

Ofcom Broadcast and On Demand Bulletin

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Mark Steyn, GB News, 21 April 2022, 20:00

Summary

During the above programme, the presenter, Mark Steyn, used official data from the UK Health Security Agency (UKHSA) to draw conclusions about Covid-19 vaccinations. Ofcom was alerted to this content by four complaints from viewers who considered the presenter had made “dangerous” and “fatally flawed conclusions” from the UKHSA statistics.

Ofcom investigated under Rule 2.2 of the Code which states that “factual programmes or items or portrayals of factual matters must not materially mislead the audience”. We found that viewers were materially misled by Mark Steyn’s claims that official UKHSA data provided definitive evidence that the third Covid-19 booster vaccine caused higher infection, hospitalisation and death rates.

Mark Steyn said in the programme that UKHSA data on those people that had, and those that had not, received a third Covid-19 vaccination dose could be compared because the two groups included approximately the same numbers of people. However, his interpretation that there was “*only one conclusion*” from this comparison – that the third vaccination caused increased levels of infection, hospitalisation and death – was misleading because it did not take account of key factors such as the significant differences in age or health of the people in these two groups. The programme also failed to reflect that the UKHSA reports made clear that the raw data should not be used to draw conclusions about vaccine efficacy, due to the biases inherent in the vaccinated and unvaccinated populations.

We also took into account the definitive way in which Mark Steyn presented the misleading interpretation of the data, and the way in which he responded to three viewer comments. Given this, Ofcom did not consider that the inclusion of these comments provided a counterweight or genuine challenge to ensure that viewers would not be misled. Overall, we concluded that this factual programme may have resulted in viewers making important decisions about their health, and it was therefore potentially harmful and materially misleading, in breach of Rule 2.2 of the Code.

Ofcom has made clear that, in line with the right to freedom of expression, broadcasters are free to transmit programmes which may be considered controversial and challenging, and to question statistics or other evidence produced by governments or other official sources. It is clearly in the public interest to scrutinise information of this nature. However, this editorial freedom comes with the obligation on broadcasters to ensure that programmes comply with the Code and, in particular, that factual programmes must not materially mislead the audience.

Mark Steyn

Type of case	Broadcast Standards
Decision	In breach
Service	GB News
Date & time	21 April 2022, 20:00
Category	Materially misleading
Summary	The presentation of UK Health Security Agency data and their use to draw conclusions materially misled the audience. In breach of Rule 2.2 of the Broadcasting Code.

Introduction

GB News is a television channel that primarily broadcasts current affairs discussion programmes. It also includes hourly news bulletins and describes itself as “Britain’s News Channel”. The licence for GB News is held by GB News Limited (“GB News Ltd” or “the Licensee”).

Mark Steyn was broadcast Monday to Thursday between 20:00 and 21:00¹. In the programme, presenter Mark Steyn gave his view on various news stories and discussed these with guests.

Ofcom received four complaints about comments made by the presenter that, the complainants said, drew “dangerous” and “fatally flawed conclusions” from UK Health Security Agency (“UKHSA”) statistics. Ofcom considered that the programme raised potential issues warranting further investigation under [the Broadcasting Code](#) (“the Code”).

The Content

The start of the programme included a regular section called *The Steyn Line* in which Mark Steyn gave a monologue setting out his view on a particular topic. In the broadcast on 21 April 2022, *The Steyn Line* was focused on the UK Government’s rollout of Covid-19 vaccines (particularly the third “booster” dose), their efficacy and the associated risks. During the segment a banner across the bottom of the screen was displayed that read “*Mark’s take on the vaccine debate*”.

During this monologue, Mark Steyn made the following comments about UKHSA published reports:

Mark Steyn: *“...we have needed since March 2020 a far wider range of public discourse on the best way through this thing [the Covid-19 pandemic] especially as a lot of people want to make it permanent. Ursula von der Leyen at the European Union with her digital identity Covid passes and*

¹ On 6 February 2023, Mark Steyn said he would not be returning to present on GB News.

all the rest of it. Instead, we've had the opposite, a crude and banal division of Covid discussion into the official version on the one hand and on the other disinformation. It's either official so you can say it, or its disinformation so you'll lose your Facebook account. However, if we are to have this idiotic and reductive division into officialdom and disinformation, completely unbecoming to a supposedly free society, then let me say that everything that follows are official numbers from the UK Health Security Agency. And there is only one conclusion from those numbers, which is that the third booster shot, so zealously promoted by the British state and its group-think media, has failed. And in fact, exposed you to significantly greater risk to infection, hospitalisation and death. There has to be an accounting for this and other disastrous group-think policies which is why I want that Royal Commission and you should too.

To emphasise, these are all Government statistics and you ought to be able to cite them, even on British television. So, let us start with the basics. There are approximately equal numbers of triple vaccinated as the combined total of single, double and unvaccinated. This is from the UK Health and Security Agency's report last week of April 14 [2022]. Let's take a look at this. As you can see, from a pool of 63 million, down at the bottom there, 63 million, there are 32 million who are triple vaccinated. That leaves just under 31 million who are either double, single or unvaccinated. So we have two groups of similar size. 31, 32 million. So it's relatively easy to weigh the merits of the third shot upon group A vs group B. Here are the Covid case numbers from the Government report I cited on air earlier this month. All the numbers here basically come from March [2022]. They basically come from up to a couple of weeks ago. And if you look at this, this showed Covid-19 cases by vaccination status. So the triple vaccinated, in March [2022], were responsible for just over a million Covid cases and everybody else 475,000 cases. So the triple vaccinated are contracting Covid at approximately twice the rate of the double, single and unvaccinated. Got that? If you get the booster shot, you've got twice as high a chance of getting the Covid. In the United Kingdom there's twice as many people with the third booster shot who got the Covid as the people who never had the booster shot. It's a widespread phenomenon...So the court eunuchs of the appalling group-think media have retreated to reduced claims for the vaccine. Oh sure, it won't prevent you from getting the Covid, but it will lessen your likelihood of being hospitalised. From the same report by Her Majesty's Government that I cited just a moment ago, let's check that one out too. So let's put this one up here. And again, you see there in the far right hand column, that's the people with the third Covid shot, and then you see sort of in the middle the people

who aren't vaccinated at all. That number 147 at the bottom. So, triple vaccinated people who wound up spending a night in hospital, 6,750; everybody else, 3,576. So the triple vaccinated are being hospitalised overnight for Covid at approximately twice the rate of the double, single and unvaccinated. And one notes, in particular, the significant differences in hospitalisation numbers in those over 60. So that leaves a sole claim for the efficacy of the heavily promoted booster shot, oh sure it won't prevent you getting the Covid, or being hospitalised, but it will lessen your likelihood of being dead. And again, from the same report by HMG [Her Majesty's Government] and let's just look at this. Deaths within 28 days of positive Covid tests in all age groups. And the triple-vaccinated again, the far-right hand column there, and everybody else the other columns, let's just add it up because it's such a huge difference. Triple-vaccinated who are dead within 28 days, 1,557. Everybody else, dead within 28 days, 577. So, the triple-vaccinated are dying within 28 days at a rate approximately three times higher than the rest of the population. Why aren't we talking about this? If the booster shot is making it more, thrice as likely that you're going to deadsville, that they're going to be carrying you out by the handles, why aren't we talking about that?"

Mark Steyn: *"...Could we stop killing old people? What's with you? Is this some kind of dystopian fiction that the deep state comes up with a plan to off all the geezers? Didn't you kill enough people in the care homes in the first year and half of this thing? Now we've designed a booster shot that kills almost four times as many old people if you get this shot, as if you don't. The third shot not only has no efficacy, it increases your chances of hospitalisation and death. But because the court eunuchs of the UK group-think media deny us any honest discussion or even basic dissemination of the Government numbers, most people aren't aware of that. The third shot was clearly a shot too far that has damaged the immune systems of many people and made them less able to resist infection and death".*

Mark Steyn: *"...so we shouldn't even be contemplating shots every six months: fourth shots, fifth shots, sixth shots. Because it's not just that they're useless, it's that you're more likely to be infected, you're more likely to be hospitalised overnight and you're more likely to be dead".*

Mark Steyn: *"Even in a sick and constricted culture of free speech as the United Kingdom's, it should be possible to cite official Government numbers without being cancelled or investigated or shadow-banned on Twitter or*

being labelled as misinformation. It's not possible, just back in the day, do you remember the days before March 2020 when we still had medical ethics? Remember those things? Medical ethics? It's not possible for a citizen to give informed consent to a vaccine unless he's informed. So, the group-think media's quashing of these numbers is highly disturbing. For another, the inference is that those zombies who mindlessly 'follow the science, must keep following the science', which means following Government spokespersons, have injected themselves with something that increases their likelihood of infection, hospitalisation and death. Dividing everything into official and disinformation has prevented honest discussion and had an undoubtedly chilling effect on public discourse with respect to the Covid, the lockdown, the NHS, the schools and more".

Mark Steyn: *"...the hasty rollout of an at-best useless and at-worst decidedly dangerous third shot is a valid subject for the public square, and I assert the right to quote official Government statistics and because these numbers suggest an unnecessary tragedy, amplified by this soul-crushing group-think in the UK media, I want a royal commission".*

During the segment, the tables listed below from the following UKHSA reports were displayed at various points:

- Table 7 (page 78) from the [Weekly national Influenza and Covid-19 surveillance report – Week 15 report \(14 April 2022\)](#)
- Tables 11 to 13 (pages 41 to 43) from the [Covid-19 vaccine surveillance report – Week 13](#)
- Table 10 (page 35) from the [Covid-19 vaccine surveillance report -Week 3](#)
- Table 11 (page 41) from the [Covid-19 vaccine surveillance report – Week 6](#)
- Table 11 (page 42) from the [Covid-19 vaccine surveillance report – Week 9](#)

After “*The Steyn Line*” segment, Mark Steyn discussed free speech and social media platforms removing posts with a guest. Mark Steyn then read out and reacted to messages from audience members, this included the following:

Mark Steyn: *“Louise says ‘I think to be fair you have to take other factors into account. People dying with Covid/not of Covid. Older people are generally more likely to die of any cause’. Yeah, that’s true. That’s generally true. If you’re 27, like Louise, you’re less likely to die than I am, I’m 137 [sic], so that’s generally true. But we matched these numbers across all age groups. So the point is, an 80 year old with a booster shot is more likely to die than an 80 year old without a booster shot. And likewise a 30 year old with the booster shot is more likely to die than a 30 year old without a booster shot. That’s the point. There’s something going on here, they’re still trying to shove it into your arm. They’re still*

trying just to shoot the juice to me, Bruce. No, no. Resist. This third booster shot, there's something going on and people should be free to talk about it, even on British tele".

Towards the end of the programme, Mark Steyn read out two messages, as follows:

Mark Steyn: *"Let's close things out with a little bit of stumping. A Twitter user referencing what we said earlier says: 'Don't you have to weight those stats by percentage of population in each category? Even so I think you've got a point'. No. Let me just make this clear. There's 32 million who had the third booster shot, there's 31 million who didn't. So we can directly compare the numbers, overall numbers, because they're the same size. So if you got the booster shot, you're dying at three times the rate of the people who didn't get the booster shot. Another Twitter user says 'as a Conservative myself, I have no idea whyever [sic] Conservatives are pushing non-Science. The vaccine is safe and has saved millions of lives. There's data to support this. Anecdotal data where people claim they know people...'. I didn't do anecdotal data! Little-Mr-Twitter-user. I did the Government statistics that were released two weeks ago. The Government numbers on these extraordinarily higher rates of death among the booster. No anecdotes. I can tell you an anecdote, a girl just up the road actually died of the booster shot just a couple of days ago. But that's not what we did. We did the Government numbers. Deal with it. And let's talk about it".*

There were no other references to Covid-19 vaccines or UKHSA statistics in the programme.

We considered this raised potential issues under the following rule of the Code:

Rule 2.2: "Factual programmes or items or portrayals of factual matters must not materially mislead the audience".

Ofcom requested comments from the Licensee on how the programme complied with this rule.

Response

GB News Ltd said that the programme's "purpose is unmistakably to challenge the status quo and question official narratives" and that it did not materially mislead the audience in this case and did not breach Rule 2.2 of the Code.

The Licensee said the programme had taken a strong interest in the progress of the Covid-19 epidemic, the vaccination rollout and other key aspects of Government policies in this area. It also said that the programme had a particular interest in the balance of risk and benefit from vaccination and "has taken time to highlight individual stories of families who have suffered serious illness or death as a direct result of the vaccine rather than from Covid itself". It added it considered there "has been very little official acknowledgment of this as an issue, and minimal media discussion about it". In GB News Ltd's view, the programme had "devoted a great deal of time and research in trying to uncover the

factual basis of this part of the story”, and Mark Steyn “has been making a detailed study over several months of the statistics for Covid illness, hospitalisation and death by vaccination status”. It added the “precise numbers of those who have died as a result of the vaccination is not yet clear – it is certainly several thousand – but The Steyn Line has been one of the few programmes scrutinising the available data to throw more light on the subject”.

The Licensee added that it considered “[a]t no stage has the programme adopted an ‘anti-vax’ approach and that has always been made clear to the audience”. It said that Mark Steyn “consistently questioned specific aspects of Covid policy and has focused on facts and evidence from a wide range of sources that provide credible challenge to the official narrative”. It also said Mark Steyn has “strongly criticised the purely binary position...that the official narrative is the only legitimate version of events and anything that questions or challenges that must be dismissed as ‘disinformation’”. It said that this approach, in Mark Steyn’s view, “has had a seriously suppressive effect on freedom of debate” with “controversial opinions outside the mainstream often silenced altogether on social media”.

GB News Ltd said the programme “reported on this matter seriously and responsibly”, with “careful and detailed examination of official figures about the effects of Covid in England and the outcomes of different groups with varying vaccination status” included.

In relation to the statements made about UKHSA data in the programme, the Licensee said that “[t]he data does show what Mr Steyn said it showed – that more people with the third vaccine were dying or needing hospital treatment than those without it” (emphasis added by Licensee).

It also said that Mark Steyn’s interpretation was “a legitimate one” and that there “can be nothing ‘sacred’ or unchallengeable about data – particularly when there is no universally agreed or acknowledged method of collecting and analysing empirical data”. GB News Ltd added “[o]thers may have a different interpretation and it is up to them to promote and argue for it”. It said the programme represented a “reasonable” interpretation of publicly available data “that was receiving little or no attention anywhere else and explained his thinking so that people could see his logic for themselves”. It considered Mark Steyn’s “fundamental point was that he was sceptical of the government’s bland reassurance that the vaccination programme was necessary for everyone and overwhelmingly safe for all age groups”.

In relation to the data used, the Licensee said “it is not unfair to say that the presentation of official data has been poor and in some respects simply misleading” and referenced a disparity in the base line estimates of the English population between the National Immunisation Management Service from the Office for National Statistics. It said there is “widespread acknowledgement that the non-uniform statistics provided by various reputable and authoritative bodies...are difficult to reconcile” and that “despite some claims to the contrary there is no single, universally agreed view on how to interpret them”.

GB News Ltd said Mark Steyn “made it clear to the audience that he was giving his personal opinion. He explained his reasoning and he put the actual statistical tables on screen for viewers to see. He also made it clear that his own view on the matter was at odds with the official version of events”. It also

said that audience views were included in the programme and gave the example of a message sent in from Louise and said that Louise had e-mailed “to take issue with Mr Steyn’s interpretation”.

GB News Ltd said that a “clear alternative view was provided” in the “very next edition on April 25th with an appearance by Mr Jamie Jenkins, former Head of Health Analysis and Labour Market Analysis at the Office for National Statistics”. It said that this guest had disagreed with Mark Steyn’s view of the data on Twitter so the production team invited him to offer his views live on air. The Licensee said that in this appearance, Mr Jenkins disagreed with Mark Steyn’s interpretation but “crucially, support[ed] his view that the ‘official narrative’ about the measures taken by the government had been at odds with what the data appear to show”. It added that Mr Jenkins’ appearance “may not have been flagged as a ‘linked and timely’ programme as narrowly defined by Ofcom but it appeared in the next possible edition of the show and would have been seen by many of the same viewers as the original broadcast”.

In GB News Ltd’s view, there was “clearly no evidence available of actual harm” and it said it is “hard to imagine potential harm either”. In this regard, it said that this was not broadcast at the start of the vaccination campaign” and that at the time of broadcast “the majority of people had been vaccinated and there was a mass of data about its effectiveness”. It added that “Mr Steyn’s conclusions that the third ‘booster’ jab could be dangerous would have little practical effect”.

In the request for comments sent to the Licensee, Ofcom referenced an explanatory disclaimer included in the UKHSA vaccine surveillance reports, which was as follows:

“We present data on Covid-19 cases, hospitalisations and deaths by vaccination status. **This raw data should not be used to estimate vaccine effectiveness** [emphasis in original] as the data does not take into account inherent biases present such as differences in risk, behaviour and testing in the vaccinated and unvaccinated populations”².

In response to this specific point, GB News Ltd said it did not accept that this explanation should “either have been mentioned in the programme or have been a bar to the discussion altogether” and reiterated Mark Steyn’s use of the data “was the product of lengthy research, analysis and consideration”.

The Licensee concluded that the 21 April edition of the programme did not materially mislead the audience, and therefore, in its view, there was no breach of Rule 2.2 of the Code.

The Licensee made further representations in response to Ofcom’s Preliminary View that the programme as broadcast was in breach of Rule 2.2. It said it was “disappointed” that Ofcom had, on a preliminary basis, considered the programme to be in breach of the Code and reiterated a number of points made in its earlier representations. In particular, it said that “different interpretations of official data are possible, in fact they are inevitable” and “during the past two years and more it has become

² Emphasis added by UKHSA. See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1066759/vaccine-surveillance-report-week-13.pdf#page=3

clear how difficult it is – even for experts and official bodies – to draw specific conclusions about the effectiveness of multiple vaccination and the value of policies such as lockdowns, separation and mask wearing”. In light of this, and changing views on the benefits of the different approaches adopted by various countries in response to the Covid-19 pandemic, it said it was “valid and important for the Mark Steyn programme to devote the time that it did to analysing the effectiveness of the booster vaccine”.

GB News Ltd described Mark Steyn’s interpretation of official data as “a personal and considered one” which “was legitimate” and emphasised that “genuine challenge” to his position was provided elsewhere in the programme. The Licensee did accept that Mark Steyn “asserted that his interpretation was the only possible conclusion from the data” and considered that he “could certainly have made clear that statistics could be interpreted in other ways”. However, the Licensee was of the view that this did not, in itself, justify the programme being found in breach of Rule 2.2.

The Licensee described the key question in this case as being whether the broadcast was likely to cause real or potential harm and said that in its view, it did not believe it did or was likely to have done so. In support of this argument, it referred back to its earlier representations and emphasised that at the time of broadcast all rules that had been in place to stop the spread of Covid-19 had ended, as well as the “noticeable slackening in the urgency with which the government were urging the public to be vaccinated”. GB News Ltd said that its case was “that one broadcast on a minority channel with a single presenter pointing out potential risks from vaccination (mitigated by opposing views expressed in the same programme) carried little or no practical risk to the audience”. It said it understood “the temptation to conclude...that such a broadcast **must** [emphasis in original] somehow bring with it some risk but we submit that there is no evidence that that is the case and Ofcom does not offer any”.

The Licensee said that GB News was “created to encourage public debate and discussion about issues that are important to society but are by no means fully explored in other parts of the broadcast media”. It also said that “for a variety of reasons public debate about Covid has been wrongly and unnecessarily restricted, in a manner that has not been in the public interest”. In support of this, it referred to comments made by the Prime Minister, Rishi Sunak, who has “made no secret of the fact that there was too little discussion about ‘the official view’ before policy was set in stone and enforced on the public”.³

It was the Licensee’s view that Ofcom’s “own advice on this subject, contributed (and still contributes to some degree) to a narrowing of the debate about Covid that has not been in the public interest” and that “some of this can be traced back to the advice to broadcasters issued by Ofcom on May 26th 2020”⁴.

The Licensee highlighted the following text from Ofcom’s guidance:

³ GB News Ltd provided a link to a Sky News article: [Rishi Sunak claims he was gagged over negative effects of COVID lockdowns and scientists had too much influence](#).

⁴ Ofcom [Note to Broadcasters](#), 26 May 2020.

“In particular, we strongly advise you to take particular care when broadcasting, for example...**Statements that seek to question or undermine the advice of public health bodies on the Coronavirus, or otherwise undermine people’s trust in the advice of mainstream sources of information about the disease** [emphasis added by Licensee]”.

GB News Ltd acknowledged that Ofcom also said that the Code does “not prohibit the broadcasting of controversial views that might diverge from those of official authorities” but it did consider “it is clear that the advice highlighted above contributed strongly to a general climate under which media organisations and, from what Mr Sunak has said, even senior politicians too, did not feel able to question and challenge official policies”. In the Licensee’s view, some of those policies “asserted on a daily basis with 100 percent confidence at the time, have not stood the test of time well”. Although the Licensee said that the effectiveness and trade off between their benefits and unforeseen damage will be “pored over for years” its view was “that an earlier and more robust examination and debate, unhampered by Ofcom’s rather ominous warning to broadcasters, would have served the public better”.

In conclusion, the Licensee said that if this programme “was guilty of anything, it was nothing more than a rather forceful tone”. It considered it “set out its case openly, explained its reasoning, made clear that it was a personal interpretation and allowed other views to challenge its conclusions”. In the Licensee’s view there was not “any evidence that it caused harm to anyone” and therefore it urged Ofcom to find the programme not in breach of the Broadcasting Code.

Decision

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

Ofcom takes into account a broadcaster’s right to freedom of expression and the audience’s right to receive information and ideas as set out in Article 10 of the European Convention on Human Rights.

Rule 2.2 states: “Factual programmes or items or portrayals of factual matters must not materially mislead the audience”.

Ofcom’s Guidance⁵ (“the Guidance”) to Rule 2.2 explains: “Ofcom is required to guard against harmful or offensive material, and it is possible that actual or potential harm and/or offence may be the result of misleading material in relation to the representation of factual issues”. The Guidance also explains that Rule 2.2 is “designed to deal with content that materially misleads the audience so as to cause harm or offence” and not with “issues of inaccuracy in non-news programmes”. When considering if a programme or item is ‘materially’ misleading Ofcom considers a number of factors such as the

⁵ See [Ofcom Guidance to Section Two](#)

context, the nature of the misleading material and, above all, either what the potential effect could be or what actual harm or offence has occurred.

Rule 2.2 is therefore concerned with the misrepresentation of facts and whether factual matters have been misrepresented in a way which materially misleads viewers. This is particularly important in factual programmes, such as current affairs programmes or programmes of an investigative nature, as the level of audience trust and the audience's expectation that such programmes will not be materially misleading is likely to be higher.

Ofcom emphasises that broadcasters are free to broadcast programming which present controversial or critical comments concerning the policies and actions of the Government or of public health bodies in accordance with their rights and the rights of their audiences to freedom of expression. However, in doing so, broadcasters must ensure, in accordance with Rule 2.2, that programmes dealing with factual matters do not materially mislead the audience.

In considering the issues in this case, Ofcom took account of the context in which the programme was broadcast, including the Licensee's representations relating to the status of the rollout of Covid-19 vaccinations in the UK in respect of which GB News said, "the majority of people had been vaccinated and there was a mass of data about its effectiveness" and that there had been a "noticeable slackening in the urgency with which the government were urging the public to be vaccinated". Ofcom acknowledged that at the time of broadcast, of those aged 12 and over in the UK, 92.3% had received a first dose of a Covid-19 vaccine, 86.4% had received a second dose of a Covid-19 vaccine and 68% had received a booster or third dose of a Covid-19 vaccine.⁶

Ofcom also took into account GB News Ltd's representations in respect of the reliability of official data. Specifically, the Licensee said there was a disparity in the base line estimates of the English population between the National Immunisation Management Service and the Mid Year Population Estimates from the Office for National Statistics. It also observed that "the presentation of official data has been poor and in some respects simply misleading". However, the programme as broadcast did not question the reliability of the UKHSA data but instead asserted that UKHSA data provided evidence that the Covid-19 third vaccination dose caused higher rates of infection, hospitalisation and death. Therefore, Ofcom considered that these matters were not germane to whether the presentation of the data in the programme and the use of them to draw conclusions about the impact of the Covid-19 third vaccination were materially misleading.

Ofcom went on to consider the following questions:

- what factual matters were presented in the programme in relation to the UKHSA data; and
- whether the information that was given was likely to have materially misled the audience.

Information presented by Mark Steyn

In presenting the UKHSA raw data and using them as the evidential basis for conclusions about the third vaccination, Mark Steyn said:

⁶ See [Latest reported vaccination uptake](#)

- *“Let us start with the basics. There are approximately equal numbers of triple vaccinated as the combined total of single, double and unvaccinated”;*
- *“As you can see, from a pool of 63 million, down at the bottom there, 63 million, there are 32 million who are triple vaccinated. That leaves just under 31 million who are either double, single, or unvaccinated. So, we have two groups of similar size. 31, 32 million. So, it’s relatively easy to weigh the merits of the third shot upon group A vs group B”;*
- *“We matched these numbers across all age groups. So, the point is, an 80-year-old with a booster shot is more likely to die than an 80-year-old without a booster shot. And likewise, a 30-year-old with the booster shot is more likely to die than a 30-year-old without a booster shot”;* and
- *“There’s 32 million who had the third booster shot, there’s 31 million who didn’t. So, we can directly compare the numbers, overall numbers, because they’re the same size. So, if you got the booster shot, you’re dying at three times the rate of the people who didn’t get the booster shot”.*

Ofcom took into account that in the above statements Mark Steyn explicitly presented the raw data in the UKHSA reports as providing “two groups of similar size” (those that had received a Covid-19 third vaccination dose and those that had not) that could be directly compared to analyse health outcomes solely related to vaccination status.

In addition to stating that the two groups could be directly compared, Mark Steyn repeatedly asserted that UKHSA data demonstrated that the third vaccination dose caused increased levels of infection, hospitalisation and death, and he presented this as the “only one conclusion” that could be drawn from the UKHSA data. For example, Mark Steyn said:

- *“everything that follows are official numbers from the UK Health Security Agency. And there is only one conclusion from those numbers, which is that the third booster shot, so zealously promoted by the British state and its group-think media, has failed. And in fact, exposed you to significantly greater risk to infection, hospitalisation and death”;*
- *“So, the triple vaccinated, in March, were responsible for just over a million Covid cases and everybody else 475,000 cases. So the triple vaccinated are contracting Covid at approximately twice the rate of the double, single and unvaccinated. Got that? If you get the booster shot, you’ve got twice as high a chance of getting the Covid. In the United Kingdom there’s twice as many people with the third booster shot who got the Covid as the people who never had the booster shot. It’s a widespread phenomenon”;*

- *“So, triple vaccinated people who wound up spending a night in hospital, 6750 everybody else 3576. So the triple vaccinated are being hospitalised overnight for Covid at approximately twice the rate of the double, single and unvaccinated. And one notes, in particular, the significant differences in hospitalisation numbers in those over 60”;*
- *“Deaths within 28 days of positive Covid tests in all age groups. And the triple-vaccinated again, the far-right hand column there, and everybody else the other columns, let’s just add it up because it’s such a huge difference. Triple-vaccinated who are dead within 28 days, 1557. Everybody else, dead within 28 days, 577. So, the triple-vaccinated are dying within 28 days at a rate approximately three times higher than the rest of the population”;*
- *“If the booster shot is making it more, thrice as likely that you’re going to deadsville, that they’re going to be carrying you out by the handles, why aren’t we talking about that?”;*
- *“Now we’ve designed a booster shot that kills almost four times as many old people if you get this shot, as if you don’t. The third shot not only has no efficacy, it increases your chances of hospitalisation and death”;*
- *“The third shot was clearly a shot too far that has damaged the immune systems of many people and made them less able to resist infection and death”;*
- *“it’s not just that they’re useless, it’s that you’re more likely to be infected, you’re more likely to be hospitalised overnight and you’re more likely to be dead”;* and
- *“Those zombies who mindlessly ‘follow the science, must keep following the science’, which means following Government spokespersons, have injected themselves with something that increases their likelihood of infection, hospitalisation and death”.*

Ofcom took into account the Licensee’s representations that “[t]he data does show what Mr Steyn said it showed – that more people with the third vaccine were dying or needing hospital treatment than those without it” (underline added by Licensee). However, Ofcom considered that Mark Steyn’s comments went further than the Licensee said in its initial representations. This was because Mark Steyn repeatedly asserted that the third booster dose of the Covid-19 vaccination was the cause of increased infection, hospitalisation and death rates among those that had taken it and he presented this as the only conclusion that could be drawn from the data. Ofcom acknowledged that, after receiving Ofcom’s preliminary conclusions in this case, the Licensee appeared to accept that Mark Steyn “could certainly have made clear that statistics could be interpreted in other ways”.

Ofcom also considered the Licensee’s representations that there “can be nothing ‘sacred’ or unchallengeable about data” and that “different interpretations of official data are possible, in fact they are inevitable”. Ofcom agreed it is legitimate to interrogate official data robustly and explore

what conclusions, if any, may be drawn from it. However, as outlined above, in doing so, broadcasters must ensure, in accordance with Rule 2.2, that programmes dealing with factual matters do not materially mislead the audience.

Materially misleading

Ofcom went on to consider whether Mark Steyn's statements that the UKHSA data could be used to draw conclusions about vaccine effectiveness were likely to have materially misled the audience. As outlined in the above section summarising GB News Ltd's response, Ofcom took into account that the UKHSA Covid-19 vaccine surveillance reports (that included data regarding Covid-19 cases, hospitalisations and deaths⁷ by vaccination status) specifically state that the raw data within them should not be used to estimate vaccine effectiveness⁸. Each of these reports include the following wording in their Executive Summary:

"We present data on COVID-19 cases, hospitalisations and deaths by vaccination status. **This raw data should not be used to estimate vaccine effectiveness** [emphasis in original] as the data does not take into account inherent biases present such as differences in risk, behaviour and testing in the vaccinated and unvaccinated populations".

Mark Steyn did not refer to this UKHSA warning about using its data for estimating vaccine effectiveness nor to the inherent biases it identified in the vaccinated and unvaccinated populations. In this regard, Ofcom also took into account that the original versions of the data tables from the UKHSA Vaccine Surveillance reports that were featured in this programme all included the following footnote:

"In the context of very high vaccine coverage in the population, even with a highly effective vaccine, it is expected that a large proportion of cases, hospitalisations and deaths would occur in vaccinated individuals, simply because a larger proportion of the population are vaccinated than unvaccinated and no vaccine is 100% effective. This is especially true because vaccination has been prioritised in individuals who are more susceptible or more at risk of severe disease. Individuals in risk groups may also be more at risk of hospitalisation or death due to non-Covid-19 causes, and thus may be hospitalised or die with Covid-19 rather than because of Covid-19".

However, the screenshots of the tables included in this programme did not include this contextual information, nor did Mark Steyn make any reference to it.

⁷ Deaths included in the UKHSA Vaccine Surveillance reports are "those who died a) within 28 days of the earliest specimen date or (b) within 60 days of the first specimen date or more than 60 days after the first specimen date with Covid-19 mentioned on the death certificate".

⁸ Ofcom also observed the UKHSA reports referenced a UKHSA [blog post](#) that goes into more detail about why the data cannot be used to estimate vaccine effectiveness.

Consistent with this information provided in the original UKHSA reports, but not included in this programme, Ofcom took account of the fundamental biases within the two groups that Mark Steyn compared. For example, at the time of broadcast, in every age-group over 70, triple-vaccination rates were estimated to be more than 90%. In younger age groups, they were significantly lower, with all age groups under 40 at less than 50%. The rates for young adults and children were even lower with less than 10% of 16 to under 18s and less than 0.5% of under 16s having received a third dose of the vaccine⁹. Therefore, in the two groups that Mark Steyn said could be directly compared (i.e. those that had and those that had not had a third Covid-19 vaccination) one included far larger numbers of older people. The simple comparison between the two groups made by Mark Steyn failed to take into account these inherent biases and, for example, the fact that older people are more likely to die or be hospitalised than younger people.

Taking account of this key information that Mark Steyn had not included as part of his analysis and presentation of this data, we considered that that it was misleading for him to state that, based solely on the numbers who were triple vaccinated and those who were not, it was possible to draw a simple comparison between the UKHSA data for each group and make an assessment of the efficacy of the third Covid-19 vaccine dose. Furthermore, given the inherent biases in the two groups that Mark Steyn presented to viewers as directly comparable, we considered it was misleading to say “*only one conclusion*” could be drawn from the data, namely that the third vaccination dose increased the risks of infection from Covid-19, hospitalisation and death.

While Mark Steyn did not acknowledge inherent biases in the data discussed, Ofcom took into account the inclusion of two viewer messages, read out by Mark Steyn later in the programme, which highlighted other factors to be taken into account when considering the data. These included:

- *“Louise says ‘I think to be fair you have to take other factors into account. People dying with Covid not of Covid. Older people are generally more likely to die of any cause.’ Yea, that’s true. That’s generally true. If you’re 27, like Louise, you’re less likely to die than I am, I’m 137, so that’s generally true. But we matched these numbers across all age groups. So the point is, an 80 year old with a booster shot is more likely to die than an 80 year old without a booster shot. And likewise a 30 year old with the booster shot is more likely to die than a 30 year old without a booster shot. That’s the point. There’s something going on here, they’re still trying to shove it into your arm. They’re still trying just to shoot the juice to me, Bruce. No, no. Resist. This third booster shot, there’s something going on and people should be free to talk about it, even on British telly”;* and
- *“A Twitter user referencing what we said earlier says: ‘don’t you have to weight those stats by percentage of population in each*

⁹ Table seven (page 78) – Provisional cumulative COVID-19 vaccine uptake by age in England from the [Weekly national Influenza and Covid-19 Surveillance Report – Week 15 report \(14 April 2022\)](#)

category? Even so I think you've got a point'. No. Let me just make this clear. There's 32 million who had the third booster shot, there's 31 million who didn't. So we can directly compare the numbers, overall numbers, because they're the same size. So if you got the booster shot, you're dying at three times the rate of the people who didn't get the booster shot".

The programme also included a message from an audience member that reflected the perspective that Covid-19 vaccines had been effective in general, which was as follows:

"Another Twitter user says 'as a Conservative myself, I have no idea whatever [sic] Conservatives are pushing non-Science. The vaccine is safe and has saved millions of lives. There's data to support this. Anecdotal data where people claim they know people...', I didn't do anecdotal data! Little-Mr-Twitter-user. I did the Government statistics that were released two weeks ago. The Government numbers on these extraordinarily higher rates of death among the booster. No anecdotes. I can tell you an anecdote, a girl just up the road actually died of the booster shot just a couple of days ago. But that's not what we did. We did the Government numbers. Deal with it. And let's talk about it".

Ofcom considered whether the inclusion of these comments in the broadcast programme mitigated the misleading information provided by the presenter because they provided "genuine challenge" to Mark Steyn's comments, as argued by GB News Ltd. We took into account the definitive manner in which Mark Steyn presented his conclusions to viewers and the lack of contextualisation by presenting these conclusions, without any acknowledgement of the warnings and disclaimers in the reports, nor the inherent biases contained within the two groups that Mark Steyn compared.

We also took into account the way the presenter responded to the viewers' comments. In relation to the comments from Louise, he said: *"we matched these numbers across all age groups"* and *"there's 32 million who had the third booster shot, there's 31 million who didn't. So we can directly compare the numbers, overall numbers, because they're the same size. So if you got the booster shot, you're dying at three times the rate of the people who didn't get the booster shot"*. We considered that this response indicated to viewers that the presenter had taken account of all relevant factors and that the conclusions he had drawn were definitive and supported by the data. However, as set out above, Mark Steyn's understanding and analysis of the data did not account for the biases within the groups that he was comparing and did not reflect the disclaimers in the original report that the data should not be used to draw conclusions about vaccine efficacy. Further, as stated above, it was unclear to Ofcom on what basis Mark Steyn had *"matched these numbers across all age groups"* as he claimed, as he did not appear to have taken any account of the proportion of people who had and had not received a third vaccine dose in each age bracket when drawing his conclusions. The Licensee also offered no explanation or evidence for the basis of this claim by Mark Steyn in its representations.

Likewise, the presenter's response to a Twitter user suggested he was satisfied there was a legitimate comparison to be made between the data for those who had had the third vaccination dose and those

who had not. In relation to the comments from a second Twitter user, the presenter sought to undermine¹⁰ the challenge that the vaccine was safe by suggesting it was based on anecdotal evidence while highlighting that the analysis he had presented was based on official Government data.

Taking the above factors into account, Ofcom did not consider that the inclusion of these audience members' comments in the programme provided a sufficient counterweight or "genuine challenge" for viewers to ensure that they would not be misled by Mark Steyn's presentation of UKHSA data and his statements that they could be used to draw the conclusion that the third vaccine shot "*exposed you to significantly greater risk of infection, hospitalisation and death*".

In its representations, the Licensee also referred to a subsequent edition of *Mark Steyn*, broadcast on 25 April 2022, in which a guest disagreed with Mark Steyn's interpretation of the data. However, given that that programme was broadcast four days after the programme in question, and that there was no indication in this programme that Mark Steyn's discussion of the UKHSA data was going to continue in a future episode, we did not consider that it mitigated against the misleading content broadcast on 21 April 2022.

Other contextual factors

Ofcom took into account GB News Ltd's representations that the programme's "purpose is unmistakably to challenge the status quo and question official narratives" and that GB News was "created to encourage public debate and discussion about issues that are important to society but are by no means fully explored in other parts of the broadcast media". The Licensee also said *Mark Steyn* was "one of the few programmes scrutinising the available data", that it was "clear to the audience that [Mark Steyn] was giving his personal opinion", and that Mark Steyn's interpretation of the official data in the programme was a "personal and considered one and was legitimate". Ofcom acknowledged that the presenter's analysis of the UKHSA data was presented in the context of a programme with a focus on controversial subject matters and the intention to challenge narratives that it considers to be more prevalent in the media. However, this does not alter the Licensee's obligation to ensure that the programme complied with the Code and specifically that portrayals of factual matters must not materially mislead the audience.

Likewise, Ofcom acknowledged that the nature of the programme with its banner referencing "*Mark Steyn's take on the vaccine debate*", was centred on Mr Steyn's personal opinion. This does not alter the obligation to ensure that the programme complies with Rule 2.2. As set out above, Ofcom disagreed that the information that Mark Steyn gave about the UKHSA raw data was presented as a possible interpretation or his personal opinion. Throughout the programme he stated definitively that simple comparisons of the data could be made and that there was only one conclusion to be drawn from such a comparison. While viewpoints that questioned Mark Steyn's interpretation were included to a limited extent, for the reasons set out above, we did not consider the way that these were

¹⁰ Mr Steyn said: "*Another Twitter user says 'as a Conservative myself, I have no idea whyever [sic] Conservatives are pushing non-Science. The vaccine is safe and has saved millions of lives. There's data to support this. Anecdotal data where people claim they know people...'. I didn't do anecdotal data! Little-Mr-Twitter-user. I did the Government statistics that were released two weeks ago. The Government numbers on these extraordinarily higher rates of death among the booster. No anecdotes. I can tell you an anecdote, a girl just up the road actually died of the booster shot just a couple of days ago. But that's not what we did. We did the Government numbers. Deal with it. And let's talk about it*".

presented in the programme was sufficient to ensure that viewers were not misled by Mr Steyn's presentation of the UKHSA data and his assertion that they could be used to draw the only one conclusion that the third vaccine shot "*exposed you to significantly greater risk of infection, hospitalisation and death*".

Ofcom considered GB News Ltd's representations that Mark Steyn felt "the purely binary position...that the official narrative is the only legitimate version of events and anything that questions or challenges that must be dismissed as 'disinformation'...has had a seriously suppressive effect on freedom of debate". Ofcom also had regard to the Licensee's representations that "during the past two years and more it has become clear how difficult it is – even for experts and official bodies – to draw specific conclusions about the effectiveness of multiple vaccination and the value of policies such as lockdowns, separation and mask wearing" and in light of this it was "valid and important for the Mark Steyn programme to devote the time that it did to analysing the effectiveness of the booster vaccine".

The Licensee also said that "for a variety of reasons public debate about Covid has been wrongly and unnecessarily restricted, in a manner that has not been in the public interest" and it considered Ofcom's guidance to broadcasters about content standards during the pandemic "contributed (and still contributes to some degree) to a narrowing of the debate about Covid...". Ofcom disagreed. We have made clear that the Guidance and the Code do not seek to stifle these important discussions. For example, we have made this clear in our published decisions¹¹ and emphasised the importance of legitimate challenge and debate, particularly in circumstances such as the pandemic which has seen public freedoms significantly curtailed and complex policy decisions being made. Indeed, as the Licensee acknowledged itself, the *Mark Steyn* programme has "consistently questioned specific aspects of Covid policy" and, more broadly, GB News has broadcast a wide array of debates and discussions related to Covid-19 that have included strong criticism of the response from the UK Government and other governments worldwide. This is the first content related to the Covid-19 pandemic broadcast on GB News that has been investigated by Ofcom.

Ofcom emphasises that it is legitimate for a presenter or programme to take a position, including, for example, on a matter relating to official public health information. In addition, there is no inherent issue in questioning or challenging widely held views, or an "official narrative", provided the content is compliant with the Code, including that the portrayal of factual matters must not materially mislead the audience.

Potential for harm

In assessing whether the programme caused, or had the potential to cause, harm to the audience, Ofcom took into account that it is important that the content of current affairs and factual programmes on Ofcom licensed broadcasters can be relied on by viewers, particularly as trust in these programmes is likely to be high. This is especially the case when programmes are discussing issues of particular importance to people's lives, such as the Covid-19 pandemic and the efficacy of the Covid-

¹¹ See, for example, our decisions relating to the broadcasts of [Loveworld News](#), [Your Loveworld](#), [Full Disclosure](#) and [Global Day of Prayer](#) on Loveworld Television Network, [London Real: Covid 19 on London Live](#) and [The Family Programme broadcast on New Style Radio](#).

19 vaccine. Ofcom took into account that given the nature of the programme and channel, a current affairs factual programme on a service that defines itself as “Britain’s News Channel”, audiences were likely to trust that presentations of official health data would not be materially misleading. This is particularly the case when data are being used to draw definitive conclusions about matters of particular importance to viewers, such as the efficacy of the Covid-19 vaccine, as was the case here.

Ofcom considered the Licensee’s argument that “one broadcast on a minority channel....carried little or no practical risk to the audience” and there was no evidence that the programme caused real or potential harm to anyone since at the time of broadcast the rules designed to prevent the spread of Covid-19 had ended and the majority of people had been vaccinated. The Licensee also argued that there was “noticeable slackening in the urgency with which the government were urging the public to be vaccinated”. Ofcom acknowledged that policies to manage the spread of the virus had undoubtedly evolved over the course of the pandemic, but considered that at the time of broadcast the vaccination programme had not come to an end and the potential for harm remained. As outlined above, 86.4% of those aged 12 and over in the UK had received a second dose of a Covid-19 vaccine while only 68% had received a booster or third dose of a Covid-19 vaccine¹². A significant proportion of the population was therefore yet to receive a third vaccination and the statements broadcast in this programme could result in viewers making important decisions about their health based on misleading information. Moreover, although the urgency of the Covid vaccination programme had diminished, the Weekly national Influenza and Covid-19 surveillance report published on 14 April 2022 found that immunity declined over time and that Spring boosters were recommended for the elderly, care home residents and immunosuppressed individuals aged 12 or over. These vulnerable individuals have a higher risk of contracting severe Covid and as such, the decision as to whether or not to take up a booster vaccine might carry significant health implications. Ofcom considered that, notwithstanding the status of the pandemic, viewers needed to be able to make properly informed choices about vaccination and that broadcasting misleading claims of this nature might prevent them from doing so. In addition, we considered the programme had the potential to cause significant concern and alarm among viewers who had already received a booster vaccine as they may have perceived themselves as being at greater risk of death or hospitalisation on the basis of the misleading information contained in the programme. Ofcom also acknowledged the Licensee’s representation that GB News is a “minority channel” but it remains the case that the Code applies to all Ofcom licensed broadcasters regardless of their size.

We recognised that following receipt of Ofcom’s Preliminary View in this case, GB News Ltd appeared to accept that Mark Steyn “asserted that his interpretation was the only possible conclusion from the data” and that he “could certainly have made clear that statistics could be interpreted in other ways”. We also took into account GB News Ltd’s view that Mark Steyn’s assertion did not in itself justify the programme being found in breach of the Code and considered that if the programme “was guilty of anything, it was nothing more than a rather forceful tone”.

¹² See [Latest reported vaccination uptake](#)

However, for the reasons set out above and in light of the potential harm caused to viewers, we considered that the programme was materially misleading in its presentation of matters relating to the UKHSA data. It was therefore in breach of Rule 2.2.

Conclusion

Ofcom has emphasised that broadcasters are free to transmit programmes which may be considered controversial and challenging and to question statistics or other evidence produced by governments or other official sources. It is clearly in the public interest to scrutinise information of this nature, provided programming is compliant with the Code, specifically that the portrayals of factual matters are not materially misleading. However, in this case, Ofcom considered that this programme incorrectly claimed that official UKHSA data provided definitive evidence that there was a causal link between receiving the third Covid-19 booster vaccine and higher infection, hospitalisation and death rates. This was misleading because the programme failed to reflect that the reports made clear that the raw data contained within them should not be used to draw conclusions about vaccine efficacy, due to the biases inherent in those in the vaccinated and unvaccinated populations. Given the content was broadcast as part of a factual programme on a news and current affairs service, and may have resulted in viewers making important decisions about their own health, we found that the programme was materially misleading and in breach of Rule 2.2 of the Code.

Breach of Rule 2.2