

# Programme complaints bulletin

Standards & Fairness and Privacy

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**Ofcom**  
OFFICE OF COMMUNICATIONS

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## Introduction

The following complaints were received by the legacy regulators prior to the commencement of Ofcom. Under the terms of the Communications Act 2003, they became the responsibility of Ofcom on 29 December 2003.

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. Ofcom has consulted on its new draft Code.

The new Code will be published in 2005.

The Codes currently in force for programming are:

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

*Copies of the full adjudications for Upheld and Not Upheld Fairness and Privacy cases can be found on the Ofcom website: [www.ofcom.org.uk](http://www.ofcom.org.uk)*

# Standards cases

## In Breach

### **Fight Club**

Sci Fi Channel, 3 August, 14:58

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#### **Introduction**

A viewer complained about offensive language (“arse”, “nuts”, “pissing”), deviant sexual activity and violence in this trail, broadcast when children could be viewing.

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#### **Response**

Sci Fi explained that, according to audience figures, no children were viewing the channel at this time. This trail was scheduled in an advertisement break during a documentary on the KGB.

However, it agreed that elements of the trail were too adult in content to be shown at this time of day and apologised for the offence caused to the viewer. On investigation, it emerged that an error had occurred, as the producer of the trail was unaware of the necessity to specify timing restrictions. Presentation, therefore, scheduled the trail in daytime.

The licensee has now put in place procedures to ensure that similar mistakes do not reoccur.

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#### **Decision**

Although few children were likely to be watching this documentary, this slot was not well established as one for adult viewers. The trail was broadcast during the school holidays and the channel does show programmes during the day that appeal to younger viewers. The content of this trail went beyond what is acceptable before the 9pm watershed.

Although we welcome Sci Fi’s actions to prevent any recurrence of this error, we published our concern about the inappropriate scheduling of films on the channel earlier this year. We remain concerned that Sci Fi’s compliance procedures are not operating properly to avoid these errors.

**This trail was in breach of Section 1.4(iii) (Trailers and Programme Promotions) of the Programme Code.**

### **Third World Cop**

ACTV (African & Caribbean Television), 4 August, 18:50

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#### **Introduction**

A viewer was concerned by the scheduling of this film, which they said contained swearing (“fucking”), a graphic portrayal of sex and violence.

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#### **Response**

ACTV explained that at the time, an external contractor carried out the channel’s scheduling. Although it had instructed the contractor not to show this film before the 9pm watershed, on this occasion these instructions were not followed.

The broadcaster gave reassurances that a similar mistakes would not reoccur, as future scheduling would be done in-house.

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#### **Decision**

The scheduling of this film with its violence, language, portrayal of sex at 18:50 was clearly inappropriate.

As this was a serious misjudgement, we expect the licensee to put into place proper procedures to prevent any recurrence.

**This film was in breach of Section 1.4 (c) (Feature Films and other Acquired Material) of the Programme Code**

## **Big Brother**

Channel 4, 20 July, 22:00

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**Introduction** This series of *Big Brother* was sponsored by Talk Talk, the home phone service from the Carphone Warehouse. A series of sponsorship credits were used around the programme, some of which featured the statement “Free Talk on Talk Talk” in both text and voiceover. BT complained that these credits were unacceptable because ‘free talk’ was a reference to a benefit of the sponsor’s service.

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**Response** Channel 4 stated that the intention of the credits was to reflect the link between the programme and the sponsor (as required by Section 11.1.2 of Ofcom’s Code of Programme Sponsorship). Over the years, *Big Brother* has developed a reputation for showing housemates talking freely amongst themselves. This was the essence of *Big Brother*; it is a series primarily about the dynamic of relationship and talk. The essence of Talk Talk as a product is also encouraging people to talk as much and as freely as possible. Hence, the narrative of the sponsorship campaign was essentially focused on relationships and the desire to talk freely. The ‘free talk’ reference was no more than a phrase to reflect the synergy between the essence of *Big Brother* the programme, and Talk Talk as a service and sponsor of the programme. It was not intended as, nor amounted to, a specific reference to an attribute, benefit or price of the sponsoring service but was seeking to fulfil the obligation imposed by Section 11.1.2 of the Code.

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**Decision** Sponsorship credits should be distinct from advertising and, as such, should contain no direct invitation to purchase the sponsor’s goods or services or include specific references to the attributes, benefits or prices of those products or services. We believe the statement ‘free talk on Talk Talk’ did promote a benefit of the Talk Talk service - free calls to other Talk Talk customers – and was unlikely to be seen as a reference to the freedom to talk openly.

**The credits containing the ‘free talk’ reference were in breach of Section 11.1.4 of the Code of Programme Sponsorship.**

**City Beat 96.7**  
28 June, 22:00

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**Introduction** A listener objected to a presenter referring to adult films in his conversation with a 13 year old caller.

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**Response** CityBeat agreed that it was an error of judgement on the part of the presenter to take a call from someone of that age on a late night phone-in programme, where the content is mainly of an adult nature. In light of this complaint the broadcaster had implemented a policy that no caller under the age of sixteen was allowed on air on this show. The matter had also been discussed in depth with the presenter concerned, who acknowledged his mistake.

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**Decision** The conversation between the presenter and a girl of 13 included a range of subjects that were appropriate to her age. However, when the subject turned to what films she liked, the presenter asked whether she knew films such as *'Debbie Does Dallas'* and *'Red Hot Dutch Girls'*. The presenter did not dwell on the subject and it was obvious that the girl did not understand the point of the question.

We welcomed the safeguards put in place by the broadcaster to prevent such any reoccurrence. However we thought that to ask a young caller such a question was certainly inappropriate.

**The conversation was in breach of Section 3.5  
(Interviewing of Children) of The Programme Code**

# Standards cases

## Resolved Cases

### **The X Files**

FX Channel, 28 July, 16:00

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#### **Introduction**

*The X Files* is a drama series devoted to the solving of cases that appear to have some unexplained, paranormal element.

A viewer was concerned about a graphic sequence at the start of this edition which showed a demon delivering a baby, which he felt was too explicit for showing at this time of the afternoon.

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#### **Response**

FX said that it believed that most viewers appreciated the nature and tone of *The X-Files*, as it is a well-known and popular series. However, since receiving this complaint, it had re-evaluated its afternoon scheduling of some editions. Following this review, the broadcaster agreed that this particular edition was not suitable for this slot. It had also moved a number of other editions to the evening.

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#### **Decision**

We agree that many viewers are familiar with the paranormal themes of this series. However some editions can contain material which could be disturbing for young children. We welcomed the broadcaster's acknowledgement of this and that some editions may not be suitable for daytime scheduling. In view of the broadcaster's actions in addressing the problem and reviewing its procedures, we consider the matter resolved.

**Complaint resolved.**

# Standards cases

## Not in Breach

### Emmerdale

ITV1, 14 & 15 September, 19:00

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#### Introduction

Eleven viewers were concerned about the portrayal of a sexual relationship that developed between a young farmer and a 14 year-old schoolgirl. Some were concerned by the illegality of the relationship, the mother's apparent condoning of her daughter's behaviour and the actual portrayal. Viewers thought that this storyline gave a bad example to younger viewers and could encourage promiscuity.

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#### Decision

We appreciate viewers' concerns about a sexual relationship involving an under-age girl, especially when unwanted pregnancies and sexually transmitted diseases amongst teenagers are a serious social issue.

However, we know from audience research that viewers understand that 'soaps' will deal with sensitive issues from time to time. As long as they are dealt with appropriately and the audience is prepared for their development, most viewers expect a realistic approach to such issues.

In this case, the 14 year old girl, Debbie, clearly comes from a 'dysfunctional' family and has had serious issues with her mother, Charity. She gave birth to Debbie as an underage mother, and put her into foster care. It has taken a long time for Debbie and Charity to have some semblance of a loving relationship. Against this background, when Charity found out that Debbie had had sex for the first time, she was mainly concerned that her daughter did not find herself in the same position as she had. Their conversation stressed the importance of taking precautions to prevent an unwanted pregnancy and any sexually transmitted diseases.

When Debbie first arrived in the village, it was apparent that she was a troubled girl. Her emotional immaturity led her to make advances to the young curate, who rejected any sexual relationship and spelt out the dangers and the illegality. After this rejection, Debbie set out to have a relationship with Andy – himself an emotionally insecure character.

Debbie made the first move towards Andy, but all that was seen on screen was a short kiss in the sitting room. The next scene was a pub scene. Following that, the programme showed Debbie getting out of bed alone and finding Andy sitting in the living room looking remorseful and embarrassed by what they had done. Nothing was seen of the couple in bed and there was no nudity. Given this limited portrayal, we believe most viewers

would have found the portrayal acceptable at this time of the evening. Young children would have been unlikely to pick up the full implications of these scenes.

Given the background of the characters involved and the difficulties experienced by the couple, it is unlikely that younger viewers would see any positive endorsement of under-age relationships. The storyline and portrayal could not be seen to encourage such behaviour.

The nature of soaps means that plots take time to develop and it is unclear how this storyline will evolve. However we believe that the story has been handled responsibly.

**These episodes did not breach the Programme Code.**

## Other programmes not in breach/out of remit (28 September– 12 October)

Programme	Channel	Category	Trans Date	No of Complaints
A Place by the Sea	Channel 4	Accuracy	06/09/2004	1
Alien Nation	Five	Language	19/07/2004	1
BBC London News	BBC1	Offence	03/09/2004	1
BBC News	BBC1	Offence	03/09/2004	2
BBC News	BBC1	Offence	05/09/2004	3
BBC News	BBC1	Offence	06/09/2004	1
BBC News	BBC1	Offence	29/09/2004	1
BBC News	BBC1	Impartiality	06/10/2004	1
BBC News 24	BBC News 24	Offence	03/09/2004	2
BBC Radio 4	Radio 4	Accuracy	28/09/2004	1
BBC Radio 4	Radio 4	Offence	29/09/2004	1
BBC Southern Counties Radio	BBC Southern Counties Radio	Impartiality	04/10/2004	1
Blue Murder	ITV1	Offence	27/09/2004	1
Bognor or Bust	ITV1	Offence	16/09/2004	2
Brainteaser	Five	Offence	13/08/2004	1
Bremner, Bird & Fortune	Channel 4	Language	26/09/2004	1
Bremner, Bird & Fortune	Channel 4	Language	03/10/2004	3
Britain on the Move	ITV1	Misleading	19/07/2004	1
Britain's Favourite Sitcom	BBC1	Offence	-	1
Britney Spears: The Video	Channel 4	Sexual Portrayal	19/09/2004	1
C4 News	Channel 4	Offence	14/09/2004	1
Calendar News	ITV1	Offence	10/09/2004	1
Carrie and Barry	BBC1	Offence	03/09/2004	2
Carrie and Barry	BBC1	Offence	17/09/2004	3
CD:UK	ITV1	Offence	04/09/2004	2
CD:UK	Channel 4	Language	11/09/2004	1
Champions League	ITV1	Offence	14/09/2004	1
Channel 4 News	Channel 4	Offence	03/09/2004	1
Channel 4 News	Channel 4	Offence	07/09/2004	1
Channel 5	Five	Offence	30/09/2004	1
Chinese Breakaway	Five	Offence	22/08/2004	1
Chris Moyles	BBC	Sexual Portrayal	11/08/2004	1
Conspiracy - The Bible Code	Sky One	Offence	28/09/2004	1
Coronation Street	ITV1	Violence	16/07/2004	1
Coronation Street	ITV1	Religious Offence	03/09/2004	1
Coronation Street	ITV1	Offence	28/09/2004	1
Coronation Street	ITV1	Offence	30/09/2004	1
Coronation Street	ITV1	Offence	08/10/2004	1

D-Day	BBC1	Offence	06/06/2004	1
Dirty War	BBC1	Religious Offence	26/09/2004	1
Doc Martin	ITV1	Offence	15/09/2004	1
Doc Martin	ITV1	Offence	02/09/2004	1
Doc Martin	ITV1	Offence	30/09/2004	1
Eastenders	BBC1	Religious Offence	29/09/2004	1
Emmerdale	ITV1	Offence	27/09/2004	1
Emmerdale	ITV1	Violence	28/09/2004	2
Emmerdale	ITV1	Sexual Portrayal	30/09/2004	2
Emmerdale	ITV1	Offence	29/09/2004	3
Emmerdale	ITV1	Offence	30/09/2004	1
Emmerdale	ITV1	Offence	04/10/2004	2
Emmerdale	ITV1	Offence	05/10/2004	1
Emmerdale	ITV1	Offence	07/10/2004	1
Eric Prydz - Call On Me video	TMF Music	Sexual Portrayal	05/10/2004	1
Everything Must Go	ITV1	Offence	04/10/2004	1
Eyes Down	BBC1	Language	10/09/2004	1
Five News	Five	Offence	22/09/2004	1
Five News	Five	Offence	26/09/2004	1
Fox News	Fox News	Accuracy	11/09/2004	2
Friday Night With Jonathan Ross	BBC1	Offence	24/09/2004	1
Game Network	Game Network	Sexual Portrayal	27/09/2004	2
Gardeners' World	BBC2	Offence	24/09/2004	1
GMTV	ITV1	Offence	01/10/2004	1
God Channel	God Channel	Religious Offence	01/10/2004	2
Green Wing	Channel 4	Language	03/09/2004	1
Green Wing	Channel 4	Sexual Portrayal	24/09/2004	1
Grumpy Old Men	BBC2	Offence	10/09/2004	1
Grumpy Old Men	BBC2	Offence	11/09/2004	1
Heaven and Earth Show	BBC1	Religious Offence	03/10/2004	2
Hollyoaks	Channel 4	Offence	27/09/2004	1
Hollyoaks	Channel 4	Offence	03/10/2004	4
Hollyoaks	Channel 4	Offence	31/07/2004	1
Horizon	BBC2	Impartiality	16/09/2004	1
It's All Relative	Trouble	Sexual Portrayal	22/09/2004	1
Its My Life	ITV1	Offence	23/08/2004	1
ITV News	ITV1	Accuracy	31/07/2004	1
ITV News	ITV1	Offence	06/09/2004	1
ITV News	ITV1	Religious Offence	05/09/2004	1
ITV News	ITV1	Offence	07/09/2004	2

Programme	Channel	Category	Trans Date	No of Complaints
ITV News	ITV1	Offence	21/09/2004	2
ITV News	ITV1	Offence	24/09/2004	1
Jack Dee Live at the Apollo	BBC2	Language	06/09/2004	3
Jack Dee Live at the Apollo	BBC	Language	13/09/2004	1
Jack Dee Live at the Apollo	BBC	Offence	04/09/2004	1
Loose Women	ITV1	Offence	23/09/2004	1
Loose Women	ITV1	Offence	29/09/2004	1
	MATV			
MATV	Leicester	Misleading	20/09/2004	1
Messiah	BBC1	Offence	30/08/2004	1
Messiah 3	BBC1	Violence	30/08/2004	1
Michael Jackson's Face	Five	Offence	04/10/2004	2
Ministry of Mayhem	ITV1	Language	31/07/2004	1
MTV Base	MTV Base	Offence	03/09/2004	1
My Parents Are Aliens	ITV1	Offence	14/09/2004	2
		Religious		
My Parents Are Aliens	ITV1	Offence	08/09/2004	1
		Religious		
My Parents Are Aliens	ITV1	Offence	15/09/2004	1
Neighbours	BBC1	Offence	28/09/2004	1
Neighbours	BBC1	Offence	23/09/2004	1
Newsnight	BBC2	Impartiality	30/07/2004	1
Nip/Tuck	Channel 4	Scheduling	12/08/2004	1
Nip/Tuck	Channel 4	Offence	13/08/2004	1
Parkinson	ITV1	Offence	02/10/2004	1
Public Opinion	BBC1	Offence	13/09/2004	1
Richard and Judy	Channel 4	Offence	23/09/2004	2
Richard and Judy	Channel 4	Offence	23/09/2004	1
Rosemary and Thyme	Classic FM	Offence	02/10/2004	1
Rosemary and Thyme	Classic FM	Offence	03/10/2004	1
Sangamam	Sangamam	Offence	03/03/2004	1
Sex, Footballers and Videotapes	Channel 4	Offence	19/08/2004	1
Should I Worry About...	BBC1	Offence	09/09/2004	1
Silent Witness	BBC1	Offence	05/09/2004	2
Sky News	Sky News	Offence	03/09/2004	1
Smile	BBC2	Language	19/09/2004	1
Steel River Blues	ITV1	Offence	01/09/2004	1
Steel River Blues	ITV1	Offence	29/09/2004	1
Talksport	Talksport	Offence	02/09/2004	2
Talksport	Talksport	Offence	06/09/2004	2
Talksport	Talksport	Offence	11/09/2004	1
Talksport	Talksport	Impartiality	12/09/2004	1
Talksport	Talksport	Offence	03/09/2004	1
		Sexual		
The Box	The Box	Portrayal	06/09/2004	1

The Boy Whose Skin Fell Off	Channel 4	Language	04/10/2004	1
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Programme	Channel	Category	Trans Date	No of Complaints
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The Chart	Five	Sexual Portrayal	03/10/2004	1
The Chris Moyles Show	BBC	Religious Offence	26/08/2004	1
The Dead Pool	Channel 4	Offence	23/09/2004	1
The Farm	Five	Offence	28/09/2004	3
The Farm	Five	Offence	06/10/2004	2
The Hamburg Cell	Channel 4	Offence	02/09/2004	1
The Mask of Zorro	BBC1	Offence	02/10/2004	1
The Saturday Play	BBC Radio 4	Language	04/09/2004	1
The Shield	Five	Violence	04/09/2004	2
The Trouble With Black Men	BBC3	Offence	19/08/2004	1
The Trouble With Black Men	BBC3	Offence	26/08/2004	1
The World's Strongest Boy	Five	Offence	27/09/2004	1
The Worst Job in History	Channel 4	Offence	18/09/2004	1
The Wright Stuff	Five	Offence	30/09/2004	2
The X Factor	ITV1	Offence	18/09/2004	1
The X Factor	ITV1	Offence	25/09/2004	1
The X Factor	ITV1	Language	02/10/2004	1
This Morning	ITV1	Offence	04/10/2004	1
Trial & Retribution	ITV1	Scheduling	02/10/2004	1
Vision FM	Vision FM	Offence	27/07/2004	1
Watchdog	BBC1	Impartiality	05/10/2004	2
Who Rules the Roost?	BBC2	Offence	15/09/2004	1
Working Lunch	BBC2	Religious Offence	01/10/2004	1
You've Been Framed	ITV1	Violence	29/05/2004	1
You've Been Framed	ITV1	Offence	-	1
Zee TV	Zee TV	Offence	-	1