

Ofcom Broadcast Bulletin

**Issue number 183
6 June 2011**

Contents

Introduction	3
--------------	---

Standards cases

In Breach

Cool Stuff Collective

CITV, February and March 2011, various dates and times
ITV1, February and March 2011, various dates and times

4

Resolved

Japan Disaster: Caught on Camera

National Geographic Channel, 2 May 2011, 18:00

13

Fantasy Factory

Extreme Sports Channel, 24 April 2011, 13:25

15

Channel Report

Channel Television, 13 April 2011, 18:00

17

Note to broadcasters

19

Advertising scheduling cases

Resolved

Resolved findings table

Code on the Scheduling of Television Advertising
compliance reports

20

Fairness & Privacy cases

Not Upheld

Complaint by Miss Jo-Anne Taylor on behalf of Ms Deborah Taylor (her daughter)

Killer Couples: The Wannabe Bonnie & Clyde, Crime & Investigation
Network, 25 July 2010

22

Other programmes not in breach

33

Introduction

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and licence conditions with which broadcasters regulated by Ofcom are required to comply. These include:

- a) Ofcom's Broadcasting Code ("the Code"), the most recent version of which took effect on 28 February 2011 and covers all programmes broadcast on or after 28 February 2011. The Broadcasting Code can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>.

Note: Programmes broadcast prior to 28 February 2011 are covered by the version of the Code that was in force at the date of broadcast.

- b) the Code on the Scheduling of Television Advertising ("COSTA") which came into effect on 1 September 2008 and contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken. COSTA can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/advert-code/>.

- c) certain sections of the BCAP Code: the UK Code of Broadcast Advertising, which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
- the prohibition on 'political' advertising;
 - sponsorship (see Rules 9.16 and 9.17 of the Code for television broadcasters);
 - 'participation TV' advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and 'message board' material where these are broadcast as advertising¹; and
 - the imposition of statutory sanctions in advertising cases.

The BCAP Code can be found at:

www.bcap.org.uk/The-Codes/BCAP-Code.aspx

- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information on television and radio licences can be found at: <http://licensing.ofcom.org.uk/tv-broadcast-licences/> and <http://licensing.ofcom.org.uk/radio-broadcast-licensing/>.

Other codes and requirements may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code. Links to all these codes can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/>

It is Ofcom's policy to describe fully the content in television and radio programmes that is subject to broadcast investigations. Some of the language and descriptions used in Ofcom's Broadcast Bulletin may therefore cause offence.

¹ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted.

Standards cases

In Breach

Cool Stuff Collective

CITV, February and March 2011, various dates and times

ITV1, February and March 2011, various dates and times

Introduction

Cool Stuff Collective is a 22 minute entertainment magazine show aimed at children between the ages of seven and 12. The presenter Sy Thomas and his sidekick, a man dressed in a monkey costume called 'Monkey', look at various new toys, gadgets, computer games, music and films which the target audience may find 'cool'.

The series is described on the ITV website as follows: "Sy and the rest of the gang are ready to take a long and hard look at every game, gadget and generic cool stuff that no kid today must be without."

Each episode is broadcast six times on CITV and ITV throughout the week as follows:

- Monday: CITV at 17:00.
- Friday: CITV at 17:30.
- Saturday: CITV and ITV1 at 08:10 and CITV at 16:30.
- Sunday: CITV and ITV1 at 07:30 and CITV at 11:30.

Ofcom received two complaints, each regarding a different episode in the series. The complainant who contacted us about the episode broadcast on 20 February 2011 stated:

"...I was more than a little surprised to see a television show that is fundamentally just a 25 minute advert for a number of different child-orientated consumer products..."

The complainant who contacted us about the episode broadcast on 12 March 2011 stated:

"The presenter displayed commercial products – e.g. computer games and an audio docking station in a way which appeared to amount to product placement on children's television."

As a result of these complaints, we viewed a selection of episodes from the series:

- 20 February 2011, ITV1, 07:30 (episode 4)
- 26 February 2011, ITV1, 08:10 (episode 5)
- 5 March 2011, ITV1, 08:10 (episode 6)
- 12 March 2011, ITV1, 08:10 (episode 7)
- 19 March 2011, ITV1, 08:10 (episode 8)

We also noted that throughout each of the programmes, there were other items in which many of the products were described in a very positive manner, without any

critical assessment or comparison as might be expected in a consumer review-style programme. For example:

20 February 2011 - Chicken Blaster (Nintendo Wii)

Sy plays the game with Monkey, explaining the features of the game. Sy says:

“This is a great fun game for everyone to play.”

“That is Chicken Blaster which has just been released, so please do go check it out...”

No critical assessment of the game or any of its features was provided.

26 February 2011 - Test Drive Unlimited 2 (a video game for PS3, Xbox 360, PC)

Presenter: *“Yes, welcome to Sy sy’s it up, my own little part of the show where I, yes I, get to wax lyrical to you about what’s really cool in the world of gaming. And oh have I got a cool one for you today! Yes, Test Drive Unlimited 2, the latest in high-speed racing games available now on the PS3, Xbox 360 and PC. Now, I’m a very big fan of racing games as I love the high-speed driving feeling, and I also love it when racing games have great graphics and make the driving experience oh so realistic, and that is exactly what Test Drive Unlimited 2 does. Now this game puts you at the controls of some of the world’s most desirable cars and allows you to drive them in loads of different locations and under loads of different driving conditions. You can race in rain, shine, night or day. But enough banging on about it, it’s time to get behind the wheel....”*

[Monkey plays the game, while Sy continues to talk about the game].

Monkey is playing the single player career mode version of this game which is very, very cool. You sort of roam around trying to find races and when you win those races, you win money, which you can then spend on new cars, clothes, or even on a new home, so you can really live the racing driver lifestyle.... Now what makes this game really, really extra cool, is that you can play online against your friends around the world. It’s got massively open online racing that allows you not only to compete with up to eight players, but also drive alongside them in co-op mode.... Now also you can drive some super cool, super realistic super cars such as the Ferrari Enzo, the McLaren MP412C and the Lotus Evora and loads more.... Anyway, this game is fantastic, please go check it out. It’s out now on PC, PS3 and Xbox. I think you’re wheely going to like it...”

The game and its features were described in detail in a very positive manner. No critical assessment was made of the game and it was not compared to any other similar games.

5 March 2011 - Nintendo 3DS/Pilot Wings game

Presenter: *“Now, I am really, really, really, really, really, really, really excited about the next cool gadget that I’m about to show you! So excited in fact that I’ve not been able to sleep one wink since I was told that I, Sy*

Thomas, would be getting my hands on it. Yes, it's arrived in Cool HQ, the most anticipated gaming release of the year, ladies and gentlemen, please show your appreciation for the Nintendo 3DS!... Yes, it's here, the successor to the DS. This incredible hand held games console is the first to allow you to play your games in 3D! Now it may look like the original OK, but the upper screen here displays 3D pictures which you don't even need to wear silly 3D glasses to see.... Now the gameplay has been improved because you can now control with this little pad here, look at that little circle pad, that's neat. But of course it's not just about playing games in 3D, 'cos it's also got a built in camera on the back there, can you see that?, which allows you to take 3D photographs! How cool is that?! Plus so many other cool things, you'll be able to watch 3D videos and movies on it, you can download games directly to it, it's also got augmented reality capabilities so soon you'll be able to superimpose images and animation onto pictures you've already taken. The only thing it doesn't seem to do is the washing up, which is a shame, 'cos Monkey is rubbish at it quite frankly. They're also going to be releasing a series of 3D games that you can play and I've got one here, 'Pilot Wings' which is really cool and I wish you could see how much it all stands out here in 3D. It's absolutely amazing, it really is, I can't believe I've got my hands on this so early, it's brilliant... Well I guess I will just have to wait for four more weeks until it's released on the 25th March to get my hands on it again. But I hope you enjoyed my special Sy sy's it up!"

The games console and the game were both described in detail in a very positive manner. No critical assessment was made of either the games console or the game.

12 March 2011 - Yoostar 2: In the Movies (game for Xbox 360 Kinect)

Presenter: [Sings] *"It's part of the show that is quite divine, that's because it is all mine. I've got a cool game here just for you, check this out, it is Yoostar 2."*

[Close-up shot of Xbox with Kinect] *"Put your face into a movie, even if it's ugly like a monkey. Play it on Xbox or PS3, but let's stop chatting and have a look shall we...."*

[Speaks] *"I'm going to have a go on this game. Now this incredible and revolutionary game is going to change the world of gaming forever and really blow your minds, 'cos it allows you to literally put yourself into some of the world's greatest and well known movies and TV scenes. How cool is that?! Yeah, you can become a star of the big screen, replacing or acting alongside some of the biggest A-listers on the planet, including Ben Stiller and Arnold Schwarzenegger – C'mon! All from the comfort of your very own home! But enough banging on about it, allow me to show you how cool this game really is. I'm so excited to play this. Obviously I've got the Kinect here. Now there's loads of different games you can choose from on this as you can see, there's a whole range of all your favourite movies. Oh, some of my favourite films are in here they really are! But because we're doing a musical, I'm gonna choose the granddaddy of all musicals: 'The Wizard of Oz!'"*

[Shot of the screen] “Yes, right, now we just go down to perform, oh and we’re in. Now I’ve always wanted to be in this movie, I’m so excited. Now you can do either scripted scenes, or you can ad lib scenes – do your own words – but I’m not very good at learning lines so I’m gonna go with scripted, so let’s go down here. Action as the director would say if Monkey was the director. Here we go. Oh, it’s brilliant using this Kinect technology – it’s really cool. Right, choose my role. Um decision. So I wonder what I could be? There’s either the choice of Dorothy - don’t know if I could do that - or the scarecrow. My hair is perfect for that and I’ve got a little scarecrow’s hat here that’s gonna help out. So what you need to do is just stand in position where your character would be - about here - and then the Kinect will actually scan you in like so – how cool is that?! I am locked in and ready to go. This is very exciting, always wanted to be an actor as you can tell. Right here goes...”

[Presenter acts out the scene] “Ah, I’m sure the Oscar is in the bag there. I’m a pretty good actor as you can see. Now what you can do is watch it back. Let’s just have a look at it back [plays the scene back] How good was that?! I am a pretty good actor aren’t I? Now what you do there is once you’ve made your movie, you just upload the scenes for all your friends and family to check out and admire. And I’m sure they would admire mine definitely. Well that is very, very cool! The game is out now for the Xbox and PS3. It is incredible. So good to feel like a movie star and I got to wear a little scarecrow hat.”

Throughout this piece there were a number of shots of the Xbox and the Kinect, of Sy interacting with the Kinect by waving his hand, as well as many shots of the game. We noted that the game was described and demonstrated in detail in a very positive manner. No critical assessment was made of the game. The Kinect technology itself was also referred to in a very positive manner, with no critical assessment made or comparison to other products.

19 March 2011 - Huawei E5 Wireless Modem

Monkey: “This is the Huawei E5 Wireless Modem and it’s incredible! It creates a mini wi-fi network that allows you to connect to all the internet gadgets in your house like laptops and iPhones, and Android phones and games consoles. Now Monkey can see Cool Stuff Collective website in tree house. Monkey like!”

Presenter: “Wow Monkey that is really cool. I could do with one of them. Can I have it?”

No critical assessment of the product was provided.

We asked the broadcaster ITV Broadcasting Limited (“ITV”), who complied the programme on behalf of the ITV Network for ITV1 and CITV, to confirm whether or not it or the programme producer, or any person connected with either¹, received any payment or other valuable consideration for the inclusion of references to any of the products included in the programmes.

¹ ‘Connected person’ is defined in Part 1 of Schedule 2 of the Broadcasting Act 1990.

We requested any relevant contracts or agreements between any third party and the broadcaster/programme producer in relation to:

- the inclusion of the references to the products within the programmes; and
- the provision of advertising footage used within the programmes.

In the case that the inclusion of any of the products in the programmes were not as a result of a product placement arrangement, we also asked the broadcaster to provide its comments in relation to Rule 9.4 of the Code which states that:

“Products, services and trade marks must not be promoted in programming.”²

Response

ITV said that no products were included in the programmes as a result of a product placement arrangement. ITV said that neither it, the programme producer, nor any person connected with either, received any payment or other valuable consideration for the inclusion of references to any of the products included in any episode of *Cool Stuff Collective*.

ITV also provided documentary evidence, in the form of extensive email correspondence between the production team and some of the product suppliers, to demonstrate that no payment was requested or offered and that editorial control over the inclusion of these products in the programmes remained with ITV and the production team.

The broadcaster explained that *Cool Stuff Collective* is an entertainment magazine show for children, and is presented in a fast-paced comic style. It added that “the main presenter Sy’s energy and enthusiasm is a key element, as are his comedy characters and the generally upbeat mood of the show.”

ITV argued that the overriding editorial purpose is to create an entertaining show featuring comedy characters, jokes, a range of interesting new products, and factually informative contributions from “Supergeek”, who helps to showcase interesting developments in technology and scientific research.

ITV said “we appreciate that at times there may be quite difficult editorial distinctions to be drawn between expressing positivity about a product that is thought to be ‘cool’, and using language that is intrinsically promotional, but we consider that the production team have carefully sought to maintain that distinction, in a manner that reflects Ofcom’s own published guidance on Rule 9.4.”

ITV accepted that some products in the programme are described positively, but said that this “might be expected in a programme that showcases ‘cool stuff’ of interest to children.” It argued that “there is always a clear editorial justification for the inclusion of each product. Sy and the costumed ‘Monkey’ character deliver their reviews (for example in the ‘Gadget of the Week’ segments) in their own unique and quirky fashion, and their wild enthusiasm is one of the entertaining aspects of the

² Rule 10.3 of the Broadcasting Code (December 2010) applies to those episodes of the programme broadcast in February 2011. Rule 10.3 of the Broadcasting Code (December 2010) had stated, “Products and services must not be promoted in programmes. This rule does not apply to programme-related material.” The February 2011 Code came into force on 28 February 2011 and therefore applies to the episodes of the programme broadcast in March and April.

programme. In this respect the editorial content of the review sections is as much about the comic relationships between the characters and the slapstick humour, as it is about the products themselves.”

ITV agreed that the examples of promotional language which Ofcom had cited “do indeed contain positive descriptions, but the tone of the delivery is clearly comically exaggerated and silly (e.g. ‘looks like you’re on fire and travelling at the speed of light...wow Monkey thats really cool! You were literally on fire!’; ‘This little beauty...this bad boy here’; ‘I think you’re wheely going to like it’; ‘Can I have it? No! Monkey’s!’; ‘The only thing it doesn’t seem to do is the washing up which is a shame cos Monkey is rubbish at it quite frankly’; ‘So good to feel like a movie star and I got to wear a little scarecrow hat’).”

ITV pointed to the fact that other items in the programme such as the ‘Class Room Committee’ do feature a wide range of comments from children testing out various products, which includes both positive and negative comments. Likewise the ‘Toy Heaven’ segment consigns toys that children state they no longer wish to play with to ‘toy heaven’.

ITV argued “given the nature, and in the context of the style of the programme (i.e. wacky and sometimes surreal humour), we do not believe it is a requirement for the programme to include the same degree of critical assessment or comparison that might be expected in a more serious consumer review programme aimed at adults, in order to comply with Rule 9.4.”

The broadcaster continued “the products included in the programme are varied, and whilst some are products that children may wish to buy or have bought for them, others are clearly not generally ‘attainable’, but all are included because they are thought by the production team to be intrinsically interesting to the audience. The criteria for inclusion is therefore always whether Sy and the production think the audience are likely to consider the product to be ‘cool’, otherwise they would not be featured on the programme.”

ITV also said that the programme generally gives only limited information about release dates and avoids giving prices and stockists or other additional promotional information about the products featured. The broadcaster stated that the programme also “avoids any overt suggestion that viewers should purchase particular products”.

ITV concluded that it is mindful of its obligation under the Code not to include promotional references in programmes, and the series was reviewed by an ITV compliance advisor prior to broadcast. It noted that Ofcom’s guidance on Rule 9.4 issued on 28 February 2011 makes clear at paragraph 1.30 that “A positive review or product recommendation in a consumer advice programme is unlikely to be treated as a promotional reference. However, reviews of products or services must not be subject to product placement arrangements”. ITV said that it is also mindful that product placement is not permitted in children’s programmes in any event. In the light of this guidance, and given the editorial justification for inclusion of the products featured, in the context of the format, and the overall intention, purpose and style of the programme, ITV did not believe that these references constitute a breach of Rule 9.4.

Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to require the application, in the case of all television and radio services of standards

that provide adequate protection to members of the public from the inclusion of offensive and harmful material.

Ofcom also has a duty to set such standards for the content of programmes as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. The protection of under-eighteens and is one of Ofcom’s most important statutory duties.

In addition to the protection of under-eighteens, one of the fundamental principles of European broadcasting regulation is that advertising and programming (that is editorial content) must be kept distinct. This is set out in Article 19 of the Audiovisual Media Services (AVMS) Directive which is in turn reflected in the rules in Section Nine (Commercial references in television programming) of the Code. The purpose of this is to prevent programmes becoming vehicles for advertising and to protect viewers from surreptitious advertising

Article 11(3) of the AVMS Directive (and Rule 9.7(b) of the Code) prohibit product placement in all children’s programmes. However, we note that ITV has stated that there were no product placement arrangements in place in the case of *Cool Stuff Collective*. Ofcom therefore considered the programme under Rule 9.4 of the Code, which requires that products, services and trade marks are not promoted in television programming.

We acknowledge that there was editorial justification for the presenter’s fun, entertaining and enthusiastic tone and manner, which was designed to appeal to the target age group of the audience (7 to 12 year olds). We also acknowledge, as argued by ITV, that there were elements of the programme where there was a critical assessment of the products. We noted that there was a brief segment in each of the programmes called ‘Classroom Committee’, which consisted of children reviewing toys and gadgets, therefore providing some critical assessment of the products. There was also a segment in some of the programmes called ‘Toy Heaven’ in which a child asked the programme to consign one of his or her existing toys to ‘toy heaven’. However, these did not appear to be toys which had been recently released on the toy market.

Further, a number of elements in these programmes were of concern under Rule 9.4 of the Code. We note there were frequent and very positive comments about the products being featured. Reviews of products (as set out in the Introduction, above) featured numerous references to the products’ positive attributes, benefits and features. Examples of these comments included, in particular:

26 February 2011 - Test Drive Unlimited 2 (a video game for PS3, Xbox 360, PC)

“...I also love it when racing games have great graphics and make the driving experience oh so realistic, and that is exactly what Test Drive Unlimited 2 does...”

“...Monkey is playing the single player career mode version of this game which is very, very cool...”

“...Now what makes this game really, really extra cool, is that you can play online against your friends around the world. It’s got massively open online racing that allows you not only to compete with up to eight players, but also drive alongside them in co-op mode.... Now also you can drive some super cool, super realistic super cars such as the Ferrari Enzo, the McLaren

MP412C and the Lotus Evora and loads more Anyway, this game is fantastic..."

5 March 2011 - Nintendo 3DS/Pilot Wings game

"Yes, it's arrived in Cool HQ, the most anticipated gaming release of the year, ladies and gentlemen, please show your appreciation for the Nintendo 3DS!... Yes, it's here, the successor to the DS. This incredible hand held games console is the first to allow you to play your games in 3D!..."

"...Now the gameplay has been improved because you can now control with this little pad here, look at that little circle pad, that's neat. But of course it's not just about playing games in 3D, 'cos it's also got a built in camera on the back there, can you see that?, which allows you to take 3D photographs! How cool is that?! Plus so many other cool things, you'll be able to watch 3D videos and movies on it, you can download games directly to it, it's also got augmented reality capabilities so soon you'll be able to superimpose images and animation onto pictures you've already taken..."

"...They're also going to be releasing a series of 3D games that you can play and I've got one here, 'Pilot Wings' which is really cool and I wish you could see how much it all stands out here in 3D. It's absolutely amazing, it really is, I can't believe I've got my hands on this so early, it's brilliant..."

12 March 2011 - Yoostar 2: In the Movies (game for Xbox 360 Kinect)

"Now this incredible and revolutionary game is going to change the world of gaming forever and really blow your minds, 'cos it allows you to literally put yourself into some of the world's greatest and well known movies and TV scenes. How cool is that?!"

"...Now there's loads of different games you can choose from on this as you can see, there's a whole range of all your favourite movies. Oh, some of my favourite films are in here they really are!..."

"...So what you need to do is just stand in position where your character would be - about here - and then the Kinect will actually scan you in like so - how cool is that?! I am locked in and ready to go. This is very exciting..."

"...Now what you do there is once you've made your movie, you just upload the scenes for all your friends and family to check out and admire. And I'm sure they would admire mine definitely. Well that is very, very cool!..."

19 March 2011 - Huawei E5 Wireless Modem

"This is the Huawei E5 Wireless Modem and it's incredible! It creates a mini wi-fi network that allows you to connect to all the internet gadgets in your house like laptops and iPhones, and Android phones and games consoles. Now Monkey can see Cool Stuff Collective website in tree house. Monkey like!"

While we accept that the intended purpose of the programme was to show children 'cool' products in a fun manner, we were concerned that, in the absence of any negative or critical comments about the products, or comparisons between them,

these numerous positive comments about the products' attributes, benefits and features had a cumulative promotional effect.

We note that ITV stated that "the programme avoids overt suggestion that viewers should purchase particular products". However, in our view, two of the items did end with overt encouragements to viewers to consider purchasing specific products, which also had a promotional effect:

20 February 2011 - Chicken Blaster (Nintendo Wii)

"That is Chicken Blaster which has just been released, so please do go check it out..."; and

26 February 2011 - Test Drive Unlimited 2 (a video game for PS3, Xbox 360, PC)

"Anyway, this game is fantastic, please go check it out. It's out now on PC, PS3 and Xbox. I think you're wheely going to like it..."

In relation to ITV's reference to the Ofcom guidance, i.e. "A positive review or product recommendation in a consumer advice programme is unlikely to be treated as a promotional reference", this guidance applies to the conventional genre of consumer review programming in which there is generally a critical assessment and comparison of products. In consumer review programmes, the independent editorial voice of the programme offers the audience its view on, for example, the best product on the market from a range of alternatives. However, while a product recommendation in that context is unlikely to be considered promotional, this will not necessarily be the case in other forms of consumer review-style content which include no critical assessment or comparison, particularly where there is also encouragement to consider purchasing those products.

In our view the cumulative effect of the frequent, detailed and continuously positive comments about the products in the reviews, as set out above, was promotional. Further, those reviews which included overt encouragements to consider purchasing products, as set out above, also had a promotional effect.

The programmes were therefore in breach of Rule 10.3 of the (December 2010) Code, and Rule 9.4 of the (February 2011) Code.

Breaches of Rule 10.3 of the December 2010 Code – February episodes.³
Breaches of Rule 9.4 of the February 2011 Code – March and April episodes.

³ See footnote 2.

Resolved

Japan Disaster: Caught on Camera

National Geographic Channel, 2 May 2011, 18:00

Introduction

Japan Disaster Caught on Camera was a documentary concerning the recent earthquake and tsunami. It largely comprised footage of the disaster filmed by individuals, and featured people's reactions recorded at the time of the event. The licence for National Geographic Channel ("NGC") is held by NGC Europe Limited.

A viewer, who was watching the programme with her children, was concerned by the frequent broadcast of the word 'fuck', which she considered inappropriate before the 21:00 watershed.

Ofcom therefore considered whether this programme raised issues under Rule 1.14 of the Code. This states that:

"The most offensive language must not be broadcast before the watershed (in the case of television) ..."

We asked NGC Europe Limited for its comments on how the programme complied with this Rule.

Response

NGC said that its broadcast of offensive language was unintended and due to human error. It said that the original transmission tape as supplied had a sound track with the profanities 'bleeped', but when a voiceover in English was added this led to a mistake and the final sound track did not have the swear words edited out. The broadcaster said that it had "systems in place for checking revoiced programming" before transmission. However, it added that, while "a DVD of the programme was watched before going to air ... due to the need to get this pertinent and topical programme on the Channel within a short period of time, it seems that the incorrect audio track went out with the transmission." The broadcaster deeply regretted this compliance lapse.

NGC added that, as soon as it was made aware of the error, it:

- "immediately ensured that the next airing of the programme had the correct audio tracks attached and all profanities were removed"; and
- "revisited [its] checking systems and [spoke] to the staff involved to reiterate the importance of compliance with the Rules and [its] systems."

The broadcaster was confident that it had "clearly identified where [its] system failed in this instance ... to ensure that this does not happen again."

Decision

Under the Communications Act 2003 ("the Act"), Ofcom has a statutory duty to require the application, in the case of all television and radio services, of standards

that provide adequate protection to members of the public from the inclusion of offensive and harmful material.

Ofcom also has a duty to set such standards for the content of programmes as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”.

These standards are contained in the Code. Broadcasters are required to comply with the rules in Section One of the Code to ensure that children are protected.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly identified that the word “fuck” is considered by audiences to be very offensive. Therefore, this language should not have been broadcast at this time of day.

However, we noted NGC’s regret at the human error in this instance, together with:

- the compliance procedures it had in place;
- the measures it took to avoid recurrence; and
- the channel’s good compliance record to date.

In the circumstances, Ofcom is of the view that the broadcaster has taken appropriate steps to remedy this error and we therefore consider this matter resolved.

Resolved

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Resolved

Fantasy Factory

Extreme Sports Channel, 24 April 2011, 13:25

Introduction

Fantasy Factory is an American reality television series scheduled regularly across the day on Extreme Sports Channel, a television channel dedicated to action sports. The licence for this channel is held by Zonemedia Broadcasting Limited (“Zonemedia”).

A viewer complained that the word “*motherfucker*” was broadcast during an episode of this programme. The viewer was concerned that this language was broadcast in the middle of the afternoon on Easter Sunday when the complainant was watching television with children.

Ofcom therefore considered whether this programme raised issues under Rule 1.14 of the Code. This states that:

“The most offensive language must not be broadcast before the watershed (in the case of television) ...”

We asked Zonemedia for its comments on how the programme complied with this Rule.

Response

Zonemedia accepted that the word “*motherfucker*” should not have been broadcast before the watershed and apologised for any offence caused.

The broadcaster explained that during the compliance process it had identified that this offensive language should have been removed “to ensure the programme would be suitable for broadcast before the watershed.” This edit was however not made and Zonemedia said it “believe[d] this was due to human error.”

The broadcaster said that “the programme was immediately removed from [its] schedules and transmission system” and then “returned to the edit facility to ensure all edits were applied according to the programme compliance form.” Zonemedia added that since this incident, it has reviewed its compliance procedures and has implemented an additional process to ensure all edits are completed prior to the material being released for transmission.

Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to require the application, in the case of all television and radio services of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material.

Ofcom also has a duty to set such standards for the content of programmes as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”.

These standards are contained in the Code. Broadcasters are required to comply with the rules in Section One of the Code to ensure that children are protected.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly identified that the word “motherfucker” is considered by audiences to be very offensive. Therefore, this language should not have been broadcast at this time of day.

In this case, we note that the offensive language was broadcast before the watershed due to human error, and the immediate steps the broadcaster took to remove the programme from its schedule and re-edit the programme. Ofcom also welcomes the measures introduced by the broadcaster to improve compliance procedures and avoid any recurrence in the future.

In the circumstances, Ofcom is of the view that Zonemedia has taken appropriate steps to remedy this error and we therefore consider this matter resolved.

Resolved

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Resolved

Channel Report

Channel Television, 13 April 2011, 18:00

Introduction

Channel Report is a regional news magazine programme broadcast every weekday at 18:00 to the Channel Islands. During a sequence in the programme where the presenters read out brief news stories, one of the presenters appeared to make a mistake while reading her lines and said in response to her mistake “*fucking hell*”.

Ofcom received one complaint about the use of offensive language in this programme.

Ofcom therefore considered whether this programme raised issues under Rule 1.14 of the Code. This states that:

“The most offensive language must not be broadcast before the watershed (in the case of television) ...”

We asked Channel Television Limited (“Channel Television”), the licence holder for the ITV licence in the Channel Islands, for its comments on how the programme complied with this Rule.

Response

Channel Television explained that the incident occurred during a pre-recorded segment and noted that the presenter did not use offensive language live on air. The broadcaster said that during rehearsals for the pre-recorded segment, the presenter had “stumbled over her lines” and used offensive language. It added that the segment was re-recorded for the programme but inadvertently the wrong pre-recorded segment was transmitted.

Channel Television explained that after the segment was transmitted, the studio director “immediately cut from the sequence and moved on to the next report”. The broadcaster said that “when it became apparent that viewers would have been able to hear what had been said, [it] took the decision to broadcast a full apology at the start of the following night’s programme.” The apology was also repeated online. Channel Television added that since this incident occurred, it carried out an immediate internal investigation and has reviewed and tightened its production procedures to “ensure this kind of error is not repeated.”

Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to require the application, in the case of all television and radio services of standards that provide adequate protection to members of the public from the inclusion of offensive and harmful material. Ofcom also has a duty to set such standards for the content of programmes as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. These standards are contained in the Code. Broadcasters are required to comply with the rules in Section One of the Code to ensure that children are protected.

Rule 1.14 states that the most offensive language must not be broadcast before the watershed. Ofcom research on offensive language¹ clearly identified that the word “fuck” and its derivatives are considered by audiences to be very offensive. Therefore, this language should not have been broadcast at this time of day.

In this case, we note that the broadcast of this offensive language was not deliberate. Ofcom took into account the immediate steps Channel Television took while broadcasting live to cut away from the pre-recorded segment and move on to the next report; that an on air apology was broadcast immediately before *Channel Report* the next day and online; and the measures introduced by the broadcaster to improve its compliance procedures to avoid any recurrence in the future.

In the circumstances, Ofcom is of the view that the broadcaster has taken appropriate steps to remedy this error and we therefore consider this matter resolved.

Resolved

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

Note to Broadcasters

Compliance procedures and broadcast of offensive language before the watershed or when children are particularly likely to be listening

Ofcom has recently noted a number of cases of offensive language broadcast before the watershed or when children are particularly likely to be listening which the broadcasters in question have attributed to scheduling or human error.

All broadcasters are reminded that they are under a clear duty to ensure that robust procedures are in place, supported by a sufficient number of appropriately qualified and trained staff, to ensure full compliance with the Code. This obligation covers all aspects of programmes, including tasks such as sub-titling, which the broadcaster may choose to contract out to third parties.

Ofcom expects all broadcasters to check their compliance procedures regularly to confirm they are robust enough to fulfil this requirement. Failure to have adequate compliance procedures in place to ensure compliance with Ofcom's codes is a serious matter and can lead to regulatory action being taken.

Advertising Scheduling cases

Resolved

Resolved findings table

Code on the Scheduling of Television Advertising compliance reports

Rule 4(b) of COSTA states:

[On non-PSB channels] “time devoted to television advertising and teleshopping spots must not exceed an average of 12 minutes of television advertising and teleshopping spots for every hour of transmission across the broadcasting day, of which no more than 9 minutes may be television advertising.”

Channel	Transmission date and time	Code and rule / licence condition	Summary finding
ITV 4	20 April 2011, 01:00	COSTA Rule 4(b)	<p>ITV informed Ofcom that ITV4 exceeded the permitted advertising allowance by two minutes and 51 seconds in a single hour.</p> <p>Ofcom recognises the circumstances that resulted in this occurrence and notes steps the licensee says it has taken to address the failure.</p> <p>Finding: Resolved</p>
Nickelodeon (Eire)	17 March 2011, 12:00	COSTA Rule 4(b)	<p>Nickelodeon informed Ofcom that Nickelodeon Ireland had transmitted 19 seconds more advertising than permitted in a single hour.</p> <p>Ofcom recognises that this is the first issue of this type on Nickelodeon Ireland. Ofcom also notes that the occurrence was the result of a technical error, and that the licensee says it has taken steps to address the failure and correct the malfunction.</p> <p>Finding: Resolved</p>

Rule 16 of COSTA states that

“Restrictions apply when inserting advertising breaks during the following programmes;

- a) Films and news programmes may only include one advertising or teleshopping break

Additionally, Rule 3 f) of COSTA states that

“films’ means cinematographic works and films made for television.”

Channel	Transmission date and time	Code and rule / licence condition	Summary finding
5 USA	10 March 2011, 16:14	COSTA Rule 16a	<p>Ofcom noted, while monitoring broadcasters’ compliance with Rule 16 of COSTA, that 5 USA transmitted a television film, <i>Love’s Enduring Promise</i>, with four internal breaks. This exceeded the permitted allowance for a film with a scheduled duration of 106 minutes.</p> <p>Ofcom notes that this incident was the result of errors that the licensee intends to address. Ofcom also notes the licensee has said it will improve its processes.</p> <p>Finding: Resolved</p>

Fairness and Privacy Cases

Not Upheld

Complaint by Miss Jo-Anne Taylor on behalf of Ms Deborah Taylor (her daughter)

Killer Couples: The Wannabe Bonnie & Clyde, Crime & Investigation Network, 25 July 2010

Summary: Ofcom has not upheld this complaint of unfair treatment made by Miss Jo-Anne Taylor on behalf of Ms Deborah Taylor.

This programme examined the motivation behind a three-week crime spree by Mr Lee Whiteley and Ms Deborah Taylor which culminated in the torture and fatal stabbing of Mr Peter England in his home on New Year's Eve 2001. Both Mr Whiteley and Ms Taylor were convicted for the murder of Mr England and sentenced to life imprisonment.

Miss Jo-Anne Taylor complained on behalf of her daughter, Ms Deborah Taylor, that she had been unfairly treated in the programme as broadcast.

In summary, Ofcom found the following:

- The attribution of graffiti to Ms Taylor (and the opinion expressed by a criminal psychologist in the programme, based upon that attribution) that Ms Taylor had a “*vengeance against other people*”, did not result in unfairness to Ms Taylor.
- The claims that Ms Taylor and Mr Whiteley attended a New Year's Eve party after the murder and that they lived alongside Mr England's body for days afterwards were unlikely to have materially affected viewers' understanding of Ms Taylor in a way that was unfair to her.

Introduction

On 25 July 2010, the Crime & Investigation Network broadcast an episode of *Killer Couples*, a four-part documentary series examining the phenomenon of couples who commit murder together. This episode, entitled *The Wannabe Bonnie & Clyde*, explored the case of Mr Lee Whiteley and Ms Deborah Taylor and how, in December 2001, they began a three-week crime spree ending with the torture and fatal stabbing of former journalist Mr Peter England in his Stockport home on New Year's Eve. Mr Whiteley and Ms Taylor were convicted for the murder of Mr England and were sentenced to life imprisonment.

During the programme, which explored the crime and the motivation behind it, the programme's presenter stated “*Debbie Taylor held violent fantasies*”.

The programme then showed a photograph of a wall covered with graffiti, accompanied by the comments of Mr Jack Dees, a former Detective Chief Superintendent who had been in charge of the murder investigation. Mr Dees described the graffiti which included the statement “...*'You'll remember me when I'm a mass murderer'...*”.

The presenter then asked, Dr David Holmes, described in the programme as a “*Criminal Psychologist*”, how much could be read into “*Debbie Taylor’s graffiti*”. Dr Holmes stated:

“She had another agenda, directed clearly, from these scrawlings on the wall, against society in general. Somebody who had a malicious streak, a vicious streak and a sense of vengeance against other people and this would absolutely tie in as to why this crime went way beyond simple murder...”

Later in the programme, the presenter stated:

“...it’s what Taylor and Whiteley did afterwards that I find so astonishing. They put their coats on, they popped to the hotel next door, danced the night away at a New Year’s Eve party sharing the secret knowledge that underneath their coats their party outfits are covered in their victim’s blood”.

Following a suggestion in the programme by Ms Pat Hill, a journalist friend of Mr England who had investigated his murder, that Mr Whiteley and Ms Taylor had lived in the flat after they had killed Mr England, the presenter stated:

“It’s a macabre thought, the pair living for days in a murder scene alongside a mutilated body, but by now the pair were capable of anything, including mass murder”.

Ms Taylor’s mother, Miss Jo-Anne Taylor, complained to Ofcom on behalf of Ms Taylor that she was treated unfairly in the programme as broadcast.

The Complaint

Ms Taylor’s case

In summary, Miss Taylor complained on behalf of Ms Taylor that she was treated unfairly in the programme as broadcast in that the programme portrayed her unfairly because:

- a) The programme stated that graffiti written on a wall, footage of which was included in the programme, was Ms Taylor’s graffiti. The graffiti in the footage included a swastika and quotations such as “*you’ll remember me when I am a mass murderer*”. However, the graffiti was not Ms Taylor’s.
- b) Dr Holmes described Ms Taylor in the programme as having a “*vengeance against other people*”. He had not, however, carried out an assessment of Ms Taylor, nor had he had any previous personal contact with her.
- c) The programme stated that Ms Taylor and Mr Whiteley visited the Acton Court Hotel after the murder and danced for several hours. However, this was not true and there was no mention of this at her trial.
- d) The programme stated that Ms Taylor and Mr Whiteley lived alongside Mr England’s dead body for days after the murder. This assertion was proved incorrect at the trial, due to police evidence regarding the couple’s actual whereabouts after the murder.

The Broadcaster's case

In summary, AETN UK ("AETN"), the Ofcom licensee for the Crime & Investigation Network, responded to the complaint that Ms Taylor was treated unfairly in the programme as broadcast as follows:

- a) In relation to the complaint about the graffiti, AETN said that the photograph of the graffiti on the wall came from a collection of official scenes of crime photographs taken during the investigation and held by the Greater Manchester Police. AETN said that the detective in charge of the murder investigation (i.e. Mr Dees) had given the photograph to the programme makers and had insisted that the graffiti was written by Ms Taylor. He pointed to the fact that it bore the signature "Debbie". AETN said that the police had said that the photograph had been taken from a room in one of the "doss house" hotels where Ms Taylor had stayed.

AETN said that reference was made during the trial to Ms Taylor's character and that, given the nature of the crime, the trial was highly publicised. By way of example, AETN said that an article in *The Telegraph* stated that:

"the jury heard how Taylor was fascinated by violence and the desire to be famous. She repeatedly watched such films as *Thelma and Louise* and *Natural Born Killers*, and carried the soundtracks of the films around with her".

AETN said that this quote from the newspaper only served to corroborate the police investigation that the statement on the wall was written by Ms Taylor at some point prior to the murder.

- b) In relation to the complaint about Dr Holmes' comments, AETN said that Dr Holmes was included in the programme as an experienced criminal psychologist and media consultant. It said that it was appropriate for him to comment on the psychology of offenders, even if he had not seen them personally, and to offer his expert opinion, based on relevant documents such as police materials (including notes from the detective in charge of the case), trial transcripts and newspaper reports. AETN said that this was standard practice in television documentaries, especially as psychologists who had seen offenders first-hand often felt unable to comment, due to client confidentiality. AETN said that Dr Holmes' comments about Ms Taylor having a "*vengeance against other people*" were made in the context of the police photograph of the "mass murderer" graffiti. AETN also said that in passing sentence, the trial judge had commented that this was a:

"sadistic and ghastly killing of a totally defenceless man ... he was slaughtered ... and for the most pathetic of motives ... I regard each of you as being equally dangerous".

AETN said that a comment referring to Ms Taylor's "*vengeance*" was therefore warranted.

- c) In relation to the complaint about Ms Taylor and Mr Whiteley visiting the Acton Court Hotel, AETN said that information about their activities after the murder came chiefly from an investigation by journalist Ms Pat Hills, a friend and former colleague of Mr England, who was featured in the programme. AETN said that her in-depth investigation over several months found compelling evidence from eye witnesses (including a housekeeper and the barman at the hotel, who saw and identified them at the scene) that the couple went dancing at the hotel next

door after the murder. AETN said that in her interview, Ms Hill quoted the hotel manager at the time, who had told her:

“the couple stood out like a sore thumb because they were dancing with their coats on, possibly to hide their bloodstained clothes”.

AETN said that all the information was published in the *Stockport Express* after staff approached journalists to tell them of the couple's appearance at the hotel. AETN said that it was important to point out that Ms Taylor was a convicted murderer who may have been drinking that night, while several members of staff had not been drinking and had no reason to lie. AETN said that the conclusions of Ms Hills' investigation were not specifically relevant to the criminal trial and that they were therefore not mentioned.

- d) In relation to the complaint about the couple living alongside Mr England's dead body for days, AETN said that Ms Hills' investigation suggested that Ms Taylor and Mr Whiteley had returned to the flat and stayed for a number of days. AETN said that Ms Hills had based this on information from two witnesses who reported movements in the flat after the time of the murder, but before it was discovered. AETN said that, as Ms Hills said in the programme, the noises could not have been made by the police, who only discovered the body days later, or neighbours, who would have raised the alarm immediately. AETN said that Ms Hills had also pointed out that the only reason the body was discovered, seven days after the murder, was that the gas had been deliberately turned on, as if in an act of sabotage, to cause an explosion. AETN said that this was done shortly before Mr England's body was found, so it added more weight to the argument that the couple were living at the flat. AETN said that the police had said that they had evidence that Ms Taylor and Mr Whiteley stayed elsewhere on the night of the murder, but did not leave the city until 5 January 2002, having booked into a hotel in Manchester using Mr England's stolen credit card, and had every opportunity to return to the flat in the following days. AETN said that there was no evidence to discount this possibility. AETN said that, taking all the evidence into account, it was proper to refer to the allegations within the programme, especially as Mr England's body had been abused and tortured in a number of ways, suggesting that the killers had spent a considerable amount of time with him.

Miss Taylor's comments

In summary, Miss Taylor responded to AETN's statement in relation to heads c) and d) of her complaint:

- c) In response to the complaint relating to the Acton Court Hotel, Miss Taylor said that: Ms Hills only got involved with the matter eight years later; she was not at the trial; and, was not around before. Miss Taylor said that there was never any truth in Ms Hills' claims and that the factual evidence showed that. Miss Taylor said that the story about the Acton Court Hotel came after the court trial and that factual evidence used at trial, mainly by the prosecution, showed the couples' exact movements on that night. Miss Taylor said that the prosecution used witnesses to prove where the couple were leading up to the murder. Miss Taylor said that the pathologists for both the prosecution and defence said that Mr England was killed on 31 December 2001 and, as the prosecution proved, that the couple did not get into Mr England's flat until late that evening.
- d) Miss Taylor said that factual evidence showed exactly where the couple were following the murder. They did not return to the flat. Miss Taylor said that the

prosecution showed that the couple left on 1 January 2002 and that they were seen on CCTV buying things with Mr England's credit card. Miss Taylor also said that prosecution witnesses gave statements about where they saw the couple over the next days – they were in Yorkshire at Mr Whiteley's aunt's house, amongst other locations. Miss Taylor said that at no time whatsoever did the prosecution suggest that the couple returned to the scene of the crime.

AETN's final comments

In summary, AETN said that the thorough investigation undertaken by the programme makers fully explained the reasoning behind some of the editorial decisions within the programme and that Miss Taylor had not produced any evidence to support her claim that the police had a full and accurate record of Ms Taylor's and Mr Whiteley's whereabouts after the murder. AETN also said that it was implausible that an eye witness with no ulterior motive would make up a story about seeing them on the night of the murder.

AETN said that the quality of Ms Hills' investigation was more important than its timing and that no one had challenged the accuracy of her journalism.

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 and unwarranted infringement of privacy in, or in the making of, programmes 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 reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording and transcript of the programme as broadcast and both parties' written submissions and supporting material.

Ofcom considered whether the broadcaster's actions were consistent with its obligation to avoid unjust or unfair treatment of individuals in programmes as set out in Rule 7.1 of the Ofcom Broadcasting Code ("the Code"). In particular, Ofcom considered Practice 7.9, which states that broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

- a) Ofcom first considered the complaint that Ms Taylor was unfairly portrayed in the programme because it stated that graffiti written on a wall was Ms Taylor's graffiti, although it was not.

Ofcom noted that photograph of the graffiti was broadcast in the programme and that the following words were visible:

"You'll remember me when I'm a mass murderer...Who knows what I mean...Debbie...Skinhead till we die getting real pissed"

Over the photograph of the graffiti, the following statements were made in the programme:

Presenter: *“More disturbing though was what former detective Jack Dees was about to tell me. Debbie Taylor held violent fantasies.*

Mr Dees: *‘I’ll never forget it, and I used to lecture, I used it in a lecture, used to close the lecture about unusual cases and it says, ‘you will remember me when I am a mass murderer’ and a few other things, some of which were obscenities and a good old swastika thrown in you know. But it’s as if she, perhaps she was looking for this sort of fame and Whiteley provided the vehicle for her.’*

Ofcom noted that the graffiti was clearly attributed to Ms Taylor in the programme as broadcast. It also noted that the content of the graffiti was used as the basis for the subsequent expressions of opinion by Mr Dees about Ms Taylor and her motivation for committing the murder.

Ofcom recognised that there was a dispute between the parties about whether Ms Taylor was the author of the graffiti. It should be noted, however, that Ofcom’s role was not to establish whether Ms Taylor did or did not write the graffiti, but to determine whether, in broadcasting the claim, the broadcaster took reasonable care not to present, disregard or omit material facts in a way that was unfair to her.

Ofcom therefore went on to consider whether or not the broadcaster had taken reasonable care in attributing the graffiti to Ms Taylor. Ofcom noted that AETN said in relation to the picture of the graffiti that:

- it was from a collection of official police photographs taken at the scene of the crime during the investigation into Mr England’s murder for which Ms Taylor was suspect;
- the police had said that it was taken in a room in a “doss house” hotel in which Ms Taylor had stayed;
- it was given to the programme makers by a former Detective Chief Superintendent, Mr Jack Dees, who had been in charge of the murder investigation; and
- Mr Dees insisted that the graffiti was written by Ms Taylor and had pointed to the fact that it bore the signature “Debbie”.

In this particular case, Ofcom considered that it was legitimate for the broadcaster to include the photograph obtained from a credible source (namely, the police) and that it was reasonable for the broadcaster to rely on the information provided by Mr Dees in the form of his opinion that was based on his firsthand knowledge as the senior investigating officer in the case.

Taking into account all the factors referred to above, Ofcom considered that the attribution of the graffiti to her, was unlikely to have materially affected viewers’ understanding of Ms Taylor in a way that was unfair; and that AETN had taken reasonable care to ensure that the programme did not present, disregard or omit material facts in a way that resulted in unfairness to Ms Taylor.

- b) Ofcom then considered the complaint that Dr Holmes had described her as having a “vengeance *against other people*” even though he had not carried out an assessment of Ms Taylor, nor had he had any previous personal contact with her.

Ofcom noted the following commentary and contribution from Dr Holmes:

Presenter: *“It’s frightening stuff. But I wondered how much we can really read into Debbie Taylor’s graffiti. I put that question to criminal psychologist David Holmes, an expert on the minds of killers.*

Dr Holmes: *This adds a massive dimension when you are looking at the whole crime psychologically in terms of who is actually ultimately responsible for leading the pack if you like when it comes to the killing. She had another agenda directed clearly from these scrawlings on the wall against society in general. Somebody who had as it were a malicious streak and a sense of vengeance against other people and this would absolutely tie in as to why this crime went way beyond simple murder, simply trying to kill someone for gain, this was torture and it was clearly a case that there was far more going on than a simple murder or robbery.*

Presenter: *So far I have learned that Whiteley was a simple bully with a couple of minor convictions, whilst Taylor had a fondness for carrying knives and a grudge against the world”.*

Ofcom recognised that Dr Holmes had not carried out a personal assessment of Ms Taylor or had met her in his professional capacity as a criminal psychologist. It is not Ofcom’s role to establish whether Dr Holmes’ contribution is correct or not, but to determine whether, in broadcasting his opinions, the broadcaster took reasonable care not to present, disregard or omit material facts in a way that was unfair to Ms Taylor.

In doing so, Ofcom considered the contextual basis for Dr Holmes’ opinion as expressed in the programme and whether the programme’s presentation of them resulted in unfairness.

Ofcom noted that Dr Holmes’ comment that Ms Taylor had a “*vengeance against other people*”, directly followed on from Mr Dees’ attribution of the graffiti to Ms Taylor and was said in the context of the suggestion made throughout the programme that she: held violent fantasies; was looking for this sort of fame; was responsible for leading Mr Whiteley into murder; had a malicious streak; had a sense of vengeance against society; and had a grudge against the world.

Ofcom noted that Dr Holmes’ contribution to the programme was to express his expert opinion on the case and the possible motives that drove Ms Taylor to commit murder. Based upon Dr Holmes’ own professional experience as a criminal psychologist and on his examination of information provided to him by the programme makers (for example, police documents including notes from the detective in charge of the investigation; transcripts from the trial; and newspaper reports) Ofcom considered that it was legitimate for the programme to include Dr Holmes’ expert opinion.

In these circumstances, Ofcom went on to consider whether not the presentation of Dr Holmes' opinion resulted in any unfairness to Ms Taylor. Ofcom noted that Dr Holmes was introduced by the presenter as "*criminal psychologist David Holmes, an expert on the minds of killers*" and was then shown in the programme expressing his expert opinion on the possible motives Ms Taylor possessed for committing murder. In Ofcom's view, this introduction and the nature and content of his comments would have made it clear to viewers that he was a professional psychologist giving his expert opinion on a given set of factors relating to Ms Taylor's case.

Taking into account all the factors referred to above, Ofcom considered that the presentation of Dr Holmes' opinion of Ms Taylor's motivation for the killing, was unlikely to have materially affected viewers' understanding of Ms Taylor in a way that was unfair and that AETN had taken reasonable care to ensure that the programme did not present, disregard or omit material facts in a way that resulted in unfairness to Ms Taylor.

- c) Ofcom considered the complaint that Ms Taylor was unfairly portrayed in the programme because it stated that she and Mr Whiteley visited the Acton Court Hotel after the murder and danced for several hours.

Ofcom noted the statements made in the relevant part of the programme were as follows:

Presenter: *"After the pair had released this aggressive rage, you might expect a cooling off period. Yet instead they left a dead or dying Peter England and went to the Acton Court Hotel next door for a New Year's Eve function.*

Presenter: *Journalist Pat Hills investigated her friend Peter England's murder and she revealed to me another callous detail.*

Ms Hills: *Taylor and Whiteley had gone next door to the Acton Court New Year's Eve party and they went into the party, they bought tickets and they danced with their coats on. And when I queried this with the then manager she said they stood out like a sore thumb because they had their coats on in a hot ballroom. And then she said well it must have been because they were hiding the blood underneath the coats which sounds about right.*

Presenter: *So they murder Peter and then go dancing with coats covering their bloodstained clothes?*

Ms Hills: *Yes absolutely and apparently they were there all night having a really good time and through midnight and then left when everybody else left.*

Presenter: *Peter England's murder is without doubt one of the most brutal and horrific I've ever come across, but it's what Taylor and Whiteley did afterwards that I find so astonishing. They put their coats on, they popped to the hotel next door, danced the night away at a New Year's Eve party sharing the secret knowledge that underneath their coats their party outfits are covered in their victim's blood".*

Ofcom noted that the programme stated that, after murdering Mr England, Ms Taylor and Mr Whiteley had danced at a New Year's Eve party at the Acton Court Hotel. The programme also included the hotel manager's speculation that while they danced the night away, they had been hiding bloodstained clothes under their coats.

Ofcom also noted that Miss Taylor said in her complaint made on behalf of her daughter that during the trial, the prosecution had proved where Ms Taylor and Mr Whiteley were all that night and they were not at the Acton Court Hotel.

Ofcom recognised that there was a dispute between the parties about whether Ms Taylor and Mr Whiteley went to the Acton Court Hotel on New Year's Eve. However, Ofcom's role was not to establish whether Ms Taylor did or did not go to the Acton Court Hotel, but to determine whether, in broadcasting the claim, AETN took reasonable care not to present, disregard or omit material facts in a way that was unfair to her. Ofcom also considered whether AETN had taken reasonable care in presenting the claim that Ms Taylor had celebrated New Year's Eve at the Acton Court Hotel with bloodstained clothing hidden under her coat.

Ofcom noted that the main source of the information was Ms Hills' investigation. She had obtained the testimony of three eye witnesses from the hotel namely, a housekeeper, the then manager of the hotel and Mr Stan McCrudden who was the bar manager at the time. Mr McCrudden contributed to the programme and gave his personal recollection of seeing Ms Taylor and Mr Whiteley dancing at the New Years Eve party. Ms Hills also quoted the former manager of the hotel who commented on the couple having worn their coats inside giving rise to the possibility that they were wearing bloodstained clothes underneath. Ofcom also noted that these claims had been published in the 'Stockport Express' newspaper some 11 months after the well-publicised trial in 2002.

In the particular circumstances of this case, Ofcom considered that three independent witnesses to Ms Taylor's presence at the Acton Court Hotel on New Year's Eve amounted to credible evidence. From the material provided to it in the course of considering the complaint, Ofcom took the view that the three independent witnesses were credible, and that AETN took reasonable care to satisfy itself that the material facts were presented when broadcasting the claim about the Acton Court Hotel in a way that was not unfair to Ms Taylor. The programme made it very clear that the claim was opinion of Mrs Hill who had come to this view by accepting the testimony of three, credible eye witnesses.

In this particular case, Ofcom considered that it was legitimate for the broadcaster to include the Mrs Hills' contribution to the programme and her claim that Ms Taylor partied at the hotel and had possibly been wearing bloodstained clothing underneath her coat. Ofcom also considered that it was reasonable for the broadcaster to rely on the information provided by Mrs Hills in relation to this claim and the accounts given to her by the three eye witnesses from the hotel which appeared to Ofcom to be consistent and corroborated each other with regard to Ms Taylor and Mr Whiteley's presence in the hotel on the night in question.

Taking into account all the factors referred to above, Ofcom considered that the claim that Ms Taylor and Mr Whiteley went to a New Year's Eve party at the Acton Court Hotel, was unlikely to have materially affected viewers' understanding of Ms Taylor in a way that was unfair and that AETN had taken

reasonable care to ensure that the programme did not present, disregard or omit material facts in a way that portrayed Ms Taylor unfairly.

- d) Ofcom considered the complaint that Ms Taylor was unfairly portrayed in the programme because it stated that she and Mr Whiteley lived alongside Mr England's dead body for days after the murder.

Ofcom noted the statements made in the relevant part of the programme were as follows:

Presenter: *“After leaving the murder scene for a night of celebration, it might be expected that Whiteley and Taylor would go on the run. Yet bizarrely, it appears they return to the flat where Peter England's body lay and it appears they stayed there some time.*

Ms Hills: *I spoke to a number of witnesses in terms of hearing noises and I was told there was definitely activity in that flat for quite a few days after New Year's Eve, I don't know how many days, but a cleaner I believe heard noises in the flat and of course it can't have been Peter, unless he was dying over a number of days, but if he was killed in the first night it meant that Whiteley and Taylor were actually living in that flat.*

Presenter: *It's a macabre thought, the pair living for days in a murder scene alongside a mutilated body but by now the couple were capable of anything...”.*

Ofcom also noted that Miss Taylor said that it was not the case that the couple had lived with the body and the prosecution at the trial had not made such an allegation. Miss Taylor also said that during the trial, prosecution witnesses had given statements about the couple's whereabouts over the next days, including that they were in Yorkshire.

Ofcom noted the dispute between the parties about whether Ms Taylor and Mr Whiteley lived in the flat after the murder. However, Ofcom's role was not to establish whether that was the case or not. Ofcom's role was to determine whether in broadcasting the claim the broadcaster took reasonable care not to present, disregard or omit material facts in a way that was unfair to Ms Taylor.

Ofcom then considered whether or not AETN took reasonable care in presenting this claim. Ofcom noted that AETN said that Ms Hills' investigation had located two witnesses who had suggested that there had been activity in Mr England's flat for quite a few days after New Year's Eve and that Ms Hills had concluded that the couple had been living in the flat. In addition, AETN said that as the couple did not leave the city until 5 January 2002, they had every opportunity to return to the flat in the following days and that there was no evidence to discount the possibility.

However, Ofcom noted that AETN accepted that the police had evidence that the couple did not stay in the flat on the night of the murder and that AETN was aware that Ms Taylor denied the claim and said that during her trial police evidence regarding her actual whereabouts after the murder proved the claim was incorrect.

Notwithstanding this, Ofcom noted that the presenter introduced the claim by using the words “*it appears*” twice in the commentary (see head d), first paragraph above). In Ofcom’s view, the use of these words would have made it sufficiently clear to viewers that it was only a suggestion that the couple lived for days in a murder scene alongside the mutilated body of Mr England and that the claim was not presented as fact.

In this particular case, Ofcom considered that it was legitimate for the broadcaster to include in the programme the Mrs Hill’s claim that Ms Taylor and Mr Whiteley has been living in Mr England’s flat along with his body after his murder. Ofcom also considered that it was reasonable for the broadcaster to rely on the information provided by Mrs Hills in relation to this claim and the accounts given to her by the two witnesses who reported movements in the flat after the time of the murder. Ofcom also considered that the programme also made it clear that the claim was a suggestion based upon the results of Mrs Hill’s investigation and that viewers would have been able to form their own views on the likelihood of whether or not Ms Taylor and Mr Whiteley lived in the flat after the murder.

Taking into account all the factors referred to above, Ofcom considered that the claim that Ms Taylor and Mr Whiteley lived in the flat after Mr England’s murder, was unlikely to have materially affected viewers’ understanding of Ms Taylor in a way that was unfair and that AETN had taken reasonable care to ensure that the programme did not present, disregard or omit material facts in a way that portrayed Ms Taylor unfairly.

Accordingly, Ofcom has not upheld Miss Taylor’s complaint on behalf of Ms Taylor of unfair treatment in the programme as broadcast.

Other Programmes Not in Breach

Up to 16 May 2011

Programme	Transmission Date	Broadcaster	Categories	Number of complaints
10 O'Clock Live	28/04/2011	Channel 4	Generally accepted standards	5
10 O'Clock Live	21/04/2011	Channel 4	Religious/Beliefs discrimination/offence	1
118 118 sponsors ITV Movies	n/a	ITV2	Harm	1
118 118 sponsors ITV Movies	24/04/2011	ITV3	Generally accepted standards	1
24 Hours in A&E (trailer)	09/05/2011	Channel 4	Generally accepted standards	1
A Different Breed	13/04/2011	Sky1	Animal welfare	1
A League of Their Own	01/05/2011	Sky2	Race discrimination/offence	1
Alex & Becky at Breakfast	26/04/2011	The Pulse	Sexual orientation discrimination/offence	1
Almost Famous	26/01/2011	BBC 3	Offensive language	1
Animals Do the Funniest Things	14/05/2011	ITV1	Generally accepted standards	1
Arthur Smith's Balham Bash	04/05/2011	BBC Radio 4	Offensive language	1
Aviva sponsors ITV Drama Premiers	25/04/2011	ITV1	Gender discrimination/offence	1
Aviva sponsors ITV Drama Premiers	n/u	ITV1	Violence and dangerous behaviour	1
Breakfast	26/04/2011	BBC 1	Race discrimination/offence	1
Big Fat Gypsy Weddings	18/01/2011	Channel 4	Gender discrimination/offence	1
Big Fat Gypsy Weddings	18/01/2011	Channel 4	Generally accepted standards	2
Big Fat Gypsy Weddings	18/01/2011	Channel 4	Materially misleading	4
Big Fat Gypsy Weddings	18/01/2011	Channel 4	Race discrimination/offence	33
Big Fat Gypsy Weddings	18/01/2011	Channel 4	Under 18s in programmes	1
Big Fat Gypsy Weddings	25/01/2011	Channel 4	Generally accepted standards	47
Big Fat Gypsy Weddings	25/01/2011	Channel 4	Under 18s in programmes	18
Big Fat Gypsy Weddings	01/02/2011	Channel 4	Generally accepted standards	44
Big Fat Gypsy Weddings	01/02/2011	Channel 4	Under 18s in programmes	3
Big Fat Gypsy Weddings	08/02/2011	Channel 4	Violence and dangerous behaviour	7
Big Fat Gypsy Weddings	24/02/2011	Channel 4	Race discrimination/offence	1
Big Fat Gypsy Weddings	20/03/2011	More4	Race discrimination/offence	1
Britain's Got Talent	30/04/2011	ITV1	Race discrimination/offence	1
Britain's Got Talent	23/04/2011	ITV1	Animal welfare	1

Britain's Got Talent	07/05/2011	ITV1	Competitions	13
Britain's Got Talent	30/04/2011	ITV1	Generally accepted standards	1
Britain's Got Talent	07/05/2011	ITV1	Sexual material	6
Britain's Got Talent	07/05/2011	ITV1	Animal welfare	2
Britain's Got Talent	30/04/2011	ITV1	Generally accepted standards	2
Britain's Got Talent	15/05/2011	ITV1	Generally accepted standards	2
Britain's Next Big Thing	10/05/2011	BBC 2	Harm	1
Celebrity Juice	04/04/2011	ITV2	Sexual material	1
Celebrity Juice	02/04/2011	ITV2	Sexual material	1
Celebrity Juice	24/03/2011	ITV2	Sexual material	1
Celebrity Juice	05/04/2011	ITV2	Sexual material	1
Celebrity Juice	30/04/2011	ITV2	Gender discrimination/offence	1
Champions League	04/05/2011	ITV1	Competitions	1
Channel 4 News	04/05/2011	Channel 4	Due impartiality/bias	1
Channel Promotion	03/05/2011	Comedy Central	Generally accepted standards	1
Channel Report	03/05/2011	Channel Television	Violence and dangerous behaviour	1
Christina Aguilera - "Beautiful"	10/05/2011	E! Entertainment	Sexual orientation discrimination/offence	1
Come Dine With Me	17/04/2011	More 4	Religious/Beliefs discrimination/offence	1
Come Dine with Me	11/05/2011	Channel 4	Competitions	1
Coronation Street	29/04/2011	ITV1	Generally accepted standards	17
Coronation Street	01/05/2011	ITV1	Offensive language	1
Coronation Street	06/05/2011	ITV1	Sexual material	1
CSI: Crime Scene Investigation	26/04/2011	5USA	Advertising minutage	1
Daybreak	03/05/2011	ITV1	Generally accepted standards	1
Deal or No Deal	10/05/2011	Channel 4	Race discrimination/offence	1
Deal or No Deal	13/05/2011	Channel 4	Competitions	2
Deal or No Deal	15/05/2011	Channel 4	Generally accepted standards	1
Deal or No Deal	n/a	Channel 4	Race discrimination/offence	1
Deal or No Deal (trailer)	04/05/2011	Channel 4	Race discrimination/offence	1
Demand 5 promo	07/05/2011	Channel 5	Scheduling	1
Diagnosis Live from the Clinic (trailer)	15/05/2011	E4	Sexual material	1
Diddy Dick and Dom	06/05/2011	BBC 1	Animal welfare	1
DIY SOS	10/04/2011	Home	Generally accepted standards	1
Doctor Who	30/04/2011	BBC 1	Violence and dangerous behaviour	1
Doctors	09/05/2011	BBC 1	Scheduling	1

Don't Get Done Get Dom	12/05/2011	BBC 1	Disability discrimination/offence	1
Dormeo advert	07/05/2011	More 4	Advertising content	1
Embarrassing Teenage Bodies	06/05/2011	E4	Disability discrimination/offence	1
Emmerdale	03/05/2011	ITV1	Generally accepted standards	2
Emmerdale	10/05/2011	ITV1	Generally accepted standards	1
Emmerdale	11/05/2011	ITV1	Suicide and self harm	1
Exile	01/05/2011	BBC 1	Offensive language	2
Extreme Fishing with Robson Green	12/05/2011	Channel 5	Animal welfare	1
Extreme Fishing with Robson Green (trailer)	10/05/2011	Channel 5	Sexual material	1
Glee (trailer)	28/04/2011	E4	Sexual material	1
Great British Hairdresser	07/05/2011	Channel 4	Race discrimination/offence	1
Great British Hairdresser	02/05/2011	E4	Race discrimination/offence	1
Great British Menu	12/05/2011	BBC 2	Competitions	1
Have I Got News for You	06/05/2011	BBC 1	Race discrimination/offence	2
Heart Breakfast	04/05/2011	Heart 103.3 FM Milton Keynes	Gender discrimination/offence	1
Heart Breakfast	28/04/2011	Heart FM Oxfordshire	Offensive language	1
Inside the Human Body	12/05/2011	BBC 1	Generally accepted standards	2
ITV News	05/05/2011	ITV1	Elections/Referendums	1
ITV News	03/05/2011	ITV1	Due impartiality/bias	1
James O'Brien	18/04/2011	LBC 97.3FM	Religious/Beliefs discrimination/offence	1
Jimmy Carr: Telling Jokes	06/05/2011	Channel 4	Generally accepted standards	1
Jimmy Carr: Telling Jokes	06/05/2011	Channel 4	Sexual orientation discrimination/offence	1
Jumper	25/04/2011	Channel 4	Scheduling	1
Live Ford Super Sunday	08/05/2011	Sky Sports 1	Offensive language	1
Loose Women	05/05/2011	ITV1	Disability discrimination/offence	1
Loose Women	09/05/2011	ITV1	Race discrimination/offence	3
Loose Women	05/05/2011	ITV1	Sexual material	1
Loose Women	10/05/2011	ITV1	Generally accepted standards	1
Loose Women	11/05/2011	ITV1	Disability discrimination/offence	1
Made in Chelsea	09/05/2011	E4	Sexual orientation discrimination/offence	1
Man With A Mission	21/04/2011	Peace TV	Religious/Beliefs discrimination/offence	1
Matt Forde	08/05/2011	Talksport	Race discrimination/offence	1

Midsomer Murders	20/04/2011	ITV1	Religious/Beliefs discrimination/offence	1
Million Pound Drop		Channel 4	Competitions	1
Nanny 911	11/05/2011	ITV2	Offensive language	1
News	03/05/2011	Forth One	Due accuracy	1
On The Edge	08/04/2011	Controversial TV	Materially misleading	1
Party Election Broadcast by the Christian Party	19/04/2011	STV	Sexual orientation discrimination/offence	2
Party Election Broadcast by the Scottish Christian Party	19/04/2011	BBC1 Scotland	Sexual orientation discrimination/offence	4
Pensionärsjävlar på semester	03/04/2011	Kanal 5 Sweden	Animal welfare	1
Piers Morgan's Life Stories	07/05/2011	ITV1	Sponsorship	1
Poms in Paradise	11/05/2011	ITV1	Race discrimination/offence	1
Red Light 2	10/04/2011	Red Light 2	Participation TV - Harm	1
Richard Bacon	28/04/2011	BBC Radio 5 Live	Offensive language	1
Rihanna album	24/04/2011	HCR FM Community Station	Offensive language	1
Road Wars	06/05/2011	Pick TV	Generally accepted standards	1
Russell Howard's Good News	02/04/2011	BBC 3	Race discrimination/offence	1
Sky Atlantic promo	12/05/2011	Sky News	Sexual material	1
Sky Atlantic promo	08/05/2011	Sky1	Sexual material	1
Sky News	04/02/2011	Sky News	Sexual orientation discrimination/offence	2
Sky News	06/05/2011	Sky News	Generally accepted standards	1
Sky News	09/05/2011	Sky News	Generally accepted standards	1
Sky News	11/05/2011	Sky News	Race discrimination/offence	1
Steve Davis Breakfast Show	27/04/2011	Big City Radio	Generally accepted standards	1
Strangeways	09/05/2011	ITV1	Crime	2
Sunrise	02/05/2011	Sky News	Generally accepted standards	1
Super Scoreboard	08/04/2011	Radio Clyde 2	Generally accepted standards	13
The Alan Brazil Sports Breakfast	25/03/2011	Talksport	Disability discrimination/offence	12
The Alan Brazil Sports Breakfast	28/04/2011	Talksport	Race discrimination/offence	1
The Alan Titchmarsh Show	28/04/2011	ITV1	Generally accepted standards	1
The Apprentice	11/05/2011	BBC 1	Race discrimination/offence	1
The Big Questions	08/05/2011	BBC 1	Religious/Beliefs discrimination/offence	1
The Biggest Loser	14/02/2011	ITV1	Harm	1
The Biggest Loser	10/01/2011	ITV1	Harm	8

The Biggest Loser	17/01/2011	ITV1	Generally accepted standards	2
The Biggest Loser	24/01/2011	ITV1	Harm	1
The Cube	08/05/2011	ITV1	Competitions	1
The Eurovision Song Contest 2011 Final	14/05/2011	BBC 1	Competitions	1
The Hotel	01/05/2011	Channel 4	Offensive language	2
The Hotel	08/05/2011	Channel 4	Offensive language	11
The Hotel	08/05/2011	Channel 4	Generally accepted standards	1
The Jeremy Kyle Show	03/05/2011	ITV2	Materially misleading	1
The Million Pound Drop Live	29/04/2011	Channel 4	Generally accepted standards	3
The Million Pound Drop Live	07/05/2011	Channel 4	Age discrimination/offence	3
The One Show	06/05/2011	BBC 1	Animal welfare	2
The One Show	05/05/2011	BBC 1	Offensive language	1
The Real Deal	06/02/2011	Press TV	Due impartiality/bias	1
The Royal Wedding	29/04/2011	BBC1 / ITV1	Gender discrimination/offence	1
The Royal Wedding	29/04/2011	ITV1	Generally accepted standards	1
The Shadow Line	12/05/2011	BBC 2	Animal welfare	15
The Simpsons	06/05/2011	Sky1	Offensive language	1
The Simpsons	08/05/2011	Sky1	Violence and dangerous behaviour	1
The Verve "The Drugs Don't Work"	24/04/2011	Key 103 Manchester	Animal welfare	1
The Walking Dead (trailer)	n/a	Channel 5	Scheduling	1
The Walking Dead (trailer)	11/04/2011	Channel 5	Scheduling	1
The Walking Dead (trailer)	25/03/2011	Channel 5	Scheduling	1
The Weakest Link	12/05/2011	BBC 1	Sexual material	1
The Wright Stuff	11/04/2011	Channel 5	Disability discrimination/offence	1
There's Something About Josie	09/05/2011	Channel 5	Offensive language	1
There's Something About Josie	09/05/2011	Channel 5	Generally accepted standards	1
This Morning	09/05/2011	ITV1	Generally accepted standards	1
This Morning	03/05/2011	ITV1	Generally accepted standards	1
This Morning	12/05/2011	ITV1	Sexual material	1
Three in a Bed	28/04/2011	Channel 4	Offensive language	1
Three in a Bed	05/05/2011	Channel 4	Offensive language	5
Tombola.co.uk sponsors Emmerdale	n/a	ITV1	Sponsorship	1
Trevor Nelson	25/04/2011	BBC Radio 1extra	Generally accepted standards	1
True Stories: War Child	15/02/2011	More 4	Due impartiality/bias	1
Two Greedy Italians	04/05/2011	BBC 2	Gender discrimination/offence	1
Would I Lie To You?	02/05/2011	Dave	Offensive language	1

Would I Lie To You?	28/04/2011	Dave	Offensive language	1
---------------------	------------	------	--------------------	---