



Complaint by Miss J about *Y Byd ar Bedwar*

Type of case	Fairness and Privacy
Outcome	Not upheld
Service	S4C
Date & time	19 February 2024, 20:00
Category	Privacy
Summary	We have not upheld this complaint about unwarranted infringement of privacy in connection with the obtaining of material included in the programme, and in the programme as broadcast.

Case summary

The programme investigated weight-loss products (namely, injections), the people using them, and how easy it appeared to be to acquire unlicensed products without a prescription. During the programme, two reporters went undercover to see if they could acquire unlicensed weight-loss products. The complainant was one of the two people shown in the programme to sell the product to the reporters. She complained that her privacy was unwarrantably infringed in the obtaining and subsequent broadcast of the secretly filmed footage of her.

Ofcom's decision was that the complainant had a legitimate expectation of privacy in relation to the obtaining and subsequent broadcast of the footage of her without her consent. However, we considered that the complainant's legitimate expectation of privacy did not outweigh the broadcaster's right to freedom of expression and the public interest in the material broadcast. Therefore, our decision is that there was no unwarranted infringement of the complainant's privacy in connection with the obtaining, and subsequent broadcast of the footage of her included in the programme.

Programme summary

On 19 February 2024, S4C broadcast an edition of *Y Byd ar Bedwar* [The World on Four], an investigative current affairs series. S4C is a Welsh language television channel. The programme was broadcast predominantly in Welsh with English subtitles. The programme investigated weight-loss products, the people using them, and how easy it appeared to be to acquire unlicensed products. Ofcom has used the English subtitles which appeared throughout the programme in its description of the programme below and during the course of the investigation.

The programme began with an introductory montage of upcoming parts of the programme. The presenter said:

“Weight-loss injections are extremely popular...Those that have been approved are available on the NHS and in private clinics, but with the popularity, there is a shortage”.

The preview showed brief footage that had been captured by the programme makers on a hidden camera. It showed a woman (the complainant), whose face was blurred, being handed money by another woman. The presenter’s commentary continued:

“Our hidden cameras reveal that there are people willing to sell unlicensed products to anyone willing to pay the price”.

Footage was then shown of text messages on a phone, with the presenter reading one out: *“One says ‘It’s a bottle, hun. I can mix it for you’”.*

Later, as part of the programme’s investigation, two reporters went undercover to see if they could purchase unlicensed products. The presenter was shown researching the products online and said: *“I wanted to see how easy it is to find unlicensed products”.*

While looking at her laptop, the presenter said: *“I’ve found two women in Wales who advertise that they’re selling ‘pure’ or ‘raw’ semaglutide for weight loss. I’m going to send a message”.* Footage showed a number of text messages, and she continued:

“Well, that was easy. Both have come back to me offering injections without asking about my health, weight, and why I want to go on them. One says: ‘It’s a bottle, hun. I can mix it for you’. The other doesn’t ask anything about my weight or medical history. It just says: ‘It’s £30 a week and should be here by Wednesday’”.

The programme then showed footage of the two undercover reporters driving to the location of one of the sellers and walking along the pavement. The presenter said:

“So, our journalists went to buy them wearing hidden cameras. Neither of them are overweight, and [are] well below the minimum BMI of 30, as is recommended. We go to the house of the first seller. We don’t see anything to confirm that she has any medical qualifications”.

Secretly filmed footage captured by the hidden cameras worn by the undercover reporters was shown of their interactions with an unnamed seller (the complainant). Throughout the secretly filmed footage shown in the programme, the complainant’s face was blurred, and her voice appeared to have been altered.

The complainant was shown greeting them in the hallway of a home: *“Hiya, come in. You ok?”*. The footage then showed the complainant in what appeared to be a kitchen, the presenter said in commentary:

“She gives a form for our journalist to fill. But, before she starts doing that, the vendor fetches the product and offers to give the injection straight away”.

Photographs could be seen on a sideboard in the background with the images blurred.

The following exchange took place between the complainant and one of the undercover reporters:

Complainant: *“If you can fill that one in for me. Do you want to do the first one with me today or?”*

Reporter: *“I’d rather do it and take time.”*

Complainant: *“No that’s fine, I just need to pop everything into the pack.”*

Reporter: *“Ok. Is this Ozempic or the Wegovy thing?”*

Complainant: *“No, this is neither, it’s semaglutide. It’s the strongest, stronger one”.*

Footage of the complainant showing the undercover reporter a bag with the various syringes in it was shown as the presenter said in commentary: *“She admits that it’s not one of the licensed brands that she sells”*. The following exchange then took place:

Complainant: *“These, I mix it up, yeah, because they normally come in eight weeks supply see. Some people don’t want to pay eight weeks.”*

Reporter: *“Yeah.”*

Complainant: *“So, like I said, I’ll mix it up, and then I’ll take the one out of it for me [a reporter says: “yeah”], and then just sell the other four weeks on.”*

Reporter: *“You don’t need a prescription then either do you?”*

Complainant: *“No, it comes through my pharmacy see, so it’s all done that way”.*

One of the undercover reporters was then shown filling out a form. The presenter said: *“This vendor offers a range of beauty treatments, but the form doesn’t ask any specific medical questions for taking these injections”.*

The footage then showed the complainant talking to the reporters: *“It’s these forms are medical forms. They’re for all my treatments that I do”*, to which one of the reporters replied: *“Ah, ok”*.

The presenter continued: *“She doesn’t look at the form before selling a four-week dose for £110. This is about half the price of licensed injections”*. The complainant was then shown thanking and saying goodbye to the undercover reporters as they left.

Later in the programme, the presenter was shown with a weight-loss “expert” and dietician viewing the secretly filmed footage, as they discussed his thoughts on what it showed. Further footage of the complainant in the kitchen was shown with one of the undercover reporters asking: *“Can anyone take it? Because one of my other friends was talking about it”*. The complainant responded: *“As long as she don’t suffer with thyroids and that, I would advise that maybe do the week trial first”*. Again, the complainant’s face was blurred, and her voice appeared to have been altered.

Towards the end of the programme, a brief segment of the footage of the complainant was shown again, while the presenter said in narration: *“I contacted them both to ask for a response. The first seller [the complainant] didn’t answer our questions”*.

No further footage of the complainant was included in the remainder of the programme.

Summary of the complaint and broadcaster’s response

Complaint

- a) Miss J complained that her privacy was unwarrantably infringed in connection with the obtaining of material included in the programme because she was filmed in her home without her consent. She said that she had an expectation of privacy in her own home, and that even a “guest” invited into her home does not “have the right to record myself with my child in the background”. The complainant added that her “private home... is not a public space”.
- b) Miss J also complained that her privacy was unwarrantably infringed in the programme as broadcast because the footage of her in her home was included in the programme without her consent.

Broadcaster’s response

S4C said that the basis for its investigation was an apparent growth in the sales of weight-loss injections without prescription, in particular semaglutide, despite it being against UK law to sell semaglutide without a prescription. It said that there was currently only one company approved to sell and market semaglutide, which is branded as Ozempic and Wegovy within the UK. It said that as a “prescription only medicine”, this can only be prescribed by authorised healthcare professionals. The broadcaster said that there was a public interest in highlighting the dangers that arise from the sale of semaglutide without a prescription. It said it had considered there was a basis to investigate potential dangers in the sale of semaglutide by an unregulated individual, and the potential that the product being sold may contain ingredients that were not semaglutide. S4C said that, in October 2023, the Medicines and Healthcare Products Regulatory Agency (“MHRA”) urged the public not to buy any pre-filled weight-loss injections or pens claiming to be Saxenda/Ozempic and to consult a healthcare professional to obtain a prescription. The broadcaster said that this came after the MHRA had received reports of a small number of individuals being hospitalised after using the pens.

The broadcaster said that in January 2024 the presenter responded to an advert by a seller (the complainant) from Wales openly advertising the sale of semaglutide online. Along with its response to the complaint, S4C provided Ofcom with a timeline of the research the programme makers had conducted and its contact with the complainant. This included copies of adverts the complainant had posted on social media in November and December 2023 regarding the sale of semaglutide, and the complainant’s correspondence with the programme makers. The broadcaster said that the programme makers were unable to find the complainant’s name on any medical or healthcare professional registers, which suggested that she was engaging in unlawful and unregulated activity. S4C said that the programme was produced for it by ITV and as per S4C’s policy on surreptitious filming, ITV submitted a surreptitious filming application form to S4C (a copy of which it provided to Ofcom). It said that this outlined the potential story; the evidence it had hoped to gather; why surreptitious filming was necessary to gather the evidence; and how this would be in the public interest. S4C said that this document was reviewed by its legal team.

S4C said that after contacting the complainant on 8 January 2024, she had responded, and they had agreed to purchase the product on 10 January 2024. It said that two undercover reporters went to the complainant's home on this date (this visit was not filmed) and had purchased the product. It added that the complainant did not give any forms to the intended recipient of the injections, nor did she ask any questions about the reporter's weight, background, or medical history. It said that following this visit, the surreptitious filming application (explained above) was submitted to S4C on the 11 January 2024. S4C said that the application was signed off and agreed by S4C on 12 January 2024, and the surreptitious filming took place on 23 January 2024.

S4C submitted that the complainant's rights under Article 8 of the European Convention on Human Rights¹ were not engaged. It said that she was acting in a "business capacity" and did not therefore have a reasonable expectation of privacy. The broadcaster said, however, that if Ofcom considers the complainant did have an expectation of privacy, then its position is that any infringement involved in the obtaining of the material included in the programme, and in the programme as broadcast was warranted in the circumstances. S4C submitted that there was *prima facie* evidence of a story in the public interest, namely that it would reveal unlawful activity, with a view to protecting public health and safety. It said that the story would make the public aware of the sales of medicines such as semaglutide outside of the legal supply chain, and the health risks associated with such sales.

The broadcaster said that there were reasonable grounds to suspect that further material evidence could be obtained by surreptitious filming. It added that the filming needed to be done surreptitiously to ensure that the complainant would behave in the same manner that she would with any other customer; how she would deal with the prescription requirement; and whether she would ask about the customer's health and wellbeing, family and medical history, and any existing prescriptions before selling what she claimed as semaglutide. S4C said that had the filming been conducted openly, there would have been a risk that the complainant would have refused to contribute, or may have adjusted her practice or behaviour, which it considered would have negatively impacted the credibility and authenticity of the programme.

S4C submitted that there was no unwarranted infringement of the complainant's privacy because she was not identifiable in the programme as broadcast. It said that it had no obligation to anonymise the complainant, and S4C would have been warranted in identifying her, however it made the decision not to identify her in the programme as broadcast. The broadcaster said that the complainant's name and address were not included in the programme; she was blurred so that her face was not shown; her voice was distorted; all personal effects visible in the programme such as photographs were blurred; and no other details that might have identified the location were included. It said that significant care was taken to edit or obscure the footage to ensure the complainant was not identified, and for any viewers watching, there was no information or indication that that she had a child, or that a child was present in her home at the time of filming.

The broadcaster further said that there was no unwarranted infringement of Miss J's privacy because she had advertised her business services openly on social media platforms, and when she invited the programme makers to an address, she did not mention that this was her home. S4C said that it was therefore reasonable to infer that she invites customers she has not met before into her home on a regular basis and that this is the usual practice she follows. S4C noted that those who wished to find the complainant's location could do so as information about her business activities

¹ [European Convention on Human Rights \(coe.int\)](https://www.coe.int/)

were already available in the public domain. The broadcaster also said that on the day filming was conducted, the programme makers did not see or hear a child, and no child could be seen or heard in the footage that was captured.

S4C concluded that it was apparent from the programme itself, and the programme maker's dealings with the complainant, that at each stage it had complied with Ofcom's Broadcasting Code (the "Code"). It said that it did not consider Miss J's privacy had been infringed, but if Ofcom considered this to be the case, it was warranted in the circumstances.

Ofcom's Preliminary View

Ofcom prepared a Preliminary View that Miss J's complaint should be not upheld. Both parties were given the opportunity to make representations on the Preliminary View, but neither chose to do so.

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 unwarranted infringement of privacy in, or in connection with the obtaining of material included in, programmes on 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, the unedited footage, and both parties' written submissions.

In Ofcom's view, the individual's right to privacy has to be balanced against the competing right of the broadcaster to freedom of expression and the audience's right to receive ideas and information without undue interference. Neither right as such has precedence over the other and, where there is a conflict between the two, it is necessary to focus on the comparative importance of the specific rights. Any justification for interfering with or restricting each right must be taken into account and any interference or restriction must be proportionate.

This is reflected in how Ofcom applies Rule 8.1 of the Code, which states that any infringement of privacy in programmes or in connection with obtaining material included in programmes must be warranted.

In addition to this rule, Section Eight (Privacy) of the Code contains "practices to be followed" by broadcasters when dealing with individuals or organisations participating in, or otherwise directly affected by, programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of Rule 8.1 and a failure to follow these practices will only constitute a breach where it results in an unwarranted infringement of privacy.

a) In considering Miss J's complaint that her privacy was unwarrantably infringed in connection with the obtaining of material that was subsequently shown in the programme, Ofcom had regard to the following Code Practices:

- Practice 8.5: “Any infringement of privacy in the making of a programme should be with the person’s and/or organisation’s consent or be otherwise warranted”.
- Practice 8.9: “The means of obtaining material must be proportionate in all the circumstances and in particular to the subject matter of the programme”.
- Practice 8.13: “Surreptitious filming or recording should only be used where it is warranted. Normally, it will only be warranted if:
- there is *prima facie* evidence of a story in the public interest; and
 - there are reasonable grounds to suspect that further material evidence could be obtained; and
 - it is necessary to the credibility and authenticity of the programme”.

In assessing the complaint, we first considered whether the use of surreptitious filming was warranted in the circumstances, in accordance with Practice 8.13. We took into account S4C’s submission that the basis for the investigation was an apparent growth in the sales of weight-loss injections without prescriptions, in particular semaglutide, despite it being potentially unlawful to do so in the UK. We also acknowledged that the broadcaster said in its submission that there was a public interest in highlighting the dangers that can arise from such sales without a prescription. S4C said that it considered that there was a basis to investigate potential dangers in the sale of semaglutide by an unregulated individual, and the potential that the product being sold may contain ingredients that were not semaglutide.

We also took into account the broadcaster’s submission that there was *prima facie* evidence of a story in the public interest, namely that it would reveal potentially unlawful activity, with a view to protecting public health and safety. S4C said that the presenter had responded to an advert posted by the complainant openly advertising the sale of semaglutide online, and that it was unable to find the complainant’s name on any medical or healthcare professional registers, which S4C said suggested that she was “engaging in unlawful and unregulated activity”. We also had regard to the specific information gathered by the programme makers through text messages between the undercover reporters and the complainant (copies of which were provided to Ofcom by S4C), in which the complainant said: “It’s a bottle Hun I can mix it for you. Or I can supply the stuff to mix” and “I’ll inject for you as it comes out of a premixed bottle I use for 1 week requests”, which appeared to suggest that the complainant was selling weight-loss products, and offering to do the injections herself.

Taking all these factors into account, we considered that S4C had demonstrated that there was *prima facie* evidence of a story in the public interest relating to the sale of weight-loss products without prescriptions, and the potential dangers to health in doing this (as in this case, the services offered by the complainant). In particular, we had regard to S4C’s submission that had the programme makers attempted to conduct filming openly, there would have been a risk that the complainant might have refused to contribute or may have adjusted her practice and behaviour. We took into account that the broadcaster said that two undercover reporters had attended Miss J’s home on 10 January 2024 – a visit that was not filmed – and that they had been able to purchase the weight-loss products on that visit. As such, we considered that, the programme makers had reasonable grounds to suspect that further evidence could be obtained

by surreptitious filming and that it was necessary to the credibility and authenticity of the programme for viewers to see the methods of selling a potentially harmful weight-loss product by someone not registered or qualified to do so first-hand. We therefore considered that the surreptitious filming was justified in the particular circumstances of this case, in accordance with Practice 8.13.

Given that the surreptitious filming had the potential to uncover evidence of the sale of weight-loss products without prescriptions, Ofcom was satisfied that the programme makers' actions in filming the complainant, who advertised and sold weight-loss products without prescriptions, surreptitiously, was proportionate to the public interest, and therefore in accordance with Practice 8.9.

We next assessed the extent to which the complainant had a legitimate expectation of privacy in the particular circumstances in which the footage included in the programme was obtained. The test applied by Ofcom as to whether a legitimate expectation of privacy arises is objective: it is fact sensitive and must always be judged in light of the circumstances in which the individual concerned finds themselves.

The Code's statement on the meaning of "legitimate expectation of privacy" makes clear that such an expectation:

"...will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place."...

Ofcom reviewed the unedited footage of the complainant; four separate clips showed the same interaction captured at various angles, with each clip lasting approximately seven minutes. Ofcom understood that the footage was filmed using four hidden body cameras worn by the two undercover reporters, and that the complainant was unaware that she was being filmed. From the footage, the two undercover reporters could be seen arriving at the complainant's home, and walking through to a kitchen/living room area. The complainant then asked which of the two reporters was buying the product and offered to do the first injection for her, the reporter said that they would rather do it themselves at home. The complainant then asked the reporter to fill in a form, and explained that the product was semaglutide, and the amount that needed to be injected each week. During the footage, Miss J explained that the semaglutide normally came in eight week supply, but that she sells a four week supply of it, and takes some out of the pack for herself. One of the reporters asked if a prescription was needed, to which the complainant said it was not, and that she obtained it through her pharmacy. Once the reporter had filled out the form, Miss J explained what was in the packet she was giving to the reporter, how often it needed to be injected, and that the bottle containing the product needed to be kept upright in the fridge. Towards the end of the footage, the complainant explained that it was £110 for the four week supply, and the reporters paid her for the product. She then explained where to administer the injection, and the technique for doing so. Miss J thanked the two reporters, and they left her home.

In the unedited footage, the complainant's face could be seen clearly and her voice could be heard unaltered. Within two of the four clips of footage, photographs of children could be seen clearly on a sideboard in the background. The footage also showed Miss J disclosing to the

reporters the side effects that she had experienced from the injections, and a negative experience she had while taking Ozempic.

We took into account S4C's submission that Miss J was engaged in a "business activity", providing a service to the reporters, and that it did not consider she had a reasonable expectation of privacy in these circumstances. We recognised that Miss J was not aware that she was being filmed and the filming also took place in her private home, a place generally only accessible to those who live there or have been invited in. However, we also recognised that the complainant was filmed selling what we understood to be an unlicensed product without a prescription to the undercover reporter. We did not therefore consider that she was filmed engaging in any activity which might reasonably be considered personal or sensitive to her.

Taking all these factors into account, we considered that, in the particular circumstances of this case, Miss J had a legitimate expectation of privacy in relation to the obtaining of the broadcast footage of her.

The broadcaster did not dispute that the complainant was filmed without her consent. Therefore, Ofcom went on to consider whether the infringement of her legitimate expectation of privacy in the obtaining of the material was warranted.

The Code states that "warranted" has a particular meaning. This is that, where broadcasters wish to justify an infringement of privacy, they should be able to demonstrate why, in the particular circumstances of the case, it is warranted. If the reason is that it is in the public interest, the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest could include revealing or detecting crime, protecting public health and safety, exposing misleading claims by individuals or organisations or disclosing incompetence that affects the public.

Ofcom carefully balanced the complainant's right to privacy with regards to the obtaining of the footage against the broadcaster's right to freedom of expression and the audience's associated right to receive information and ideas. As set out above, we considered that the complainant had a legitimate expectation of privacy in relation to the surreptitiously filmed footage of her by the programme makers given that she was filmed in her home, and in circumstances where she was unaware that she was being filmed.

In weighing up the competing rights of the parties, we took into account S4C's submissions that there was a public interest in the growth in the sales of weight-loss products without prescriptions and that the surreptitious filming of the complainant would reveal potentially unlawful activity with a view to protecting public health and safety. We also acknowledged that the filming of the complainant was limited to only obtaining footage that was relevant to this public interest justification in capturing the sale of the weight-loss products without a prescription, and the circumstances in which the sale occurred. For example, the footage appeared to show the undercover reporters only ask questions about the product they were purchasing; the use of it and how to administer it; the form that one of them was asked to fill out; whether a prescription was needed; and the risks associated with the use of semaglutide. The filming itself focused only on the interaction between the undercover reporters and Miss J while the sale was taking place, as opposed to any aspects of her personal or family life. We took into account S4C's submission that the story aimed to raise public awareness about the sale of products such as semaglutide outside of the legal supply chain, and the potential health risks associated with such sales.

We also acknowledged the complainant's concern that there was a "child in the background" while she was filmed in her home. We took into account the broadcaster's submission that on the day the filming was conducted, the undercover reporters did not see or hear a child, and no child could be seen or heard in the footage that was captured. Having reviewed the unedited footage, it did not appear to Ofcom that there was a child in the footage, nor could one be heard in the audio.

Given the particular circumstances and public interest justification of obtaining the footage described set out above, Ofcom considered that the means of obtaining the footage featuring the complainant was proportionate and warranted. Further, Ofcom considered that, on balance, the broadcaster's right to freedom of expression and the public interest in obtaining the footage of the complainant and the audience's right to receive information outweighed her legitimate expectation of privacy in the circumstances.

Therefore, we considered that the complainant's privacy was not unwarrantably infringed in connection with the use of surreptitious filming and the obtaining of material included in the programme.

- b) Next, we considered the complaint that Miss J's privacy was unwarrantably infringed in the programme as broadcast. We had regard to the following Code Practices:

Practice 8.6: "If the broadcast of a programme would infringe the privacy of a person or organisation, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted. (Callers to phone-in shows are deemed to have given consent to the broadcast of their contribution)".

Practice 8.14: "Material gained by surreptitious filming and recording should only be broadcast when it is warranted".

As explained in detail above, Ofcom considered that while the footage filmed of the complainant had been obtained surreptitiously without consent, the use of surreptitious filming was warranted in the circumstances. We therefore went on to assess whether the complainant had a legitimate expectation of privacy regarding the broadcast of the footage of her included in the programme. We applied the same objective test set out in head a) above.

As set out in the "Programme summary" section, the programme showed footage of Miss J in her home, selling weight-loss products to the undercover reporters. The footage included in the programme showed the complainant: providing a form to one of the undercover reporters to fill out; offering to administer the first injection that day; explaining that the product was semaglutide and that a prescription was not needed; that she mixed up the product herself; and, that she used it herself.

We carefully scrutinised the relevant footage shown in the programme and took into account that the complainant was not named, her face was blurred, and her voice had been altered. We also took into account the further steps that S4C had taken to disguise the complainant's identity, namely by not including any personal details about her in the programme, including the area she lived in, and by blurring the personal effects such as photographs which were visible in the footage. We noted S4C's submission that it said that there was no obligation for it to anonymise

Miss J, and that it considered it would have been warranted in identifying her, but that it had decided to obscure the footage so that the complainant was not identifiable. We also acknowledged the broadcaster's submission that the complainant advertised her business activity openly online to the public, including the sale of semaglutide. In these circumstances, we considered that Miss J was unlikely to have been identifiable to viewers who did not already know her well, and that she openly sold weight-loss products online.

While we acknowledged that Miss J was not readily identifiable to viewers because of the measures put in place by the programme makers, we also took into account the factors set out in detail at head a) above. We recognised that footage of the complainant engaging in an activity which was potentially unlawful was included in the broadcast programme, however, she was not aware that she was being filmed and the footage depicted her interactions with two people who she had invited into her home. We again noted that her home would not be accessible to the public, other than those invited into it by her or others who lived there. Given this, we considered that, on balance, the complainant had a legitimate expectation of privacy in relation to the broadcast footage, albeit limited.

Again, it was not in dispute that the footage had been broadcast without the complainant's consent. Therefore, we next considered whether the infringement of privacy was warranted in the particular facts of the case.

We again carefully balanced the complainant's right to privacy over the relevant footage in the programme with the broadcaster's right to freedom of expression. In particular, we considered whether there was sufficient public interest which might justify the infringement of the complainant's legitimate expectation of privacy in broadcasting the footage.

We took into account the broadcaster's submissions that the footage of the complainant selling weight-loss products without a prescription revealed potentially unlawful activity; it said that the story would make the public aware of the sales of medicines such as semaglutide outside the legal supply chain and would protect public health and safety. In Ofcom's view, there was a genuine public interest in broadcasting footage which showed viewers first-hand the ease with which weight-loss products could be acquired easily and without a prescription, in a situation where no medical questions were asked prior to the sale, save for the completion of a form, which the complainant did not appear to have read before she sold the product. In balancing the rights of the parties in this complaint, while the broadcast footage showed the complainant conducting business activities in her home, a place where the public would not normally have access, we recognised that the complainant was not named in the programme and the footage of her had been blurred and her voice altered. We also acknowledged that the broadcaster had taken further steps to limit the extent of the intrusion by not including any personal details about her in the programme, nor the area she lived in, and by blurring the personal effects which were visible in the footage.

Therefore, taking all the above factors into account, Ofcom considered that, on balance, the broadcaster's right to freedom of expression and the viewer's right to receive information and ideas without undue interference outweighed the complainant's limited legitimate expectation of privacy in relation to the inclusion of the footage of her in the programme as broadcast. We therefore considered that the complainant's privacy was not unwarrantably infringed in the programme as broadcast.

Ofcom has not upheld Miss J's complaint of unwarranted infringement of privacy in connection with the obtaining of material included in the programme, and in the programme as broadcast.