

Programme complaints bulletin

Standards & Fairness and Privacy

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Introduction

The Communications Act allows for the Codes of the legacy regulators to remain in force until such time as Ofcom has developed its own Codes. These will be published at the end of 2004 following a full public consultation.

The Codes currently in force for programming are:

- **Advertising and Sponsorship Code**
Radio Authority
- **News and Current Affairs Code & Programme Code**
Radio Authority
- **Code on Standards**
Broadcasting Standards Commission
- **Code on Fairness and Privacy**
Broadcasting Standards Commission
- **Programme Code**
Independent Television Commission
- **Code of Programme Sponsorship**
Independent Television Commission

These are all available on the Ofcom website: www.ofcom.org.uk

The cases have been considered against the above Codes.

- Some programmes will have breached the relevant code (Upheld).
- Others will not have breached the code (Not upheld).
- However, there may be occasions where Ofcom recognises that a broadcaster has taken appropriate action in response to an issue (for instance, the broadcaster may recognise that an error has occurred and taken responsible steps to rectify it). Ofcom will consider that these complaints have been resolved. But even when such action has been taken, Ofcom may still consider it appropriate to find that the programme breached the Code due to the seriousness of the issues involved.

The layout of the report reflects these distinctions.

Standards cases

Breaches

Amy & Isabelle

Five, 18 February, 15:40

Issue

This film concerned a 16-year old girl's rite of passage between childhood and adolescence, including a growing relationship with her teacher. This echoed a similar incident in her mother's life when, as a teenager, she became pregnant with her daughter by a family friend.

Three viewers were concerned about a particular scene, in which the girl had a secret meeting with her teacher and he asked her to remove her clothes. Viewers believed that the strong sexual overtones of this scene were unsuitable at this time of day when children could have been watching in large numbers, especially as it was half-term.

Response

Five believed that the scene was pivotal to the film and could not have been cut. The discovery of the girl's relationship with her teacher was the catalyst for her mother's violent outburst at her daughter and the subsequent understanding that grew between them because of a shared experience.

The broadcaster had taken full account of the content when scheduling the film. The few instances of casual swearing were removed. A 'G' for guidance announcement informed parents and carers that it might be unsuitable for younger viewers. There was no representation of sexual intercourse or any nudity. The sexual aspects of the scene were conveyed primarily through dialogue and expression. There was no physical contact beyond one brief shot of the teacher stroking the girl's knee. Given the significance of this scene, Five believed that the portrayal of this sexual behaviour was appropriately limited and inexplicit.

Decision

Recognising that the complete removal of this scene would undermine the integrity of the film, we questioned the suitability of scheduling this film at half-term when many more children than usual were available to watch. The 'guidance' rating did not give specific information about aspects of the film. During term-time, children are less likely to watch the afternoon film as most arrive home part-way through, rather than being available to watch from the beginning. Although this film primarily appealed to an adult audience, with 1.2 million viewers, 7 per cent of this audience were children: 56,000 aged 4-9. The fact that a

central character was a teenage girl may also have attracted some younger viewers.

While the actual imagery was confined to the removal of some clothing, including her bra, and brief contact, the dialogue expressed clearly the teacher's inappropriate sexual intent. The extended scene was strongly sexual, showing the relationship developing into an inappropriate liaison. The relationship had an element of inequality in terms of their respective power and by virtue of this, the teacher's requests could be interpreted as coercive.

We considered that, given the tone of this scene, it had been inappropriately scheduled.

This scene was in breach of Section 1.2 (*Family Viewing and the Watershed*).

Ding Ding Dong: Gunter

The Box, 10 April, 14:20

Issue

The Box is a music channel operated by Emap Performance TV.

A viewer thought that this video was too sexually explicit to show on a Saturday afternoon when her children were watching.

Response

Emap said that it thought that the video was acceptable for showing pre-watershed. The entire content was clearly tongue in cheek, fun and humorous. It thought the content went no further than a *Carry On* film or Chuck Berry's classic song *My Ding-a-ling*. The video had a single fleeting view of a naked man filmed from behind.

Decision

The Programme Code states that any portrayal of sexual behaviour shown before the watershed must be appropriately limited and inexplicit. Although this video appeared to be a pastiche of a 1980s soft porn movie, much of the content was inexplicit. However, we felt that certain scenes, including ones of two men caressing a woman's breasts and two women caressing each other, were too explicit to be broadcast at times when younger children were likely to be watching.

The video was in breach of Section 1.2 (Family Viewing and the Watershed).

Standards cases

Resolved cases

Third Watch

Channel 4, 28 April, 10:45 & 3 June, 10:50

Issue This drama series follows the lives and work of the emergency services in New York. A viewer complained about a brief scene in which a fire-fighter had sex with another colleague's girlfriend, which they thought was unacceptable for the time of day. Another viewer saw this scene repeated in the episode on 3 June.

Response Channel 4 said that it agreed that this scene was not appropriate for broadcast at that time of day. It apologised for the offence caused.

Although Channel 4 had a rigorous compliance procedure in place, a staff member neglected to refer this scene to a higher level at the channel, as would usually be the case. They had considered that the scene was relatively brief, included no nudity and formed an essential part of the storyline. However when senior staff had subsequently reviewed the episode, they considered that the scene was not appropriate for that time of the morning.

Although this was an isolated incident, staff had been reminded of the need to follow the compliance procedure at all times. Channel 4 assured us that these episodes would not be shown before the 9pm watershed again unless the relevant scene was carefully edited. Channel 4 said that it was also reviewing all future episodes of this series to ensure that they were suitable for daytime viewing.

Decision Channel 4 shows a significant amount of unproblematic US originated programming during the day. However, on this occasion, its compliance procedures had not dealt with a brief sex scene which we agreed was unsuitable for broadcast at that time. As Channel 4 had taken immediate action and assured us that its procedures had been reinforced, we considered that the issue had been resolved.

Complaints resolved.

Emmerdale (Sponsorship Credits)

ITV1, May

Issue A new campaign for the programme's sponsor, Heinz Salad Cream, used a technique based on the 'Chinese Whispers' game. In this credit, a man overhears someone saying "It were Mad Cow Disease", but mishears and passes this on as "She's a mad cow, Denise". Three viewers were upset at this reference to new variant CJD.

Response ITV told us that it had already agreed with the sponsor to withdraw this credit. There had been no intention to cause offence. The BSE epidemic in the mid-1980s had generated humour in many forms, probably due to the fact that it affected animals, not humans. Only in 1996 did it become clear that new variant CJD affected humans. However the humour around Mad Cow Disease persisted in popular culture but with a clear separation from CJD and the human suffering involved. The sponsor credit was created with this separation in mind.

However, during a routine review, ITV and the sponsor discussed the possibility of a connection between the two diseases and possible distress to relatives and the campaign was withdrawn by mutual agreement.

Decision We appreciated the broadcaster's and sponsor's decision to withdraw the credit early in the campaign, as the possibility of offence became clearer. We welcomed the prompt action and decided that the broadcaster had dealt with this issue satisfactorily.

Complaints resolved.

Back to Reality

Five, 16 February, 14:30

Issue

This reality series brought together personalities from other reality series for a further contest. As part of the live afternoon feed, viewers had the opportunity to text in to the show and have their comments displayed in a crawler at the bottom of the screen.

A viewer complained that one of the comments read: “Rik you fat fuck”, which they felt was inappropriate for broadcast at the time of day.

Response

Five accepted that this was unacceptable and explained that it was due to human error by one of the channel’s interactive team; sending the comment onto the screen, rather than into the electronic trash can. It broadcast an immediate apology and the Duty Office was instructed to apologise to any viewers who called about this. Five proposes to use this error to inform any future policies where interactive messaging is concerned.

Decision

We accepted that Five had apologised to viewers and taken action as soon as the mistake was noticed. We welcome the action taken to avoid any repetition and feel that it has resolved the issue.

Complaint resolved.

Choice Cuts

Men & Motors, 20 March, 12.00

Issue

Choice Cuts is a collection of home-video clips of motorbike stunts, crashes and high speed driving linked by two presenters. The content was produced originally by a motorbike magazine using readers' contributions. Many of the sequences had been filmed at racetracks and other off-road locations, but some had been shot on open public roads.

One viewer complained that some of the behaviour shown on public roads was dangerous, illegal and could encourage emulation.

Response

Men & Motors explained that it considered footage of stunts on public roads very carefully and removed material it believed to be dangerous. In addition, it had a policy of not showing any footage containing crashes or stunts in which anyone had been killed. The broadcaster also pointed to crawling captions displayed during the programme which, it said, "...convey a message of clear caution and also compliance with the Highway Code."

Although the channel had edited ten minutes out of Choice Cuts, the version which went to air on this occasion had still included footage which was supposed to have been edited out. It mentioned particularly a sequence showing a bike being ridden fast through dense traffic. The broadcaster said that it had taken steps to ensure that its system did not allow this sort of mistake to be repeated.

Decision

We agreed that the programme shown on 20 March included certain sequences which, rather than acting as a deterrent, may have seemed to endorse the bikers' actions.

As Men and Motors recognised the problem and were taking steps to ensure that it was not repeated, we considered the matter resolved.

Complaint resolved.

Top of the Pops
BBC1, 9 April, 19:30

Issue

Seven viewers complained about a performance by D12, during which Eminem was seen repeatedly touching his genital area.

Response

The BBC said that D12, with Eminem, were giving their first performance on the programme. D12's style of rap had a loyal following and most of the audience would have seen Eminem's gestures as an acceptable and natural part of his act. However opinion is divided as to whether the gestures are indecent or merely the latest style of dance display.

The broadcaster said that as *Top of the Pops* is a programme that caters for an audience with a range of ages and tastes, the programme team had, before the broadcast, asked the performers to tone down the routine. They went ahead with the broadcast on the basis that the performers had agreed to comply with the request not to use the gesture in question. As the broadcast was live, there was little to be done when the agreement was not kept. The situation was made worse by the length of the performance and the frequency of the gestures, many of which were seen from a low camera angle.

When the song was included in a subsequent edition of *Top of the Pops*, the programme-makers did not use the recording of the broadcast performance. Instead they prepared an edited version of the recorded dress rehearsal in which the gesture had featured less prominently.

Decision

In view of the action taken by the BBC, both before and after the broadcast, and the acknowledgment that the broadcast had caused offence, we thought that the broadcaster had dealt with the matter satisfactorily.

Complaints resolved.

Steve Penk

Key 103 (Manchester), 27 May, 10:00

Issue A listener complained that an item contained a ‘rant’ from a presenter, which contained repeated swearing (‘fuck’) that could clearly be heard as it had not been entirely successfully bleeped out.

Response Key 103 told us that the item had aimed to parody ‘*Hell’s Kitchen*’ and had been broadcast after 10am, which was outside the school run period. The intention had been to entertain in a topical way and not offend. However, the station said that it would make sure that any future production of a similar kind was fully bleeped out to avoid confusion or potential offence.

Decision The editing of the item had not been entirely successful and the swear words used, although in an attempt at parody, could still be partially heard. We welcomed the station’s assurance that more attention would be paid to fully bleeping out such language, to avoid potential offence.

Complaint resolved.

Standards cases

Not in Breach

Secret Intersex

Channel 4, 6 April, 21.00

Issue

This was the second of two programmes about ‘intersex identity’. The programme was about three people whose lives had been affected by Klinefelter’s Syndrome (KS). All three had been brought up as boys, but had not masculinised fully at puberty. Paula and Andrea felt happier living as women. Steph was a gay man.

Ofcom received 92 complaints about the programme, many of which came via the Klinefelter’s Syndrome Association. Complainants thought that the programme had not accurately represented the condition and exploited a vulnerable group of people. Some also mentioned that there was no input from the Klinefelter’s Syndrome Association or signpost to the KSA at the end of the programme.

Response

Channel 4 drew attention to a number of authoritative sources in support of the association of KS and intersexuality; it was also the term that two of the three people featured in the programme used in referring to their condition. Reflecting the lack of agreement in this area, however, the programme commentary mentioned that medical opinion in Britain is still divided as to whether KS was a true intersex condition.

On the question of secondary sexual characteristics, Channel 4 defended the accuracy of the programme’s depiction of the physical features of KS men, citing, among other sources, the KSA’s own website. The programme naturally focused on the physical features of the three main contributors, but pointed out that such physical attributes did not necessarily appear in all KS men. Both this and the first programme in the series were rigorously researched and the final tapes and commentary checked by a consultant endocrinologist and acknowledged expert in intersex conditions.

The primary focus of the programme was on how the three contributors ‘lived with’ KS. Channel 4 said that this was not, nor ever advertised itself to be, a comprehensive study of the condition. Early on in the commentary, it was made clear that “most men with Klinefelter’s Syndrome live relatively normal lives but, for a few, the effects are so profound they literally see themselves as caught between the sexes”. There was no element of exploitation or sensationalism. Those featured had welcomed the opportunity to tell viewers their stories – how they had previously lived ‘secret lives’ but now

felt comfortable enough to talk openly about their intersexuality. They were unqualified in their praise of the sensitive way their stories had been handled.

The programme makers had contacted the KSA during the making of the programme but no members wanted to be filmed. Both the KSA and the Klinefelter's Organisation (KO) sent the production team literature which was used for reference. Publicity for individual charities at the end of programmes may be challenged by other organisations in the field which were not mentioned. For this reason, viewers are normally referred to the broadcaster's neutral website where, in this case, comprehensive further information about KS was made available, including contact information for the KSA and other relevant organisations.

Decision

We understand how, when a programme features individuals with a rare or unusual physical condition, some viewers may expect it to cover all manifestations of that condition and have a relevance for all affected by it. However, this was a human interest programme about three individuals who were born with Klinefelter's Syndrome and had in their different ways successfully adapted to it.

The programme made no claims to be a comprehensive study. We consider that the programme was properly researched and made an appropriate distinction between the three individuals featured and general aspects of Klinefelter's Syndrome.

The programme was not in breach of the Programme Code.

Animal Passions

Channel 4, 21 June, 22:45

Issue

This hour-long documentary about zoophilia was a follow-up to an earlier film on the same subject broadcast in 1999. This second film was not entirely new, incorporating some footage from the earlier film. It was filmed entirely in the USA.

A total of 75 viewers complained about the programme. It appeared that about half had not watched the programme but objected to the subject itself being aired on television. Some felt that the film normalised bestiality and could lead to emulation.

Decision

The Programme Code states that television “licensees may make programmes about any issues they choose”. Our concern is with the *treatment* of material.

There was a clear verbal and visual warning about the potentially ‘deeply disturbing’ nature of the subject matter. The programme was broadcast at an appropriately late time.

There was nothing in the programme that was visually explicit concerning human/animal sexual contact. Although there was some fairly frank discussion about it, viewers would have been prepared for this by the clear warning.

This was a serious documentary exploring a rare minority sexual orientation. Although the programme gave an opportunity for zoophiles to express their opinions, the effect was neither to sensationalise nor normalise their behaviour. Some of them spoke of zoophilia as an affliction and the programme would not have encouraged similar behaviour in other people not already so inclined.

Having carefully considered the programme, we consider that it was properly edited, scheduled and signposted for public broadcast.

The programme was not in breach of the Programme Code.

Other programmes not in breach/out of remit (22 June – 5 July)

| Programme | Channel | Trans Date | Category | No of Complaints |
|---------------------------------------|----------------|-------------------|-----------------|-------------------------|
| 10 Years Younger | Channel 4 | 25/05/2004 | Offence | 2 |
| 30 Minutes | Channel 4 | 05/06/2004 | Impartiality | 1 |
| A Place in Greece | Channel 4 | 27/05/2004 | Language | 1 |
| A Victorian Spring | ITV1 | 23/06/2004 | Offence | 1 |
| Amnesia | ITV1 | 29/03/2004 | Language | 1 |
| Ant and Dec's Saturday Night Takeaway | ITV1 | 20/03/2004 | Offence | 1 |
| Ant and Dec's Saturday Night Takeaway | ITV1 | 17/04/2004 | Offence | 3 |
| Bad Girls | ITV1 | 21/05/2004 | Racial Offence | 3 |
| Bad Girls | ITV1 | 28/04/2004 | Offence | 1 |
| Battle Royale | Channel 4 | 10/05/2004 | Miscellaneous | 1 |
| BBC News | BBC1 | – | Accuracy | 1 |
| BBC News | BBC1 | 08/06/2004 | Accuracy | 1 |
| BBC News | BBC1 | – | Impartiality | 1 |
| BBC News | BBC1 | 21/06/2004 | Offence | 1 |
| BBC Radio 4 | BBC Radio 4 | 21/05/2004 | Language | 1 |
| BBC Six O'Clock News | BBC1 | 28/04/2004 | Accuracy | 1 |
| BBC Ten O'Clock News | BBC1 | 23/06/2004 | Offence | 1 |
| Big Brother | Channel 4 | 31/05/2004 | Offence | 1 |
| Big Brother | Channel 4 | 12/06/2004 | Language | 1 |
| Big Brother (promo) | Channel 4 | – | Offensive | 3 |
| Big Brother | Channel 4 | 13/06/2004 | Offence | 2 |
| Big Brother | Channel 4 | 11/06/2004 | Offence | 1 |

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|--|--------------|------------|------------------|---|
| Big Brother | Channel 4 | 13/06/2004 | Misleading | 1 |
| Big Brother | Channel 4 | 19/06/2004 | Sexual Portrayal | 3 |
| Big Brother | Channel 4 | 22/06/2004 | Language | 1 |
| Big Brother | Channel 4 | 21/06/2004 | Language | 1 |
| Big Brother's Little Brother | Channel 4 | 03/06/2004 | Scheduling | 1 |
| Boothby Graffoe in No Particular Order | BBC Radio 4 | 18/03/2004 | Scheduling | 1 |
| Brainteaser | Five | 01/07/2004 | Misleading | 1 |
| C3 News | ITV1 | 23/06/2004 | Impartiality | 1 |
| C4 News | Channel 4 | 27/05/2004 | Impartiality | 1 |
| C4 Promo | Channel 4 | – | Impartiality | 4 |
| Car Wars | BBC1 | 03/06/2004 | Offence | 1 |
| Channel 4 News | Channel 4 | 21/06/2004 | Accuracy | 1 |
| Classic Gold | Classic Gold | – | Miscellaneous | 1 |
| Classic Gold Matchmaker | Classic Gold | – | Miscellaneous | 1 |
| Community Radio | 87.9 Gala FM | 01/06/2004 | Language | 1 |
| Competition | Classic FM | – | Offence | 1 |
| Coronation Street | ITV1 | 31/05/2004 | Offence | 1 |
| Coronation Street | ITV1 | 21/06/2004 | Language | 1 |
| Coronation Street | ITV1 | 30/06/2004 | Offence | 1 |
| Cutting It | ITV1 | 04/05/2004 | Scheduling | 1 |
| D-Day | BBC1 | 06/06/2004 | Language | 2 |
| Dead Ringers | BBC2 | 22/05/2004 | Offence | 1 |
| Dead Ringers | BBC1 | 10/05/2004 | Offence | 1 |
| Death on Camera | BBC1 | 14/04/2004 | Offence | 1 |

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|-----------------------------|----------------|------------|------------------|---|
| EastEnders | BBC1 | – | Violence | 1 |
| Election Night | BBC2 | 13/06/2004 | Offence | 1 |
| Emmerdale | ITV1 | 04/02/2004 | Offence | 1 |
| Emmerdale | ITV1 | 21/04/2004 | Scheduling | 1 |
| Emmerdale | ITV1 | 27/06/2004 | Sexual Portrayal | 7 |
| Emmerdale | ITV1 | 30/06/2004 | Offence | 1 |
| European Football | ITV1 | – | Impartiality | 1 |
| European Football | ITV1 | 18/06/2004 | Offence | 1 |
| Experimental | Channel 4 | 21/05/2004 | Offence | 1 |
| Extreme | Extreme Sports | 18/05/2004 | Offence | 1 |
| Fantasy Football: Euro 2004 | ITV1 | 11/06/2004 | Offence | 3 |
| Fantasy Football: Euro 2004 | ITV1 | 18/06/2004 | Offence | 2 |
| Flog it | BBC1 | – | Offence | 1 |
| Fox News | Fox News | 26/05/2004 | Impartiality | 1 |
| Friendly TV | Friendly TV | – | Miscellaneous | 1 |
| GMTV | ITV1 | – | Miscellaneous | 1 |
| Goodfellas | Channel 4 | 20/06/2004 | Violence | 4 |
| Grand Prix | ITV1 | 20/06/2004 | Offence | 1 |
| Growing Up Gay | Channel 4 | 17/06/2004 | Offence | 1 |
| Hell's Kitchen | ITV1 | 27/05/2004 | Accuracy | 1 |
| Hell's Kitchen | ITV1 | – | Offence | 1 |
| Holby City | BBC1 | 27/04/2004 | Misleading | 1 |
| Hollyoaks | Channel 4 | 29/06/2004 | Sexual Portrayal | 1 |
| How To Catch a Child Killer | Five | 11/01/2004 | Offence | 1 |

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|---|--------------------|------------|-------------------|---|
| Intergalactic Kitchen | BBC1 | 19/03/2004 | Violence | 1 |
| Key 103 Radio | Key 103 | – | Religious Offence | 1 |
| King Street Junior Revisited | BBC Radio 4 | 23/06/2004 | Offence | 1 |
| LBC | LBC | – | Offence | 1 |
| Learner Drivers | ITV1 | 14/03/2004 | Language | 1 |
| Loose Women | ITV1 | 23/06/2004 | Sexual Portrayal | 1 |
| Match of the Day | BBC1 | 17/06/2004 | Religious Offence | 2 |
| Match of the Day | BBC1 | 19/06/2004 | Offence | 1 |
| Men and Motors | Men & Motors | 11/06/2004 | Language | 1 |
| Michaela's Wild Challenge | Five | 11/04/2004 | Offence | 1 |
| Ministry of Mayhem | ITV | 26/06/2004 | Offence | 2 |
| My Favourite Hymns | ITV1 | 14/03/2004 | Religious Offence | 1 |
| Newsnight | BBC2 | 07/06/2004 | Offence | 1 |
| Passer By | BBC1 | 28/03/2004 | Language | 1 |
| Peter Kay's Phoenix Nights | Channel 4 | 01/07/2004 | Religious Offence | 1 |
| Poor Little Rich Girls | ITV1 | 03/06/2004 | Offence | 2 |
| Popetown | BBC | – | Religious Offence | 1 |
| Porn: A Family Business | Channel 4 | 10/06/2004 | Sexual Portrayal | 3 |
| Pub Ammo | Five | 01/05/2004 | Offence | 2 |
| Radio Scotland | BBC Radio Scotland | – | Language | 1 |
| Real Crime: Who Killed the Pageant Queen? | ITV1 | 15/06/2004 | Offence | 1 |
| Real Sex | Five | 18/03/2004 | Sexual Portrayal | 1 |
| Richard and Judy | Channel 4 | 22/03/2004 | Offence | 1 |
| Richard and Judy | Channel 4 | 04/05/2004 | Language | 2 |

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|----------------------|--------------|------------|-------------------|---|
| Richard and Judy | Channel 4 | 11/05/2004 | Offence | 1 |
| Richard and Judy | Channel 4 | 14/05/2004 | Offence | 1 |
| Russell Brand | Channel 4 | 17/02/2004 | Offence | 1 |
| Secret Swami | BBC2 | 17/06/2004 | Accuracy | 1 |
| Sex and Lies | BBC2 | 08/06/2004 | Language | 1 |
| Shariah TV | Channel 4 | 28/04/2004 | Offence | 1 |
| Shattered | Channel 4 | 04/01/2004 | Offence | 1 |
| Show Me The Money | Hollywood TV | 22/05/2004 | Misleading | 1 |
| Silent Witness | UK TV Drama | 17/05/2004 | Sexual Portrayal | 1 |
| Sky News | Sky News | 07/06/2004 | Offence | 1 |
| Sky News | Sky News | 25/06/2004 | Offence | 1 |
| Smash Hits Chart | Channel 4 | 03/05/2004 | Sexual Portrayal | 1 |
| Sunday Sports | BBC2 | 20/06/2004 | Language | 1 |
| Taggart | ITV1 | 30/04/2004 | Violence | 1 |
| Talksport | Talksport | 03/06/2004 | Offence | 1 |
| The Great Plague | Channel 4 | 19/06/2004 | Sexual Portrayal | 1 |
| The Last Detective | ITV1 | 07/03/2004 | Miscellaneous | 1 |
| The Lenny Henry Show | BBC1 | 07/05/2004 | Offence | 1 |
| The News Quiz | BBC | 24/04/2004 | Language | 1 |
| The OC | Channel 4 | 29/05/2004 | Sexual Portrayal | 2 |
| The Osbournes | MTV | 28/03/2004 | Religious Offence | 2 |
| The Today Programme | BBC Radio 4 | 09/06/2004 | Impartiality | 1 |
| The Wright Stuff | Five | 25/05/2004 | Offence | 1 |
| This Morning | ITV1 | 27/04/2004 | Sexual Portrayal | 1 |

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|------------------------------|-------------|------------|----------------------|---|
| This Morning | ITV1 | 17/06/2004 | Impartiality | 1 |
| TMF – The Music Factory | TMF | 13/06/2004 | Language | 1 |
| Today Programme | BBC Radio 4 | 17/03/2004 | Impartiality | 1 |
| Tonight with Trevor McDonald | ITV1 | 26/04/2004 | Impartiality | 5 |
| Top Gear | BBC2 | 23/05/2004 | Offensive | 2 |
| Top Up TV | Top Up TV | – | Misleading | 1 |
| Traffic Cops | BBC1 | 13/06/2004 | Language | 1 |
| Trailer/Promo for Film Four | Channel 4 | 20/06/2004 | Religious Offence | 1 |
| Vibe FM | Vibe FM | – | Language | 1 |
| Vincent: the Full Story | Channel 4 | 30/05/2004 | Violence | 1 |
| Weakest Link | BBC2 | 01/06/2004 | Religious Offence | 1 |
| Without Prejudice | Channel 4 | 19/03/2004 | Religious Offence | 2 |
| XFM | XFM | 01/06/2004 | Offence | 1 |
| You Are What You Eat | Channel 4 | 29/06/2004 | Offence | 2 |
| Zee TV | Zee TV | – | Scheduling | 2 |
| Zero to Hero | Channel 4 | 09/05/2004 | Scheduling | 1 |

Fairness and Privacy cases

Where a complaint is upheld, a summary of the adjudication is included. Where a complaint is not upheld there is only a note of the outcome.

For a copy of the full adjudication in either case go to Ofcom's website at www.ofcom.org.uk/bulletins/ or send a stamped addressed envelope to: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Summary of Adjudication

Complaint from Ms B

Meridian Tonight, ITV1 (Meridian), 16 February 2004

Ofcom has upheld a complaint from Ms B about *Meridian Tonight*. Ms B complained that the news programme infringed her privacy without justification and was unfair to her.

Ms B had agreed to take part in a news item, relating to a violent attack on her, on the condition that her face would be obscured. However, in the introduction to the item, the programme mistakenly showed a picture of her and referred to the town where she now lived. *Meridian Tonight* accepted it had inadvertently broken its agreement with Ms B and offered her their unreserved apologies. Ofcom decided that including Ms B's photograph and naming the town where she lived in the programme infringed Ms B's privacy. There was no justification for this.

Ofcom also found that describing her attacker as her "former boyfriend" was inaccurate and in these circumstances insensitive. It was unfair to Ms B.

Unfairness in the programme – Upheld

Infringement of privacy in the programme – Upheld

Not Upheld

| Complainant | Programme | Date & Broadcaster | Type of complaint |
|---|-----------------------|-------------------------------|--------------------------|
| Ms Claire Toche | Watchdog | 14.3.04 BBC1 | Unfairness |
| Mr Richard McDermott on behalf of Aylesbury NDC | Dispatches: Thug Life | 23.10.03 | Unfairness |