BBC had the editorial freedom to explore whether it was right for an adult to verbally chastise a child with autism for being "*naughty*".

Ofcom considered the BBC's position that *The JVS Show* has a history of covering topics which generate strongly held personal opinions and can create a divisive debate. Ofcom also took into account the BBC's arguments about the target audience for this programme (aged 55 and above). Specifically, the broadcaster said that Heather Pickering's views would have been shared by many within the audience "who raised children in the 1950s and 60s, at a time when there was less tolerance of

disruptive behaviour in public and disciplinary interventions by concerned adults were largely uncontroversial”.

During the course of the programme many listeners contacted the show (either by telephone or text) to express their anger at Ms Pickering’s comments. However, it was also the case that other listeners took part in the discussion by telephone and stated their support with the arguments Heather Pickering was making. In general, we acknowledged that the programme included statements from a number of people who strongly disagreed with Ms Pickering’s attitudes towards autism. Further, many of these callers – including members of the boy’s family – were able to directly challenge Ms Pickering directly about her opinions, making clear they regarded her views as unacceptable and having the opportunity to explain why.

However, in our view the potential level of offence in this case was exacerbated by Ms Pickering being permitted to participate throughout this lengthy 90-minute discussion. This gave her the opportunity to re-state repeatedly her highly challenging and offensive views and frequently dismiss the opinions of those who disagreed with her.

We took into account that the presenter sought to challenge Ms Pickering’s comments in their opening exchange through questions such as:

*“What do you mean you blame the mother?”*

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*“The mother of the autistic son should what; never leave the house with him?”*

\*\*\*\*

*“This was a child-orientated event, should Father Christmas not have been more accepting?”*

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*“Shouldn’t we accept that we don’t necessarily know why a child is behaving in a certain way?”*

In addition, the presenter challenged to some degree the views of listeners who made statements agreeing with Heather Pickering. For example, in the following exchange between the presenter, Heather Pickering and Caller 2:

JVS: *“But hang on a minute, [Caller 2]. You don’t know why somebody may end up on their own, raising a child. It may well have been that the man they thought was a lovely man, who they thought was going to be a wonderful father, runs off with somebody else. Don’t blame the woman for that. It seems a bit unfair”.*

However, this was a very sensitive subject matter. Given Heather Pickering’s highly challenging views and the way in which she expressed them over such an extended period of time, we agreed with the BBC’s statement that the presenter’s interventions, “though intended to mitigate the effect of the etiquette consultant’s views, mainly had the effect of prompting their re-assertion in a yet more confrontational fashion”.

We also took into account the BBC's statement that, while the nature of the subject matter was legitimate, "the sensitivity of the topic was such that insight and understanding were not best served by setting the discussion in the context of the robust expression of a contentious position". Further, we noted that the BBC said that *The JVS Show* would not use an etiquette consultant in any discussions "of such a sensitive nature as autism" in future.

On balance, given that the BBC accepted that the programme's approach was inappropriate and has given Ofcom assurances that it has now changed its approach to guests for discussions on *The JVS Show* of a similar nature, Ofcom considers this matter resolved.

**Resolved**

## Broadcast Licence Conditions cases

### In Breach

#### Broadcasting licensees' non-payment of licence fees

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Ofcom is partly funded by the broadcast licence fees it charges television and radio licensees. Ofcom has a statutory duty to ensure that the fees paid by licensees meet the cost of Ofcom's regulation of broadcasting. The approach Ofcom takes to determining licensees' fees is set out in the Statement of Charging Principles<sup>1</sup>. Detail on the fees and charges payable by licensees is set out in Ofcom's Tariff Tables<sup>2</sup>.

The payment of a licence fee is a requirement of a broadcasting licence<sup>3</sup>. Failure by a licensee to pay its licence fee when required represents a significant and fundamental breach of a broadcast licence, as it means that Ofcom may be unable properly to carry out its regulatory duties.

#### In Breach

The following radio licensees failed to pay their annual licence fees by the required payment date. These licensees have therefore breached their broadcast licences.

The outstanding payments have now been received by Ofcom. Ofcom will not be taking any further regulatory action in these cases.

Licensee	Licence Number	Service Name
St Peters Studio and Community Radio Ltd	CR000106BA	Saint FM
Felixstowe Radio Community Interest Company	CR000190BA	Felixstowe Radio

#### Breaches of Licence Conditions 3(2) in Part 2 of the Schedule of the relevant licences.

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<sup>1</sup>[http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging\\_principles.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf)

<sup>2</sup> [http://www.ofcom.org.uk/content/about/annual-reports-plans/tariff-tables/Tariff\\_Tables\\_2015\\_16.pdf](http://www.ofcom.org.uk/content/about/annual-reports-plans/tariff-tables/Tariff_Tables_2015_16.pdf)

<sup>3</sup> As set out in Licence Condition 3 for radio licensees and Licence Condition 4 for television licensees.

## On Demand cases

### In Breach/Resolved

#### Provision of information

*Various On-Demand Programme Service Providers*

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##### Introduction

The Providers of On-Demand Programme Services (ODPS) are required to provide Ofcom with certain information when requested.

Ofcom sent notified ODPS Providers a formal notice (“the Notice”) requiring that they provided certain specified information about their provision of access services for people with hearing and/or visual impairments on their ODPS(s). The Notice set out Ofcom’s reasons for requiring this information and gave Service Providers an opportunity to object to the grounds on which the Notice was issued.

Despite further reminders, Ofcom neither received the required information from the ODPS Providers listed below by the deadline given in the Notice nor did any of the ODPS Providers raise any objections to the grounds on which the Notice had been issued.

Rule 6 of the Ofcom Statutory Rules and Non-Binding Guidance for Providers of ODPS<sup>1</sup> (“the ODPS Rules”) states (amongst other things):

“...Ofcom may require a person who appears to it to be or to have been a provider of an ODPS and to have information that Ofcom requires for the purpose of securing compliance with the obligations of the United Kingdom under the Audiovisual Media Services Directive to provide all such information as Ofcom considers necessary for that purpose...

...A person who is required to provide information under this section must provide it in such manner and within such reasonable period as may be specified by Ofcom in the demand for information”.

We considered this failure to respond to the Notice raised issues warranting investigation under this rule.

##### Decision

Ofcom has a statutory duty under section 368C(2) of the Communications Act 2003 (“the Act”) to encourage ODPS providers to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both. ODPS can achieve this primarily by providing programmes with access services such as subtitles, audio description and/or signing.

A key way in which Ofcom fulfils its duty to encourage provision of access services is the collection and publication of information on how accessible ODPS currently are – for example where they do or do not provide access services and the nature and scale of any such provision. This assists consumers in choosing services with a high

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<sup>1</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/54922/rules\\_and\\_guidance.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/54922/rules_and_guidance.pdf)

level of provision, enables Ofcom to measure progress in ODPS accessibility, and helps consumers to engage constructively with ODPS providers with a view to securing greater provision.

Section 368O of the Act gives Ofcom the power to require ODPS providers to provide it with information in certain circumstances.

### Resolved

The following licensees failed to provide Ofcom with the required information by the original deadline. However, the information was subsequently provided and we therefore considered these cases to be resolved:

<b>Service Provider</b>
Bay TV Liverpool Ltd
Classical TV Ltd
Distrify Media Limited
Lebara Media Services Limited
Plato Media Ltd
Premier Christian Media Trust

### In Breach

Ofcom considered that SBTV Global Ltd had not provided the information requested about its access services provision within a reasonable period, as specified in the Notice.

Our Decision is therefore that this failure by SBTV Global Ltd constitutes a breach of Rule 6 of the ODPS Rules.

The breach of Rule 6 is significant as it impedes Ofcom's ability to fulfil its statutory duties under Section 368C(2) of the Act to encourage ODPS providers to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both. We therefore do not expect a repetition of this breach.

### **Breach of ODPS Rule 6: SBTV Global Ltd**

## Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 27 February and 10 March 2017 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

### Investigations conducted under the Procedures for investigating breaches of content standards for television and radio

Programme	Broadcaster	Transmission date	Categories
Ian Payne	LBC 97.3FM	25/12/2016	Generally accepted standards

## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 27 February and 10 March 2017 because they did not raise issues warranting investigation.

### Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
11 Brits Moments That Rocked The World	4Music	20/02/2017	Sexual material	1
Samsung Home Appliances' sponsorship of Better Living on 4	4Seven	28/02/2017	Sponsorship	1
Made of Honor	5Star	11/02/2017	Offensive language	1
Sex Pod	5Star	22/02/2017	Sexual material	1
In Sight Topic Immigration Law	Ahlebait TV	31/12/2016	Materially misleading	1
BBC News	BBC 1	27/02/2017	Race discrimination/offence	1
Casualty	BBC 1	11/02/2017	Violence	1
Crimewatch	BBC 1	06/03/2017	Materially misleading	1
Dom on the Spot	BBC 1	03/03/2017	Disability discrimination/offence	1
EastEnders	BBC 1	21/02/2017	Generally accepted standards	1
EastEnders	BBC 1	27/02/2017	Gender discrimination/offence	1
EastEnders	BBC 1	28/02/2017	Generally accepted standards	1
EastEnders	BBC 1	02/03/2017	Drugs, smoking, solvents or alcohol	1
EastEnders	BBC 1	07/03/2017	Sexual material	1
Film 2017	BBC 1	22/02/2017	Generally accepted standards	1
Homes Under The Hammer	BBC 1	24/02/2017	Materially misleading	1
Let it Shine	BBC 1	18/02/2017	Sexual orientation discrimination/offence	1
Let's Sing and Dance for Comic Relief	BBC 1	04/03/2017	Race discrimination/offence	1
Not Going Out	BBC 1	17/02/2017	Harm	1
Room 101	BBC 1	24/02/2017	Generally accepted standards	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Room 101	BBC 1	03/03/2017	Animal welfare	1
SS-GB	BBC 1	26/02/2017	Other	1
The Big Painting Challenge	BBC 1	05/03/2017	Religious/Beliefs discrimination/offence	2
The One Show	BBC 1	01/03/2017	Race discrimination/offence	1
The One Show	BBC 1	02/03/2017	Other	1
The Real Marigold Hotel	BBC 1	15/02/2017	Animal welfare	1
The Replacement	BBC 1	07/03/2017	Harm	2
Tracey Ullman's Show	BBC 1	25/02/2017	Religious/Beliefs discrimination/offence	1
Tracey Ullman's Show	BBC 1	03/03/2017	Religious/Beliefs discrimination/offence	1
Midlands Today	BBC 1 Midlands	09/03/2017	Generally accepted standards	3
River City	BBC 1 Scotland	07/02/2017	Sexual material	1
Dragons' Den	BBC 2	12/02/2017	Gender discrimination/offence	1
Dragons' Den	BBC 2	19/02/2017	Race discrimination/offence	1
Mock the Week	BBC 2	14/02/2017	Age discrimination/offence	1
Top Gear	BBC 2	05/03/2017	Animal welfare	1
Top Gear	BBC 2	05/03/2017	Generally accepted standards	1
Top Gear	BBC 2	05/03/2017	Offensive language	2
Top Gear	BBC 2	05/03/2017	Other	1
Top Gear	BBC 2	05/03/2017	Religious/Beliefs discrimination/offence	1
Top Gear	BBC 2	06/03/2017	Offensive language	1
Roots	BBC 4	22/02/2017	Animal welfare	3
Roots	BBC 4	22/02/2017	Violence	1
Six Nations (trailer)	BBC Alba	12/02/2017	Outside of remit	1
Victoria Derbyshire	BBC News Channel / BBC 1	27/02/2017	Sexual material	1
Scott Mills	BBC Radio 1	14/02/2017	Sexual material	2
Jeremy Vine	BBC Radio 2	09/03/2017	Due impartiality/bias	1
Sounds of the Sixties	BBC Radio 2	25/02/2017	Outside of remit	1
Jeffrey Bernard is Unwell	BBC Radio 4	18/02/2017	Offensive language	1
The News Quiz	BBC Radio 4	18/02/2017	Race discrimination/offence	1
The News Quiz	BBC Radio 4	25/02/2017	Offensive language	1
The Philosopher's Arms	BBC Radio 4	27/02/2017	Offensive language	1
Today	BBC Radio 4	11/02/2017	Drugs, smoking, solvents or alcohol	1
BBC Radio London	BBC Radio London	27/05/2016	Outside of remit	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Snooker	BBC Red Button 1	14/02/2017	Flashing images/risk to viewers who have PSE	1
Amy Casie	BFBS (Edinburgh)	06/01/2017	Materially misleading	1
Programming	Box Upfront	Various	Sexual material	1
UK Hotlist	Box Upfront	26/02/2017	Scheduling	1
BT Sport Score	BT Sport 2	18/02/2017	Race discrimination/offence	1
Capital Breakfast with Bodg and Matt	Capital FM (North East)	21/02/2017	Offensive language	1
Roman Kemp	Capital Radio (Yorkshire)	01/03/2017	Dangerous behaviour	1
Postman Pat	CBeebies	18/02/2017	Dangerous behaviour	1
NCIS	CBS Action	14/02/2017	Offensive language	1
Warner Leisure Hotels' sponsorship	CBS Reality	Various	Sponsorship credits	1
The Chase	Challenge	03/03/2017	Animal welfare	1
8 Out of 10 Cats Does Countdown	Channel 4	05/03/2017	Generally accepted standards	1
A Very British Hotel	Channel 4	02/03/2017	Materially misleading	1
Channel 4 News	Channel 4	02/02/2017	Due accuracy	1
Channel 4 News	Channel 4	16/02/2017	Due impartiality/bias	1
Channel 4 News	Channel 4	21/02/2017	Materially misleading	1
Channel 4 News	Channel 4	01/03/2017	Due impartiality/bias	1
Channel 4 News	Channel 4	08/03/2017	Generally accepted standards	1
Crufts 2017 (trailer)	Channel 4	08/03/2017	Race discrimination/offence	1
Dispatches: Under Lock and Key	Channel 4	01/03/2017	Materially misleading	2
Extremely British Muslims	Channel 4	09/03/2017	Other	1
Food Unwrapped	Channel 4	27/02/2017	Gender discrimination/offence	3
Hollyoaks	Channel 4	21/02/2017	Sexual orientation discrimination/offence	1
Jeep Renegade's sponsorship of The Jump	Channel 4	05/02/2017	Sponsorship credits	1
Mutiny	Channel 4	06/03/2017	Offensive language	1
Naked Attraction	Channel 4	23/02/2017	Generally accepted standards	1
Naked Attraction	Channel 4	25/02/2017	Generally accepted standards	1
Penelope Keith's Favourite Villages	Channel 4	25/02/2017	Generally accepted standards	1
The Fake News Show	Channel 4	06/02/2017	Due impartiality/bias	2
The Last Leg	Channel 4	10/02/2017	Generally accepted standards	1
The Last Leg	Channel 4	03/03/2017	Generally accepted standards	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Secret Life of the Zoo	Channel 4	07/03/2017	Offensive language	1
The Undateables	Channel 4	03/04/2012	Disability discrimination/offence	1
Celebrity Carry on Barging	Channel 5	24/02/2017	Competitions	1
Cruising with Jane McDonald	Channel 5	24/02/2017	Competitions	1
Cruising with Jane McDonald	Channel 5	03/03/2017	Other	1
Inside King's Cross: The Railway	Channel 5	06/03/2017	Offensive language	2
Inside King's Cross: The Railway	Channel 5	06/03/2017	Offensive language	1
Inside Windsor Castle	Channel 5	28/02/2017	Generally accepted standards	2
Police Interceptors	Channel 5	18/02/2017	Scheduling	1
Sex Pod (trailer)	Channel 5	31/01/2017	Scheduling	1
The Cars That Made Britain Great	Channel 5	27/02/2017	Gender discrimination/offence	1
The Fifth Element	Channel 5	26/02/2017	Scheduling	1
When Kids Kill: Schoolboy Slayer	Channel 5	16/02/2017	Generally accepted standards	1
When Live TV Goes Horribly Wrong	Channel 5	05/02/2017	Drugs, smoking, solvents or alcohol	1
When Live TV Goes Horribly Wrong	Channel 5	10/02/2017	Generally accepted standards	1
Drunk History (trailers)	Comedy Central	08/03/2017	Drugs, smoking, solvents or alcohol	1
Impractical Jokers	Comedy Central	08/02/2017	Disability discrimination/offence	1
QI	Dave	01/03/2017	Offensive language	1
Suits	Dave	26/02/2017	Gender discrimination/offence	1
Would I Lie To You	Dave	23/02/2017	Offensive language	1
E-bay's sponsorship of Motoring on Discovery	Discovery Channel	01/02/2017	Sponsorship credits	1
E-bay's sponsorship of Motoring on Discovery	Discovery Channel	02/02/2017	Sponsorship credits	1
Bollywood Movie	DM News Plus	01/02/2017	Violence	1
Hasmim Qadri	DM News Plus	01/02/2017	Religious/Beliefs discrimination/offence	1
Vets on the Hill (trailer)	Drama	30/01/2017	Scheduling	1
Estings	E4	20/02/2017	Generally accepted standards	1
Estings	E4	26/02/2017	Generally accepted standards	1
Hollyoaks	E4	01/03/2017	Offensive language	1
The Big Bang Theory	E4	26/02/2017	Animal welfare	1
Stu Davidson	Endeavour FM	23/02/2017	Offensive language	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Gilbert Deya Ministries: Sodomitic Spirits	Faith World TV	26/08/2016	Sexual orientation discrimination/offence	1
The Other Boleyn Girl	Film 4	28/02/2017	Sexual material	1
The Secret Life of Bees	Film 4	01/03/2017	Race discrimination/offence	1
Jamie's Great Escape	Food Network	25/02/2017	Offensive language	1
Fox and Friends	Fox News	09/02/2017	Undue prominence	1
Fawlty Towers	Gold +1	07/03/2017	Race discrimination/offence	1
Competitions	Heart FM	Various	Competitions	1
Boruna Waz Mahfil	Iqra Bangla	22/12/2016	Crime and disorder	1
Ant & Dec's Saturday Night Takeaway	ITV	25/02/2017	Generally accepted standards	2
Ant & Dec's Saturday Night Takeaway	ITV	25/02/2017	Materially misleading	1
Ant & Dec's Saturday Night Takeaway	ITV	25/02/2017	Offensive language	1
Ant & Dec's Saturday Night Takeaway	ITV	04/03/2017	Dangerous behaviour	2
Bear Grylls Survival School	ITV	28/12/2016	Dangerous behaviour	1
Benidorm	ITV	01/03/2017	Generally accepted standards	2
Benidorm	ITV	08/03/2017	Generally accepted standards	1
Benidorm	ITV	08/03/2017	Sexual material	1
Broadchurch	ITV	27/02/2016	Generally accepted standards	1
Broadchurch	ITV	27/02/2017	Other	1
Coronation Street	ITV	06/02/2017	Scheduling	1
Coronation Street	ITV	13/02/2017	Generally accepted standards	1
Coronation Street	ITV	17/02/2017	Generally accepted standards	6
Coronation Street	ITV	24/02/2017	Generally accepted standards	1
Coronation Street	ITV	24/02/2017	Violence	1
Coronation Street	ITV	27/02/2017	Gender discrimination/offence	1
Coronation Street	ITV	27/02/2017	Gender discrimination/offence	1
Coronation Street	ITV	27/02/2017	Violence	1
Emmerdale	ITV	20/02/2017	Generally accepted standards	1
Emmerdale	ITV	21/02/2017	Scheduling	1
Emmerdale	ITV	24/02/2017	Materially misleading	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Emmerdale	ITV	27/02/2017	Scheduling	1
Emmerdale	ITV	01/03/2017	Generally accepted standards	1
Emmerdale	ITV	03/03/2017	Violence	8
Emmerdale	ITV	06/03/2017	Drugs, smoking, solvents or alcohol	7
Emmerdale	ITV	06/03/2017	Violence	268
Emmerdale	ITV	07/03/2017	Generally accepted standards	7
Emmerdale	ITV	07/03/2017	Sexual material	1
Emmerdale	ITV	08/03/2017	Sexual material	1
Emmerdale / Coronation Street	ITV	01/02/2017	Sexual material	1
Good Morning Britain	ITV	18/07/2016	Race discrimination/offence	1
Good Morning Britain	ITV	23/02/2017	Generally accepted standards	1
Good Morning Britain	ITV	27/02/2017	Generally accepted standards	1
Good Morning Britain	ITV	27/02/2017	Offensive language	1
Good Morning Britain	ITV	01/03/2017	Dangerous behaviour	1
Good Morning Britain	ITV	01/03/2017	Gender discrimination/offence	1
Harry Hill's Alien Capsule	ITV	09/03/2017	Generally accepted standards	1
ITV News	ITV	20/02/2017	Due impartiality/bias	1
ITV News	ITV	20/02/2017	Due impartiality/bias	1
ITV News / The Nightly Show with John Bishop	ITV	27/02/2017	Other	1
ITV Regional News	ITV	22/02/2017	Generally accepted standards	1
Loose Women	ITV	06/02/2017	Generally accepted standards	1
Loose Women	ITV	20/02/2017	Crime and disorder	1
Loose Women	ITV	23/02/2017	Generally accepted standards	1
Loose Women	ITV	28/02/2017	Generally accepted standards	1
Loose Women	ITV	01/03/2017	Generally accepted standards	1
Loose Women	ITV	01/03/2017	Generally accepted standards	1
Mafia Women with Trevor McDonald	ITV	23/02/2017	Generally accepted standards	1
Off Their Rockers	ITV	25/02/2017	Scheduling	1
Peston on Sunday	ITV	19/02/2017	Disability discrimination/offence	1
Peugeot's sponsorship of Six Nations	ITV	26/02/2017	Sponsorship credits	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Piers Morgan's Life Stories	ITV	24/02/2017	Due impartiality/bias	2
Play To The Whistle	ITV	28/02/2017	Offensive language	1
Play To The Whistle	ITV	07/03/2017	Offensive language	1
Sainsbury's sponsorship of ITV	ITV	20/02/2017	Dangerous behaviour	1
Six Nations Rugby	ITV	25/02/2017	Competitions	1
The Kyle Files	ITV	27/02/2017	Generally accepted standards	5
The Martin Lewis Money Show	ITV	13/02/2017	Materially misleading	1
The Martin Lewis Money Show	ITV	20/02/2017	Materially misleading	1
The Nightly Show with John Bishop	ITV	07/03/2017	Offensive language	1
The Voice	ITV	25/02/2017	Drugs, smoking, solvents or alcohol	1
The Voice UK	ITV	04/03/2017	Undue prominence	3
This Morning	ITV	22/02/2017	Generally accepted standards	1
This Morning	ITV	03/03/2017	Generally accepted standards	1
ITV News Central	ITV Central	21/02/2017	Violence	1
ITV News Granada Reports	ITV Granada	02/02/2017	Under 18s in programmes	1
ID Mobile's sponsorship of Family Guy	ITV2	28/02/2017	Sponsorship credits	1
Judge Rinder	ITV2	22/02/2017	Generally accepted standards	1
You've Been Framed! Harry's Favourites	ITV2	02/03/2017	Religious/Beliefs discrimination/offence	2
The Only Way Is Essex	ITVBe	08/03/2017	Dangerous behaviour	1
Våra Pinsamma Kroppar (Embarrassing Bodies)	Kanal 11	13/02/2017	Gender discrimination/offence	1
Breaking News med Filip & Fredrik	Kanal 5 Sweden	15/02/2017	Generally accepted standards	1
Ian Collins	LBC 97.3 FM	12/02/2016	Race discrimination/offence	1
James O'Brien	LBC 97.3 FM	26/01/2017	Due impartiality/bias	1
James O'Brien	LBC 97.3 FM	20/02/2017	Generally accepted standards	1
Nick Abbott	LBC 97.3 FM	07/02/2017	Generally accepted standards	1
Nigel Farage	LBC 97.3 FM	14/02/2014	Due accuracy	1
Nigel Farage	LBC 97.3 FM	14/02/2017	Crime and disorder	1
Nigel Farage	LBC 97.3 FM	14/02/2017	Due impartiality/bias	1
The Debate Show	Lyca Dil Se Radio	16/01/2017	Offensive language	1
Breaking Base	MTV Base	14/02/2017	Violence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Programming	Panjab Radio	23/02/2017	Commercial communications on radio	1
E-bay's sponsorship of Motoring on Discovery	Quest	01/02/2017	Sponsorship credits	1
E-bay's sponsorship of Motoring on Discovery	Quest	02/02/2017	Sponsorship credits	1
E-bay's sponsorship of Motoring on Discovery	Quest +1	02/02/2017	Sponsorship credits	1
RT News	RT	24/01/2017	Due impartiality/bias	1
RT News	RT	19/02/2017	Due impartiality/bias	1
The Weekly – Headline News	RT	19/02/2017	Due impartiality/bias	1
The Simpsons	Sky1	22/02/2017	Offensive language	1
The Simpsons	Sky1	22/02/2017	Sexual material	1
Matilda & Me	Sky Arts	04/03/2016	Offensive language	1
All Out Politics	Sky News	21/02/2017	Religious/Beliefs discrimination/offence	1
Sky News	Sky News	13/02/2017	Due impartiality/bias	1
Sky News	Sky News	13/02/2017	Generally accepted standards	1
Sky News	Sky News	22/02/2017	Race discrimination/offence	1
Sky News	Sky News	07/03/2017	Generally accepted standards	1
Premier League Football: AFC Bournemouth v Manchester City	Sky Sports 1	13/02/2017	Offensive language	3
Stan Lee's Lucky Man	Sky1	03/03/2017	Religious/Beliefs discrimination/offence	1
The Simpsons	Sky1	02/03/2017	Offensive language	1
Hustle	Sony Entertainment Television	10/02/2017	Offensive language	1
STV Fight Night (trailer)	STV	18/01/2017	Violence	1
STV News at Six	STV	23/02/2017	Other	1
Julia Hartley-Brewer	Talk Radio	30/01/2017	Due impartiality/bias	1
Late Nights with Iain Lee	Talk Radio	10/02/2017	Offensive language	1
Late Nights with Iain Lee	Talk Radio	21/02/2017	Generally accepted standards	1
The Two Mikes	Talksport	08/02/2017	Due accuracy	1
The Two Mikes	Talksport	15/02/2017	Generally accepted standards	1
Unga Mammor	TV3 Sweden	16/02/2017	Generally accepted standards	1
Wild Card	TV6 Sweden	16/02/2017	Gender discrimination/offence	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Love Actually	TV8 Sweden	16/02/2017	Gender discrimination/offence	1
Ayurvedic Nature Care	Ummah Channel	31/12/2016	Materially misleading	1
Advertisement	Yesterday	13/02/2017	Advertising minutage	1
History of Violence	Yesterday	20/11/2016	Due impartiality/bias	1

## Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts, accuracy in BBC programmes or an on demand service does not fall within the scope of regulation.

For more information about what Ofcom's rules cover, go to:

<http://consumers.ofcom.org.uk/complain/tv-and-radio-complaints/what-does-ofcom-cover/>

### Complaints about television or radio programmes

For more information about how Ofcom assesses complaints about television and radio programmes, go to:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Advertisement	Blaze	28/02/2017	Advertising content	1
Advertisement	Channel 5	28/02/2017	Advertising content	1
Advertisement	ITV	24/02/2017	Advertising/editorial distinction	1
Advertisement	ITV	27/02/2017	Advertising content	1
Advertisement	ITV	01/03/2017	Advertising content	1
Advertisement	Nick Jr Too	09/03/2017	Advertising content	1
Advertisement	Various	09/03/2017	Advertising content	1
After Brexit: The Battle for Europe	BBC 2	09/02/2017	Due impartiality/bias	1
BBC Politics	BBC Politics Website	01/03/2017	Religious/Beliefs discrimination/offence	1
Benefits by The Sea: Jaywick	My5	03/03/2017	Animal welfare	1
Channel 4 News	YouTube	10/02/2017	Outside of remit	1
Dispatches: Under Lock and Key	Channel 4	01/03/2017	Materially misleading	1
Newsnight	BBC 2	14/02/2017	Due impartiality/bias	1
Party Political Broadcast by the Labour Party	BBC 1	02/03/2017	Materially misleading	1
Premier League Football	Sky Sports 1	26/02/2017	Advertising content	1
Question Time	BBC 1	23/02/2017	Due accuracy	1
The Andrew Marr Show	BBC 1	26/02/2017	Due accuracy	1
Vision Cruise TV	Holiday and Cruise Channel	19/02/2017	Teleshopping	1

## Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

**It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.**

Here are alphabetical lists of new investigations launched between 27 February and 12 March 2017.

### Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Broadcaster	Transmission date
Channel i News	Channel i	02/12/2016
Competition	Free Radio Birmingham	03/02/2017
Nigel Farage	LBC 97.3 FM	20/02/2017
Advertisement	More4	11/02/2017
Segodnya (Today)	NTV Mir Baltic	12/11/2016
Banks Chronicles	ROK	20/02/2017

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to: [https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)