

# **Ofcom broadcast bulletin**

**Issue number 69  
18 September 2006**

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## Introduction

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

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

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

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

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

## Standards cases

### In Breach

#### Breakfast

SGR Colchester, 21 April 2006, 06:00

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#### Introduction

This breakfast show was sponsored by the hair products' brand, Sunsilk. In the programme, listeners were asked to text the word "bar", to be entered into a draw for "a free bar session at Chicago's".

Following a breakfast show sponsor credit for Sunsilk, a stand-in presenter for the regularly scheduled hosts said: "So, out of all the entries for this free bar session – I've declared today a National Sunsilk Day – I'm gonna call someone back after this song." After the song, a brief weather update and another sponsor credit, she explained how her hair had been "looking a right mess" for some time, but, as she had straightened it the previous evening and it was looking better today, she was "declaring today a National Sunsilk Day".

A listener could find no connection between Sunsilk and the draw and believed the presenter had directly endorsed the show's sponsor.

Rule 9.5 of the Broadcasting Code requires that:

*"A sponsor must not influence the content ... of a programme in such a way as to impair the responsibility and editorial independence of the broadcaster."*

Rule 9.6 of the Code requires that:

*"There must be no promotional reference to the sponsor, its ... services or products... Non-promotional references are permitted only where they are editorially justified and incidental."*

#### Response

GCap Media, which owns SGR Colchester, confirmed that it broadcast three pre-recorded sponsor credits each hour, which clearly identified that the breakfast show was sponsored by Sunsilk. It added that on two random days each month a presenter declared a "Sunsilk Day", when a competition or draw was held and the prize donated by the sponsor. The broadcaster confirmed that, on the day in question, the presenter had replaced the regular presenters and "may not have been fully aware of the guidelines..." but the station's Programme Controller had subsequently advised all relevant parties of the Code requirements concerning sponsorship and undue prominence.

The broadcaster clarified that "no actual reference is made to Sunsilk's products or services during the editorial content of the show." It assured us that there had been no attempt by the show's sponsor to influence its editorial independence and claimed that the "Sunsilk Day" declaration made during this particular show was non-

promotional, incidental and “arose from the marketing strategy that was devised for the sponsors of the breakfast show.”

### **Decision**

As the bimonthly competition/draw was a feature sponsored by the same sponsor as the breakfast show, references to a “Sunsilk Day Draw” or “Sunsilk Day Competition” could have been legitimate as integrated sponsor credits.

In this case, in addition to a sponsor credit, there were four references to “Sunsilk Day” in audio lasting just over two minutes. We welcome GCap’s assurance that the programme’s sponsor had not influenced the editorial content and we acknowledge that no products or services were promoted in the content we heard. However, while the sponsorship arrangement concerning the breakfast show was clear, the connection between “Sunsilk Day” and the featured draw was not.

Irrespective of the broadcaster’s intention concerning the sponsor’s marketing strategy, the presenter’s repeated references to “Sunsilk Day” appeared contrived, not incidental, and their lack of any direct link to the draw failed to provide editorial justification for their broadcast. They were therefore in breach of Rule 9.6.

### **Breach of Rule 9.6**

## **Feile FM**

*(Restricted Service Licence – Belfast), 31 July 2006, 11:50*

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### **Introduction**

A listener complained that a presenter used the term “fing”, which he thought was inappropriate for a daytime broadcast, even though the whole word was not said.

### **Response**

The station was unable to provide us with a copy of the broadcast as it had experienced problems with its logging system. Nevertheless it had spoken to the presenter who confirmed that he had used the phrase “fing” and not the complete word. The broadcaster wished to apologise for any offence this may have caused listeners.

### **Decision**

In the absence of a recording we were unable to consider the complaint. It is a condition of a radio broadcaster’s licence that it retains recordings of its output for 42 days, and provides Ofcom with any material on request. Failure to supply the recording from 31 July 2006 is a serious and significant breach of Feile FM’s licence. This will be held on record.

**The station was in breach of Condition 8 of its Licence. (Retention and production of recordings).**

See also Additional Information published in bulletin 63.

## Resolved

### **British Superbike Championship**

*ITV 1, 16 July 2006, 15:00*

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#### **Introduction**

Ofcom received a complaint about a comment made in this programme about a refurbished track. One of the commentators stated: "... they didn't get the gypsies in with a wagon load they had left from a local job". The complainant felt that the comment was 'hurtful and racist'.

#### **Response**

ITV accepted that the comment was inappropriate and apologised for any offence caused. The broadcaster pointed out that the remark was made 'off the cuff' during this live programme and was not intended to cause any offence. The producer of the programme made it clear to the presenter at the time that the remark was inappropriate and warned him to avoid any similar comments in future.

Additionally, ITV informed Ofcom that it was taking steps to remind the commentary team and relevant production team of the potential for such comments to cause offence.

#### **Decision**

Rule 2.3 of the Broadcasting Code states that:

*"In applying generally accepted standards, broadcasters must ensure that material which may cause offence is justified by the context..."*

Potentially offensive language includes discriminatory language on the grounds of race.

The Commission for Racial Equality notes that "Gypsies and Irish Travellers are recognised ethnic groups for the purposes of the Race Relations Act (1976), identified as having a shared culture, language and beliefs". The reference to gypsies in this programme was clearly capable of being interpreted as a derogatory comment on the skill of such workers. However, in the light of ITV's apology and the action the broadcaster has taken to remind presenters to avoid similar comments, we consider the matter resolved.

#### **Resolved**

## **Victoria Derbyshire**

*BBC Radio5 Live, 13 June 2006, 12:00*

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### **Introduction**

A listener complained that during live coverage of a press conference, the word “fuck” was used twice. The complainant also noted that there was no apology from the presenter of the programme.

### **Response**

The BBC said that the language occurred during a live broadcast on a channel with a remit to provide coverage of important events - such as this - as they happen. The speaker was one of the brothers whose home in Forest Gate had been mistakenly raided in an anti-terrorist police operation. The man recounted the words spoken by someone else as he explained what happened when the police entered his home. The broadcaster thought that the programme makers could not have reasonably foreseen that such language would have cropped up.

Furthermore, research figures indicated that the under-15 audience for the service at that time of day was very small. However, with hindsight, the BBC thought that reference should have been made to the language at an appropriate point later in the coverage. Editors had therefore been reminded of the need for care in this area.

### **Decision**

Five Live does not generally attract a significant child audience at the time this press conference was broadcast. The expletive was also used in the context of live coverage of a serious matter of public interest. Nevertheless, we welcome the BBC’s acknowledgement that an apology at some juncture would have been appropriate.

### **Resolved**

## **Angie Le Mar**

*Choice FM, 17 June 2006, 09:20*

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### **Introduction**

A listener complained that a track, although edited, contained the word “motherfucker”. The complainant thought that this was unsuitable for a time when children were likely to be listening.

### **Response**

GCap, the station’s parent company, explained that the track – *Things to Say* by Method Man and Lauryn Hill was a radio edit supplied by the record company. Sometimes the station made further edits if it felt they were necessary. The station thought that although the first syllable of the word was audible, the second was not – so those who did not know the word would be unlikely to make the connection.

Nevertheless GCap and Choice said that in order not to cause any future possible offence, further edits would be made to bleep out the audible reference to “mother” so that the entire word was deleted.

### **Decision**

The word “motherfucker” could not be heard in its entirety in the track. However the second syllable was not adequately masked to prevent listeners understanding the lyric. As the track was played at a time on a Saturday morning when children would have been available to listen, this was unsuitable.

We welcome the broadcaster’s decision to further edit the track and consider the matter resolved.

### **Resolved**

## Not in Breach

### Big Brother 7

*Channel 4, E4, Various times and dates 2006*

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#### Introduction

In this latest series, 272 viewers complained to Ofcom about issues relating to the contestants' welfare and behaviour.

In summary, the complaints were that:

- 1) Some of the contestants should not have participated in the programme. For example, Shahbaz Chaudhry appeared to the viewers to be unstable and not suitable for such a reality programme. According to other complainants, Pete Bennett was not a suitable participant because he has Tourette's syndrome. The complainants said this amounted to viewers being invited to "...laugh at others less fortunate than ourselves" and they were concerned that Channel 4 had a duty of care towards these contestants, which they felt it was not exercising.
- 2) The programme included inappropriate behaviour (for example bullying - sometimes allegedly of a racist nature - and people breaking down in tears) that was not acceptable in terms of generally accepted standards on television.
- 3) The series condoned such behaviour, and in programmes likely to be watched by significant numbers of children. Complainants cited Grace Adams-Short's eviction - when the crowd waiting for her reacted angrily.

#### Decision

- 1) We understand that complainants were concerned about the welfare of participants in the show. However, adults make informed decisions about their participation in such programmes, and it is not for Ofcom or others to make or over-ride those decisions. Further, *Big Brother* is now a well-established series.

People who participate in a programme (and others directly affected by a programme) can complain to Ofcom if they feel that they have been treated unfairly in the programme or that their privacy has been infringed without justification. In the course of considering such complaints of unfairness or infringement of privacy, Ofcom may consider the circumstances surrounding the complainant's agreement to participate.

However, in law, Ofcom cannot consider complaints made by the general public on behalf of participants in programmes. We are therefore not able to consider whether these scenes were unfair or unwarrantably infringed the contestants' privacy. On the issue of whether Channel 4 exercised duty of care towards the participants, the broadcaster has acknowledged its role in this respect on previous occasions. It is also clear from the series (for example Diary Room conversations - see below) that Channel 4 does intervene in matters related to its duty of care when it considers this to be appropriate.

- 2) Subject to the limitations outlined above, it is still open to Ofcom, if it considers it appropriate, to consider complaints from viewers concerning issues of

alleged “humiliation, distress or violation of human dignity” under Rule 2.3 (generally accepted standards) of the Broadcasting Code:

**Rule 2.3** states:

*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, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation)...*

Context includes, (but is not limited to): the editorial content of the programme, programmes or series; the service on which the material is broadcast; the degree of harm or offence likely to be caused by the inclusion of any particular sort of material; the likely expectation of the audience; the extent to which the nature of the content can be brought to the attention of the potential audience.

We considered whether the contestants’ behaviour and the resultant perceived bullying (including the possibility of this being racially motivated) exceeded generally accepted standards. In doing this, the context of this particular programme is very important.

It has been established over seven series that the *Big Brother* audience expects to see all aspects of the housemates’ characters exposed during their stay in the house. Channel 4 would not have been expected to keep key character information from viewers, since it is the viewers who decide who to vote for. It is to some extent expected that high emotion, disagreements, and separation into partisan groups may result.

By including scenes featuring individuals upset and in conflict with other housemates, Channel 4 offered viewers an insight into the housemates’ characters. In Ofcom’s view this is in line with both the audience and the contestant’s expectation.

To reach this view, we considered whether the inclusion of these scenes of bullying or distress went beyond generally accepted standards. In our opinion, the material shown did not dwell on distress or humiliation longer than was editorially necessary. The broadcaster also demonstrated that it took its duty of care seriously. For example, in one scene in the Diary Room, it was clear that Shahbaz Chaudhry, in a heightened emotional state, was treated sensitively and responsibly by the production team. Similarly, when the production team felt that one housemate’s behaviour had grown too aggressive, she was called into the diary room and informed that “*Big Brother will not tolerate aggressive or intimidating behaviour from any housemates*”. The scenes featuring the housemates’ exclusion of Shabaz Chaudhry also included footage in which it was clear that some of the housemates regretted their action, and others were clear that they did not intend to exclude him for long.

With regard to Pete Bennett (the ultimate winner, who has Tourette’s syndrome), there is rightly no reason why someone with a disability cannot and should not exercise the same degree of informed choice as any other adult – including choosing to enter the *Big Brother* house.

3) We then went on to consider complainants’ concerns that the programme condoned unacceptable behaviour e.g. bullying, especially in cases where significant numbers of children may have been watching. In doing this, we took into account the following rules:

**1.3** *Children [under the age of fifteen years] must...be protected by appropriate scheduling from material that is unsuitable for them.*

**1.12** *Violence, whether verbal or physical, that is easily imitable by children in a manner that is harmful or dangerous:*

- *Must not be featured in programmes made primarily for children unless there is strong editorial justification;*
- *Must not be broadcast before the watershed...unless there is editorial justification.*

**2.4** *Programmes must not include material...which, taking into account the context, condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour.*

Considering the programmes in the light of Rule 1.3, we felt that it was clear from the pre-watershed broadcasts that careful editing had taken place. For example, an argument between Shahbaz Chaudhry and Sezer Yurtseven in the early hours of the morning was carefully edited to exclude strong language and the most aggressive behaviour when broadcast the following day before the watershed. We believe that children were therefore protected from unsuitable material.

Turning to Rule 1.12, the format of this series provides a unique environment that places the behaviour outside that of a normal domestic situation. As such, the fact that the *Big Brother* house does not resemble a normal household acts as a protection against normalising such behaviour in the eyes of children. As we have explained under point 2 above, it may be editorially justified to include some of the edited elements of intimidating behaviour displayed by the housemates in pre-watershed programmes. Furthermore, the pre-watershed programmes included the voice of *Big Brother* in the Diary Room reacting to events and making it clear to participants and viewers that aggressive or intimidating behaviour was not being condoned.

We then considered Rule 2.4. We believe that bullying would fall into the definition, in the Code, of anti-social behaviour. However, we note that such behaviour was not condoned or glamorised. For example, at least some of the housemates were shown by the broadcaster to have regretted their behaviour. The broadcaster also intervened when necessary. We therefore consider that the portrayal of such behaviour, especially in an artificial environment, would not have been likely to encourage others to copy such acts.

With regard to contestants being subjected to jeers and other abuse when leaving the house, it has been the custom in the various *Big Brother* series for the crowd to react in the way they would react to a "pantomime villain" when a housemate, who is regarded by some viewers as either deceitful or particularly unkind, is evicted. Although some may view this as unpleasant, we felt that this behaviour did not exceed generally accepted standards in the context of this particular programme.

Overall, therefore, we did not feel the programmes were in breach of the Code.

**Not in Breach**

## Fairness and Privacy Cases

### Not Upheld

#### Complaint by Mr and Mrs W

*The Week the Women Went, BBC3, August – September 2005*

**Summary:** Ofcom has not upheld this complaint of unwarranted infringement of privacy from Mr and Mrs W.

This 12-part programme set out to test how well the village of Harby was able to cope when some of the women residents were removed. Mr and Mrs W are residents of Harby, but did not participate in the programme.

Mr and Mrs W complained that their privacy had been unwarrantably infringed in the making of the programme because the programme makers used their private property (“the path”) on two occasions. According to Mr and Mrs W, on the first occasion the programme makers followed some local residents onto the path while filming, and on the second occasion, the programme makers used the path as a short cut to the Harby Playing Fields.

Ofcom found as follows:

- i) The untransmitted footage of the first incident suggested that filming stopped as soon as Mr and Mrs W’s property came into view. Ofcom was satisfied that on this occasion it was unlikely that any filming took place on the path or that the programme makers entered the W property.
- ii) The use of the path by the programme makers, in the way described by the complainants in the second alleged incident, would not have unwarrantably infringed the privacy of Mr and Mrs W. In reaching this finding Ofcom noted that the alleged use of the path by the programme makers did not appear to physically disturb or materially restrict the private and family life of the complainants. Nor in Ofcom’s opinion was it likely to have revealed any inherently private or particularly sensitive information about the complainants that was not already available to the general public who regularly used the path.

#### Introduction

This 12-part programme set out to test how well a village was able to cope when some of the women residents were removed.

The programme makers organised for almost 70 women from the small village of Harby and neighbouring hamlet Swinethorpe, to leave their families for a period of a week. In that time the men were given a variety of projects to complete in order to see how well they could adapt to their change in circumstances. The activities included: cooking; improvement of the Harby Playing Fields; and the organisation of a number of village events.

Mr W and his wife Mrs W are residents of Harby and their property adjoins the Harby Playing Fields. Neither Mr W nor Mrs W participated in the programme.

Mr and Mrs W complained of unwarranted infringement of privacy in the making of the programme.

## **The Complaint**

### **Mr and Mrs W's case**

In summary, Mr and Mrs W complained their privacy was unwarrantably infringed in the making of the programme in that the programme makers were found trespassing on the W property. The property in question was a path that ran alongside the W property ("the path"). Mr and Mrs W were the legal owners of the path during the time of filming. Since December 2005, the path has been legally adopted by the local authorities as a public bridleway.

Mr and Mrs W said that the use of the path by the programme makers unwarrantably infringed their privacy because they were the legal owners of the path during the week of filming, and the path had been officially closed at the time by a utility company. Mr W said he found the programme makers using the path on two occasions:

- i) A couple of children and their father (a Harby resident who Mr W identified to Ofcom) were using the path as a short-cut to the playing fields. The children were running and a film crew was following in "hot pursuit" behind. Mr W said the crew were filming at the time; and,
- ii) Two young female researchers used the path as a short-cut to the Harby Playing Fields.

### **The BBC's case**

The BBC rejected any notion that the making of the programme unwarrantably infringed Mr and Mrs W's privacy. The BBC said that Mr and Mrs W's complaint was a continuation of their campaign against the series.

The BBC said that Mr W made very clear to the programme makers that he did not wish to take part in the programme. In keeping with Mr W's wishes, the programme makers gave instructions to all camera teams that they should avoid, where possible, filming Mr W or his property. These instructions were included in the briefing pack to camera teams, which also included the address details of the W property and a map of the village. The BBC provided Ofcom with a copy of the briefing sheet that referred to Mr W.

In relation to the use of the path, the BBC said that it was well established within the community of Harby that the path was a public right of way and a normal access route to the Harby Playing Fields. The BBC said that even before the path was legally adopted by the local authorities, Mr W had been perfectly content for the path to be used by the public. The BBC said that unless the complainants had suffered some demonstrable intrusion or revelation at the hands of the BBC, above and beyond the normal use of the path, then they would have no valid claim of breach of privacy.

In response to Mr and Mrs W's complaint, that the programme makers were trespassing because the path was officially closed at the time by a utility company, the BBC said that any breach of law of trespass would be a matter for the courts to

decide. The BBC also noted that trespass and infringement of privacy did not amount to the same thing.

The BBC specifically addressed the two incidents complained of by Mr and Mrs W:

- i) The BBC provided Ofcom with untransmitted recordings of the incident along with the following account by one of the programme makers involved in the filming:

*"I was walking to the playing fields with the Harby resident and his son. The son was riding a bike and the rest of us were walking. We also had a film crew with us as we had previously filmed some shots of them walking along. We stopped filming as we approached W's house. As we walked past his house, the son cycled a few metres up the bridleway the path next to the house. At that moment Mr W came out and started shouting. The Harby resident and I both told the son to come out which he did immediately. None of the rest of us went up the bridleway or on any part of Mr W's property and we did not film any of this incident."*

The BBC noted that this account of the incident was rather different from Mr W's account, and provided the rushes as evidence of their account's accuracy. The BBC said that the rushes showed that filming took place only on the public highway and stopped as Mr W's house became clearly visible. This was in line with the assurance given to Mr W by the programme makers that he and his property would not be featured.

- ii) The BBC said the programme makers had questioned all relevant staff and all of them were clear that they had not used the path at any time during the week of filming. Though for the sake of argument the BBC said that the use of the path by an individual (who happened to be a BBC employee) as a short-cut, would not amount to a breach of Mr and Mrs W's privacy.

## **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes and unwarrantable infringement of privacy in and in connection with the obtaining of material included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In Ofcom's view, the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy, Ofcom will therefore, where necessary, address itself to two distinct questions: First, has there been an infringement of privacy? Second, if so, was it warranted?

Ofcom considered that the activities of the programme makers, if occurring in the way described by the complainant, could reasonably be described as being "in connection with the obtaining of material" included in the programme. As such, the consideration of such activities was within Ofcom's remit as set out in the

Broadcasting Act 1996. However it should be noted that it is not within Ofcom's remit to determine whether or not any breach of the law of trespass has taken place. Rather in the particular circumstances of this case, Ofcom was required to determine whether or not the actions of the programme makers unwarrantably infringed the privacy of the complainant during the making of the programme.

Mr and Mrs W complained that members of the programme making team used their path on two occasions, and on one of these occasions filming took place. Mr and Mrs W said that the use of the path by the programme makers unwarrantably infringed their privacy. The BBC maintained that the programme makers did not use or film on the path during the making of the programme.

- i) In considering the first incident described by Mr and Mrs W where they complained that the programme makers followed some local residents onto his property while filming, Ofcom examined both parties' accounts of the incident and the untransmitted footage provided by the BBC.

The untransmitted footage of this incident showed a Harby resident and his child on their way to the Harby Playing Fields. Filming took place on a residential street and as the group approached the path, which runs alongside the W house, the untransmitted footage stopped.

Though the untransmitted footage did not capture the events directly after the group approached the path, it is Ofcom's opinion that the untransmitted footage of the incident gave additional weight to the BBC's account of events. In particular, Ofcom noted that the untransmitted footage showed that there was one child (not two as Mr W recalled), the child was cycling (not running), and the film crew was walking behind the father and son (not in pursuit) at the time the filming appeared to stop. Ofcom further noted that the untransmitted footage suggested that filming stopped as soon as the W property came into view. In Ofcom's opinion this suggested that the programme makers were aware of, and abided by, their agreement with the complainants not to feature or film the W property where possible. In these circumstances, and given that Mr and Mrs W had not provided Ofcom with persuasive evidence to the contrary, Ofcom was satisfied that on this occasion it was unlikely that any filming took place on the path or that the programme makers entered the W property.

- ii) Ofcom next considered Mr W's complaint that the programme makers used the path on a separate occasion as a short-cut. Ofcom was not satisfied that either party provided particularly convincing evidence that the programme makers did or did not use the path as a shortcut to the Harby Playing Fields. Notwithstanding this, Ofcom concluded that if the path been used in the way described by the complainant, it would have been unlikely to have unwarrantably infringed Mr and Mrs W's privacy in connection with the obtaining of material included in the programme.

In reaching this decision, Ofcom firstly considered the path itself. Ofcom noted that the path was the legal property of the complainants during the week of filming and Mr and Mrs W had appropriately reasoned that as the legal owners of the path, they were entitled to refuse entry to the path to who ever they wished. However, as previously noted, Ofcom does not have remit to determine whether or not a breach of the law of trespass had taken place. In the circumstances of this case, Ofcom was required to determine, notwithstanding the legal status of the property, whether or not the possible use of the path by the programme makers unwarrantably infringed the complainants' privacy.

In Ofcom's view there was no reason why the use of the path, in the way described by the complainants, would have infringed their privacy to any degree greater than had been experienced as a result of the path being readily available to the public of Harby. In reaching this finding Ofcom noted that the alleged use of the path by the programme makers did not appear to physically disturb or materially restrict the private and family life of the complainants. Nor in Ofcom's opinion was it likely to have revealed any inherently private or particularly sensitive information about the complainants that was not already available to the general public who regularly used the path. As a result Ofcom concluded that any use of the path by the programme makers, in the way described by the complainants, did not unwarrantably infringe the privacy of Mr and Mrs W.

Accordingly, Ofcom has not upheld Mr and Mrs W's complaint of unwarranted infringement of privacy in the making of the programme.

## Other programmes not in breach/out of remit

16 August 2006 – 29 August 2006

Programme	Trans Date	Channel	Category	No of complaints
30 Minutes	11/08/2006	Channel 4	Inaccuracy/Misleading	1
Animal Rescue	14/08/2006	BBC1	Animal welfare	1
Ask A Psychic	04/05/2006	Raj TV	Exorcism/Occult	1
Babeword TV	18/07/2006	Babeworld TV	Inaccuracy/Misleading	1
Bad Girls	27/07/2006	ITV1	Sex / Nudity	1
BBC News	29/06/2006	BBC1	Offensive Language	1
BBC News	17/07/2006	BBC1	U18 in Programmes	3
BBC News	11/08/2006	BBC1	Generally Accepted Standards	1
BBC News	14/08/2006	BBC1	Religious Offence	1
BBC News 24	28/07/2006	BBC News 24	Sex / Nudity	1
BBC News 24	14/08/2006	BBC News 24	Due Impartiality/Bias	1
BBC News 24	11/08/2006	BBC News 24	Due Impartiality/Bias	1
Beyond Belief	24/07/2006	BBC Radio 4	Religious Offence	1
Big Brother 7	30/06/2006	Channel 4	Generally Accepted Standards	2
Big Brother 7	04/07/2006	Channel 4	Generally Accepted Standards	3
Big Brother 7	06/07/2006	E4	Advertising	1
Big Brother 7	21/07/2006	Channel 4	Sponsorship	1
Big Brother 7	04/08/2006	Channel 4	Offensive Language	1
Big Brother 7	08/08/2006	Channel 4	Inaccuracy/Misleading	3
Big Brother 7	04/08/2006	Channel 4	Inaccuracy/Misleading	1
Big Brother 7	09/08/2006	Channel 4	Other	1
Big Brother 7	16/06/2006	Channel 4	Violence	1
Big Brother 7	10/08/2006	Channel 4	Violence	2
Big Brother 7	14/08/2006	Channel 4	Inaccuracy/Misleading	4
Big Brother 7	13/08/2006	Channel 4	Dangerous Behaviour	3
Big Brother 7	10/08/2006	Channel 4	Generally Accepted Standards	1
Big Brother 7	15/08/2006	Channel 4	Inaccuracy/Misleading	1
Big Brother 7	17/08/2006	Channel 4	Generally Accepted Standards	1
Big Brother 7	18/08/2006	Channel 4	Other	1
Big Brother's Big Mouth	03/08/2006	Channel 4	Generally Accepted Standards	1
Big Brother's Big Mouth	10/08/2006	E4	Sex / Nudity	1
Big Brother's Big Mouth	12/08/2006	Channel 4	Offensive Language	1
Big Brother's Big Mouth	18/08/2006	E4	Generally Accepted Standards	3
Big John at Breakfast	07/08/2006	Hallam FM	Generally Accepted Standards	1
Boys Don't Cry	29/07/2006	BBC2	Violence	1
Brainteaser	12/08/2006	Five	Competitions	1
British Comedy Quiz	22/06/2006	Quiz Call	Competitions	1

Casualty	29/07/2006	BBC1	Other	1
Celebrity Big Brother	13/01/2006	Channel 4	Other	2
Celebrity Big Brother	20/01/2006	Channel 4	Other	1
Celebrity Big Brother	16/01/2006	Channel 4	Other	1
Celebrity Big Brother	24/01/2006	Channel 4	Other	2
Celebrity Big Brother	27/01/2006	Channel 4	Other	1
Celebrity Soup	24/07/2006	E Entertainment	Offensive Language	1
Channel 4 News	01/08/2006	Channel 4	Generally Accepted Standards	1
Classic FM	14/08/2006	Classic FM	Other	1
Come Dine with Me	23/08/2006	Channel 4	Offensive Language	1
Cool FM	03/08/2006	Cool FM	Generally Accepted Standards	1
Coronation Street	04/08/2006	ITV1	Advertising	1
Coronation Street	13/08/2006	ITV1	Generally Accepted Standards	3
Damien St John	08/08/2006	Leicester Sound FM	Offensive Language	1
Dark Secrets: Turned out in Prison	19/08/2006	Five	Violence	1
Deal Or No Deal	14/07/2006	Channel 4	Generally Accepted Standards	1
Death Detectives	07/08/2006	BBC3	Generally Accepted Standards	1
Dispatches - What Muslims Want	05/08/2006	Channel 4	Generally Accepted Standards	1
Dispatches - What Muslims Want	06/08/2006	More4	Generally Accepted Standards	1
Dispatches - What Muslims Want	07/08/2006	Channel 4	Generally Accepted Standards	1
Dispatches - What Muslims Want	09/08/2006	Channel 4	Crime Incitement	1
Dispatches - What Muslims Want	10/08/2006	Channel 4	Inaccuracy/Misleading	1
Driving Mum and Dad Mad	14/08/2006	ITV1	U18 in Programmes	1
Getting on the Property Ladder	17/08/2006	Five	Inaccuracy/Misleading	1
Grange Hill	23/03/2006	BBC1	Generally Accepted Standards	1
Holidays Undercover	15/08/2006	ITV1	Sponsorship	2
Hollyoaks	21/08/2006	Channel 4	Scheduling	1
How Do You Solve a Problem Like Maria?	12/08/2006	BBC1	Offensive Language	1
ITV News	29/06/2006	ITV1	Inaccuracy/Misleading	1
ITV News	11/08/2006	ITV1	Inaccuracy/Misleading	1
ITV News	11/08/2006	ITV1	Crime Incitement	2
ITV News	18/07/2006	ITV1	Due Impartiality/Bias	1
James O'Brien	17/07/2006	LBC97.3	Offensive Language	1
James Whale Show	16/08/2006	Talksport	Generally Accepted Standards	1
Jew Train XX	07/08/2006	History Channel	Generally Accepted Standards	1
Kirstie and Phil: Where	25/04/2006	Channel 4	Inaccuracy/Misleading	1

Best to Invest				
London Tonight	07/08/2006	ITV1	Undue Prominence	1
Look North	06/07/2006	BBC1	Generally Accepted Standards	1
Look North	23/07/2006	BBC1	Generally Accepted Standards	1
Love Island	12/08/2006	ITV1	Generally Accepted Standards	1
Love Island	17/08/2006	ITV1	Generally Accepted Standards	1
Love Island	22/08/2006	ITV1	Dangerous Behaviour	1
Meridian News	16/03/2006	ITV1	Due Impartiality/Bias	1
Trail for My God, I'm My Dad	30/07/2006	Bravo	Scheduling	1
Trail for My God, I'm My Dad	04/08/2006	Living	Sex / Nudity	1
My God, I'm My Dad	10/08/2006	Bravo	Religious Offence	1
My Hero	04/08/2006	BBC1	Animal welfare	1
Newsbeat	08/06/2006	BBC Radio 1	Generally Accepted Standards	1
No Girls Allowed	08/07/2006	Five	Dangerous Behaviour	1
Ramsay's F Word	16/08/2006	Channel 4	Animal welfare	1
Ramsay's F Word	16/08/2006	Channel 4	Offensive Language	1
Real Breakfast Show	30/06/2006	106-108 FM	Dangerous Behaviour	1
Real Breakfast Show	01/08/2006	106-108 FM	Violence	1
Respectable	21/08/2006	Five	Generally Accepted Standards	2
Respectable	22/08/2006	Five	Sex / Nudity	2
Respectable	23/08/2006	Five	Generally Accepted Standards	1
Respectable	24/08/2006	Five	Sex / Nudity	1
Revelation TV	16/06/2006	Revelation TV	Religious Offence	1
Richard and Judy	03/08/2006	Channel 4	Offensive Language	1
Richard and Judy	11/08/2006	Channel 4	Due Impartiality/Bias	2
Richard and Judy	14/08/2006	Channel 4	Offensive Language	2
Richard and Judy	14/08/2006	Channel 4	Due Impartiality/Bias	1
Robert Ellis	06/08/2006	Galaxy 102	Inaccuracy/Misleading	1
SFM Radio	06/08/2006	SFM	Offensive Language	1
Shariah TV	09/08/2006	Channel 4	Violence	1
Silent Witness	06/08/2006	BBC1	Violence	1
Silent Witness	21/08/2006	BBC1	Generally Accepted Standards	1
Sky News	02/07/2006	Sky News	Due Impartiality/Bias	1
Sky News	28/07/2006	Sky News	Due Impartiality/Bias	1
Sleeper Cell	23/08/2006	Channel 4	Generally Accepted Standards	1
South Park	25/07/2006	MTV	Religious Offence	1
Sunday Roast	13/08/2006	Spirit FM	Due Impartiality/Bias	1
Talksport	14/08/2006	Talksport	Generally Accepted Standards	1
Ted Bundy: Natural Porn Killer	16/08/2006	Channel 4	Generally Accepted Standards	1
The Art of Pop	08/08/2006	BBC Radio 4	Violence	1
The Bill	23/08/2006	ITV1	Crime Incitement	1

The Boys Who Killed Stephen Lawrence	26/07/2006	BBC1	Other	1
The Friday Night Project	11/08/2006	Channel 4	Generally Accepted Standards	1
The Gadget Show	09/12/2005	Five	Accuracy	1
The Hits	11/08/2006	The Hits	Advertising	1
The Jeremy Kyle Show	15/08/2006	ITV1	Sex / Nudity	1
The Jon Gaunt Show	15/08/2006	Talksport	Dangerous Behaviour	1
The Man Without a Face	13/08/2006	Five	Generally Accepted Standards	1
The Mint	08/08/2006	ITV	Competitions	1
The Mint	16/08/2006	ITV1	Competitions	2
The Mint	23/08/2006	ITV1	Competitions	4
The Miracles of Jesus	13/08/2006	BBC1	Religious Offence	1
The O'Reilly Factor	01/08/2006	Fox News	Due Impartiality/Bias	1
The Simpsons	23/04/2006	Sky One	Undue Prominence	1
The Simpsons	22/05/2006	Sky One	Advertising	2
The X Factor	19/08/2006	ITV1	Generally Accepted Standards	2
The X Factor: Battle of the Stars	31/05/2006	ITV2	Sex / Nudity	1
Time Trumpet	17/08/2006	BBC2	Generally Accepted Standards	4
Today Programme	18/07/2006	BBC Radio 4	Generally Accepted Standards	1
Transmission	11/08/2006	Channel 4	Generally Accepted Standards	1
UK Porn Exposed	16/07/2006	Men & Motors	Sex / Nudity	1
Weakest Link	19/08/2006	BBC1	Crime Payment	1
Wolf Creek	29/07/2006	Film Four	Violence	1
You've Been Framed	19/08/2006	ITV1	U18 in Programmes	1
Your Radio	25/07/2006	Your Radio	Competitions	1