



## Good Morning Britain

<b>Type of case</b>	Broadcast Standards
<b>Outcome</b>	In Breach
<b>Service</b>	ITV
<b>Date &amp; time</b>	13 September 2023, 06:00
<b>Category</b>	Due Accuracy
<b>Summary</b>	A news bulletin about flooding in Libya incorrectly used footage of an unrelated incident and the news was not reported with due accuracy. There was no acknowledgment or correction of the mistake on air. In breach of Rules 5.1 and 5.2 of the Broadcasting Code.

## Introduction

*Good Morning Britain* (“GMB”) is a weekday morning news and discussion programme broadcast on ITV. The programme is compiled by ITV Broadcasting Limited on behalf of the Licensee, ITV Breakfast Broadcasting Limited (“ITV” or “the Licensee”).

Ofcom received a complaint that the news bulletin within the episode of *GMB* broadcast on 13 September 2023 had used footage from an unrelated incident and incorrectly attributed it to flooding in Libya.

Ofcom reviewed the content and noted that, following the “*main news*” about potential changes to the state pension at the start of the programme, the first story in the news bulletin at 06:10 included a pre-prepared report on the flooding in Libya caused by Storm Daniel, which reached the country on 11 September 2023<sup>1</sup>. The report included footage – fifteen seconds in duration – of a large amount of water flowing through an urban environment, causing destruction. The footage was

<sup>1</sup> <https://www.aljazeera.com/news/2023/9/11/dozens-killed-as-devastating-storm-daniel-sweeps-eastern-libya>

accompanied by on-screen text which read: “LIBYA FLOODS: MORE THAN 2,300 KILLED” and a voice-over from a news reporter:

*“A torrent of water tearing through the streets, destroying everything in its wake. Storm Daniel brought eight months of rain to Libya in just one day, leading to the collapse of two dams and four bridges in Derna”.*

An X handle attributing the footage to a social media post also appeared on-screen. The report, which was one minute and eleven seconds long, also included: an interview with a Libyan resident who had been affected by the flooding; an update about the aid which had started to arrive; an explanation of the political situation in Libya including a short video clip from the Libyan Prime Minister; details of an emergency fundraising appeal by the British Red Cross; and the expectation at that time that the death toll could rise above 10,000 people.

The complaint stated that the footage used in this report did not depict the flooding in Derna, Libya in 2023. Ofcom ascertained that in fact it showed the aftermath of a mudslide in Atami, Japan in 2021<sup>2</sup>. We obtained background information from the Licensee that confirmed the incorrect footage had been broadcast.

We therefore considered that the programme raised potentially substantive issues warranting investigation under the following rules of the Ofcom Broadcasting Code (“the Code”):

Rule 5.1: “News, in whatever form, must be reported with due accuracy and presented with due impartiality”.

Rule 5.2: “Significant mistakes in news should normally be acknowledged and corrected on air quickly...Corrections should be appropriately scheduled..”..

We requested comments from ITV on how the programme complied with these rules.

## Response

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The Licensee acknowledged that the footage in question did not depict the flooding in Libya and apologised for its inclusion in the news report on the topic during this episode of *GMB*.

ITV said that the footage had been included in the programme due to human error. It explained that there had been a breakdown in communication during a shift handover between the day team and overnight team. The day shift reporter had sourced a number of pieces of footage from social media which purported to be about the flooding in Libya but had not completed the necessary verification checks regarding the accuracy of the footage before handing them over to the night shift reporter. The night shift reporter wrongly assumed that the footage had already been verified, and as a result it was not properly scrutinised before being approved for broadcast (for example, by checking with the person responsible for the original social media post). By way of mitigation, ITV noted the fast-moving nature of the story, and the fact that both reporters were experienced journalists who were aware of *GMB*’s established procedures for verifying material for use in the programme.

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<sup>2</sup> See: <https://www.cbsnews.com/video/2-dead-after-major-mudslide-in-atami-japan/>

Nevertheless, the Licensee accepted that the footage should not have been included in the programme if there was any doubt as to its provenance.

The Licensee said that the production team had been alerted to the fact that the footage depicted an unrelated incident by another social media post shortly after the broadcast. It said the production team immediately investigated the provenance of the footage and discussed how it had come to be included in the programme. The footage was then marked with a 'restriction' to prevent further use. A decision was taken to obscure the footage in the original report in ITV's +1 and 'catch-up' broadcasts. The original report was also removed from social media posts associated with the programme.

In addition, a shorter version of the news report, without the incorrect footage, was broadcast later in the programme. As this version of the report was significantly truncated and broadcast almost an hour later, the production team decided that it could be confusing for viewers to issue a correction within the programme. The Licensee explained that the average viewing time for the programme is 40 minutes, i.e. less than the period between the broadcast of the original report and the broadcast of the shorter version of this report. The production team therefore reasoned that, given the time it took to identify and confirm the error, it was unlikely that viewers of the original report would still have been watching the programme when a correction was broadcast. Further to this argument, ITV noted Rule 5.2 states that significant mistakes in news should "normally" be acknowledged and corrected on air quickly, which it said left room for editorial discretion in determining whether a correction was appropriate in the particular circumstances.

In any case, the Licensee explained that this mistake was not considered to be significant, because "it would not have affected the audience's understanding of the story". Notwithstanding the inclusion of the incorrect footage, ITV maintained that "the information given to viewers in the report was accurate and left viewers clear as to the location and extent of the flooding". It also pointed out that all the other footage included in the report was accurate. Finally, the Licensee cited Ofcom's published Guidance to Section Five of the Code<sup>3</sup>, which states that for matters of particular public interest, the requirement for due accuracy is correspondingly higher. It considered that the flooding in Libya was neither a matter of political or industrial controversy nor a matter relating to current public policy, so it reasoned that the public interest in the story, as well as the requirement for due accuracy, would therefore be lower.

In ITV's view, the "most appropriate and proportionate response" in these circumstances was to ensure that the mistake was not repeated. It set out the steps it had taken to ensure there would be no recurrence of the issue, which included reminding the individuals involved, and the wider production team, of their responsibilities regarding the verification of footage. This took place on the day of the broadcast and in the days following it, via email and in person. In addition, all staff were required to attend two training sessions on *GMB*'s verification procedures. Finally, these procedures were reviewed and enhanced with additional safeguards, including reverse image searches and metadata checks, which will be applied in future. ITV set out further details of its verification procedures and the training sessions.

The Licensee said that *GMB* takes the issue of due accuracy in news "very seriously" and "does not regard an oversight lightly", citing its "stringent" and "rigorous" procedures for verifying material for use in the programme. It regretted this "lapse in its high standards", which it described as a "rare

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<sup>3</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf)

error”. It also highlighted its compliance record in relation to this area of the Code: “We consider that [GMB] has an extremely good compliance record on this issue, and we cannot recall a previous complaint or problem in this area relating to the programme”. In light of: this track record; the “quick” and “comprehensive” action it had taken to address the issue; and its “extensive steps” to prevent a recurrence, ITV requested that the matter be considered resolved. It also referred to the fast-moving nature of news, the scale of GMB’s operation, and the potentially lower level of public interest in this story as mitigating factors. Finally, the Licensee cited a precedent case in which Ofcom resolved a breach of 5.1 in the absence of an on-air acknowledgement or correction, where it said that many of the same considerations applied<sup>4</sup>.

## Decision

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Reflecting our duties under the Communications Act 2003 (“the Act”, Section Five of the Code requires that the due accuracy and due impartiality requirements are met.

In applying the rules in the Code, Ofcom takes account of the audience’s and the broadcaster’s right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights.

### Rule 5.1

Rule 5.1 requires that news, in whatever form, must be reported with due accuracy and presented with due impartiality.

Section Five of the Code states that “due” means adequate or appropriate to the subject and nature of the programme. Ofcom’s published Guidance to Section Five<sup>5</sup> makes clear that where a matter is of particular public interest, the requirement to present that matter with due accuracy will be correspondingly higher. The approach may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.

The requirement on broadcasters to report the news with due accuracy is a key obligation for broadcasters. This is because it is essential that audiences can trust and expect that news in whatever form, which they watch on regulated broadcasting services, is presented with due accuracy. This is especially the case for public service broadcasters, which remain a dominant force in news delivery, and for which audiences consider the provision of trustworthy news programmes to be among the most important objectives<sup>6</sup>.

Ofcom first considered whether the news material in this case was reported with due accuracy. As set out in the Introduction, the 13 September 2023 episode of GMB included a news bulletin broadcast at 06:10, which reported on the flooding in Libya. This bulletin included a pre-prepared

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<sup>4</sup> This case concerned a news bulletin broadcast on [Radio Ikhlas](#) on 16 September 2011 which Ofcom investigated under the due impartiality requirement of Rule 5.1.

<sup>5</sup> The version of the Guidance to Section Five which was in place at the time of broadcast was: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0033/99177/broadcast-code-guidance-section-5-march-2017.pdf)

<sup>6</sup> See: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0024/264651/news-consumption-2023.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0024/264651/news-consumption-2023.pdf), p.6; and [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0013/192100/psb-five-year-review.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0013/192100/psb-five-year-review.pdf), p.25.

report which included footage of the aftermath of a mudslide that took place in Japan in 2021. However, the accompanying on-screen text and voice-over, together with the overall context of the report, clearly informed audiences that this footage depicted the flooding in Libya. In its response to Ofcom, ITV said that the incorrect footage had been included in error.

As set out above, Ofcom's Guidance states that where a matter is of particular public interest, the requirement to present that matter with due accuracy is correspondingly higher. The Licensee suggested that the requirement for due accuracy might be lower in this case because the flooding in Libya was neither a matter of political or industrial controversy nor a matter relating to current public policy. However to comply with Rule 5.1 broadcasters are still required to report the news to a certain standard of accuracy, and in our view this would include correctly reporting the facts that are central to the story.

We took into account ITV's response that the story was fast-moving in nature. We also considered the Licensee's explanation of the breakdown in communication which it said had resulted in footage sourced from social media being approved for broadcast without undergoing the appropriate checks. Ofcom acknowledges that news programmes are produced at pace in high-pressure environments. However, despite *GMB* having procedures in place for verifying material for broadcast, which its experienced reporters were familiar with, it was not sufficient to prevent the broadcast of incorrect footage on this occasion, as acknowledged by the Licensee. It was ITV's responsibility to ensure that the news material in this case was reported with due accuracy, notwithstanding the particular challenges of the news broadcasting environment.

Ofcom also considered the steps taken by the *GMB* production team to address this issue once it had been made aware of it. These included marking the footage with a 'restriction' to prevent further use; obscuring the footage in ITV's +1 and 'catch-up' broadcasts; and removing the footage entirely from social media posts associated with the programme. In addition, the footage was removed and a shorter version of the report was included for the subsequent news bulletin shown later in the programme. We welcomed this prompt action taken by the production team. However, we noted that it only took these steps once it was made aware of the issue by a social media post, rather than as a result of its own verification checks.

We also took into account the steps taken by the Licensee to ensure there would not be a recurrence of the issue, which included: reminding staff of their responsibilities in relation to the verification of material for use in broadcasts; requiring them to attend training sessions on *GMB*'s verification procedures; and further strengthening those procedures.

Ofcom's Decision is therefore that the programme, in which a news bulletin about flooding in Libya used footage of an unrelated incident, was not duly accurate and was in breach of Rule 5.1.

## Rule 5.2

Rule 5.2 requires that significant mistakes in news should normally be acknowledged and corrected on air quickly and that corrections should be appropriately scheduled.

Ofcom considered that the use of incorrect footage in the original version of the news report constituted a significant mistake. The report, which was the first story in the news bulletin, provided the audience with information about a natural disaster which had resulted in widespread destruction and many casualties. In our view, the footage was central to this report, conveying key information in a visual format appropriate to the medium. The fact that the footage depicted an

unrelated incident meant that viewers were given incorrect information about the flooding in Libya following Storm Daniel. We considered the mistake was significant.

In this case, the Licensee said that the production team had decided not to include a correction with the shorter version of the news report, because they considered that this could be confusing for viewers. The Licensee reasoned, based on the average viewing time for *GMB* and that more than 40 minutes had passed, that it was unlikely viewers of the original report would still have been watching the programme by the time the shorter version of the report was broadcast. It added that Rule 5.2 only requires that significant mistakes in news should “normally” be acknowledged and corrected on air, which it said suggested some scope for “editorial judgement as to when, exceptionally, a correction may not be considered to be appropriate in the circumstances”.

In our view, given the significance of the mistake in this case, we considered that an on-air correction, broadcast quickly and appropriately scheduled to bring it to the attention of viewers, was required to comply with Rule 5.2. This did not take place and we therefore considered that ITV did not take sufficient remedial steps for the audience who watched the original news bulletin.

Our Decision is that the programme was also in breach of Rule 5.2 of the Code.

### Licensee’s request for a Resolved outcome

We considered ITV’s request for the matter to be considered resolved in light of the actions set out above under “Rule 5.1” and *GMB*’s compliance record in relation to this rule of the Code. Ofcom decides each case on its individual merits, taking account of all contextual factors and relevant precedent cases as appropriate. While we acknowledged *GMB*’s good compliance history in relation to Rule 5.1 and the steps taken by the Licensee to address the issue and prevent a recurrence, we did not consider that it would be appropriate to resolve in the circumstances of this case.

News is a special category of programming which is afforded additional protections under the Code. This special status of news is reflected by the underlying legislation, which requires that broadcast news, in whatever form, is reported with due accuracy. Rule 5.1 reflects this requirement. As stated above, the rule is primarily intended to ensure that audiences can trust news broadcasters to report the facts of the news, and the relevant factual background, with appropriate accuracy.

Ofcom’s research<sup>7</sup> shows that audiences trust the accuracy of broadcast news more than alternative sources of information. As referred to above, we consider that it is of fundamental importance that audience trust in broadcast news is maintained, especially in a situation where viewers cannot necessarily rely on the same standard of accuracy on other platforms (as illustrated by this case, where the footage in question was sourced from social media).

For all these reasons, we do not think it would be appropriate to resolve this case and our Decision is therefore that this content breached Rules 5.1 and 5.2 of the Code.

### **Decision: Breach of Rules 5.1 and 5.2**

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<sup>7</sup> See: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0024/264651/news-consumption-2023.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0024/264651/news-consumption-2023.pdf), pp.10-11.