



James Whale Unleashed

Type of case	Broadcast Standards
Outcome	In Breach
Service	Local TV - Various
Date & time	6 April 2024, 19:45
Category	Offensive language
Summary	The most offensive language was broadcast before the watershed. In breach of Rule 1.14 of the Broadcasting Code.

Introduction

Local TV Limited operates eight TV services providing local content on Freeview and Virgin Media – Local TV Birmingham, Local TV Bristol, Local TV Cardiff, Local TV Leeds, Local TV Liverpool, Local TV North Wales, Local TV Teesside, and Local TV Tyne & Wear. The licences for these services are held by Local TV Limited (“Local TV” or “the Licensee”).

In January 2023, Local TV launched a content-sharing and commercial partnership with News UK Limited¹, which owns TalkTV², a separate broadcast service which includes current affairs and discussion programmes. Under this arrangement, Local TV simulcasts TalkTV content in its programming schedule to complement its local programming³. As a condition of its broadcasting licence, Local TV remains responsible for ensuring that all output on its channels (including any simulcast content) complies with the requirements of Ofcom’s Broadcasting Code (“the Code”).

¹ On 18 October 2023 Local TV Limited announced the rebranding of eight local TV stations under the TalkTV banner, with service names on the EPG changing from “Local TV [location]” to “Talk[location]”.

² Since this programme was broadcast, TalkTV has been rebranded to ‘Talk’.

³ Ofcom understands that the arrangement between Local TV Limited and News UK to simulcast TalkTV content ended on 30 April 2024.

James Whale Unleashed is a weekly three-hour discussion programme presented by James Whale which is typically broadcast on Saturdays between 19:00 and 22:00. Ofcom received a complaint about the use of offensive language during the broadcast of *James Whale Unleashed* on 6 April 2024.

This programme included a discussion between two guests about the conflict in Israel and Gaza. During this discussion, at approximately 19:45, one of the guests said: “[H]e’s been shushing me all fucking interview” in reference to the other guest. James Whale then said: “Uh, thank you both, we’re going to take a break” and the programme went to a commercial break.

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

Rule 1.14: “The most offensive language must not be broadcast before the watershed (in the case of television)...”.

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

Response

The Licensee apologised to Ofcom for the “unexpected use of offensive language” and the “lack of a clear apology” at the time of broadcast.

Local TV said that the presenter had believed that “his swift action in terminating the interview by calling for an immediate commercial break” and his “evident displeasure and disappointment” was sufficient to mitigate any offence caused to viewers. It added that the programme had been “monitored live by Local TV’s compliance team” who had not heard the broadcast of the offensive language and that, if it had, it “would have ensured an apology was made on air”.

The Licensee said that it takes its responsibilities to audiences “extremely seriously” and said that “while this particular programme attracts an adult audience”, it regrets the broadcast of offensive language on its channels. Local TV added that it was not its intention “to upset or offend anyone, nor to breach the 21.00 watershed”.

The Licensee said that it has “robust procedures in place to ensure content is suitable for audiences on our channels” and that this includes “reviewing compliance procedures in place for any partner content we decide to include in our schedules”. It added that it is “satisfied that Talk TV has robust procedures in place”, and that it had “discussed this incident in detail with Talk TV” and that it understood that the incident occurred due to the producer not hearing the word “*fucking*”.

Local TV said that it has also reviewed its own internal compliance processes, and that “all staff have been reminded of our agreed processes, and the need to be alert to the potential for offensive language, particularly during live programming”.

The Licensee concluded its response by explaining that “while Local TV does not currently air any live programming⁴, we are confident that we have the correct procedures in place” and that “should we resume live programming, we will review these procedures again and ensure all staff fully understand them”.

⁴ Ibid.

Ofcom prepared a Preliminary View finding the programme in breach of Rule 1.14 and provided it to Local TV for its comments. In response, Local TV confirmed that it had “no further comments to make other than to say we are incredibly sorry for any offence caused” and that it has “reviewed our processes to ensure this does not happen again”.

Decision

Reflecting our duties under the Communications Act 2003, Section One of the Code requires that people under eighteen are protected from unsuitable material in programmes.

Ofcom takes account of the audience’s and the broadcaster’s rights to freedom of expression as set out in Article 10 of the European Convention on Human Rights when considering a broadcaster’s compliance with the Code.

Rule 1.14 prohibits the broadcast of the most offensive language on television before the watershed.

When considering this case, Ofcom took into account our 2021 research into [Public attitudes towards offensive language on TV and radio](#). This research found that the word “fuck” and its variations were considered by audiences to be among the most offensive language and required clear and strong contextual justification after the watershed. It also found audiences consider that, in order to protect children, this word should not be aired before the watershed on television. The research also showed that audiences appreciate quick and timely apologies after offensive language is used in live programming.

In this case, the broadcast of the word “*fucking*” at 19:45 was a clear example of the most offensive language being broadcast before the watershed.

Ofcom took into account: the Licensee’s apology to Ofcom; its representations that the presenter had displayed “evident displeasure and disappointment” after the use of the offensive language and had terminated the interview and cut to a commercial break; and the steps it said it had taken to prevent a recurrence. However, Ofcom also took into account that there was no apology to viewers immediately after the incident or following the commercial break.

Given the above, Ofcom’s Decision is that the broadcast was in breach of Rule 1.14.

Decision: Breach of 1.14