

OFCOM BROADCAST AND ON DEMAND BULLETIN

Issue number 381
24 June 2019



Contents

Introduction	3
Broadcast Standards cases	
In Breach	
The Sex Business: Pain for Pleasure, <i>Channel 5, 10 December 2018, 22:00</i>	
The Sex Business: Trans On Demand, <i>Channel 5, 11 December 2018, 22:00</i>	
The Sex Business: Orgasms for Sale, <i>Channel 5, 12 December 2018, 22:00</i>	5
Mondays for Women (trailer)	
<i>Kino TV, Various dates and times</i>	19
Resolved	
Bahrain Grand Prix	
<i>Sky Sports F1, 30 March 2019, 16:45</i>	23
Broadcast Licence Conditions cases	
In Breach	
Providing a service in accordance with 'Key Commitments'	
<i>Your FM (Stockport), 19 to 20 January 2019</i>	25
Retention and production of recordings	
<i>NDTV India, New Delhi Television Limited</i>	27
Tables of cases	
Investigations Not in Breach	29
Complaints assessed, not investigated	30
Complaints outside of remit	38
BBC First	39
Investigations List	42

Introduction

Under the Communications Act 2003 ("the Act"), Ofcom has a duty to set standards for broadcast content to secure the standards objectives¹. Ofcom also has a duty to ensure that On Demand Programme Services ("ODPS") comply with certain standards requirements set out in the Act².

Ofcom reflects these requirements in its codes and rules. The Broadcast and On Demand Bulletin reports on the outcome of Ofcom's investigations into alleged breaches of its codes and rules, as well as conditions with which broadcasters licensed by Ofcom are required to comply. The codes and rules include:

- a) [Ofcom's Broadcasting Code](#) ("the Code") for content broadcast on television and radio services licensed by Ofcom, and for content on the BBC's licence fee funded television, radio and on demand services.
- b) the [Code on the Scheduling of Television Advertising](#) ("COSTA"), containing rules on how much advertising and teleshopping may be scheduled on commercial television, how many breaks are allowed and when they may be taken.
- c) certain sections of the [BCAP Code: the UK Code of Broadcast Advertising](#), for which Ofcom retains regulatory responsibility for television and radio services. These include:
 - the prohibition on 'political' advertising;
 - 'participation TV' advertising, e.g. long-form advertising predicated on premium rate telephone services – notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services); and
 - gambling, dating and 'message board' material where these are broadcast as advertising³.
- d) other conditions with which Ofcom licensed services must comply, such as requirements to pay fees and submit information required for Ofcom to carry out its statutory duties. Further information can be found on Ofcom's website for [television](#) and [radio](#) licences.
- e) Ofcom's [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS (apart from BBC ODPS). Ofcom considers sanctions for advertising content on ODPS referred to it by the Advertising Standards Authority ("ASA"), the co-regulator of ODPS for advertising, or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the requirements in the BBC Agreement, the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

¹ The relevant legislation is set out in detail in Annex 1 of the Code.

² The relevant legislation can be found at Part 4A of the Act.

³ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted. Ofcom remains responsible for statutory sanctions in all advertising cases.

It is Ofcom's policy to describe fully television, radio and on demand content. Some of the language and descriptions used in Ofcom's Broadcast and On Demand Bulletin may therefore cause offence.

Broadcast Standards cases

In Breach

**The Sex Business: Pain for Pleasure, Channel 5
10 December 2018, 22:00**

**The Sex Business: Trans On Demand, Channel 5,
11 December 2018, 22:00**

**The Sex Business: Orgasms for Sale, Channel 5,
12 December 2018, 22:00**

Warning: this Decision includes graphic descriptions of extreme sexual activity

Introduction

The Sex Business was an observational documentary series on Channel 5 investigating the lives of sex workers in Britain. The licence for Channel 5 is held by Channel 5 Broadcasting Limited ("Channel 5" or "the Licensee").

Ofcom received 36 complaints about the three episodes of *The Sex Business* titled: *Pain for Pleasure* ("Episode 1") 9 complaints; *Trans On Demand* ("Episode 2") 23 complaints; and *Orgasms for Sale* ("Episode 3") 4 complaints¹.

The programmes included interviews with sex workers and images of real sexual activity between the sex workers and their clients. In summary, the complainants considered that the sexual activity shown in these episodes was unsuitable for broadcast on Channel 5 from 22:00.

Episode 1: Pain for Pleasure

The following warning was broadcast (narrated and shown in text):

"Not for the faint hearted. Be prepared throughout for full frontal nudity, extremely graphic scenes of actual kinky sexual activity, including dangerous consensual sexual violence, ball nailing, fisting and practices that only senior Dominatrixes with years of training and experience can undertake safely; all of which may disturb some viewers".

When the programme resumed after advertising breaks, a very similar warning was broadcast each time.

The episode included the following sexual content:

- a long-shot of a dominatrix stapling a client's genitals and describing it as a "chastity device";
- three dominatrixes engaged in a sadomasochistic session with a client, who was tied and masked and had his testicles restrained in a device which was pulled upwards by a lever;

¹ Ofcom also received: 2 complaints about a repeat of Episode 1 on Channel 5 on 21 March 2019 at 22:00; and 2 complaints about Episode 3 repeated on 1 April 2019 at 22:00.

- a dominatrix describing her work including how she introduces “anal play” and how she takes one of her clients to a point where he “doesn’t want it” and that is “like a rape” but “completely consensual”;
- a mid-shot, which was partially masked, of the same dominatrix anally fisting the masked client whose legs were suspended over a wooden frame and his wrists restrained by handcuffs (the point of insertion was not shown);
- a mid-shot of another dominatrix anally penetrating the same client with a prosthetic strap-on penis from behind the wooden frame (the point of insertion was not shown);
- a dominatrix describing “electrical play” as “very painful” and how she “takes up those electrics all the way” and a close-up shot showing her application of the increasing electrical charge to the restrained client’s testicles²;
- mid to long range shots of clients’ testicles being kicked by dominatrixes;
- a dominatrix describing “ball nailing” and a masked close-up shot showing the dominatrix hammering a client’s testicles onto a wooden board, standing on the wooden board with the nailed testicles and removing the nails from the testicles;
- several unmasked shots showing caning, whipping and slapping of clients’ buttocks with clients whimpering or shouting out and the resulting red marks and/or bloodied wounds on the buttocks

Episode 2: Trans On Demand

The following warning was broadcast (narrated and shown in text):

“Be prepared right from the start and throughout for full frontal nudity, graphic scenes of actual kinky sexual activity and offensive language; all of which may offend some viewers”.

When the programme resumed after advertising breaks, a very similar warning was broadcast each time.

Episode 2 included the following sexual content:

- mid-shots filmed to the side of two oral sex acts (anal and vaginal);
- a close-up shot of a sex worker slapping a client’s buttocks (the anus was partially masked);
- a mid-shot showing the same sex worker urinating onto a client and asking the client if he wants to take “the piss in his mouth” or on his body;
- the sex worker describing a client’s request to “shove a foot or anything in him” followed by three separate close-up shots (partially masked) showing the insertion of the same sex worker’s toes into a client’s anus;
- a close-up partially masked shot showing insertion of fingers into a vagina and penetration;
- a sex worker describing making amateur online pornography content and an unmasked mid-shot showing the insertion of a prosthetic penis into the vagina and an unmasked close-up shot of clitoral masturbation; and

² The following text appeared before the scenes featuring electrical play: “electrical play is not life threatening and involves systematically applying currents to sensitive areas of the body causing considerable pain”.

- the insertion of a metal ball into an anus shot to the side (the insertion point was not shown) and two shots of its expulsion (one mid-shot reflected in the mirror and a close-up side shot where the ball was expelled in slow motion).

Episode 3: *Orgasms for Sale*

The following warning was broadcast (narrated and shown in text):

"Be prepared right from the start and throughout for full frontal nudity, graphic scenes of actual sexual activity and highly offensive language; all of which may offend some viewers".

When the programme resumed after advertising breaks, a very similar warning was broadcast each time.

Episode 3 included the following sexual content:

- a mid-shot showing a male sex worker massaging and penetrating a female client with his fingers and masturbating her (the shot was filmed from behind the client so her genitals and the point of insertion were not visible) as she groans and breathes heavily;
- the same sex worker describing his services: *"I have many clients who come regularly, who want penetration services, who want to be fucked – they want access to cock and I am happy to provide these services"*; and, that he doesn't offer penetrative services during the first session and *"he's keeping his cock in his pants"*;
- a mid-shot of a second male sex worker massaging a female client's genitals as she lays on her back with her legs wide apart;
- two close-up shots of the second sex worker inserting his fingers and vigorously penetrating a client repeatedly as she lay face down on the bed; and
- a mid-shot of the second sex worker inserting his fingers into, and penetrating, a woman's vagina repeatedly as she lay on her back with her legs apart.

Ofcom considered that the sexual material in the above episodes raised issues under the following rules of the [Broadcasting Code](#) ("the Code"):

Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context"; and

Rule 1.19: "Broadcasters must ensure that material broadcast after the watershed, ..., which contains images and/or language of a strong or explicit sexual nature, but is not 'adult sex material' [as defined in Rule 1.18³...], is justified by the context".

We therefore asked the Licensee for its comments on how the programmes complied with these rules.

³ Rule 1.18 defines 'Adult sex material' as material that contains images and/or language of a strong sexual nature which is broadcast for the primary purpose of sexual arousal or stimulation.

Response

Channel 5 said that this was the second series of *The Sex Business*. Like the first series, it was broadcast at 22:00 when, the Licensee said, audiences expected the strongest material to be scheduled. It added that this was an observational documentary series "investigating the lives of sex workers in modern Britain, how they live their lives, what they are requested to do by their clients and how they justify and cope with the profession they have chosen". The Licensee continued that the series "was not sensational or titillating, but serious, considered and journalistic".

Channel 5 explained that the editorial aim of the series was to hear the experiences of sex workers in their own words and not to judge or characterise them but to "foster understanding of, and inform viewers about, aspects of modern British life rarely considered in public service broadcasting". In the Licensee's view, the series depicted the "harsh and sometimes grim reality" of clients' expectations, how the sex workers justified the services provided and how they felt about themselves and their clients. Channel 5 explained that cameras were given to the sex workers to record their work and how they responded to their clients.

Channel 5 said that very careful consideration was given to the content to be included and the way in which it would be included. It accepted that some of the footage in the episodes was potentially offensive and "steps were taken to ensure that each piece of footage used was relevant in the context of each programme and that blurring and other devices, such as footage shot from a distance, were used to reduce any potential offence".

In addition, to ensure viewers would understand from the outset the nature of these programmes, Channel 5 said that all episodes carried "very clear and explicit warnings" (as set out in the Introduction above). Given this, Channel 5 said viewers would have been left in no doubt about the nature of the content in the programmes.

Episode 1: *Pain for Pleasure*

Channel 5 explained that this programme explored pain and humiliation as part of the sexual experience. It considered the role of dominatrixes and their motivations and reasons for being involved in this sex work. The footage of the services provided by the dominatrixes was intercut with interviews in which they shared their recollections and views on why clients asked for specific services.

Channel 5 acknowledged that some of the footage in this episode would "no doubt [have] been potentially uncomfortable to view" but it considered it was "editorially important that viewers understood what the work involved in order to make sense of the sex workers' rationalisation of their work". The programme showed how the dominatrixes had come to terms with the enjoyment of inflicting pain and humiliation and none found the activities bizarre or shocking.

The Licensee said that "in order to understand how the contributors cope and accept what is asked of them in their roles, the programme needed to show some of the services which they routinely provide[d]". The "apparent" brutality and cruelty to male clients was "part of the work – the humiliation being part of the thrill for their clients".

Channel 5 explained that the more extreme individual scenes were included to illustrate what was asked of the sex workers by clients and to explain why their clients asked for these services. For example:

- the stapling of the client's genitals may have seemed extreme to some viewers but in Channel 5's view: "it was important to see it in this limited way to understand [the dominatrix's] relaxed attitude towards routinely administering this kind of pain";
- the scenes where the clients were kicked in the testicles by the dominatrix and a client had a varying electrical charge administered to his testicles were included: "to demonstrate the total subservience of some men who are sexually fulfilled by these practices, often in sessions lasting many hours". Channel 5 said it was "important editorially for viewers to understand the services the dominatrices were asked to perform in order to understand how they rationalised their work...";
- the more extreme penetration shots (for example, anal fisting) and inflicting of pain on clients was considered necessary so viewers understood the nature of the practices clients regularly requested. Channel 5 added that while these practices may have seemed "very extreme" to some viewers, there was very careful consideration given to blurring "some elements of these"; and
- the scenes of nailing the client's testicles were blurred. It was considered important in the context of this programme to demonstrate the extremity of some of these practices in order for viewers to understand the psychology of the women providing them and of the men in receipt of such services.

Channel 5 concluded these were "very extreme activities" but it was vital for viewers to understand how these women had apparently normalised and rationalised such services.

Episode 2: *Trans On Demand*

The second episode in the series explored an aspect of the sex business which Channel 5 said it did not believe has been investigated on television before: the growing number of transgender people who were finding work and a role in the provision of sexual services.

Channel 5 explained that all three contributors were keen to show what they did as sex workers and for the programme not to be "a sanitised portrait" of their difficult and challenging lives. The three contributors were prepared "to tell their stories bravely and unmediated to a world that largely finds it hard to understand who they are, what they do and why they do it".

The Licensee then referred to specific scenes to demonstrate how "great care" was taken when dealing with their stories:

- blurring was used for certain moments and footage, for example the images of anuses;
- the urination scene was important editorially in the programme to demonstrate the kind of acts that one of the sex workers was asked to perform. Her client wanted to be humiliated and she accepted that such extreme demands were something she found herself encountering as a transgender sex worker;

- the scene where the same sex worker penetrated a man's anus with her toes was included for the same reasons as the urination scene above. It was also reviewed a number of times within Channel 5 to be blurred appropriately for broadcast and "the more extreme elements which were filmed were not included in the programme";
- the footage of another sex worker, taken during his participation in a pornographic film shoot, featured a male penetrating the sex worker's vagina with his fingers. Channel 5 said careful decisions were taken regarding which footage to include and to blurring relevant sections. The sex worker wished to portray he was proud and happy to be part of the porn industry and this was "a valid piece of journalism". The sex worker and the programme maker considered it was "important to illustrate the nature of the work he was involved in both professionally and in his own more amateur work and for viewers to hear the challenges faced by a transgender man in the porn industry"; and
- the final sex worker featured explained how she had perfected many "tricks" which attracted clients via the internet and it was "appropriate" that some of these were seen in the programme. The footage of a ball being inserted and dropped from her anus was captured on a long shot and "not lingered over". Channel 5 explained this sex worker's story was significant because of her motivation to compensate for her inability to find love and contentment. Her story also made clear that working in the sex business can be dangerous with the constant risk of sexual infection or violence.

Episode 3: Orgasms on Sale

The third programme explored two male sex workers and one female sex worker who provided sexual services to women. Channel 5 explained that "the more explicit footage included in this programme was considered necessary in order to understand the exploration of the female clients' desires for sexual contact".

- the footage of one of the male sex workers masturbating his client was "carefully considered and blurred as appropriate in order to show the massage process but in a less explicit manner".
- in terms of the other content, Channel 5 said it was satisfied that the inclusion of the activities shown "were important to demonstrate the methodology and practice of the sex workers who provided these services". It added that none of the footage shown in this episode "was out of context, gratuitous or would have exceeded the expectations of the viewers of this series".

Channel 5 said that it appreciated that this series, which started at 22:00, contained "challenging material". However, there were "clear and detailed warnings on screen at the start of every part, not just as voiceover" and the footage was well-considered as part of the overall storytelling of this series. The Licensee added that it did not consider the inclusion of the footage "to have been prurient or out of context with the clear editorial aims of the series, namely to explore the explosion of the sex business in 21st century Britain, where attitudes and tolerance to sexual practices of all sorts has changed dramatically over the last decade".

In addition, Channel 5 said that the tone of the series was not sensationalist or titillating, rather it was "flatly observational" allowing the subjects to speak about their lives, actions

and clients and the audience to judge for themselves what they thought about all of those matters. Given the editorial context, the observational nature of the series and the "appropriate late-night scheduling" of the programmes, Channel 5 said it did not believe that the content of this second series of *The Sex Business* would have exceeded the expectations of the viewers or generally accepted standards in the circumstances.

Second Representations

In response to Ofcom's Preliminary View that the programmes were in breach of Rules 1.19 and 2.3, Channel 5 provided further representations.

The Licensee said that the series "only received 36 complaints" in total. It added that this "very strongly" suggested that the content was "properly contextualised" and that the series could not be said to have exceeded the expectations of the audience. In Channel 5's view, had the programmes exceeded audience expectations, Ofcom would have received many more complaints.

Rule 2.3

Channel 5 refuted Ofcom's view that the images were shot in close up and/or inadequately masked, allowing viewers to see frequent and graphic images of extreme sex acts. It said that "a significant amount of very carefully considered blurring and framing/zooming" was employed in the programmes. For example, the urination scene (in Episode 2) was zoomed considerably to ensure it did not cause "unnecessary offence". It added that the amount of blurring and framing employed in this second series exceeded that in the first series. Channel 5 observed that Ofcom had not investigated the first series and said it had "carefully considered" the content, the context and blurring in this second series with regard to series one to ensure it was properly scheduled.

In response to Ofcom's reference to the research *Attitudes towards sexual material on television*, which found that stronger material became more acceptable to viewers after 22:00 but especially after 23:00, Channel 5 highlighted that the same research also made the following points:

- "For most participants the editorial context of the material shown was felt to be key to perceptions of acceptability, with stronger content thought to require stronger editorial justification";
- "The editorial justification for showing sexual material was also linked by participants to the purpose of the programme. Overall, they [participants] accepted that educational programmes, documentaries and dramas broadcast post-watershed would include sexual content that was editorially justified";
- "Some types of programmes were seen to warrant stronger sexual content than others, given that they were perceived to generally provide stronger editorial justification"; and
- "Factual programming, documentaries and educational programmes, were seen to present the strongest justification for including sexual content, particularly stronger sexual content. In these circumstances sexual material was often seen as necessary to support a point being discussed."

Channel 5 said that Ofcom had accepted in its Preliminary View that *The Sex Business* was a serious observational documentary. Therefore, the research findings it had noted, suggested that viewers would not be "taken by surprise or take exception to the fact that this series

contained strong sexual content" and that it would not have exceeded audience expectations.

The Licensee also referred to further audience findings included in the same Ofcom research (detailed above) regarding: the importance of programme titles in signposting sexual material; and the role of pre-programme information in managing viewer expectations and making the inclusion of sexual material more acceptable.

Channel 5 said that in this case the programme titles for each episode were "explicit" and "would have clearly signposted that sexual content would be included, even to viewers who had not seen the first series. In addition, "clear and unequivocal warnings" were broadcast at the start of the programmes and on return from every break part. These would have ensured that no viewer "would have been left in doubt about the nature of the content." Channel 5 said that Ofcom had acknowledged the strength and frequency of the warnings in the Preliminary View but had concluded that the content was "still much stronger and more explicit than viewers were likely to have expected" at 22:00. In Channel 5's view the warnings "would have left viewers in no doubt about the nature and strength of the content and were a very powerful factor in ensuring that the content of the series was justified by context." The fact that Ofcom had received "relatively few complaints" across the series "strongly suggested", in Channel 5's view, that the warnings had adequately prepared viewers for the programmes that followed.

Channel 5 therefore believed that the series was justified by context for broadcast at 22:00 and it was not in breach of Rule 2.3.

Rule 1.19

With regard to Rule 1.19, Channel 5 said that for the reasons set out above it was satisfied that the material in the series was justified by context.

It referred to the BARB data which Ofcom had referred to in its Preliminary View, indicating a slot average of 15,400 children viewing Channel 5 at 22:00. Channel 5 stated that, in fact, BARB data for the series showed that children (aged 4-15 years) made up just 0%, 5% and 1% of the audience of the three episodes respectively, with "just 2000 viewing episode 1". Therefore, it considered the programme was properly scheduled at 22:00 providing appropriate protection for under 18s and the series was not in breach of Rule 1.19.

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. Section Two of the Code requires that generally accepted standards are applied to the content of television and radio services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

In this case, Ofcom has had careful regard to the audience's and broadcaster's right to freedom of expression set out in Article 10 of the European Convention on Human Rights. In particular, Ofcom recognises broadcasters' editorial freedom to make observational documentaries which reflect real life experiences and challenge viewers' perceptions and attitudes, and for audiences to receive those programmes. In performing our regulatory duties, Ofcom must also have regard to the need to secure the application of standards in

television services in the manner that best guarantees an appropriate level of freedom of expression⁴.

Rule 2.3

Rule 2.3 of the Code requires that broadcasters must ensure that material which may cause offence is justified by the context. Context is assessed by reference to a range of factors. These include: the editorial content of the programme, the service in which the material is broadcast, the time of broadcast, the degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes and the extent to which the nature of the content has been brought to the attention of the audience in advance.

We first considered whether the sexual content (as set out in the Introduction) which featured in the three episodes of *The Sex Business* had the potential to cause offence.

Ofcom considered that the content detailed in the Introduction was of a strong and explicit sexual nature. Channel 5 also accepted the sexual acts featured in the series were “extreme” and the programmes contained “challenging material”. The programmes featured real (not simulated) and extreme sexual activity, including penetration of the vagina and anus by body parts (such as toes, fists and fingers) and sex toys (prosthetic penises) as well as strong fetish and sadomasochistic sex acts (such as the nailing and stapling of a client’s genitals, electrical charges applied to a client’s genitals, caning and whipping of buttocks and forceful kicking of testicles). Ofcom considered that this was strong and graphic sexual content that had the clear potential to cause offence.

Ofcom then went on to consider whether the broadcast of this content was justified by the context.

Ofcom recognised *The Sex Business* was a serious observational documentary series and that it was directly relevant in the context of each programme to include sexual content to support the overall narratives. In Ofcom’s view, there was a clear link between the editorial aim of presenting the lives and the experiences of sex workers in their own words and the inclusion of sexual content which allowed viewers to understand their work and their rationalisation of it. Within the context of an observational documentary series about sex workers, who provide specific and alternative sexual services, Ofcom considered the editorial context of these episodes clearly supported the inclusion of sexual content.

However, Ofcom is also required to take other contextual factors into account, in particular, the degree of harm or offence likely to be caused by the inclusion of material in programmes, the time of the broadcast, and the likely expectation of the audience.

We considered the degree of offence which was likely to have been caused. Sexual content in programmes is, by its nature, sensitive and carries a greater risk of offence. In this case, the sexual content featured was particularly extreme, graphic and explicit, for example:

Episode 1:

- a dominatrix anally fisting her restrained client whose legs were positioned over a wooden bar and tied with handcuffs. The point of insertion was not shown but the

⁴ Section 3(4)(g) Communications Act 2003

dominatrix's arm could be seen thrusting and her gloved hand was seen after withdrawing from the client's anus;

- a dominatrix discussing the pain she was inflicting as she applied an increasing electrical current⁵ to a client's testicles and the client groaning; and
- another dominatrix caning, slapping and whipping clients' buttocks multiple times, the clients were groaning and whimpering and two separate images of red buttocks with open bloodied wounds.

Episode 2:

- a client's buttocks were raised towards the camera showing his anus as the sex worker whipped him;
- the same sex worker urinating onto a client and asking the client if he wanted to take *"the piss in his mouth"* or on his body;
- the same sex worker describing a client's request to *"shove a foot or anything in him"* followed by the sex worker's toes clearly shown penetrating the client's anus in three separate clips;
- while filming a pornographic film, a sex worker was lying with their legs wide open and tied by the ankles to a pole as a male penetrated their vagina with his fingers and performed oral sex;
- the same sex worker, while filming online pornography content, was shown inserting a prosthetic penis into their vagina and stimulating their clitoris in an unmasked close-up shot; and
- a third sex worker was shown inserting a metal ball into her anus from the side (the point of insertion was not shown) and there followed two separate images (reflected in the mirror and to the side) of the ball exiting the anus which were inadequately blurred.

Episode 3:

- a male sex worker was shown repeatedly penetrating a female client with his fingers and masturbating her (the vagina and point of insertion were not visible);
- a second male sex worker was shown massaging a female client's genitals and then penetrating her vagina with his fingers. The client was shown with her legs open to camera; and
- the second sex worker was also shown inserting his fingers and penetrating a client repeatedly and vigorously as she lay face down and groaned.

Ofcom took into account Channel 5's representations, that "very careful consideration was given to the footage" including blurring the images and filming at a distance to reduce any potential offence. However, in our view, few of the images, apart from the stapling of the client's genitals and the kicking of testicles in Episode 1, were shot at a distance or from behind so as to limit their graphic and explicit nature. In addition, few of the images were adequately masked with blurring or masked at all, except the nailing of the client's testicles which was filmed in a darkened dungeon and broadly masked by blurring.

The Licensee also explained that the sex workers featured in the programme had their own cameras "to record their work and how they respond to their clients". In Ofcom's view this

⁵ The following text appeared before the scenes featuring electrical play: *"electrical play is not life threatening and involves systematically applying currents to sensitive areas of the body causing considerable pain"*.

resulted in clear close-up 'point of view' images of female and male genitals and anuses, as well as penetration by body parts and objects because a number of the stronger sexual images originated from the sex workers filming while undertaking sexual acts with their clients.

We also considered Channel 5's representations in response to the Preliminary View, in which it reiterated that a "significant amount of very carefully considered" blurring, framing and zooming was employed in the three programmes. This, it submitted, exceeded the measures that were applied to the first series, which was not investigated by Ofcom. As an example, Channel 5 referred to the urination scene in Episode 2 which it said was "zoomed considerably" to ensure it did not cause unnecessary offence.

It is Ofcom's view that the majority of strong sexual images and language broadcast in this series were not sufficiently blurred and/or masked. In some cases, no masking or blurring was applied at all to close up images of sex acts (such as oral sex), including extreme sex acts (such as the caning and whipping of clients' buttocks causing open wounds and applying electrical charges to testicles). In the example of the urination scene, Channel 5 said that it was "zoomed considerably" to limit offence. However, in Ofcom's view the zooming of the camera was not sufficient to limit offence in this case. The scene also included the sex worker asking the client if he wanted to take "*the piss in his mouth*" or on his body, accompanied by unmasked footage of the urine being sprayed onto the client's naked body. Ofcom considered this resulted in a very strong sexualised image of degradation with the potential to cause considerable offence.

Ofcom next considered the time of the broadcast and likely audience expectation. We took into account Channel 5's representations that, while the series contained "challenging material", the scheduling at 22:00 was "an appropriate late-night scheduling" as at this time audiences expect "the strongest material" to be scheduled on Channel 5. Ofcom also took into consideration that this was the second series of *The Sex Business* so there may have been an audience expectation of its strong and challenging sexual content. However, it is Ofcom's view that overall the sexual material included in this second series of *The Sex Business* was stronger and more explicit than the content included in the first series. For example, the second series included images which were shot close-up and/or inadequately masked, allowing the viewer to see more frequent, graphic images of extreme sex acts to a far greater degree.

Considering the strength of the graphic sexual content broadcast in this series, Ofcom disagreed that scheduling at 22:00 facilitated the broadcast of such strong sexual material, particularly on a freely available public service channel. While there is no prohibition on stronger sexual material being scheduled at 22:00, the more explicit the sexual material is, the greater requirement there is for careful contextualisation. Viewers expect to find the strongest, more challenging material scheduled later in the evening. For example, Ofcom's research [Attitudes towards sexual material on television](#) showed that: stronger sexual material became more acceptable after 22:00 but *especially* after 23:00.

In its response to the Preliminary View, Channel 5 said that this research also indicated that viewers: accepted that documentaries broadcast post-watershed would include sexual content that was editorially justified; that some types of programmes warranted stronger sexual content than others given they were perceived generally to provide the strongest editorial justification; and documentaries were seen to present the strongest justification for including sexual content, particularly stronger sexual content. Therefore, as Ofcom had

accepted that *The Sex Business* was a serious observational documentary, Channel 5 concluded that the research indicated that viewers would not be surprised or take exception to the strong sexual content in this series.

Ofcom considered all of the above research findings when coming to the Decision in this case. Ofcom acknowledges that this was a serious documentary and stronger sexual content can be justified in such programming. The critical point for consideration is what viewers might consider to be the strongest sexual material and the degree to which it then requires the strongest contextual justification.

In Ofcom's view the sexual images and language in this documentary were of a strong sexual nature. The insufficient masking of the majority of images and the inclusion of close-up and mid-range shots resulted in this strong sexual content being graphic and explicit. Some of these extreme images were also repeated within each episode. Although the serious documentary genre provided editorial justification for the broadcast of sexual material, this was the strongest and explicit sexual material, broadcast on a public service channel without mandatory restricted access. Ofcom therefore concluded that these episodes were likely to have exceeded the expectations of the audience, even for an observational documentary dealing with sexual themes with a serious and observational editorial purpose, at this time. Therefore, viewers would have considered that this stronger sexual material required the strongest contextual justification and broadcasting the series later in the schedule after 23:00 may have helped provide such justification.

We next considered the extent to which Channel 5 brought the nature of the content to the attention of the potential audience. We took into account that Channel 5 provided clearly narrated and on-screen warnings at the start of the programme and between the advertising breaks (as set out in the Introduction) to inform viewers of the strong sexual nature of the content in these episodes. The warnings advised that the episodes contained "*full frontal nudity*", "*extremely graphic scenes*" and "*actual kinky sexual activity*" which "*may disturb viewers*" or "*offend some viewers*". In addition, the warning to Episode 1 advised that it included "*dangerous consensual sexual violence*" and "*ball nailing [and] fisting*" and provided safety advice about "*practices*" that only a trained dominatrix can undertake safely.

In its representations on Ofcom's Preliminary View, Channel 5 highlighted again that the warnings were "clear and unequivocal" and that viewers would not have been "left in any doubt about the nature of the content". Further, Channel 5 referred to the research above, highlighting that viewers found that pre-programme signposting and programme titles were useful in managing expectations and making stronger sexual material more acceptable.

Ofcom does not dispute that the warnings in this case were detailed, clear and broadcast frequently during the programmes and that the programme titles were explanatory. However, the insufficiently masked content was graphic and was, in Ofcom's view, still of a much stronger and more explicit nature than viewers were likely to have expected in a programme broadcast from 22:00. We therefore considered the strong warnings may not have sufficiently prepared some viewers for the actual graphic nature of the extreme sexual content broadcast.

In reaching our Decision and, in carrying out our duty to provide adequate protection for members of the public from offensive material, Ofcom has had careful regard to Channel 5's right to freedom of expression which includes the audience's right to receive information without unnecessary interference. Ofcom acknowledges that it is important that

broadcasters have the editorial freedom in observational documentaries to reflect real life experiences and challenge viewers' perceptions and attitudes.

However, we considered that the sexual content in this series was graphic, extreme and explicit and therefore could be defined as the strongest sexual material. The descriptions of the sex acts taken together with the images, which were close-up and/or inadequately masked, allowed the audience to view genital and anal penetration and extreme sadomasochistic sex acts. Such content can be broadcast on Ofcom licensed television services, provided there is sufficiently strong context, with the time of broadcast being a crucial contextual factor. Even taking account of the editorial context of the programmes, which we recognise was a serious observational documentary series, and the clear warnings to viewers, it is Ofcom's view that the strong sexual content in this series far exceeded the level of explicitness that viewers were likely to have expected to see in a programme broadcast from 22:00 on a freely available public service channel.

Our Decision is therefore that the potentially offensive content in these programmes exceeded generally accepted standards, in breach of Rule 2.3.

Rule 1.19

Rule 1.19 requires that images/and or language of a strong sexual nature broadcast after the watershed are justified by the context. The rule reflects that there may be circumstances where strong sexual material can be broadcast on freely available channels without mandatory pin encryption. However, it does not provide broadcasters with unlimited licence in terms of broadcasting strong sexual material. The rule recognises that:

- while the watershed at 21:00 is widely recognised as the time when broadcasters can transition to more adult material, under-eighteens may still be viewing; and
- strong sexual material requires careful contextualisation to ensure that appropriate protection is provided to under-eighteens by reducing the likelihood of them viewing content which is unsuitable for them.

The [Guidance to Rule 1.19](#) sets out specific contextual factors that licensees should take into account when broadcasting strong sexual material after the watershed to ensure the material complies with the Code. These include (but are not limited to): the amount of sexual material; the explicitness of the material (the nature of the sexual activity and sexual language used and how graphic, prolonged or prominent it is); the purpose of the sexual scenes within the programme (whether this is to support an editorial purpose); and whether there is an educational or other purpose to justify the inclusion of material of a strong sexual nature.

In this case, as set out above, Ofcom considered this was a serious observational documentary and that the inclusion of sexual content clearly supported the editorial purpose. However, the strong sexual content included in the three episodes of *The Sex Business* was explicit and insufficient masking and close-up shots resulted in sexual material that was extreme, graphic, prolonged at times and prominent.

Ofcom also considered whether the scheduling of these episodes at 22:00 provided appropriate protection to under-eighteens to reduce the likelihood of them viewing. In

Ofcom's Preliminary View, we set out that BARB⁶ audience data gathered about Channel 5 during the period from October to December 2018⁷ for the 22:00 to 23:00 time slot indicated that, on average, 15,400 children between the ages of 4 and 15 may have viewed television content during this particular time slot. After 23:00, we highlighted that the BARB data for the same time period indicated the average child audience between the ages of 4 and 15 decreased to 5,400. On this basis, it was Ofcom's view that by scheduling strong sexual material at 22:00, Channel 5 had not ensured appropriate protection was provided to under-eighteens and had not reduced the likelihood of children viewing content that was unsuitable for them.

In its representations on Ofcom's Preliminary View, Channel 5 highlighted that the three individual episodes had attracted a child audience (4 to 15-year olds) of 0%, 5% and 1% respectively, with "just 2,000" children viewing Episode 1⁸. In these circumstances, Channel 5 said that the series was "properly" scheduled at 22:00; it had provided adequate protection to under-eighteens and the series was not in breach of Rule 1.19.

In response to the child audience viewing data for the three episodes of *The Sex Business* cited by Channel 5, it is Ofcom's view that these percentages still represented significant numbers of children viewing. In Ofcom's view, the 0% of children viewing the first episode (which according to Channel 5 represented "just 2,000" children), taken together with the other percentages cited (namely 5% for Episode 2 and 1% for Episode 3) represented significant numbers of children viewing extreme sexual material at 22:00. As Ofcom has identified through reviewing the audience data, over a longer more reliable time frame, child viewing decreased significantly after 23:00. On this basis, it was Ofcom's view that scheduling this series of programmes at 22:00 did not limit the likelihood of children viewing strong sexual content. However, by scheduling the content at 23:00, Channel 5 may have been better able to ensure that the series was sufficiently contextually justified.

For the reasons above, it is therefore Ofcom's Decision that the content also breached Rule 1.19.

Breaches of Rules 1.19 and 2.3.

⁶ Broadcasters' Audience Research Board (BARB) compiles audience measurement and television ratings in the United Kingdom.

⁷ The reason we chose to look at the figures over a 12-week period is because the BARB figures used to calculate child profile figures of the programmes themselves are based on small sample sizes and may not, therefore, convey an accurate picture. By electing to use the audience data for the slot average over a longer period of time, it was Ofcom's view that this would increase the robustness and, therefore, reliability of the data.

⁸ According to the BARB data cited by Channel 5 in their response, the percentages of children watching the three episodes represented the actual following numbers of children viewing: Episode 1: 1,800 4-15 year olds; Episode 2: 30,500 4-15 year olds; and Episode 3: 9,200 4-15 year olds.

In Breach

Mondays for Women (trailer) *Kino TV, Various dates and times*

Introduction

Kino TV is a general movie channel broadcasting in Poland that features various films and TV series. The licence for the service is held by Filmbox International Limited ("Filmbox" or "the Licensee").

Ofcom received complaints about the broadcast of sexual content in a programme trailer during the movie *Herkules Poirot* at 20:25. However, during our investigation, Filmbox confirmed that the trailer had also been broadcast 72 times at various times pre-watershed between 12 and 18 February 2019. The trailer was for a film called *The Players*, playing as part of Kino TV's *Mondays for Women* series. As the trailer was broadcast in Polish, we commissioned an independent translation of the content and provided it to the Licensee who provided comments on the translation. We therefore relied on this translation for the purposes of this investigation.

The trailer lasted approximately 30 seconds and consisted of a series of short clips from the film. The following was said in voiceover during the trailer:

"A comedy about love. A comedy about infidelity".

"Stars of the French cinema fall in love and reveal their innermost secrets".

[Text on the screen: *"MONDAYS FOR WOMEN, THE PLAYERS, MONDAY 21:00"*].

"Jean Dujardin, Gilles Lellouche and Sandrine Kiberlain in a comedy The Players. Watch it on Kino TV. a partner of the 'Mondays for Women' series is the magazine Dobre Rady".

The trailer included the following scenes lasting a few seconds each:

- two men were shown, shot from above, lying side by side in bed having sex with two women, who were shown on top of the men with their backs to the camera, whilst the men groaned;
- two naked men shown from behind;
- a man saying: *"Did you bonk her on this couch?"*;
- a woman in lingerie suspended by chains from the ceiling with a man, with his face partially obscured by a pig mask. The man said: *"To do something like this with a buddy – is it adultery or not?"*; and
- a group of dancers in lingerie pole dancing on stage in a pole dancing club.

We considered that this material raised potential issues under Rules 1.3, 1.20 and 2.3 of the Code:

- Rule 1.3: "Children must also be protected by appropriate scheduling from material that is unsuitable for them..."
- Rule 1.20: "Representations of sexual intercourse must not occur before the watershed (in the case of television)...unless there is a serious educational purpose. Any discussion on, or portrayal of, sexual behaviour must be editorially justified if included before the watershed...and must be appropriately limited".
- Rule 2.3: "In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to, offensive language...sex... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence".

We asked the Licensee for its comments on how the material complied with these rules.

Response

Filmbox apologised for the broadcaster of this trailer and said that this particular trailer had been mistaken for another trailer which was suitable for all audiences, which led to it being broadcast before the watershed. The Licensee also provided Ofcom with a list of the other times and dates that this trailer was broadcast. The list showed that the trailer had been broadcast 72 times pre-watershed at various times during the day between 12 and 18 February 2019. Filmbox added it had "careful" compliance and training procedures in place, and that its Head of Scheduling and Compliance is very "experienced and capable". However, as a result of this incident, Filmbox said it had improved its compliance in this area, including introducing additional checks of trailers by senior programming staff prior to broadcast.

Although the Licensee stated that Kino TV is not aimed at children, and very few children would be likely to have been watching. In this case, it acknowledged that there was no educational or editorial justification, nor any contextual factors for broadcasting scenes of a sexual nature before the watershed.

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. Section Two of the Code requires that generally accepted standards are applied to the content of television and radio services to provide adequate protection for members of the public from the inclusion of harmful and/or offensive material.

Rule 1.3

Rule 1.3 of the Code states that content must be appropriately scheduled in order to protect children from unsuitable material.

This trailer featured several scenes, as detailed in the Introduction, which were of a sexual and adult nature and which were, in Ofcom's view, highly unsuitable for children.

We then considered whether the trailer had been appropriately scheduled. We took into account the Licensee's argument that this channel is not aimed at children and would be

unlikely to be viewed by children. However, this trailer was broadcast at a time when children would have been available to view this content and Filmbox confirmed that it had been shown 72 times pre-watershed, over a period of seven days, which increased the likelihood of children seeing it.

We took into account that this trailer had been broadcast in error, and the Licensee's assurance that they had improved their compliance procedures. However, Ofcom's view is that the broadcast of this trailer at the various times it was shown pre-watershed resulted in breaches of Rule 1.3.

Rule 1.20

Rule 1.20 of the Code requires that broadcasters must not broadcast representations of sexual intercourse before the watershed unless there is a serious educational purpose. Any discussion on, or portrayal of, sexual behaviour must be editorially justified if included before the watershed...and must be appropriately limited.

In Ofcom's view, the scene as detailed in the Introduction two men in bed with two women on top of them was clearly a representation of sexual intercourse. In our view, and the Licensee agreed, that there was no editorial or other editorial justification for this material to be broadcast before the watershed. Further, although this scene was relatively short in duration, the scene itself clearly depicted two couples having sex side by side and was not appropriately limited. We also took into account that the trailer had been shown 72 times pre-watershed over a period of seven days.

We took into account that this trailer had been broadcast in error, and the Licensees assurance that they had improved their compliance procedures. However, Ofcom's view is that the broadcast of this trailer at the various times it was shown pre-watershed resulted in breaches of Rule 1.20.

Rule 2.3

Rule 2.3 of the Code requires that broadcasters must ensure that material which may cause offence is justified by the context. Context includes for example: the editorial content of the programme, the service on which it was broadcast, the time of the broadcast; and the likely expectation of the audience.

In Ofcom's view, the trailer included sexual and adult content, as detailed in the Introduction, which was clearly capable of causing offence.

We then considered whether the offence was justified by the context. As set out above, context is assessed by reference to a range of factors. We took into account that the content appeared in a trailer for a comedy film on a specialist film channel. However, the content in this case was included within a trailer. In our view, audiences consider offensive content less acceptable if it is included in trailers. This is because audiences do not choose to watch promotions for programmes. They come across them unawares. Viewers cannot therefore make informed choices to avoid offensive material in trailers compared to scheduled programmes. As stated in [Ofcom's published guidance to Rule 2.3](#), broadcasters should bear these factors in mind when scheduling trailers which include challenging material.

Given the above, in our view the audience would not have expected content of this strength broadcast within a trailer. We considered, and the Licensee agreed, that there was no editorial justification for this content. We also took into account that the trailer had been shown 72 times pre-watershed over a period of seven days. Therefore, we considered that the broadcast of this trailer at these various times was not justified by the context.

We took into account the Licensee's explanation that this trailer had been mistaken for another trailer and was not intended for pre-watershed broadcast, and their assurances that they have improved their compliance procedures to ensure such compliance errors would not happen again in the future. Nevertheless, our view was that the broadcast of this material at the various times it was shown pre-watershed also resulted in breaches of Rule 2.3.

We are concerned that this trailer was broadcast 72 times at various times pre-watershed over a period of seven days but Filmbox apparently only became aware of the nature of this content on being alerted to it by Ofcom. We therefore expect the Licensee to take greater care going forwards in relation to the content and scheduling of trailers.

Breaches of Rules 1.3, 1.20 and 2.3

Resolved

Bahrain Grand Prix

Sky Sports F1, 30 March 2019, 16:45

Introduction

Sky Sports F1 is a sports entertainment channel. Its licence is held by Sky UK Limited ("Sky" or "the Licensee").

Ofcom received a complaint about offensive language broadcast before the watershed during a live interview with an F1 driver Esteban Ocon and two presenters. During the interview, Mr Ocon commented on a clip of a previous race in 2018 when Lewis Hamilton overtook him. He said, *"I wasn't expecting to see Lewis coming that fast behind, so I got a bit 'fucked' [gestures quotation marks]"*.

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

Rule 1.14: "The most offensive language must not be broadcast before the watershed..."

Ofcom requested comments from the Licensee on how the content complied with the above rule.

Response

The Licensee apologised for any offence caused to viewers by this use of offensive language by Esteban Ocon during a live interview. The Licensee explained that the driver's use of the word *"fucked"* was both "unexpected" and "unavoidable".

Sky said that drivers and their teams were routinely briefed not to use any offensive language when being interviewed or near microphones. The Licensee said that in this case the word was not used in an aggressive manner but "in the spur of the moment" by the driver, who, was not speaking in his native language.

Sky said it responded immediately by apologising after the offensive language was broadcast and again, once the section of the programme had concluded. In addition, the Licensee confirmed that the offensive language was edited out of all subsequent repeats of this programme.

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.

Rule 1.14 states the most offensive language must not be broadcast before the watershed. [Ofcom's 2016 research on offensive language](#) makes clear that the word "fuck" and its variations are considered by audiences to be amongst the most offensive language. Therefore, the use of the word "fucked" in this programme at 16:45 was a clear case of the most offensive language being broadcast before the watershed.

However, we took into account that this was a live broadcast and that the Licensee had briefed interviewees in advance to minimise the risk of offensive language being broadcast. We also took into account that the presenter apologised on air immediately after the incident, and a second time once the section of the programme had concluded. Further, we acknowledged the steps the Licensee said it had taken to edit the offensive language out of all subsequent repeats of this programme.

In light of these factors, Ofcom's Decision is that this case is resolved.

Resolved

Broadcast Licence Conditions cases

In Breach

Providing a service in accordance with 'Key Commitments' *Your FM (Stockport), 19 to 20 January 2019*

Introduction

Your FM is a community radio station licensed to provide a service for the community of Stockport. The licence is held by 107.8FM Limited ("Your FM" or "the Licensee").

Like other community radio stations, [Your FM is required to deliver 'Key Commitments', which form part of its licence](#)¹. These set out how the station will serve its target community and deliver social gain (community benefits), and also include a description of the programme service.

Ofcom received a complaint that Your FM was not broadcasting the service described in its Key Commitments, in particular, that the station's programming did not deliver the minimum of eight hours original output each day. We therefore requested recordings of three days of Your FM's output from 14, 16 and 19 January 2019 and a full programme schedule for the week of 14 to 20 January 2019, and we asked the Licensee to indicate all content that fell under Ofcom's definition of original output.

The programming broadcast on 19 January appeared to consist largely of automated music with station idents and advertisements. The programme schedule provided by the Licensee showed that it had not broadcast any original output on 19 January 2019. It therefore appeared that Your FM was not meeting the following of its Key Commitments:

- "The service provides original output for a minimum of eight hours per day".

Ofcom considered that this raised potential issues under Conditions 2(1) and 2(4) of the Schedule to Your FM's licence. These state, respectively:

"The Licensee shall provide the Licensed Service specified in the Annex for the licence period". (Section 106(2) of the Broadcasting Act 1990); and

"The Licensee shall ensure that the Licensed Service accords with the proposals set out in the Annex so as to maintain the character of the Licensed Service throughout the licence period". (Section 106(1) of the Broadcasting Act 1990).

We requested comments from Your FM on how it was complying with these conditions, with reference to the specific Key Commitment set out above.

¹ Your FM's Key Commitments are contained in an annex to its licence and can be found at: <http://static.ofcom.org.uk/static/radiolicensing/Community/commitments/cr000034.pdf>

Response

Your FM admitted that it had not provided original output for a minimum of eight hours per day on either 19 or 20 January 2019 due to the theft of its studio-to-transmitter link panel in November 2018, which it said it had notified Ofcom of at the time. It explained that since the link panel was stolen it had experienced difficulties obtaining access to the transmitter site at weekends due to the security procedures of the building owners. While it had managed to implement emergency procedures to comply with its Key Commitments since the loss of the studio-to-transmitter link panel since November 2018, the Licensee explained that on the weekend in question it was “unable to provide live or voice tracked programming” and that it was instead “broadcasting a mix of music and station jingles”. It also said that “it had been our understanding that original output, like local output, included continuous/automated music as long as the playlists were created locally and unique to our station and not a repeat of a playlist previously broadcast”.

Decision

Reflecting our duties to ensure a diverse range of local radio services, community radio licensees are required to provide the licensed service specified in their Key Commitments. This is a fundamental purpose for which a community radio licence is granted.

From the recordings, programme schedule and representations from the Licensee, it was clear that Your FM had fundamentally misunderstood the meaning of original output. Ofcom does not consider that an automated playout of continuous music with no speech content other than advertisements and station idents constitute original output. As a consequence of this misunderstanding, and its inability to access the studio to broadcast voice-tracked content which would have met its original output requirements, Your FM failed to meet the minimum requirement for the broadcast of original output for the minimum of eight hours per day set out in its Key Commitments 19 and 20 January 2019.

Ofcom's Decision is therefore that the Licensee was in breach of Licence Conditions 2(1) and 2(4).

Additionally, we are putting the Licensee on notice that Ofcom will monitor this service again to check its compliance with these Conditions.

Breaches of Licence Conditions 2(1) and 2(4) in Part 2 of the Schedule to the community radio licence held by 107.8FM Limited; (licence number CR000034)

In Breach

Retention and production of recordings *NDTV India, New Delhi Television Limited*

Introduction

NDTV India is a Hindi news channel. The licence is held by New Delhi Television Limited ("NDTV" or "the Licensee").

Ofcom received a complaint that advertising had been broadcast during a news programme. Ofcom requested a recording of the programme to assess the content.

NDTV informed Ofcom that it was not able to provide the requested recording due to a fault with its recording equipment. Ofcom considered that the Licensee's inability to provide the recording raised potential issues under Licence Conditions 11(2)(a) and (b) of its licence, which state:

"11(2) ...the Licensee shall:

- (a) make and retain or arrange for the retention of a recording in sound and vision of every programme included in the Licensed Service for a period of 60 days from the date of its inclusion therein; and
- (b) at the request of Ofcom forthwith produce to Ofcom any such recording for examination or reproduction..."

Response

NDTV explained that its recording equipment had "malfunctioned" and its hard drive was "corrupted" which meant that it had not recorded the content and was unable to provide a recording of the content that Ofcom had requested.

The Licensee explained that it is "revisiting all compliance measures to avoid such occurrences in future".

Decision

In each broadcaster's licence, there are conditions requiring the licensee to retain recordings for a specific number of days after broadcast, and to comply with any request by Ofcom to produce recordings of programmes as broadcast.

For Television Licensable Content Service licences, this is reflected in Licence Conditions 11(2)(a) and (b). Breaches of Licence Conditions 11(2) (a) and (b) are significant because they impede Ofcom's ability to assess whether a particular broadcast raises potential issues under the relevant codes. This affects Ofcom's ability to carry out its statutory duties in regulating broadcast content.

The failure by the Licensee to record and provide the material prevented us from assessing it. Therefore, Ofcom's Decision is that the Licensee is in breach of Licence Conditions 11(2)(a) and (b).

Breaches of Licence Conditions 11(2)(a) and (b) of the Television Licensable Content Service licence held by New Delhi Television Limited (Licence number TLCS101516)

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 3 and 16 June 2019 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

Investigations conducted under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service	Categories
Cambridge Radio Limited	Star Radio	Format

[How Ofcom conducts investigations about broadcast licences](#)

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 3 and 16 June 2019 because they did not raise issues warranting investigation.

Complaints assessed under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission Date	Categories	Number of complaints
Gordon Ramsay's 24 Hours to Hell and Back	4Seven	05/06/2019	Disability discrimination/offence	1
Police Interceptors	5 Spike	06/05/2019	Generally accepted standards	1
Drive Time	All FM	17/05/2019	Generally accepted standards	1
ARY Iftar Transmission	ARY Family	23/05/2019	Hatred and abuse	1
Peter Finch	BRFM 95.6 FM	16/05/2019	Disability discrimination/offence	1
Rugby Union: Leicester Tigers v Newcastle Falcons	BT Sport 1	12/04/2019	Generally accepted standards	1
UFC 237: Rose Namajunas v Jessica Andrade	BT Sport 1	12/05/2019	Generally accepted standards	1
Capital Xtra in the Morning	Capital FM	07/05/2019	Commercial communications on radio	1
Wives With Knives (trailer)	CBS Reality	05/06/2019	Violence	1
Beat the Chef	Channel 4	10/06/2019	Generally accepted standards	1
Carry Ons at the Castle	Channel 4	19/05/2019	Race discrimination/offence	1
Channel 4 News	Channel 4	16/05/2019	Elections/Referendums	47
Channel 4 News	Channel 4	20/05/2019	Elections/Referendums	1
Channel 4 News	Channel 4	03/06/2019	Due impartiality/bias	7
Channel 4 News	Channel 4	03/06/2019	Race discrimination/offence	2
Channel 4 News	Channel 4	04/06/2019	Generally accepted standards	1
Channel 4 News	Channel 4	09/06/2019	Due accuracy	1
Channel ident	Channel 4	04/06/2019	Generally accepted standards	1
Dispatches: The Truth About Chlorinated Chicken	Channel 4	03/06/2019	Materially misleading	2

Programme	Service	Transmission Date	Categories	Number of complaints
Dispatches: The Truth About Chlorinated Chicken (trailer)	Channel 4	02/06/2019	Generally accepted standards	5
Gogglebox	Channel 4	24/05/2019	Sexual orientation discrimination/offence	1
Gogglebox	Channel 4	31/05/2019	Generally accepted standards	1
Hollyoaks	Channel 4	07/04/2019	Generally accepted standards	1
Hollyoaks	Channel 4	22/05/2019	Generally accepted standards	1
Hollyoaks	Channel 4	24/05/2019	Materially misleading	1
Hollyoaks	Channel 4	29/05/2019	Materially misleading	1
Hollyoaks	Channel 4	29/05/2019	Race discrimination/offence	2
Posh Pawn	Channel 4	05/06/2019	Dangerous behaviour	1
Sex on Trial	Channel 4	13/05/2019	Generally accepted standards	1
Sun, Sea and Brides to Be	Channel 4	01/06/2019	Animal welfare	1
Sunday Brunch	Channel 4	02/06/2019	Sexual material	1
The Last Leg	Channel 4	31/05/2019	Disability discrimination/offence	5
The Last Leg	Channel 4	31/05/2019	Generally accepted standards	3
15 Days	Channel 5	14/05/2019	Animal welfare	2
15 Days	Channel 5	15/05/2019	Animal welfare	9
Blind Date	Channel 5	02/06/2019	Scheduling	1
Blind Date	Channel 5	09/06/2019	Sexual material	5
Britain's Gypsy Claimers	Channel 5	22/05/2019	Race discrimination/offence	2
Hoarders: Buried Alive in My Bedroom	Channel 5	21/05/2019	Animal welfare	2
Jeremy Vine	Channel 5	05/06/2019	Materially misleading	1
Our Yorkshire Farm	Channel 5	21/05/2019	Dangerous behaviour	1
Restless Legs Syndrome: The New Cure?	Channel 5	06/03/2019	Materially misleading	1
The Murder of Charlene Downes	Channel 5	21/05/2019	Materially misleading	1
Most Ridiculous Thrill Seekers	Comedy Central	29/05/2019	Dangerous behaviour	1
Front	Discovery Channel	31/05/2019	Generally accepted standards	1

Programme	Service	Transmission Date	Categories	Number of complaints
Hollyoaks	E4	21/05/2019	Generally accepted standards	1
Hollyoaks	E4	23/05/2019	Generally accepted standards	4
The Other Two (trailer)	E4	22/05/2019	Generally accepted standards	1
Graham and Gaz Breakfast Show	Fix Radio	21/05/2019	Race discrimination/offence	2
Heart Breakfast with Jamie and Amanda	Heart FM	03/06/2019	Generally accepted standards	4
Heart Breakfast with Jamie and Amanda	Heart FM	04/06/2019	Scheduling	2
Heart Breakfast with Jamie and Amanda	Heart FM	05/06/2019	Generally accepted standards	2
Heart Daytime	Heart FM	12/06/2019	Competitions	1
Britain's Got Talent	ITV	27/05/2019	Generally accepted standards	7
Britain's Got Talent	ITV	28/05/2019	Nudity	1
Britain's Got Talent	ITV	29/05/2019	Generally accepted standards	2
Britain's Got Talent	ITV	29/05/2019	Nudity	6
Britain's Got Talent	ITV	29/05/2019	Sexual orientation discrimination/offence	1
Britain's Got Talent	ITV	29/05/2019	Violence	2
Britain's Got Talent	ITV	30/05/2019	Generally accepted standards	19
Britain's Got Talent	ITV	30/05/2019	Nudity	8
Britain's Got Talent	ITV	30/05/2019	Race discrimination/offence	1
Britain's Got Talent	ITV	30/05/2019	Sexual orientation discrimination/offence	6
Britain's Got Talent	ITV	31/05/2019	Dangerous behaviour	2
Britain's Got Talent	ITV	31/05/2019	Fairness	1
Britain's Got Talent	ITV	31/05/2019	Flashing images/risk to viewers who have PSE	1
Britain's Got Talent	ITV	31/05/2019	Gender discrimination/offence	1
Britain's Got Talent	ITV	31/05/2019	Generally accepted standards	2
Britain's Got Talent	ITV	31/05/2019	Nudity	3
Britain's Got Talent	ITV	02/06/2019	Generally accepted standards	3
Britain's Got Talent	ITV	02/06/2019	Materially misleading	1
Britain's Got Talent	ITV	02/06/2019	Nudity	33
Britain's Got Talent	ITV	02/06/2019	Other	1

Programme	Service	Transmission Date	Categories	Number of complaints
Britain's Got Talent	ITV	02/06/2019	Race discrimination/offence	1
Britain's Got Talent	ITV	02/06/2019	Sexual material	6
Coronation Street	ITV	27/05/2019	Disability discrimination/offence	1
Coronation Street	ITV	28/05/2019	Violence	5
Coronation Street	ITV	31/05/2019	Generally accepted standards	1
Coronation Street	ITV	07/06/2019	Race discrimination/offence	1
Coronation Street	ITV	10/06/2019	Generally accepted standards	4
Coronation Street	ITV	10/06/2019	Race discrimination/offence	1
Death Row: Countdown to Execution	ITV	13/06/2019	Generally accepted standards	1
Dickinson's Real Deal	ITV	05/06/2019	Race discrimination/offence	1
Dickinson's Real Deal	ITV	10/06/2019	Materially misleading	1
Emmerdale	ITV	02/06/2019	Materially misleading	1
Good Morning Britain	ITV	20/03/2019	Transgender discrimination/offence	1
Good Morning Britain	ITV	14/05/2019	Generally accepted standards	1
Good Morning Britain	ITV	15/05/2019	Materially misleading	1
Good Morning Britain	ITV	20/05/2019	Materially misleading	1
Good Morning Britain	ITV	30/05/2019	Generally accepted standards	3
Good Morning Britain	ITV	30/05/2019	Race discrimination/offence	1
Good Morning Britain	ITV	31/05/2019	Race discrimination/offence	1
Good Morning Britain	ITV	31/05/2019	Religious/Beliefs discrimination/offence	2
Good Morning Britain	ITV	03/06/2019	Generally accepted standards	1
Good Morning Britain	ITV	04/06/2019	Generally accepted standards	4
Good Morning Britain	ITV	10/06/2019	Generally accepted standards	1
Good Morning Britain	ITV	11/06/2019	Generally accepted standards	1
ITV News	ITV	28/05/2019	Generally accepted standards	2

Programme	Service	Transmission Date	Categories	Number of complaints
ITV News	ITV	06/06/2019	Generally accepted standards	1
Lorraine	ITV	30/05/2019	Sexual material	1
Love Island (trailer)	ITV	06/06/2019	Scheduling	1
Meridian Tonight	ITV	31/05/2019	Promotion of products/services	1
Peston	ITV	29/05/2019	Due impartiality/bias	1
Piers Morgan Life Stories: Mel B	ITV	25/05/2019	Gender discrimination/offence	1
The Cruise: Sailing the Mediterranean	ITV	13/06/2019	Animal welfare	2
The Jeremy Kyle Show	ITV	09/05/2019	Generally accepted standards	1
This Morning	ITV	06/05/2019	Transgender discrimination/offence	3
This Morning	ITV	21/05/2019	Due impartiality/bias	1
This Morning	ITV	24/05/2019	Due impartiality/bias	4
This Morning	ITV	24/05/2019	Materially misleading	2
This Morning	ITV	27/05/2019	Exorcism, the occult and the paranormal	1
This Morning	ITV	27/05/2019	Materially misleading	5
This Morning	ITV	28/05/2019	Religious/Beliefs discrimination/offence	1
Tipping Point	ITV	06/06/2019	Competitions	1
Wild Bill	ITV	12/06/2019	Materially misleading	1
Wild Bill (trailer)	ITV	28/05/2019	Generally accepted standards	1
AEW Wrestling	ITV Box Office	26/05/2019	Violence	1
American Dad	ITV2	29/05/2019	Sexual material	1
Britain's Got More Talent	ITV2	27/04/2019	Gender discrimination/offence	3
Britain's Got More Talent	ITV2	18/05/2019	Generally accepted standards	1
Britain's Got More Talent	ITV2	02/06/2019	Generally accepted standards	1
Family Guy	ITV2	30/05/2019	Generally accepted standards	1
Love Island	ITV2	03/06/2019	Gender discrimination/offence	1
Love Island	ITV2	03/06/2019	Generally accepted standards	7
Love Island	ITV2	03/06/2019	Race discrimination/offence	15
Love Island	ITV2	04/06/2019	Generally accepted standards	2

Programme	Service	Transmission Date	Categories	Number of complaints
Love Island	ITV2	04/06/2019	Race discrimination/offence	4
Love Island	ITV2	05/06/2019	Offensive language	1
Love Island	ITV2	05/06/2019	Race discrimination/offence	1
Love Island	ITV2	06/06/2019	Dangerous behaviour	1
Love Island	ITV2	06/06/2019	Generally accepted standards	1
Love Island	ITV2	06/06/2019	Race discrimination/offence	2
Love Island	ITV2	07/06/2019	Generally accepted standards	3
Love Island	ITV2	08/06/2019	Generally accepted standards	1
Shopping with Keith Lemon (trailer)	ITV2	05/06/2019	Generally accepted standards	1
You've Been Framed!	ITV2	04/06/2019	Generally accepted standards	1
The Only Way Is Essex	ITVBe	22/05/2019	Race discrimination/offence	1
The Real Housewives of Atlanta	ITVBe	02/06/2019	Generally accepted standards	1
The Real Housewives of Cheshire	ITVBe	20/05/2019	Generally accepted standards	1
The Real Housewives of Cheshire	ITVBe	27/05/2019	Sexual material	1
Ian Payne	LBC 97.3 FM	02/06/2019	Generally accepted standards	1
Maajid Nawaz	LBC 97.3 FM	18/05/2019	Materially misleading	1
Nigel Farage	LBC 97.3 FM	03/06/2019	Due impartiality/bias	2
Steve Allen	LBC 97.3 FM	26/05/2019	Generally accepted standards	2
Steve Allen	LBC 97.3 FM	11/06/2019	Generally accepted standards	1
Sports Programme	Link FM (Sheffield)	20/05/2019	Offensive language	1
Code 37: Sex Crimes (trailer)	More4	11/05/2019	Sexual material	1
Code 37: Sex Crimes (trailer)	More4	06/06/2019	Scheduling	1
Hunt for the Arctic Ghost Ship	More4	04/06/2019	Generally accepted standards	1
The Official Top 20 Singles Of The Year So Far	MTV Hits	27/05/2019	Offensive language	1

Programme	Service	Transmission Date	Categories	Number of complaints
News Bulletin	New Vision TV	21/05/2019	Generally accepted standards	1
Dave and Leanne	Radio City 96.7	24/05/2019	Dangerous behaviour	1
Going Underground	RT	05/06/2019	Due accuracy	1
RT News	RT	08/06/2019	Generally accepted standards	1
S4C Heno	S4C	07/06/2019	Promotion of products/services	1
Chernobyl	Sky Atlantic	28/05/2019	Generally accepted standards	1
All Out Politics	Sky News	14/05/2019	Elections/Referendums	1
All Out Politics	Sky News	31/05/2019	Generally accepted standards	1
All Out Politics	Sky News	03/06/2019	Due impartiality/bias	4
News	Sky News	03/06/2019	Due impartiality/bias	1
Press Preview	Sky News	13/05/2019	Age discrimination/offence	1
Sky News	Sky News	23/05/2019	Crime and disorder	1
Sky News	Sky News	23/05/2019	Due accuracy	1
Sky News	Sky News	30/05/2019	Due impartiality/bias	1
Sky News	Sky News	03/06/2019	Offensive language	1
Sophy Ridge on Sunday	Sky News	02/06/2019	Due impartiality/bias	1
Sophy Ridge on Sunday	Sky News	02/06/2019	Sexual orientation discrimination/offence	4
Sunrise	Sky News	23/05/2019	Due impartiality/bias	4
Jamestown	Sky1	10/05/2019	Violence	2
Turban Tadka	Star Plus	11/06/2019	Religious/Beliefs discrimination/offence	1
Since You Went Away	Talking Pictures TV	17/05/2019	Advertising placement	1
The Passenger	Talking Pictures TV	04/05/2019	Violence	1
The Chris Evans Breakfast Show	Virgin Radio UK	10/05/2019	Offensive language	1
13 Going On 30	W	26/05/2019	Offensive language	1

[How Ofcom assesses complaints about content standards on television and radio programmes](#)

Complaints assessed under the Procedures for investigating breaches of content standards on BBC broadcasting services and BBC ODPS.

Programme	Service	Transmission Date	Categories	Number of complaints
Victoria Derbyshire / BBC Newswatch	BBC 2	03/06/2019	Due impartiality/bias	1
John Beattie: The Media Review	BBC Radio Scotland	28/02/2019	Due impartiality/bias	1

[How Ofcom assesses complaints about content standards on BBC broadcasting services and BBC ODPS](#)

Complaints outside of remit

Here are alphabetical lists of complaints received by Ofcom that fell outside of our remit. This is because Ofcom is not responsible for regulating the issue complained about. For example, the complaints were about the content of television, radio or on demand adverts or an on demand service that does not fall within the scope of regulation.

Programme	Service	Transmission Date	Categories	Number of complaints
Blood	5 Select	02/06/2019	Outside of remit	1
Advertisement	All 4	01/06/2019	Advertising content	1
ATN News	ATN Bangla	05/06/2019	Outside of remit	1
BBC News	BBC 1	12/06/2019	Outside of remit	1
Springwatch	BBC 2	13/06/2019	Outside of remit	1
n/a	BBC channels	01/01/2019	Outside of remit	1
Programming	BBC iPlayer	05/12/2018	Outside of remit	1
Programming	Big City Radio	07/06/2019	Outside of remit	1
Dispatches: The Truth About Chlorinated Chicken	Channel 4 Seven	03/06/2019	Outside of remit	1
Advertisement	Dave Ja Vu	08/06/2019	Advertising content	1
Europa League Final: Chelsea v Arsenal	Eurosport	29/05/2019	Outside of remit	1
French Open Tennis	Eurosport	09/06/2019	Outside of remit	1
Live Roland-Garros	Eurosport	01/06/2019	Outside of remit	1
Church With GOD TV	GOD TV	02/06/2019	Outside of remit	1
Advertisement	Heart FM	11/06/2019	Advertising content	1
Advertisement	Horror Channel	06/06/2019	Advertising content	1
Advertisement	ITV	10/06/2019	Advertising content	1
Britain's Got Talent	ITV	31/05/2019	Outside of remit	1
Various	ITV	Various	Outside of remit	1
Emmerdale	ITV2	08/06/2019	Outside of remit	1
Love Island	ITV2	03/06/2019	Outside of remit	1
Love Island	ITV2	04/06/2019	Outside of remit	1
Love Island	ITV2	05/06/2019	Outside of remit	1
Love Island	ITV2	n/a	Outside of remit	2
Programming	n/a	12/11/2019	Outside of remit	1
Advertisement	Really	01/06/2019	Advertising content	1
CBN	Revelation TV	08/05/2019	Hatred and abuse	1
Advertisement	Sky Atlantic	14/06/2019	Advertising content	1
Advertisement	Sky News	05/06/2019	Advertising content	1
Advertisements	Sky Sports	08/06/2019	Advertising content	1
Programming	Various	07/06/2019	Outside of remit	1
Advertisement	Yesterday	01/06/2019	Advertising content	1
Advertisements	YouTube	05/05/2019	Advertising content	1

[More information about what Ofcom's rules cover](#)

BBC First

The BBC Royal Charter and Agreement was published in December 2016, which made Ofcom the independent regulator of the BBC.

Under the BBC Agreement, Ofcom can normally only consider complaints about BBC programmes where the complainant has already complained to the BBC and the BBC has reached its final decision (the 'BBC First' approach).

The complaints in this table had been made to Ofcom before completing the BBC's complaints process.

Complaints about BBC television, radio or on demand programmes

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
BBC News	BBC 1	04/06/2019	Due impartiality/bias	6
BBC News	BBC 1	10/06/2019	Due impartiality/bias	1
BBC News / BBC Midlands Today	BBC 1	03/06/2019	Due impartiality/bias	1
Breakfast	BBC 1	05/06/2019	Due accuracy	1
Breakfast News	BBC 1	10/03/2019	Due impartiality/bias	1
Casualty	BBC 1	08/06/2019	Generally accepted standards	1
Climate Change: The Facts	BBC 1	18/04/2019	Due accuracy	1
Countryfile	BBC 1	09/06/2019	Generally accepted standards	1
Countryfile Spring Diaries	BBC 1	29/04/2019	Due impartiality/bias	1
D Day 75	BBC 1	05/06/2019	Offensive language	1
Donald Trump State Visit	BBC 1	04/06/2019	Due impartiality/bias	1
EastEnders	BBC 1	06/06/2019	Generally accepted standards	2
European Election Results	BBC 1	23/05/2019	Due accuracy	1
European Election Results	BBC 1	23/05/2019	Due impartiality/bias	2
European Election Results	BBC 1	26/05/2019	Due impartiality/bias	1
European Election Results	BBC 1	27/05/2019	Due impartiality/bias	1
Have I Got News for You	BBC 1	31/05/2019	Generally accepted standards	1
Programming	BBC 1	03/06/2019	Due impartiality/bias	1
Question Time	BBC 1	09/05/2019	Elections/Referendums	8
Question Time	BBC 1	23/05/2019	Due impartiality/bias	1
Question Time	BBC 1	31/05/2019	Generally accepted standards	1
Question Time	BBC 1	13/06/2019	Materially misleading	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Question Time / Politics Live	BBC 1	Various	Due impartiality/bias	1
The Andrew Marr Show	BBC 1	19/05/2019	Due impartiality/bias	1
The Andrew Marr Show / Question Time	BBC 1	04/04/2019	Due impartiality/bias	1
The Graham Norton Show	BBC 1	31/05/2019	Generally accepted standards	1
The One Show	BBC 1	12/04/2019	Due impartiality/bias	1
BBC Newsline	BBC 1 Northern Ireland	12/06/2019	Crime and disorder	1
BBC Newsroom Live / Politics Live	BBC 2	12/06/2019	Due impartiality/bias	1
Mock the Week	BBC 2	13/06/2019	Race discrimination/offence	1
Newsnight	BBC 2	28/03/2019	Due impartiality/bias	1
Newsnight	BBC 2	05/06/2019	Due impartiality/bias	2
Victoria Derbyshire	BBC 2	03/06/2019	Due impartiality/bias	1
Victoria Derbyshire	BBC 2	03/06/2019	Generally accepted standards	1
Who Should Get To Stay in the UK?	BBC 2	13/06/2019	Due impartiality/bias	1
BBC News / Victoria Derbyshire	BBC 2 / BBC News Channel	03/06/2019	Due impartiality/bias	98
Victoria Derbyshire	BBC 2 / BBC News Channel	10/06/2019	Generally accepted standards	23
BBC News	BBC channels	n/a	Due impartiality/bias	20
BBC News	BBC channels	Various	Due impartiality/bias	2
Programming	BBC channels	Various	Due impartiality/bias	1
Programming	BBC channels	Various	Generally accepted standards	1
American History's Biggest Fibs with Lucy Worsley	BBC iPlayer	24/01/2019	Due accuracy	1
EastEnders	BBC iPlayer	n/a	Disability discrimination/offence	1
BBC News	BBC News Channel	01/06/2019	Due impartiality/bias	1
BBC News	BBC News Channel	10/06/2019	Due impartiality/bias	2
BBC Newsroom	BBC News Channel	03/06/2019	Due impartiality/bias	1
EU Election Results	BBC News Channel	26/05/2019	Due impartiality/bias	1
European Elections 2019	BBC News	26/05/2019	Due impartiality/bias	1
Newsroom Live	BBC News Channel	03/06/2019	Generally accepted standards	1
The Papers	BBC News Channel	05/06/2019	Disability discrimination/offence	1
Newsbeat	BBC Radio 1	04/06/2019	Due impartiality/bias	1

Programme	Service	Transmission or Accessed Date	Categories	Number of Complaints
Heresy	BBC Radio 4	11/06/2019	Generally accepted standards	320
Macpherson: What Happened Next	BBC Radio 4	11/03/2019	Materially misleading	1
The News Quiz	BBC Radio 4	15/02/2019	Religious/Beliefs discrimination/offence	1
Today	BBC Radio 4	07/06/2019	Due accuracy	1
5 Live Breakfast	BBC Radio 5 Live	20/05/2019	Due impartiality/bias	1
5 Live Breakfast	BBC Radio 5 Live	03/06/2019	Offensive language	1
Women's World Cup	BBC red button	12/06/2019	Gender discrimination/offence	1
BBC World News	BBC World	13/06/2019	Due impartiality/bias	1
Programming	CBeebies	05/06/2019	Religious/Beliefs discrimination/offence	1

Investigations List

If Ofcom considers that a broadcaster or service provider may have breached its codes, rules, licence condition or other regulatory requirements, it will start an investigation.

It is important to note that an investigation by Ofcom does not necessarily mean the broadcaster or service provider has done anything wrong. Not all investigations result in breaches of the codes, rules, licence conditions or other regulatory requirements being recorded.

Here are alphabetical lists of new investigations launched between 3 and 16 June 2019.

Investigations launched under the Procedures for investigating breaches of content standards for television and radio

Programme	Service	Transmission date
ATN News	ATN Bangla UK	16/03/2019
Capital Breakfast with Roman Kemp	Capital 95.8 FM	31/05/2019
Shelagh Fogarty	LBC 97.3 FM	14/05/2019
Vojennaja Taina	Ren TV Baltic	13/04/2019
The Julia Hartley-Brewer Breakfast Show	Talk Radio	23/05/2019
Programming	Time 107.5	20/05/2019

[How Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes](#)

Investigations launched under the Procedures for the consideration and adjudication of Fairness and Privacy complaints

Programme	Service	Transmission date
Breaking Views with Malick	92 News	12/01/2019
Outsiders	Kanal 11 (Sweden)	09/01/2019

[How Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes](#)

Investigations launched under the General Procedures for investigating breaches of broadcast licences

Licensee	Licensed Service
Abu Dhabi Media Company PJSC	Abu Dhabi TV
Community Broadcast Initiative Tyneside Ltd	NE1 FM

How Ofcom assesses complaints and conducts investigations about broadcast licences