

Ofcom Broadcast and On Demand Bulletin

Issue 403
26 May 2020

Local News

Type of case Broadcast Standards

Outcome Resolved

Service Hitmix Radio

Date & time 24 February 2020, 09:30

Category Commercial communications on radio

Summary A local news bulletin included promotional content that implied a commercial arrangement. Given the actions taken by the broadcaster to prevent recurrence, we considered the matter resolved.

Introduction

Hitmix Radio is a community radio station for the people of Newcastle-under-Lyme, Staffordshire. The licence for Hitmix Radio is held by Hit Mix Radio Limited (“Hit Mix” or “the Licensee”).

Ofcom received a complaint about promotional references in the 09:30 local news bulletin, the final item of which was as follows:

Newsreader: *“A leading chiropractic and natural health centre is celebrating after first opening its doors 10 years ago. King Street Chiropractic and Natural Health Centre in Newcastle-under-Lyme first launched on the 22nd of February 2010 following owner, Elaine Skerit’s mission to create a healing centre with a difference. Elaine was keen to share a gentle but effective technique called McTimoney Chiropractic – a precise whole-body approach to chiropractic care. In the last decade, services have more than tripled at the centre. A growing team of 10 practitioners offer McTimoney Chiropractic, hypnotherapy, counselling, psychotherapy, core postural alignment, Indian head or body massage, acupuncture and more. 39-year-old Elaine said, “our clients’ and patients’ best interests are always at the heart of what we do and we’re really excited about the next ten years”.*

The Licensee confirmed that the news item was not subject to any commercial arrangement. It was not therefore a commercial reference. However, we considered the item raised potential issues under the following rule of the Code:

Rule 10.3: “No commercial reference, or material that implies a commercial arrangement, is permitted in or around news bulletins or news desk presentations...”.

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

Response

Hit Mix said many shops were closing in Newcastle-under-Lyme and social media references to the state of the town were “always of doom and gloom”. The Licensee added that it always therefore tried to put the “best slant possible” on the town and considered the story of a health centre celebrating 10 years “a good news story ... that contrasts with the bad news of all of the closed shop units”. Hit Mix said it had “simply wanted to congratulate the business and the town”, but nevertheless recognised that the news item “could have been misconstrued as a commercial reference”.

The Licensee added that it took not only its obligations to Ofcom very seriously, but also its obligations to provide the very best service possible to the community it serves, endeavouring to “keep [its] community updated with good, informative and, where possible, upbeat information about [that] community”. It added that, to this end, it “provided a good solid local news every day and put a lot of effort into it”, adding that it was “soul destroying for a hard-working, committed team...when an unintentional error is made”.

Hit Mix said that, in response to Ofcom’s Preliminary View, the station management held a meeting with members of its news team, in which this particular item was considered carefully. It added that all attendees considered it not to have been an advertisement for King Street Chiropractic and Natural Health Centre, as it neither provided contact details, a web address or prices, nor directly encouraged listeners to visit it, but was “simply a pat on the back for the company...”. The Licensee added that it had also discussed the matter with members of its listener panel, none of whom considered the news item implied a commercial arrangement. Hit Mix nevertheless said it accepted that the news item “contained too much detail”.

The Licensee said it had therefore revisited Section Ten of the Code with all those involved in news production, to ensure “everyone...had a complete and thorough understanding of the requirements”. It added that, in future, its procedures would include an additional step, with news content being produced, independently checked and then checked again by the news reader prior to broadcast. The Licensee said it would also update accordingly the news section of its studio file and it assured Ofcom that all those involved in the revised procedure for news would be fully conversant with Code requirements.

Hit Mix said it considered its revised procedures were robust and would therefore ensure that, in future, its news output would contain no “commercial ambiguities”.

Decision

The Communications Act 2003 requires Ofcom to have regard to “...the desirability of maintaining the independence of editorial control over programme content”. This is particularly important in the context of news, in which audiences expect broadcasters to maintain the highest standards of editorial independence, free from any suggestion of commercial influence.

Rule 10.3 therefore prohibits any commercial reference, or material that implies a commercial arrangement, in or around news bulletins (subject to specific exceptions). This is to ensure that news bulletins are not distorted, or perceived by listeners to be distorted, for commercial purposes.

In this case, the news item promoted King Street Chiropractic and Natural Health Centre, when it celebrated the business’s 10th anniversary by referring to:

- the owner’s original “*mission to create a healing centre with a difference*” by sharing “*McTimoney Chiropractic*”, which was described as not only “*a precise whole-body approach to chiropractic care*”, but also “*a gentle but effective technique*”, implying efficacy of the treatment;
- apparent success of the centre’s growth, where “*services have more than tripled*”, with “*a growing team of 10 practitioners*”;
- the wide range of services available at the centre, which, in addition to “*McTimoney Chiropractic*”, offered: “*hypnotherapy, counselling, psychotherapy, core postural alignment, Indian head or body massage, acupuncture and more*”; and,
- the owner’s claim that the centre’s “*clients’ and patients’ best interests are always at the heart*” of what it did and her excitement “*about the next ten years*”.

We took into account Hit Mix’s intention to celebrate, in hard times, the success of a local business, together with its view that, as the news item did not include such material as contact details, prices or calls to action, it was not an advertisement for King Street Chiropractic and Natural Health Centre, but “*simply a pat on the back for the company...*”. We also took into account the Licensee’s representations that members of the its listener panel, with whom it had discussed the matter, did not consider the news item implied a commercial arrangement.

Ofcom does not consider it essential for content such as contact details, prices or calls to action to feature in editorial for it to be considered promotional and/or to imply a commercial arrangement. Further, we consider that the views of a station’s audience, when listening to news bulletins in real time, may not necessarily reflect those of listener panel members who had discussed the potential compliance of such material.

In this instance, given the promotional tone of the content, as outlined above, Ofcom considered that Hitmix Radio listeners were likely to have assumed a commercial arrangement was in place. We therefore considered material that implied a commercial arrangement had been broadcast in this news bulletin.

However, we took into account that the Licensee both admitted it had made “an unintentional error” and accepted that its news item “contained too much detail” and could therefore be “misconstrued as a commercial reference”. We also welcomed both the revised procedures the Licensee had implemented (e.g. an additional Code compliance check) and the actions it was taking (e.g. Code discussions with relevant staff/volunteers and updating the news section of its studio file) to ensure that the broadcast in news of material that contained “commercial ambiguities” would not recur.

In this instance, Ofcom therefore considered the matter resolved.

Resolved