

# **Ofcom broadcast bulletin**

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## Introduction

Ofcom's Broadcasting Code took effect on 25 July 2005 (with the exception of Rule 10.17 which came into effect on 1 July 2005). This Code is used to assess the compliance of all programmes broadcast on or after 25 July 2005. The Broadcasting Code can be found at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>

The Rules on the Amount and Distribution of Advertising (RADA) apply to advertising issues within Ofcom's remit from 25 July 2005. The Rules can be found at <http://www.ofcom.org.uk/tv/ifi/codes/advertising/#content>

The Communications Act 2003 allowed for the codes of the legacy regulators to remain in force until such time as Ofcom developed its own Code. While Ofcom has now published its Broadcasting Code, the following legacy Codes apply to content broadcast before 25 July 2005.

- 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)
- Rules on the Amount and Distribution of Advertising

From time to time adjudications relating to advertising content may appear in the bulletin in relation to areas of advertising regulation which remain with Ofcom (including the application of statutory sanctions by Ofcom).

## Standards cases

### In Breach

#### Quizmania

*ITV Play, 21 September 2006, 20:05*

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##### Introduction

This programme included a 'tower' competition in which viewers were invited to identify "things you find in a woman's handbag". Participants were required to identify, based on an established theme or set of criteria, the content of a series of blank windows arranged vertically in a 'tower'. In this instance a total of 14 windows were screened in a double tower (two columns of seven windows). One window revealed a sample answer – "mobile phone". Each remaining window was obscured with an amount of cash that represented the prize currently available for a successful caller who correctly identified the answer that lay beneath it.

When the game ended 7 of the 13 available prizes had been won. Correctly identified answers included "contact lenses", "driving licence" and "plane tickets." The remaining answers were then revealed, which included "raw/rawl plugs" and "balaclava." Three viewers questioned the validity of the answer, "raw/rawl plugs"; one viewer also questioned the validity of "balaclava."

##### Response

ITV assured us that it took very seriously its responsibility to ensure fairness and transparency in all of its games, as did the programme's production company. Having reviewed the game, the broadcaster agreed that both "raw/rawl plugs" and "balaclava" could be perceived as too obscure and therefore unlikely to be readily chosen by viewers as suitable answers. ITV acknowledged that an "error of editorial judgement" had occurred. Although the Executive Producer had been absent, the full list of answers for the programme had been reviewed by a senior producer and business manager prior to broadcast.

The broadcaster said that "raw/rawl plugs" had been selected in good faith by a games developer working on the programme. It had previously been included on the message board of a popular TV chef's website, as an item the contributor carried in her handbag. The developer was aware that some regular viewers of Call TV quiz shows trawl the internet to obtain answers. However, with the benefit of hindsight, the broadcaster accepted that both "raw/rawl plugs" and "balaclava" were not items likely to be carried in a handbag.

ITV said that the producers had taken specific measures to avoid any recurrence of similarly obscure answers in future competitions. The games developer must now request and receive approval from the Executive Producer or another senior producer and the Business Manager on all games and answers before they can be broadcast. All answers on the programme are also copied to ITV Play's management for prior approval.

Having reviewed the programme's working practice concerning the content of 'tower' competitions, the broadcaster had also decided to avoid 'open' subjects for which, in

theory, an infinite number of answers existed. It wished to avoid answers that could be perceived as “arbitrary or random” and confirmed that the source of all answers to *Quizmania* puzzles were now backed up by reference to a universally accepted source (i.e. a dictionary or encyclopaedia). The broadcaster added that the Games Developer must state the source when seeking approval for answers.

Nevertheless, ITV stated that at no point were “raw/rawl plugs” and “balaclava” the only answers that remained to be identified. During the entire game, callers who reached the studio could have been successful with other answers, such as “rubber band”, “directions” or “false teeth”. The broadcaster did not therefore believe that the game was conducted unfairly, but acknowledged that the two answers in question, whilst not impossible, were unlikely to be readily identified and were therefore inappropriate.

In conclusion, ITV said that *Quizmania*, as with all ITV Play programming, was founded on principles of fairness and honesty towards the viewer, which was reflected in the loyalty of its audience. It added that complaints of this sort were therefore few and were treated seriously. The broadcaster did not believe “this particular game constituted a formal breach of the Code”, but was in fact an error of editorial misjudgement. It was confident that the measures it had taken would avoid recurrence.

## Decision

In assessing these complaints Ofcom considered Rule 2.11 of the Broadcasting Code which states that, “*competitions should be conducted fairly...*”.

Ofcom acknowledges ITV Play’s explanation of how the answers to the question were arrived at. Ofcom also welcomed the prompt action taken by the broadcaster to avoid the inclusion of inappropriate answers in future competitions.

What Ofcom considers to be fair, in terms of a competition, will depend on the circumstances of any particular case (e.g. the question that has been asked, how the question has been asked, what the context of the competition was, whether the competition appears to be cryptic, etc). However, what is essential to the integrity of such games is that viewers are able to make informed choices when deciding whether to enter a competition, usually through a premium rate telephone call.

In competitions, such as identifying “things you find in a woman’s handbag”, viewers are likely to understand that the answers are going to be subjective and that there will be a number of possible answers. However, while we accept that some answers may be more difficult than others, in order to achieve fairness it is essential that the answers are reasonable. If, taking into account all the factors, the answer is not reasonable, and almost impossible to be identified by any viewer, then Ofcom is likely to consider that the competition has not been run fairly.

At any stage of a ‘tower’ competition the number of remaining answers available to be identified by participants is likely to be a significant factor when a viewer considers whether or not to enter. It is therefore important that viewers could have a reasonable expectation of identifying any of the remaining answers.

In the circumstances of this case, Ofcom believed that “raw/rawl plugs” and “balaclava” were not reasonable answers to what appeared to be a straightforward question, identifying “things you find in a woman’s handbag.” The inclusion of these answers was unreasonable and the competition was therefore not conducted fairly.

When licensees are involved in broadcasting content which involve a significant amount of financial transactions, it is essential that they observe the highest possible standards.

This is the first formal breach recorded by Ofcom against ITV Play for conducting a competition unfairly. However, Ofcom considers that this breach was a serious error of judgement and its compliance system failed to identify the issue. Ofcom would not expect a further occurrence of this nature.

**The broadcast of this competition breached Rule 2.11 of the Broadcasting Code.**

## Resolved

### ECW Wrestling

*Sky Sports 1, 16 August 2006, 07:00*

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#### Introduction

A viewer complained about inappropriate violence in this programme and its unsuitability for transmission at 07:00. The viewer was particularly concerned that whilst the broadcaster appeared to have edited certain aspects of the programme's violent content, it had left in scenes at the beginning of the programme depicting a man being thrown against a large wooden board covered in barbed wire who appeared to be bleeding heavily.

#### Response

BSkyB said that the timeslot in which the programme was transmitted had previously been occupied by World Wrestling Entertainment ("WWE") programming entitled *Velocity* and that this timeslot had been used to transmit wrestling programmes for many years. The *Velocity* programme was a WWE wrestling highlights programme that had been edited by WWE to cater for daytime audiences. As a consequence, WWE were familiar with BSkyB's requirements as to the editing required to enable a programme to be transmitted in these morning timeslots.

WWE advised BSkyB that in early June of 2006 year they would be replacing *Velocity* with a new brand of programming to be called *Extreme Champion Wrestling* which would sit alongside its existing *Smackdown* and *Raw* strands. WWE assured BSkyB that it would be editing this new strand of programming in the same manner as it had done with *Velocity* and gave assurances to BSkyB that the content would be an acceptable replacement for *Velocity* and would be edited for the relevant daytime viewing audience as appropriate.

Upon receipt of the first programme, which had clearly been edited by WWE, BSkyB took the decision to let the programme go out in the original *Velocity* daytime slots provided that all inappropriate violence had been removed and/or dealt with by freezing frames and/or strobe lighting. BSkyB also edited the programme further to make it suitable for broadcast at 07:00 which resulted in a considerable amount of freeze framing.

BSkyB stated that American professional wrestling was essentially a pantomime and was no more than "a collection of actor-wrestlers taking part in contrived feuds and fake brawls" with storylines and characters that ran from week to week in the same way as a soap opera. It also stated that while wrestling was presented and portrayed as a sport it was well known that it was "mere entertainment", with all perceived violence being pre-scripted and staged. It therefore felt that it would be clear to viewers that, were such violence real, the wrestler could not possibly walk out of the arena afterwards and that, as a consequence, the perceived graphic violence complained of was not actual violence and would not have been perceived as such by the primarily adult audience viewing the programme at the time.

With particular reference to the complained of scene featuring a wrestler thrown against a board covered in barbed wire, BSkyB stated that, just as previously Ofcom

found that tools such as sledgehammers were not readily available and that a child would be unlikely to be able to use them to imitate the simulated violence of the wrestlers, so barbed wire was similarly unlikely to be accessible to children or used in the manner shown in the programme. The programme also featured a 'Do Not Try this at Home' warning within the main body of the programme.

However, whilst BSkyB stated that the programme was not made primarily for children and was broadcast on a channel aimed primarily at adults with what it considered to be a clearly contrived and faked entertainment context, it took the decision, after a high level review, that this strand of WWE programming should no longer be broadcast pre-watershed. BSkyB considered that the edits made by WWE were insufficient for daytime viewing and the extent of additional editing BSkyB was undertaking undermined the storylines and overall viewer experience.

## Decision

Ofcom considered two issues in particular in relation to this complaint: inappropriate violence shown on screen and protection of the under-eighteens.

Research by legacy regulators the Independent Television Commission and the Broadcasting Standards Commission suggests that most viewers understand the theatrical nature of wrestling on television (and particularly the WWE strand of programmes transmitted previously), although there have been concerns expressed when theatrical elements appeared too realistic and violent for daytime transmission.

This particular edition of *ECW Wrestling* had utilised a number of editing and creative techniques to limit the perceived violence and its after effects shown on screen, including switching from colour film to monochrome when bloody injuries were most prevalent, freeze-framing, close edits trimming actual impact shots and the use of strobe lighting effects to subdue violent impacts by jarring the picture.

Many of these techniques helped dilute much of the perceived violence contained within the programme. However, on this occasion, the switch to monochrome from full colour on the visuals featuring the wrestler thrown against the barbed wire was not a sufficiently successful tool in masking his injuries – fake or otherwise. Viewers saw the man in question thrown on to the board and the injuries he received were clearly designed to be perceived as bloody and extensive.

Although not targeted specifically at children, this programme was broadcast at a time when children would have been able to view. Broadcasters must ensure that violence is appropriately limited in programmes shown before the watershed. In Ofcom's opinion, the violence included in the programme complained of was not sufficiently limited in view of its broadcast at 07:00.

However, Ofcom welcomed BSkyB's conclusion that the edits made were insufficient for daytime viewing and that *ECW Wrestling* would be better placed post-watershed to ensure compliance with the Code. Ofcom therefore considered the matter resolved.

## Resolved

## **Milkshake sponsored by Disney DVDs**

*Five, August 2006, Various Times*

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### **Introduction**

#### **Rule 9.14**

Five's midweek morning children's strand *Milkshake* is sponsored by Disney DVDs. A sponsor credit featuring the Disney DVD *The Wild* included the DVD's release date.

Rule 9.14 requires sponsorship on television to be clearly separated from advertising. Sponsor credits must not contain advertising messages or calls to action. In particular, credits must not encourage the purchase or rental of the products or services of the sponsor or a third party.

This rule is derived from European legislation, the Television Without Frontiers Directive. The Directive contains specific requirements relating to the amount of television advertising a broadcaster is allowed to transmit and also specific requirements for broadcast sponsorship arrangements. Sponsorship does not count towards the amount of time a broadcaster is allowed to use for advertising and, therefore, the Code requires credits to be distinct from advertising.

Ofcom questioned the content of the credit under Rule 9.14.

### **Response**

Five stated that it was at great pains as a responsible broadcaster to discourage and refuse any treatment for sponsorship credits supplied by a sponsor that might breach the Ofcom Broadcasting Code, with which they sought to adhere to at all times. This was often in the face of considerable pressure from sponsors who were frequently given conflicting advice on what is permissible from broadcaster to broadcaster.

In this instance, Five took the view that the strapline "Out Oct 18<sup>th</sup>" was not an advertising message or call to action, nor would it encourage the purchase or rental of the product, particularly as the product would not be available for several weeks. It was not a direct appeal to purchase or a "special promotional reference", nor was it a claim capable of objective substantiation. It was merely a statement alerting viewers to the fact that the product which was sponsoring the programme would not exist before 18 October 2006. Five referred to a sponsorship credit shown on another channel in which a product release date was used in the body of a sponsorship credit.

Five were aware that the inclusion of release dates was likely to be on the edge of what the Code permitted and it therefore ensured that the sponsor was aware of this and required the sponsor to have an alternative version to play should there be any suggestion from Ofcom that the initial treatment may be problematic. Consequently the alternative version was substituted in all further broadcasts as soon as Five was made aware of Ofcom's possible concerns.

## **Decision**

The purpose of a sponsorship credit is to make the sponsorship arrangement transparent to the audience. Broadcasters may include product shots or brief product descriptions in credits but the main focus of the credit should be the relationship between the sponsor and the programme.

Including specific information, such as a DVD release date, in a sponsor credit shifts the focus of the credit from the sponsorship arrangement to the sponsor's product and purchase information about that product. As a result, the distinction between advertising and sponsorship is eroded.

We therefore consider the inclusion of such information in a credit breached Rule 9.14. However, in view of Five's actions in immediately removing the credit upon being made aware of our concerns, we consider the matter resolved.

## **Resolved**

## Cash Call

GCap 'One Network' stations, 00:00, from 19 June 2006

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### Introduction

*Cash Call*, a new twice weekly programme, featured listener competitions offering cash prizes. Listeners were invited to participate via a premium rate telephone line or the web. The programme was networked across 'One Network' local radio stations – a group of forty commercial radio stations owned by GCap Media plc.

A listener heard the first of these new programmes broadcast on three different stations – Horizon Radio (Milton Keynes), FOX FM (Oxford and Banbury) and 97.6 Chiltern FM (Bedford). He was concerned that since he heard no local station references or any reference to the competitions being networked across a number of stations, he was not able to tell whether the competition was being run nationally or locally.

### Response

In their response to the complaint GCap detailed the local references that were made in the initial programme, which were aired as drop-ins (pre-recorded material slotted into the networked output) by each individual 'One Network' station. However, GCap admitted that there were no aired references to the show being networked. It confirmed that this was due to an oversight by the production company and that the matter was discussed when the first show was reviewed. Subsequent programmes therefore referred to the output being broadcast, "across the UK." GCap then clarified that, to ensure fairness to listeners (i.e. potential competition participants), it had instigated a policy of matching each aired local reference with a corresponding reference to the programme being broadcast "across the UK."

### Decision

In assessing this complaint Ofcom considered Rule 2.11 of the Broadcasting Code which requires that, "*competitions should be conducted fairly...*".

Ofcom listened to the programme and heard the local references that were included and subsequently detailed by GCap in their response to the complaint.

However, for competitions to be run fairly, listeners should be given sufficient information to decide whether or not to participate. When run simultaneously on various local/regional services, competitions can result in participation being spread wider (i.e. beyond the local area) than might be obvious to listeners in any one area. Broadcasters should not give listeners the impression that a competition is running *less* widely than it actually is.

When a competition is run across the UK but appears on a local station, it is important that listeners, who may wish to enter, are aware that they will be competing nationwide. Otherwise listeners may reasonably believe that it is a local competition. In the initial broadcast, GCap omitted any reference to the programme being networked across more than one station.

In the circumstances, Ofcom welcomed the appropriate review and prompt action taken by GCap to rectify its mistake.

In this case, GCap's subsequent policy of matching local references with corresponding references to networked coverage therefore appears appropriate and resolves the matter.

**Resolved**

## Not In Breach

### **Britain's Fattest Teenager**

*Five, 7 August 2006, 21:00*

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#### **Introduction**

This was a documentary about a teenager who had to deal with his problems of excessive weight. Three viewers complained about the unedited use of the word “cunt”, at 21:12, by the teenager in this programme. The word was used by him in relation to the insults he was subjected to. Five was asked to comment on the use of the word in relation to Rule 2.3 of the Code (generally accepted standards).

#### **Response**

Five said that this was an observational programme following Jonathan, a teenager with a very serious weight problem. As far as possible and where appropriate, Five stated that it wanted the film to accurately reflect Jonathan's life, so the viewer understood his lifestyle and attitudes as well as the environment in which he lived, including the adverse comments and abuse to which he was subject.

Five further stated that in the second half of the programme there was a discussion about the insults Jonathan was subjected to and the abuse he received as a result of his physical appearance. Jonathan recounted the taunts which included “you fat bastard” as a football chant and “there's that fat cunt off Trisha” (a reference to Jonathan appearing previously on the *Trisha* programme). Five believed it was important for viewers to understand the way Jonathan was insulted by strangers in the street and the impact it had on him. To this end, Five felt it was inappropriate to ‘bleep’ out the swearing, including the word “cunt”, as they considered it would have considerably undermined the viewers' understanding of the story.

Five further stated that whilst the word “cunt” was used as a taunt aimed at Jonathan, the manner in which he recounted the story was not aggressive, and as a result any potential offence caused to viewers associated with the use of the word would have been significantly undermined.

Five also pointed out that the programme was preceded by a strong language warning, and the Controller at Five responsible for the programme specifically sanctioned the use of this language which, it was felt, was important in telling Jonathan's story. They went on to say that given the nature of the programme, the likely adult audience, the warning which preceded the programme and the fact that the swear word complained of appeared later in the first part of the programme (not immediately after the watershed) Five believed its use was justified in the particular context.

#### **Decision**

Research into swearing carried out by Ofcom (Language and Sexual Imagery in Broadcasting: A Contextual Investigation, September 2005) indicates that the word “cunt” is amongst those considered the most offensive. The Code states that broadcasters must ensure that its use must be justified by the context.

Ofcom considered that this was a serious documentary recording the difficulties faced by a teenager with weight problems. The use of the word by Jonathan was not aggressive but used by the teenager when describing the regular abuse he suffered. Ofcom acknowledged Five's explanation that to bleep out the word might have lessened the impact of such abuse and its effects on the boy. Ofcom also noted that the programme was preceded by a verbal warning, "The programme contains strong language...". The impact of the word was also lessened as it was not necessarily readily distinguishable.

Taking the above into account, on this occasion, Ofcom did not consider there was a breach of the Code. However it should be noted that only in exceptional cases will it be acceptable to broadcast the word "cunt" close to the watershed. Further, Ofcom believed that, given the time of broadcast, the warning could have been clearer. Many viewers would describe this language not as "strong" – but in fact the strongest. As the Code states, such information may assist in avoiding or minimising offence.

### **Not in Breach**

## Fairness and Privacy Cases

### Upheld

#### **Complaint by Mr Paul Hellawell on behalf of UK Juicers Ltd**

*Central News West, ITV1, 8 March 2006 and ITV News, ITV1, 9 March 2006*

Summary: Ofcom has upheld this complaint of unfair treatment.

Mr Hellawell complained that his company, UK Juicers Ltd, was treated unfairly in two news reports. The items, which were broadcast on *Central News West* and *ITV News*, reported on “one yoga teacher’s war to root out the charlatans in her industry and the companies making outrageous promises for their so-called health products”.

Mr Hellawell complained that UK Juicers Ltd was treated unfairly in the programmes in that one of its products was identified and a statement by the Advertising Standards Authority in relation to it was misrepresented. ITV responded that the reports highlighted concern about questionable advertising claims which was a matter of significant public interest. ITV said it legitimately put forward the complainant’s product as an example of concern that exaggerated claims had been made, and included a justifiable paraphrase of the ASA’s position on it.

Ofcom found that although neither UK Juicers Ltd nor its product were identified by name in the programmes they were likely to have been identifiable, through the advertising material featured, to UK Juicers Ltd’s customer base. Furthermore, while Ofcom acknowledged that the ASA had at least preliminary concerns regarding the advertisement, in Ofcom’s view ITV had overstated these concerns in such a manner as to cause unfairness to the company. In coming to its conclusions Ofcom had regard only to the presentation of the ASA’s position, not to the validity of any claims made in the advertising material featured.

#### **Introduction**

Two news items, on *Central News West* and *ITV News*, reported on “one yoga teacher’s war to root out the charlatans in her industry and the companies making outrageous promises for their so-called health products”. The *Central News West* item was broadcast on 8 March 2006 and then re-versioned for *ITV News* on 9 March 2006.

Both items featured the promotional material for two products. The second of these was a trampoline, with the product name and details obscured.

The *Central News West* commentary stated:

“And how about this trampoline? The advert claimed it uses gravity to gently stretch and compress every single cell of the body. The ASA [Advertising Standards Authority] said the only thing being stretched was the truth. The ad was withdrawn.”

The ITV News commentary stated:

“And this trampoline ad claiming to use gravity to stretch and compress every single cell of the body. The ASA said the only thing being stretched was the truth and it too was withdrawn.”

Mr Paul Hellawell, a director of UK Juicers Ltd which co-brands and supplies the product, complained that UK Juicers Ltd was treated unfairly in the programme as broadcast.

## **The Complaint**

### **Mr Hellawell's case**

In summary, Mr Hellawell complained that UK Juicers Ltd was treated unfairly in that:

The programmes clearly identified a UK Juicers Ltd product and misrepresented the Advertising Standards Authority (“ASA”) statement in relation to it. The programmes invented a quote from the ASA when in fact the advertising for the product never went to adjudication at the ASA.

Mr Hellawell provided material in support of his complaint including an email from the ASA which stated “We did not, and we would never, say that your company had stretched the truth”. He also stated, by way of background, that customers had recognised the product and phoned in with their concerns, and that sales had dropped after the broadcasts.

### **ITV's case**

In summary, ITV responded to the complaint made by Mr Hellawell, on behalf of UK Juicers Ltd, that:

The reports highlighted concerns about lack of regulation in the fitness industry, and questionable advertising claims, a matter of significant public interest. They legitimately put forward the complainant's product as an example of concern that exaggerated claims had been made.

ITV stated that the ASA had received a complaint concerning the advertising material's claims about the trampoline and confirmed that “We considered the complainants had raised valid points and there may be a case to answer under sections 3.1 (substantiation), 7.1 (truthfulness) and 50.1 (health and beauty products and therapies) of the CAP [Committee of Advertising Practice] Code.”

ITV said that the reports included a justifiable paraphrase of the ASA's position, as outlined above, about over-ambitious or unsubstantiated claims made in the advertisement, claims which in this case were withdrawn following ASA intervention. Neither the complainant nor the product were identified. This did not result in unfairness to the complainant.

## **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.

Mr Hellawell's complaint was considered by Ofcom's Executive Fairness Group. Ofcom considered the complaint and the broadcaster's response, together with supporting material and a recording and transcript of the programme as broadcast. In its considerations Ofcom took account of Ofcom's Broadcasting Code ("the Code").

In the circumstances of this case Ofcom found the following:

Mr Hellawell complained that the programmes clearly identified a UK Juicers Ltd product and misrepresented the ASA statement in relation to it. The programmes invented a quote from the ASA when in fact the advertising of product never went to adjudication at the ASA.

In its consideration of this complaint Ofcom took particular account of practice 7.9 of the Code which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

Ofcom first considered whether UK Juicers Ltd was identified in, or made identifiable by, the two programmes. Ofcom noted the section of each item which concerned a campaign "to ensure that ads for fitness products end up doing what they say". Two products were examined in each report, the second of which was a fitness trampoline. Ofcom noted that publicity material for the trampoline was shown in which the company and product names had been obscured. The commentary stated:

"And how about this trampoline? The advert claimed it uses gravity to gently stretch and compress every single cell of the body. The ASA [Advertising Standards Authority] said the only thing being stretched was the truth. The ad was withdrawn" (*Central News West* item).

"And this trampoline ad claiming to use gravity to stretch and compress every single cell of the body. The ASA said the only thing being stretched was the truth and it too was withdrawn" (*ITV News* item).

Ofcom recognised that ITV had taken steps, in each of the two broadcasts to limit the identifiability of the product. However while the product was not identified to the general public, it was likely to have been identifiable by the material shown, for example to customers who had bought the product or potential customers who had seen the publicity material.

Ofcom then turned to the programme's presentation of the ASA's statement (sections of commentary noted above).

Ofcom considered Mr Hellawell's supporting material which included an email from the ASA which stated "We did not, and we would never, say that your company had stretched the truth."

Ofcom also noted ITV's response, including its statement that the ASA had confirmed that "We considered the complainants had raised valid points and there may be a

case to answer under sections 3.1 (substantiation), 7.1 (truthfulness) and 50.1 (health and beauty products and therapies) of the CAP [Committee of Advertising Practice] Code.”

Ofcom considered the particular commentary line in each item which stated that “The ASA said the only thing being stretched was the truth”, and noted that this was followed by a reference to the advertisement being withdrawn. In Ofcom’s view this juxtaposition clearly implied that the regulatory authority, the ASA, had come to a conclusion regarding this advertisement and found it to have breached its Code for misleading claims. In fact, as both parties agreed in their submissions, the ASA had considered that there may have been a case to answer, and the company had taken its own decision to withdraw the advertisement. In Ofcom’s view, it is clear that while the ASA may have considered that the UK Juicers Ltd had a case to answer for in terms of its Codes, it had not reached a decision on the issue.

Furthermore, the *ITV News* item stated that the trampoline advertisement “too” was withdrawn. The word “too” associated the trampoline advertisement with an earlier product featured in the item, a product which had been identified as in “breach of advertising codes” and therefore withdrawn. In Ofcom’s view the implication in the *ITV News* item was therefore that the trampoline advertisement had also been withdrawn as a result of being found in breach of advertising standards codes.

Ofcom acknowledged that there was no requirement for broadcasters to quote sources verbatim. However for the reasons given above it was Ofcom’s view that the commentary in both items (on *ITV News* and *ITV Central News West*) did not fairly represent the ASA’s position. Ofcom acknowledged that the ASA had at least preliminary concerns regarding the advertisement, as agreed by both parties, but considered that *ITV* had overstated these concerns in such a manner as to cause unfairness to the company, UK Juicers Ltd.

In coming to its conclusions Ofcom had regard only to the presentation of the ASA’s position, not to the validity of any claims made in the advertising material.

In light of the above deliberations Ofcom found that both the *Central News West* and *ITV News* items resulted in unfair treatment of UK Juicers Ltd in the programmes as broadcast.

Accordingly, Ofcom found the broadcaster in breach of Rule 7.1 of the Broadcasting Code.

The complaint of unfair treatment was upheld.

## Not Upheld

### **Complaint by Mr Bhaarat Pattni**

*BBC Midlands Today, BBC1 (West Midlands), 28 April 2006*

Summary: Ofcom has not upheld this complaint of unfair treatment in the broadcast of the programme.

Mr Bhaarat Pattni complained that the programme incorrectly claimed that he had arranged for his son to marry and also incorrectly stated that his son was in a relationship with another woman (Ms Neelam Banger) when this engagement was arranged. He said that the programme also unfairly linked a letter sent by him to Ms Banger to her suicide despite the coroner's comments.

Ofcom found the following:

- Ofcom was satisfied that the programme accurately and fairly reported Mr Pattni's leading role in the arrangement of his son's engagement.
- Ofcom took the view that there was no persuasive evidence to suggest that it was incorrect to state that Mr Pattni's son and Ms Banger were in a relationship when the engagement was arranged and that the report accurately and fairly presented the evidence given in court.
- Ofcom found that it was reasonable for the report to include Mr Pattni's letter to Ms Banger and to refer to its possible connection with the circumstances surrounding her suicide. In Ofcom's view, the reporter's comments on this issue accurately and fairly paraphrased the remarks made by the coroner in delivering his verdict in open court.

### **Introduction**

On 28 April 2006, an item about the suicide of a young Asian woman, Ms Neelam Banger, was broadcast by the BBC regional news bulletin *Midlands Today*. The item reported on the coroner's inquest, which had been held that day, into the circumstances surrounding her death.

The item reported that Ms Banger was the girlfriend of Mr Bhaarat Pattni's son, Mr Shiv Pattni, and that Mr Bhaarat Pattni had been concerned about their relationship because he had arranged for his son to marry someone else. The report described and included a letter dated 15 April 2005 that Mr Bhaarat Pattni sent to Ms Banger. The letter referred to a text message of a sexual nature that Ms Banger had sent to Mr Shiv Pattni. In the letter, Mr Bhaarat Pattni threatened to reveal intimate details of the relationship between his son and Ms Banger to her parents. The letter also claimed that Mr Bhaarat Pattni had taken legal advice that he could sue Ms Banger to recover the cost of the engagement, i.e. £30,000. The programme item also included a leaflet that had been sent to Ms Banger which detailed the text message and which it was reported had been sent with the threat that it would be widely distributed within the Hindu and Sikh communities. It was established during the inquest that the leaflet had been produced on the Pattni family computer; however, Mr Bhaarat Pattni denied its authorship.

On 29 May 2005, Ms Banger hanged herself at her family home. The programme's reporter, Mr Giles Latcham, said in the report that the coroner had "*called it [the letter and the leaflet] disgraceful harassment*", and although it was "*impossible to be sure that the letters caused her suicide it was an example of tensions that can arise when a child chooses a partner*".

Footage of Mr Bhaarat Pattni and his son taken outside the Black Country Coroners' Court was shown in the programme and Mr Bhaarat Pattni was referred to by name a number of times.

Mr Bhaarat Pattni complained to Ofcom that he was treated unfairly in the programme as broadcast.

## **The Complaint**

### **Mr Bhaarat Pattni's case**

In summary, Mr Bhaarat Pattni complained that he was treated unfairly in the programme as broadcast in that:

- (a) The programme incorrectly referred to him "*as having arranged for him [his son] to marry another woman*". He said that the marriage arrangements were made by Mr Bhaarat Pattni's mother in accordance with his son's wishes. Mr Bhaarat Pattni said that he did not make arrangements for his son to become engaged.
- (b) The programme stated, incorrectly, that his son and Ms Banger were in a relationship when the engagement was arranged. Mr Bhaarat Pattni said that his son had finished his relationship with Ms Banger after he became aware of her previous relationships.
- (c) The programme linked the letter, dated 15 April 2005, that Mr Bhaarat Pattni had sent to Ms Banger to her suicide, in spite of the coroner's comments.

### **The BBC's case**

In summary, the BBC responded to Mr Bhaarat Pattni's specific heads of complaint as follows:

- (a) The BBC said that the item reported the findings of the coroner's inquest into the circumstances surrounding the death of Ms Banger. The coroner's verdict was that Ms Banger had killed herself. He left open the possibility that she committed suicide because of pressure from the Pattni family. The BBC said that the item was a contemporaneous report of proceedings at an inquest and, as such, privileged. They pointed to arguments they had made regarding a case before Ofcom's predecessor the Broadcasting Standards Commission ("BSC") in 2002 regarding a CEEFAX item "Inquests open into babies' deaths". The BBC highlighted the principle outlined by the BSC in that adjudication of 21 May 2002 that "there cannot be a finding of unjust or unfair treatment in circumstances in which for the purposes of defamation the report would be regarded as fair and accurate."

The BBC said that the programme's report stated that "Mr [Bhaarat] Pattni had arranged a marriage for his son" and the newsreader's introduction had made the same point. The BBC said that it had sought information directly

from the coroner, to ensure that the report in the programme had been accurate. The BBC provided Ofcom with an undated letter from the coroner, which enclosed: a copy of the coroner's summing up (dictated by the coroner immediately after the inquiry); correspondence between Mr Bhaarat Pattni and Ms Banger (including their letters of 15 and 21 April 2005); and the leaflet produced on the Pattni family computer. All of which had been used as exhibits in the inquest.

The BBC said that the issue of who had arranged the engagement was the subject of questioning from the coroner during the inquest. Mr Shiv Pattni had told the coroner that the father of another woman had spoken to him at a family function and had subsequently approached his parents with a view to arranging a marriage. The programme's reporter (who was present at court and heard all the evidence and had taken contemporaneous notes of the proceedings) was clear in his recollection that it had been Mr Bhaarat Pattni who represented his family in the engagement negotiations. The BBC said that when questioned by the coroner about his son's relationship with Ms Banger, Mr Bhaarat Pattni had said *"I didn't know he'd been seeing Neelam and if I had, I wouldn't have suggested engagement"*.

The BBC said that there was also written evidence, notably the letter dated 15 April 2005 which Mr Bhaarat Pattni had sent to Ms Banger, that demonstrated that he involved himself directly with the details of his son's personal life and prospective marriage. With this evidence before him, the BBC said that it was unsurprising that the coroner had found that he could state, unequivocally, in court that *"[the] letter was more to do with maintaining his face in the community so that the engagement he'd arranged wasn't going to fall flat"*. The BBC said that it was clear that the evidence given in court led the coroner to understand that it was Mr Bhaarat Pattni who had "arranged" the engagement. Mr Bhaarat Pattni offered no evidence in court to contradict that understanding, nor had he sought to correct the coroner. The BBC said that he was clearly the Pattni family's driving force in bringing about the engagement. In these circumstances, the BBC said that the commentary was an accurate and entirely fair description of Mr Bhaarat Pattni's role.

- (b) The BBC said that the coroner's letter to the programme reporter said that *"There was no evidence before me that Shiv had 'finished his relationship' at the time of the engagement."*

The coroner in his summing up laid out the sequence of events. He said that Ms Neelam Banger and Mr Shiv Pattni had formed a relationship in 2004 which became close and intense. However, later that year, Mr Shiv Pattni became engaged to another woman. Despite the engagement Mr Shiv Pattni and Ms Banger continued to see each other and in due course his engagement to the other woman appeared to stagnate. The coroner said that *"it is quite clear to me that Shiv really wanted to be with Neelam."* The problem was that the engagement had already taken place and his father was keen that it be fulfilled.

The BBC said that it was evident from the coroner's summary that Mr Shiv Pattni and Ms Banger were in a relationship for some time before the engagement and that it continued uninterrupted until a brief break at around the time of Mr Bhaarat Pattni and Ms Banger's correspondence in April 2005. The BBC said that the programme's commentary that Mr Bhaarat

Pattni was “concerned that [his son] was still seeing Neelam Banger”, had properly and accurately been based on evidence given in court, and was therefore not unfair.

(c) The BBC said that the relevant commentary stated:

*“Neelam hanged herself at the family home in West Bromwich just over six weeks after she received the first letter. The coroner called it disgraceful harassment. He said it was impossible to be sure the letters caused her suicide but it was an example of tensions that can arise when a child chooses a partner”.*

The item reported that Mr Pattni had claimed in court that he had only sought to bring the relationship between his son and Ms Banger into the open. The coroner had been sceptical of this claim and had told the court that:

*“When he [Mr Bhaarat Pattni] tells me his intervention was designed to bring their relationship into the open, I have grave doubts about that evidence”.*

The BBC said that in his summing-up, the coroner described the leaflet as “disgraceful” and had noted that both it and a further communication were produced on Mr Bharrat Pattni’s home computer:

*“Whoever sent such correspondence should be thoroughly ashamed of themselves. I am satisfied that the correspondence was vindictive and harassing”.*

The coroner had also stated that “the possibility exists that [Ms Banger] was succumbing to the intolerable pressure of the correspondence”. The BBC also referred to the coroner’s undated letter to the programme’s reporter in which the coroner stated that he “most certainly did not say that it was impossible to link the letter to the suicide”. The BBC said the letter confirmed that the programme had accurately paraphrased the coroner’s remarks and, as a true account of proceedings in the court, the BBC said the programme commentary was therefore not unfair.

## Decision

Ofcom’s statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes included in such services. Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom recognises that (subject to the provisions of the Ofcom Broadcasting Code) broadcasters can quite properly comment and take particular viewpoints on the subjects of broadcast programmes. However, it is essential, not only to the parties directly concerned but also to listeners and viewers, that such comments should be accurate in all material respects so as not to cause unfairness. Ofcom is also obliged to have regard, in all cases, to the principles under

which regulatory activities should be transparent, accountable, proportionate and consistent targeted only at cases in which action is needed.

Reports of public proceedings in the courts are protected by absolute privilege, providing that the report is fair, accurate and broadcast contemporaneously. Contemporaneous in this context is usually taken to include a broadcast on the evening of the proceedings or as soon as practicable after the proceedings which are the subject of the broadcast. In this particular case, Ofcom was satisfied that the “contemporaneous” requirement outlined above was met by the broadcaster as the news item was broadcast on the same day as the coroner’s verdict was given. Whether or not the report was fair and accurate will be considered under the specific heads of complaint detailed below.

This case was considered by Ofcom’s Executive Fairness Group. In reaching a decision about Mr Bhaarat Pattni’s complaint, the Group had regard for the written submissions of the parties which included additional supporting material, and a recording and transcript of the programme.

Ofcom’s decision is set out below, by reference to each of the heads of Mr Bhaarat Pattni’s complaint:

- (a) Mr Bhaarat Pattni complained that the programme incorrectly referred to him as having *“arranged for [his son] to marry another woman*. He said that the marriage arrangements had been made by his mother in accordance with his son’s wishes. He said that he did not make arrangements for his son to become engaged.

Broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation. However, Ofcom is also aware of the broadcaster’s right (subject to the provisions of Ofcom’s Broadcasting Code) to comment and take particular viewpoints on the subjects of broadcast programmes.

In consideration of this element of the complaint, Ofcom noted the BBC’s contention that the item was a contemporaneous report of proceedings at an inquest and, as such, privileged<sup>1</sup>.

Ofcom also noted, by examining a recording of the item and reading a transcript of it, that the programme’s reporter had stated that

*“her boyfriend’s father had arranged for him to marry another woman”*

and had later added that

*“Mr Pattni had arranged a marriage for his son and was concerned he was still seeing Neelam Banger”.*

Ofcom also considered the information provided by the coroner to the programme’s reporter, including a copy of the coroner’s summing up. From this document Ofcom noted that, while the coroner’s summing up referred to Mr Shiv

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<sup>1</sup> Ofcom noted that the BBC had pointed to arguments they had made regarding a case before the BSC in 2002 regarding a CEEFAX item “Inquests open into babies’ deaths”. The BBC had highlighted the principle outlined by the BSC in their adjudication of 21 May 2002 that “there cannot be a finding of unjust or unfair treatment in circumstances in which for the purposes of defamation the report would be regarded as fair and accurate.”

Pattni as having a problem because the engagement had taken place and his father “was clearly keen for his son to fulfil the engagement”, it did not specifically address the issue as to who had actually made the arrangements for the engagement. It did say that “this, I was told, was not an arranged marriage in the conventional sense.” Ofcom also had regard for the letter Mr Bhaarat Pattni sent to Ms Banger on 15 April 2005. In this letter the complainant referred to a meeting he and other members of the Pattni family had had with Ms Banger’s mother and older sister after which Mr Bhaarat Pattni said that they had left with the reassurance that Ms Banger would no longer ‘pursue’ Mr Shiv Pattni

Ofcom noted that the programme’s reporter had been present in court and had made contemporaneous notes of the proceedings, including oral evidence given by Mr Bhaarat Pattni. Ofcom noted from the BBC’s statement that the programme’s reporter recalled Mr Pattni saying that if he had known that his son was seeing Ms Banger, he “*wouldn’t have suggested engagement*”. Ofcom also took note of the programme’s reporter’s recollection that the coroner had commented that Mr Bhaarat Pattni’s letter to Ms Banger of 15 April 2005 had been more to do with “*maintaining his face*” in his community “*so that **the engagement he’d arranged** wasn’t going to fall flat*” (emphasis added by Ofcom).

Taking all these particular factors into account, Ofcom believed that it was reasonable for the programme’s reporter to refer to Mr Pattni as having arranged his son’s engagement in the programme. Ofcom was satisfied that from: the oral evidence given by Mr Pattni in court to the coroner as contemporaneously noted by the programme reporter; the letter of 15 April 2006 that Mr Bhaarat Pattni sent to Ms Banger; and, what appeared from the reporter’s note to be the coroner’s understanding of the situation (i.e. that Mr Bhaarat Pattni had arranged the engagement) that the programme accurately reported what Mr Bhaarat Pattni had said in open court and what the coroner had understood to be the situation. In the absence of any evidence submitted to Ofcom by the complainant to question that the contemporaneous notes taken by the programme’s reporter were not reliable, Ofcom was satisfied that the wording in the report was a fair presentation of Mr Bhaarat Pattni’s leading role in the arrangement of his son’s engagement. Ofcom therefore found no unfairness in this respect.

- (b) Mr Bhaarat Pattni complained that the programme stated incorrectly that his son and Ms Banger were in a relationship when the engagement was arranged. He said that his son had finished his relationship with Ms Banger after he became aware of her previous relationships.

Broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation. However, Ofcom is also aware of the broadcaster’s right (subject to the provisions of Ofcom’s Broadcasting Code) to comment and take particular viewpoints on the subjects of broadcast programmes.

In considering this element of the complaint, Ofcom noted the BBC’s assertion that: proceedings in the coroner’s court are inquisitorial in nature; that, as a consequence, in this context the issue of fairness is the same as the issue of accuracy; and, that it follows that if the report is accurate, then it cannot be unfair.

Ofcom also noted the reporter had said in the commentary that:

*"Her boyfriend's father [Mr Bhaarat Pattni] had arranged for him to marry another woman and was unhappy that he was still seeing Neelam [Ms Banger]"*

and later stated that:

*"Mr [Bhaarat] Pattni had arranged a marriage for his son and was concerned he was still seeing Neelam Banger".*

Ofcom noted that the coroner had taken evidence on this point and had informed the BBC in his undated letter to the programme's reporter that no evidence was put before him that Mr Shiv Pattni had *"finished his relationship' at the time of the engagement"*. Ofcom also noted the copy of the coroner's summing up in which he had set out the chronology of the relationship, based on the evidence given in court, between Mr Shiv Pattni and Ms Banger.

Given the circumstances referred to above, namely that the coroner confirmed in his letter to the programme's reporter that no evidence had been put forward to suggest that Mr Shiv Pattni and Ms Banger had ended their relationship at the time of the engagement and the detailed chronology given in the coroner's report, Ofcom took the view that there was no persuasive evidence to suggest that it was incorrect for the report to state that his son and Ms Banger were in a relationship when the engagement was arranged. It considered that it was clear from the coroner's summing up that Mr Shiv Pattni and Ms Banger were in a relationship before the engagement and that it continued uninterrupted apart from a brief break around the time Ms Banger wrote to Mr Bhaarat Pattni's on 21 April 2005. Ofcom, therefore, was satisfied that the commentary accurately presented the evidence given in court and that the programme did not result in unfairness to Mr Bhaarat Pattni.

- (c) Mr Bhaarat Pattni said that the programme linked his letter of 15 April 2005 to Ms Banger to her suicide, in spite of the coroner's comments.

Broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation. However, Ofcom is also aware of the broadcaster's right (subject to the provisions of Ofcom's Broadcasting Code) to comment and take particular viewpoints on the subjects of broadcast programmes.

Ofcom also noted the commentary line in the report:

*"Neelam hanged herself at the family home...just over six weeks after she received the first letter.*

*The coroner called it disgraceful harassment. He said was impossible to be sure the letters caused her suicide but it was an example of tensions that can arise when a child chooses a partner".*

Ofcom noted the comments made by the coroner in his summing up at the inquest into Ms Banger's death. He had said that the possibility existed that she was *"succumbing to the intolerable pressure of the correspondence that she had been sent"*.

The coroner did not specify which items of correspondence he had meant when he made this reference. The three items of correspondence of which Ofcom was

aware were: the letter of 15 April 2005 from Mr Bhaarat Pattni; a follow up anonymous letter which we have not been shown; and a leaflet. The last two were produced on the Pattni family computer.

Ofcom also noted that the coroner had said in his letter to the programme's reporter that in his summing up "*I most certainly did not say that it was impossible to link the letter [of 15 April from Mr Bhaarat Pattni] to Ms Banger's suicide*".

Ofcom also noted that the programme's commentary referred to "letters" (Ofcom's emphasis) when reporting what the coroner had said in his verdict.

Taking the factors referred to above into account, Ofcom was satisfied that the programme makers had taken reasonable care to satisfy themselves that material facts were not presented, disregarded or omitted in a way that was unfair. Ofcom found it was reasonable for the report to include Mr Bhaarat Pattni's letter to Ms Banger of 15 April 2005 and to refer to its possible connection with the circumstances surrounding her suicide. In Ofcom's view it was clear from the coroner's summing up that he believed a possibility existed that Ms Banger had succumbed to the "*intolerable pressure of the correspondence*" and that he stated in his undated letter to the programme's reporter that he did not say that it was impossible to link the letter sent by Mr Bhaarat Pattni to Ms Banger with her suicide. In these circumstances, Ofcom's view was that the reporter's comments were an accurate paraphrase of the remarks made by the coroner in delivering his verdict in open court. Ofcom therefore found no unfairness to Mr Bhaarat Pattni in this respect.

Accordingly, Ofcom has not upheld Mr Bhaarat Pattni's complaint of unfair treatment.

## **Complaint by Professor Michael Keith**

*Ei Jonopode, Bangla TV, 4 May 2006*

Summary: Ofcom has not upheld this complaint of unfair treatment by Professor Michael Keith.

This edition of *Ei Jonopode* was broadcast the night before the local authority elections in London and featured a live discussion between the representatives of three political parties. Participants in the programme included Mr George Galloway MP (Respect Coalition), Professor Michael Keith (Labour Party), and Mr Stephen Norris (Conservative Party). During the discussion, Mr Galloway called Professor Keith “a crook” on three separate occasions.

Professor Keith complained that he was treated unfairly because the programme included slanderous material about him without correction or rebuttal, the night before the local authority elections.

Ofcom found as follows:

The claim by Mr Galloway that Professor Keith was “a crook” who was involved in dishonest and illegal dealings was capable of adversely affecting the complainant’s reputation, and amounted to a significant allegation of wrongdoing. In the circumstances, Ofcom considered that Professor Keith was entitled to an opportunity to respond.

Ofcom found that the format of the programme afforded the complainant a fair opportunity to respond. In Ofcom’s view, the relaxed nature of the discussion meant that Professor Keith, had he wished, could have either asked to address Mr Galloway directly about the allegation, and/or, could have responded as part of his closing comments, by which time he had been aware of the allegations for more than an hour.

### **Introduction**

This edition of *Ei Jonopode* was broadcast the night before local authority elections in London and featured a live discussion between the representatives of three political parties.

Participants in the programme included Mr George Galloway MP (Respect Coalition), Professor Michael Keith (Labour Party), and Mr Stephen Norris (Conservative Party).

During the discussion, Mr Galloway stated, in response to an aggressive phone call from a viewer, that his religious beliefs were none of the caller’s business. Professor Keith then commented that Mr Galloway was a “fraud”. In response, Mr Galloway addressed Professor Keith and said “*you are a crook, you are ‘Michael Crook’, you will be very lucky if you stay out of jail when the police come...let’s wait for the police investigation*”. Mr Galloway called Professor Keith “*Michael Crook*” again shortly afterwards, and then again towards the end of the discussion.

Professor Keith complained to Ofcom that he had been treated unfairly in the programme as broadcast.

## **The Complaint**

### **Professor Keith's case**

In summary, Professor Keith complained that he had been treated unfairly in that the programme broadcast slanderous material about him without correction or rebuttal, the night before the local authority elections. Professor Keith said the accusation that he was "a crook" was not substantiated by either Mr Galloway or the broadcaster and the programme had not allowed for his rebuttal to this allegation. In addition Professor Keith said the allegations were not refuted before the conduct of the election itself the next day.

### **Bangla TV's case**

In summary Bangla TV responded as follows:

Bangla TV said the programme was an opportunity for representatives of three political parties to try their best to win the viewers' election votes. The representatives had attempted to not only present their party's best policies but also highlight weaknesses in the policies of the other parties.

Bangla TV said that during the discussion, both Professor Keith and Mr Galloway engaged in verbal attacks on each other. In relation to the accusation that the complainant was "a crook", Bangla TV noted that it came in response to Professor Keith's claim that Mr Galloway was "a fraud". Bangla TV maintained that during the programme both candidates had been given a lot of time to respond to the other candidate's criticism.

Bangla TV said that all participants were informed of how long the discussion would last and when the programme would finish. At the end of the programme, both candidates were given two minutes to summarise their main points during which Mr Galloway chose to again call Professor Keith "a crook". Bangla TV said that at this point, the presenter raised her voice in response to Mr Galloway's final statement and brought the segment to a close.

Bangla TV did not believe that Mr Galloway's parting comment that Professor Keith was "a crook" resulted in unfairness to the complainant as the allegation was not new. Mr Galloway had already called Professor Keith a "crook" earlier in the programme and on this earlier occasion Professor Keith was given ample time to correct the statement.

### **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes and unwarrantable infringement of privacy in and in the making of programmes included in such services. Where there appears to have been unfairness in the making of the programme, this will only result in a finding of unfairness, if Ofcom finds that it has resulted in unfairness to the complainant in the programme as broadcast.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the

principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

In considering Professor Keith's complaint, Ofcom had regard for both parties' written submissions, and a recording and transcript of the programme. Ofcom also took into account the fact that the guests who took part in the programme were all experienced politicians, well accustomed to the 'rough and tumble' of political debate.

Professor Keith complained that he was treated unfairly because the programme broadcast slanderous material about him without correction or rebuttal, the night before the local authority elections. Professor Keith said the accusation that he was "a crook" was not substantiated by either Mr Galloway or the broadcaster and the programme had not allowed for his rebuttal to this allegation. In addition Professor Keith said the allegations were not refuted before the election itself the next day.

If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

In reaching a decision Ofcom was first required to determine whether the statement by Mr Galloway that Professor Keith was "a crook" could be interpreted as a significant allegation of wrongdoing. If finding so, Ofcom was then required to establish whether or not Professor Keith was provided with an appropriate and timely opportunity to respond.

Ofcom noted that Mr Galloway called Professor Keith "a crook" on three separate occasions. The first was in response to Professor Keith's statement that Mr Galloway was "a fraud". The second was a comment in response to Professor Keith whilst the two awaited a caller. The third was as part of Mr Galloway's final comments, during which he described why he believed Professor Keith was "a crook":

First occasion:

Mr Galloway: (To a caller) *"My religious beliefs are none of your business."*

Professor Keith: *"Because you are a fraud Mr Galloway..."*

Mr Galloway: *"...You are a crook. You are Michael Crook and you will be very lucky if you stay out of jail once the police come. So don't you call me a fraud."*

Professor Keith: *"You are talking rubbish, you are talking rubbish...you fraud."*

Second occasion:

Professor Keith: *"...As someone who has been rebuked this week for your failure to declare interest Mr Galloway."*

Presenter: *"Please can we take a caller."*

Mr Galloway: *"Michael Crook."*

Presenter: *"Let's see who's on the line."*

Third occasion:

Presenter: *"My last question, if you win tomorrow, what would be the immediate change in Tower Hamlets?"*

Mr Galloway: *"...While you can't trust Labour that's for sure...the police will be called into the town hall to open the books on Rich Mix, on the land deals that have been done, and all the other murky secrets about ballot rigging and all the other things. That is Michael Crook...This Michael Crook has presided over a politically corrupt borough and we'll open the books and we'll bring them in on Friday. The police will be in on Friday."*

In Ofcom's view, the claim by Mr Galloway that Professor Keith was "a crook" who was involved in dishonest and illegal dealings was capable of adversely affecting the complainant's reputation, and amounted to a significant allegation of wrongdoing. In the circumstances, Ofcom considered that, in the interests of fairness, Professor Keith was entitled to an appropriate and timely opportunity to respond.

Ofcom next considered the programme recording to determine whether Professor Keith was given a fair opportunity to respond. Ofcom had regard for the relaxed style of discussion and noted that such a format allowed both Mr Galloway and Professor Keith to address each other directly. Throughout the programme both candidates demonstrated that they were experienced politicians, accustomed to political debate where they are required to not only present their political views, but also defend them. Ofcom noted that throughout the programme, both candidates spoke out of turn, and when necessary requested specific opportunities to speak, which the presenter gave:

Professor Keith: (to Mr Galloway) *"I think you should do the decent thing and not interrupt me"*

Presenter: *"Of course...yes"* (Professor Keith then continued to talk)

And on another occasion:

Mr Galloway: (to the presenter) *"That is at least five minutes [Professor Keith] has been speaking, so I hope you will allow me the same."* (Mr Galloway then continued to speak.)

Ofcom also had regard for the candidates' closing remarks. At the end of the programme each candidate was given an opportunity to address the viewers for the final time. During this time, the candidates were given free rein to talk about any election topic they wished. Ofcom noted that because of prior commitments Mr Galloway could only take part in the first half of the discussion and was replaced by another member of the Respect party for the remainder of the programme. In the circumstances, the presenter asked Mr Galloway to give his closing remarks (during which he called Professor Keith "a crook" for the third time) approximately an hour before Professor Keith and Mr Norris gave theirs.

After taking the above information into consideration, Ofcom was satisfied that the format of the programme afforded the complainant more than an appropriate and timely opportunity to respond. In Ofcom's view, the relaxed nature of the discussion meant that Professor Keith, had he wished, could have either asked to address Mr Galloway directly about the allegations and ask for him to substantiate them or withdraw them, and/or, could have responded to the allegation that he was "a crook"

as part of his closing comments, by which time he had been made aware of the allegations for more than an hour.

Having found that the programme afforded Professor Keith a fair opportunity to respond, Ofcom concluded that the programme as broadcast did not result in unfairness to the complainant.

Ofcom has not upheld Professor Keith's complaint of unfair treatment.

## Other Programmes Not in Breach/Out of Remit

### 22 November – 19 December 2006

| Programme                  | Trans Date | Channel           | Category                     | No of Complaints |
|----------------------------|------------|-------------------|------------------------------|------------------|
| 10 Years Younger           | 29/11/2006 | Channel 4         | Inaccuracy/Misleading        | 1                |
| 100% Homegrown             | 29/10/2006 | 1Xtra             | Offensive Language           | 1                |
| 638 Ways to Kill Castro    | 28/11/2006 | Channel 4         | Violence                     | 5                |
| A1 Grand Prix              | 13/11/2006 | Sky Sports 3      | Offensive Language           | 1                |
| All New You've Been Framed | 02/12/2006 | ITV1              | Animal Welfare               | 5                |
| All Star Family Fortunes   | 26/11/2006 | ITV1              | Offensive Language           | 1                |
| Animaniacs                 | 08/10/2006 | Boomerang         | Offensive Language           | 1                |
| Anita Rani                 | 14/11/2006 | BBC Asian Network | General Acceptance Standards | 1                |
| Arena: Pete Docherty       | 12/11/2006 | BBC2              | General Acceptance Standards | 1                |
| Arrow FM                   | 11/11/2006 | Arrow FM          | Offensive Language           | 1                |
| BBC Breakfast              | 27/11/2006 | BBC1              | General Acceptance Standards | 1                |
| BBC News                   | 19/11/2006 | BBC1              | General Acceptance Standards | 1                |
| BBC News 24                | 25/10/2006 | BBC News 24       | General Acceptance Standards | 1                |
| Big Brother 7              | 03/08/2006 | Channel 4         | Other                        | 2                |
| Big Brother 7              | 11/07/2006 | E4                | General Acceptance Standards | 1                |
| Big Brother 7              | 10/07/2006 | Channel 4         | General Acceptance Standards | 1                |
| Big Brother 7              | 19/07/2006 | Channel 4         | Other                        | 1                |
| Big Brother 7              | 18/07/2006 | Channel 4         | Other                        | 2                |
| Big Brother 7              | 18/08/2006 | Channel 4         | Offensive Language           | 2                |
| Big Brother 7              | 30/06/2006 | Channel 4         | Offensive Language           | 2                |
| Big Brother 7              | 25/07/2006 | Channel 4         | Other                        | 1                |
| Big Brother 7              | 12/07/2006 | E4                | Offensive Language           | 1                |
| Big Brother 7              | 27/07/2006 | Channel 4         | General Acceptance Standards | 1                |
| Big Brother 7              | 11/08/2006 | Channel 4         | Offensive Language           | 1                |
| Blunder                    | 21/11/2006 | E4                | General Acceptance Standards | 1                |
| Blunder                    | 08/12/2006 | Channel 4         | General Acceptance Standards | 1                |
| Blunder                    | 05/12/2006 | Channel 4         | General Acceptance Standards | 1                |
| Blunder                    | 24/11/2006 | Channel 4         | General Acceptance Standards | 1                |
| Bo! in the USA             | 17/11/2006 | Channel 4         | Sex/Nudity                   | 1                |
| Bon Voyage                 | 24/10/2006 | ITV1              | Other                        | 2                |
| Boys Of St. Vincent's      | 17/11/2006 | True Movies 2     | U18/Coverage of Sexual/other | 1                |
| Brainiac                   |            | Sky               | Dangerous Behaviour          | 1                |
| Brainiac's Test Tube Baby  | 11/11/2006 | Sky One           | Dangerous Behaviour          | 1                |

|                                        |            |                    |                              |   |
|----------------------------------------|------------|--------------------|------------------------------|---|
| Brainiac: Science Abuse                | 26/10/2006 | Sky One            | Dangerous Behaviour          | 1 |
| Brainiac: Science Abuse                | 16/11/2006 | Sky Three          | Dangerous Behaviour          | 1 |
| Breakfast - BBC R5 Live                | 20/09/2006 | BBC Radio 5 Live   | General Acceptance Standards | 1 |
| Breakfast with Simon and Jennie        | 09/11/2006 | Reading 107 FM     | General Acceptance Standards | 1 |
| Brotherhood trailer                    | 22/11/2006 | FX Channel         | Violence                     | 1 |
| CNN Headline News with Glenn Beck      | 05/09/2006 | CNN                | General Acceptance Standards | 1 |
| CNN News                               | 24/05/2006 | Sky Movies         | Due Impartiality/Bias        | 1 |
| CSI:NY                                 | 31/10/2006 | Five               | Scheduling                   | 1 |
| Carry On Easter Weekend                | 17/04/2006 | UK Gold            | Sex/Nudity                   | 1 |
| Celebrity Sex Tapes Unwound            | 24/10/2006 | Channel 4          | Sex/Nudity                   | 1 |
| Champions League Highlights            | 21/11/2006 | ITV1               | Inaccuracy/Misleading        | 1 |
| Channel 4 News                         | 23/11/2006 | Channel 4          | Due Impartiality/Bias        | 1 |
| Channel 4 News                         | 10/11/2006 | Channel 4          | Due Impartiality/Bias        | 1 |
| Children in Need                       |            | BBC1               | Other                        | 1 |
| Chris Moyles Show                      | 30/11/2006 | BBC Radio 1        | General Acceptance Standards | 1 |
| Cirque de Celebrité                    | 03/12/2006 | Sky One            | Sex/Nudity                   | 1 |
| Comedy Cops Season                     | 21/08/2006 | Paramount Comedy   | Sex/Nudity                   | 1 |
| Commander In Chief                     | 13/11/2006 | More4              | Advertising                  | 1 |
| Commander In Chief                     | 07/11/2006 | More4              | Advertising                  | 1 |
| Cool FM Breakfast Show                 | 13/11/2006 | Cool FM            | Sex/Nudity                   | 1 |
| Coronation Street                      | 24/11/2006 | ITV1               | Violence                     | 1 |
| Coronation Street                      | 17/12/2006 | ITV1               | General Acceptance Standards | 1 |
| Coronation Street                      | 27/11/2006 | ITV1               | Inaccuracy/Misleading        | 3 |
| Coronation Street                      | 22/11/2006 | ITV1               | Sex/Nudity                   | 1 |
| Coronation Street                      | 19/11/2006 | ITV1               | Sex/Nudity                   | 1 |
| Coronation Street                      | 17/11/2006 | ITV1               | Crime (incite/encourage)     | 1 |
| Coronation Street                      | 17/11/2006 | ITV1               | Sex/Nudity                   | 3 |
| Coronation Street                      |            | ITV1               | General Acceptance Standards | 1 |
| Countdown                              | 17/11/2006 | Channel 4          | General Acceptance Standards | 1 |
| Countdown                              | 05/06/2006 | Channel 4          | Due Impartiality/Bias        | 1 |
| Crimewatch                             | 27/11/2006 | BBC1               | General Acceptance Standards | 2 |
| Darren Kelly                           | 13/09/2006 | 100.7 Heart FM     | General Acceptance Standards | 1 |
| Dave Bussey                            | 28/11/2006 | Radio Lincolnshire | Commercial References        | 1 |
| Disappearing Britain                   | 27/11/2006 | Five               | General Acceptance Standards | 3 |
| Dispatches: Iraq - The Lost Generation | 06/11/2006 | Channel 4          | Due Impartiality/Bias        | 1 |
| Doctors                                | 21/11/2006 | BBC1               | General Acceptance Standards | 1 |
| Eastenders                             | 06/08/2006 | BBC1               | Violence                     | 4 |
| Eastenders                             | 06/08/2006 | BBC1               | Sex/Nudity                   | 1 |
| Eastenders                             | 04/08/2006 | BBC1               | Violence                     | 1 |
| Eastenders                             | 28/11/2006 | BBC1               | General Acceptance Standards | 1 |

|                                 |            |              |                              |   |
|---------------------------------|------------|--------------|------------------------------|---|
| Eastenders                      | 10/11/2006 | BBC1         | General Acceptance Standards | 1 |
| Emmerdale                       | 04/09/2006 | ITV1         | General Acceptance Standards | 1 |
| Emmerdale                       | 17/11/2006 | ITV1         | General Acceptance Standards | 1 |
| Extinct                         | 13/12/2006 | ITV1         | General Acceptance Standards | 2 |
| Extinct                         | 09/12/2006 | ITV1         | General Acceptance Standards | 3 |
| Extinct                         | 16/12/2006 | ITV1         | General Acceptance Standards | 4 |
| Extinct                         | 14/11/2006 | ITV1         | Inaccuracy/Misleading        | 1 |
| Five News                       | 20/10/2006 | Five         | Inaccuracy/Misleading        | 1 |
| Fear Factor                     | 23/11/2006 | Challenge TV | Animal Welfare               | 1 |
| Ferne and Reggie                | 25/11/2006 | BBC Radio 1  | General Acceptance Standards | 1 |
| Fifth Gear                      | 27/11/2006 | Five         | Inaccuracy/Misleading        | 1 |
| Five News                       | 01/12/2006 | Five         | Due Impartiality/Bias        | 1 |
| Fletch                          | 05/11/2006 | ITV1         | Offensive Language           | 1 |
| Football Saved My Life          | 15/11/2006 | Bravo        | Offensive Language           | 1 |
| Foxy & Tom at Breakfast         | 13/11/2006 | 2-Ten FM     | General Acceptance Standards | 2 |
| Friday Night With Jonathan Ross | 10/11/2006 | BBC1         | General Acceptance Standards | 2 |
| From Our Own Correspondent      | 26/10/2006 | BBC Radio 4  | General Acceptance Standards | 1 |
| Front Row                       | 01/11/2006 | BBC Radio 4  | General Acceptance Standards | 1 |
| GMTV                            | 03/11/2006 | ITV1         | General Acceptance Standards | 1 |
| Gangster No.1                   | 22/11/2006 | Film 4       | Violence                     | 1 |
| Gay to Z                        | 01/12/2006 | Channel 4    | Sex/Nudity                   | 3 |
| Gay to Z                        | 28/11/2006 | Channel 4    | Scheduling                   | 1 |
| George Galloway                 | 29/07/2006 | Talksport    | Due Impartiality/Bias        | 2 |
| George Galloway                 | 15/07/2006 | Talksport    | Due Impartiality/Bias        | 5 |
| George Galloway                 | 26/08/2006 | Talksport    | General Acceptance Standards | 3 |
| George Galloway                 | 16/07/2006 | Talksport    | Due Impartiality/Bias        | 3 |
| George Galloway                 | 16/09/2006 | Talksport    | Religious Offence            | 1 |
| George Galloway                 | 07/08/2006 | Talksport    | Due Impartiality/Bias        | 1 |
| George Galloway                 | 08/07/2006 | Talksport    | General Acceptance Standards | 2 |
| George Galloway                 | 09/07/2006 | Talksport    | General Acceptance Standards | 1 |
| Globo Loco                      | 12/11/2006 | CITV         | General Acceptance Standards | 1 |
| Glories of Islamic Art          | 05/12/2006 | Five         | General Acceptance Standards | 1 |
| Graham Norton's Bigger Picture  | 13/11/2006 | BBC1         | Religious Offence            | 1 |
| Grime Scene Investigation       | 28/11/2006 | BBC3         | Offensive Language           | 1 |
| Heart Breakfast                 | 08/11/2006 | Heart 100.7  | Dangerous Behaviour          | 1 |
| Heaven and Earth Show           | 22/10/2006 | BBC1         | General Acceptance Standards | 1 |
| Holby City                      | 17/10/2006 | BBC1         | Information/Warnings         | 1 |
| Hollyoaks                       | 21/11/2006 | E4           | Offensive Language           | 1 |

|                                          |            |             |                              |   |
|------------------------------------------|------------|-------------|------------------------------|---|
| Hollyoaks                                |            | Channel 4   | Sponsorship                  | 1 |
| Hollyoaks Omnibus                        | 10/12/2006 | Channel 4   | Offensive Language           | 1 |
| Honey We're Killing the Kids             | 30/10/2006 | BBC3        | Offensive Language           | 1 |
| I'm A Celebrity, Get Me Out of Here Now! | 17/11/2006 | ITV2        | General Acceptance Standards | 1 |
| I'm A Celebrity, Get Me Out of Here!     | 21/11/2006 | ITV1        | General Acceptance Standards | 1 |
| I'm A Celebrity, Get Me Out of Here!     | 20/11/2006 | ITV1        | Offensive Language           | 1 |
| I'm A Celebrity, Get Me Out of Here!     | 26/11/2006 | ITV1        | General Acceptance Standards | 3 |
| I'm A Celebrity, Get Me Out of Here!     | 01/12/2006 | ITV1        | General Acceptance Standards | 2 |
| I'm A Celebrity, Get Me Out of Here!     | 30/11/2006 | ITV1        | Offensive Language           | 1 |
| I'm A Celebrity, Get Me Out of Here!     | 01/12/2006 | ITV1        | Dangerous Behaviour          | 1 |
| I'm A Celebrity, Get Me Out of Here!     | 26/11/2006 | ITV1        | General Acceptance Standards | 2 |
| I'm A Celebrity, Get Me Out of Here!     | 29/11/2006 | ITV1        | Inaccuracy/Misleading        | 1 |
| I'm A Celebrity, Get Me Out of Here!     | 15/11/2006 | ITV1        | General Acceptance Standards | 1 |
| I'm A Celebrity, Get Me Out of Here!     | 03/12/2006 | ITV1        | Substance Abuse              | 1 |
| Coming Out                               |            |             |                              |   |
| ITV News                                 | 15/11/2006 | ITV1        | General Acceptance Standards | 1 |
| ITV News                                 | 01/12/2006 | ITV1        | General Acceptance Standards | 1 |
| ITV News                                 | 22/11/2006 | ITV1        | Inaccuracy/Misleading        | 1 |
| ITV News                                 |            | ITV1        | Due Impartiality/Bias        | 1 |
| ITV News                                 | 08/11/2006 | ITV1        | Due Impartiality/Bias        | 1 |
| ITV News                                 | 04/10/2006 | ITV1        | General Acceptance Standards | 2 |
| ITV News                                 |            | ITV1        | Due Impartiality/Bias        | 1 |
| Jeremy Vine                              | 24/11/2006 | BBC Radio 2 | Dangerous Behaviour          | 1 |
| Jerry Springer - The Opera               |            | BBC         | Religious Offence            | 1 |
| Jo Whiley                                | 06/12/2006 | BBC Radio 1 | Offensive Language           | 1 |
| Jo and Twiggy                            | 01/11/2006 | Trent FM    | Inaccuracy/Misleading        | 1 |
| Jon Gaunt                                | 23/11/2006 | Talksport   | Crime (incite/encourage)     | 1 |
| Jon Holmes                               | 14/10/2006 | BBC6 Music  | General Acceptance Standards | 1 |
| Key 103                                  | 10/10/2006 | Key 103     | General Acceptance Standards | 1 |
| Kiss 100                                 | 31/10/2006 | Kiss 100    | Crime (incite/encourage)     | 2 |
| LK Today                                 | 08/11/2006 | ITV1        | General Acceptance Standards | 1 |
| Law & Order                              | 28/11/2006 | Sky One     | Offensive Language           | 1 |
| Let's Talk Sex                           | 29/11/2006 | Channel 4   | Sex/Nudity                   | 1 |
| Little Britain                           |            | BBC1        | Crime (incite/encourage)     | 1 |
| London Tonight                           | 23/06/2006 | ITV1        | Violence                     | 1 |
| Loose Women                              | 29/11/2006 | ITV1        | Animal Welfare               | 1 |
| Loose Women                              | 21/11/2006 | ITV1        | General Acceptance Standards | 1 |
| Lost                                     | 10/09/2006 | Channel 4   | Violence                     | 3 |

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|-----------------------------------------|------------|---------------|------------------------------|---|
| Love Actually                           | 06/12/2006 | ITV1          | Sex/Nudity                   | 1 |
| MacIntyre's Underworld: Get Conroy      | 21/11/2006 | Five          | Crime (incite/encourage)     | 1 |
| MacIntyre's Underworld: Mad Dog         | 28/11/2006 | Five          | General Acceptance Standards | 1 |
| Make Me a Supermodel                    | 16/11/2006 | Five          | General Acceptance Standards | 1 |
| Make Me a Supermodel                    | 05/11/2006 | Five          | General Acceptance Standards | 1 |
| Martin & Su                             | 08/08/2006 | Essex FM      | General Acceptance Standards | 2 |
| Match of the Day                        |            | BBC1          | Due Impartiality/Bias        | 1 |
| Meridian News                           | 05/09/2006 | ITV1          | Regionality                  | 1 |
| Midsomer Murders                        | 12/11/2006 | ITV1          | General Acceptance Standards | 1 |
| NCIS                                    | 19/08/2006 | Five          | General Acceptance Standards | 1 |
| Never Mind the Buzzcocks                | 16/11/2006 | BBC2          | General Acceptance Standards | 1 |
| News                                    | 21/11/2006 | Real Radio    | General Acceptance Standards | 1 |
| News                                    | 11/10/2006 | ITV2          | General Acceptance Standards | 1 |
| News                                    | 11/12/2006 | BBC1          | Inaccuracy/Misleading        | 1 |
| Newsround                               | 24/11/2006 | BBC1          | Violence                     | 1 |
| Nick Ferrari                            | 23/11/2006 | LBC 97.3FM    | General Acceptance Standards | 1 |
| Nigella's Christmas Kitchen             | 27/11/2006 | BBC2          | Animal Welfare               | 1 |
| Numberjacks                             | 18/11/2006 | CBeebies      | General Acceptance Standards | 1 |
| Offside                                 | 20/11/2006 | BBC Scotland  | General Acceptance Standards | 1 |
| One Year to Pay Off Your Mortgage       | 05/10/2006 | Channel 4     | Inaccuracy/Misleading        | 1 |
| Party People                            | 18/11/2006 | Smile TV      | Sex/Nudity                   | 1 |
| Pete Burns' Cosmetic Surgery Nightmares | 02/11/2006 | ITV1          | Due Impartiality/Bias        | 1 |
| Planet Earth trail                      | 13/11/2006 | BBC1          | Violence                     | 1 |
| Poker Face                              | 05/07/2006 | ITV1          | Offensive Language           | 1 |
| Poker Face                              | 16/07/2006 | ITV1          | Offensive Language           | 1 |
| Police Camera Action                    | 15/11/2006 | ITV4          | Dangerous Behaviour          | 1 |
| Premiership Plus                        | 13/08/2006 | Sky Sports    | Other                        | 1 |
| Pulling                                 | 21/11/2006 | BBC2          | Sex/Nudity                   | 1 |
| Quiz Call                               | 11/11/2006 | Quiz Call     | Competitions                 | 1 |
| Quiz Call                               | 21/11/2006 | FTN           | Competitions                 | 2 |
| Quiz Call                               | 13/08/2006 | Five          | Competitions                 | 1 |
| Quizmania                               | 10/11/2006 | ITV Play      | Competitions                 | 1 |
| Radio Ramadan Sheffield                 | 29/09/2006 | Radio Ramadan | General Acceptance Standards | 1 |
| Ramsay's Kitchen Nightmares             | 05/12/2006 | Channel 4     | Offensive Language           | 2 |
| Ramsay's Kitchen Nightmares             | 21/11/2006 | Channel 4     | Offensive Language           | 2 |
| Ramsay's Kitchen Nightmares             | 14/11/2006 | Channel 4     | Offensive Language           | 1 |
| Richard and Judy                        | 11/08/2006 | Channel 4     | Substance Abuse              | 1 |
| Rugby Union                             | 11/11/2006 | Sky Sports 2  | General Acceptance Standards | 1 |

|                                         |            |                   |                              |   |
|-----------------------------------------|------------|-------------------|------------------------------|---|
| Scotland Today                          | 27/10/2006 | STV               | Inaccuracy/Misleading        | 3 |
| Scotsport                               | 13/11/2006 | STV               | General Acceptance Standards | 1 |
| Scott Mills                             | 16/08/2006 | BBC Radio 1       | Sex/Nudity                   | 1 |
| Seduced and Betrayed                    | 28/11/2006 | Five              | Scheduling                   | 2 |
| Selling Houses                          | 05/12/2006 | Channel 4         | Crime (incite/encourage)     | 1 |
| Setanta                                 | 20/11/2006 | Sky               | Other                        | 1 |
| Sex, Love and War                       | 12/11/2006 | UKTV History      | Sex/Nudity                   | 1 |
| Shock Docs: Paying for Love in Paradise | 15/11/2006 | Five              | Sex/Nudity                   | 1 |
| Silent Witness                          | 14/08/2006 | BBC1              | Violence                     | 5 |
| Simon Schama's Power of Art             | 01/12/2006 | BBC2              | Animal Welfare               | 1 |
| Sky News                                | 10/11/2006 | Sky News          | Violence                     | 1 |
| Sky Sports News                         | 14/11/2006 | Sky Sports News   | General Acceptance Standards | 1 |
| Sports Breakfast                        | 08/11/2006 | Talksport         | General Acceptance Standards | 1 |
| Sports Breakfast                        | 03/10/2006 | Talksport         | Religious Offence            | 1 |
| Starkey's Last Word                     | 16/10/2006 | More4             | Due Impartiality/Bias        | 1 |
| Stupid                                  | 01/09/2006 | BBC1              | General Acceptance Standards | 1 |
| Tarrant on TV                           | 12/10/2006 | ITV1              | Dangerous Behaviour          | 1 |
| That Was Then This Is Now               | 30/09/2006 | BBC Radio 2       | General Acceptance Standards | 1 |
| The Andy Gelder Breakfast Show          | 09/11/2006 | Chiltern 96.9FM   | General Acceptance Standards | 1 |
| The Baby Mind Reader                    | 19/06/2006 | Five              | Exorcism/Occult/Paranormal   | 4 |
| The Baby Mind Reader                    | 03/07/2006 | Five              | General Acceptance Standards | 4 |
| The Baby Mind Reader                    | 26/06/2006 | Five              | Other                        | 2 |
| The Baby Mind Reader                    | 21/06/2006 | Five              | Exorcism/Occult/Paranormal   | 1 |
| The Baby Mind Reader                    | 10/07/2006 | Five              | General Acceptance Standards | 2 |
| The Baby Mind Reader                    | 26/06/2006 | Five              | U18's in Programmes          | 1 |
| The Baby Mind Reader                    | 06/07/2006 | Five              | Exorcism/Occult/Paranormal   | 1 |
| The Baby Mind Reader                    | 06/07/2006 | Five              | Other                        | 2 |
| The Baby Mind Reader                    | 01/07/2006 | Five              | Exorcism/Occult/Paranormal   | 1 |
| The Baby Mind Reader                    | 31/08/2006 | Five              | Exorcism/Occult/Paranormal   | 1 |
| The Body Farm                           | 14/11/2006 | Five              | General Acceptance Standards | 1 |
| The British Comedy Awards: Live         | 13/12/2006 | ITV1              | General Acceptance Standards | 1 |
| The British UFO Mystery                 | 01/11/2006 | Five              | Inaccuracy/Misleading        | 2 |
| The Catherine Tate Show                 | 30/11/2006 | BBC2              | General Acceptance Standards | 1 |
| The Catherine Tate Show (Promo)         | 27/10/2006 | BBC1              | General Acceptance Standards | 1 |
| The Dave Barratt Show                   | 21/11/2006 | BBC Radio Bristol | General Acceptance Standards | 1 |
| The Dispatches Debate                   | 23/10/2006 | Channel 4         | Due Impartiality/Bias        | 1 |
| The Doomsday Code                       | 16/09/2006 | Channel 4         | Due Impartiality/Bias        | 1 |

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|-----------------------------------------|------------|-----------------|--------------------------------|---|
| The Family Farm                         | 23/10/2006 | BBC2 (Scotland) | General Acceptance Standards   | 1 |
| The Independent Republic of Mike Graham | 20/11/2006 | Talk 107        | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 03/05/2006 | ITV1            | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 21/11/2006 | ITV2            | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 04/05/2006 | ITV1            | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 03/10/2005 | ITV1            | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 28/09/2005 | ITV             | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 16/08/2006 | ITV1            | General Acceptance Standards   | 2 |
| The Jeremy Kyle Show                    | 24/01/2006 | ITV1            | Other                          | 1 |
| The Jeremy Kyle Show                    | 04/05/2006 | ITV1            | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 06/02/2006 | ITV1            | Other                          | 1 |
| The Jeremy Kyle Show                    | 21/02/2006 | ITV1            | General Acceptance Standards   | 1 |
| The Jeremy Kyle Show                    | 09/03/2006 | ITV1            | Other                          | 1 |
| The Jeremy Kyle Show                    | 07/12/2006 | ITV1            | Dangerous Behaviour            | 1 |
| The Jeremy Kyle Show                    | 07/12/2006 | ITV1            | Sex/Nudity                     | 1 |
| The Jeremy Kyle Show                    | 27/02/2006 | ITV1            | General Acceptance Standards   | 1 |
| The Last Aztec                          | 09/11/2006 | Channel 4       | Offensive Language             | 1 |
| The Man Without a Face                  | 16/08/2006 | Five            | Offensive Language             | 1 |
| The New Paul O'Grady Show               | 01/12/2006 | Channel 4       | General Acceptance Standards   | 3 |
| The New Paul O'Grady Show               | 01/12/2006 | Channel 4       | U18 - Coverage of Sexual/other | 1 |
| The Now Show                            | 18/11/2006 | BBC Radio 4     | General Acceptance Standards   | 1 |
| The State Within                        | 02/11/2006 | BBC1            | Sex/Nudity                     | 1 |
| The State Within                        | 23/11/2006 | BBC1            | Violence                       | 2 |
| The Weakest Link                        | 05/12/2006 | BBC2            | General Acceptance Standards   | 1 |
| The Weakest Link                        | 28/11/2006 | BBC2            | General Acceptance Standards   | 1 |
| The World's Most Amazing Videos         | 19/11/2006 | Bravo           | General Acceptance Standards   | 1 |
| The X Factor                            | 28/10/2006 | ITV1            | General Acceptance Standards   | 1 |
| The X Factor                            | 11/11/2006 | ITV1            | General Acceptance Standards   | 2 |
| The X Factor                            | 19/08/2006 | ITV1            | General Acceptance Standards   | 1 |
| The X Factor                            | 01/09/2006 | ITV1            | General Acceptance Standards   | 1 |
| This Morning                            | 15/11/2006 | ITV1            | Sex/Nudity                     | 1 |
| This Morning                            | 17/11/2006 | ITV1            | Sex/Nudity                     | 3 |
| This Morning                            | 14/11/2006 | ITV1            | Sponsorship                    | 1 |
| To Catch a Predator: Tonight            | 27/11/2006 | ITV1            | Scheduling                     | 5 |

|                                  |            |               |                              |   |
|----------------------------------|------------|---------------|------------------------------|---|
| Today                            | 27/11/2006 | BBC Radio 4   | General Acceptance Standards | 1 |
| Torchwood                        | 19/11/2006 | BBC3          | Sex/Nudity                   | 1 |
| Torchwood                        | 12/10/2006 | BBC1          | Dangerous Behaviour          | 1 |
| Torchwood trailer                | 17/11/2006 | BBC1          | Violence                     | 1 |
| Trinny and Susannah Undress      | 01/12/2006 | ITV2          | Dangerous Behaviour          | 1 |
| Trinny and Susannah Undress      | 28/11/2006 | ITV1          | Offensive Language           | 1 |
| Uncovering Iran: Telling Stories | 26/09/2006 | BBC Radio 4   | Religious Offence            | 1 |
| Vanessa's Real Lives             | 07/12/2006 | ITV1          | General Acceptance Standards | 1 |
| Vanessa's Real Lives             | 06/12/2006 | ITV1          | Sex/Nudity                   | 1 |
| Virgin Radio                     | 20/11/2006 | Virgin        | Religious Offence            | 1 |
| Wave 105 FM                      | 02/11/2006 | Wave 105 FM   | General Acceptance Standards | 1 |
| Weekend Breakfast Show           | 12/11/2006 | Talksport     | General Acceptance Standards | 1 |
| What Not To Wear                 | 26/10/2006 | BBC1          | General Acceptance Standards | 1 |
| Where the Heart Is               | 20/08/2006 | ITV1          | Inaccuracy/Misleading        | 6 |
| Wife Swap                        | 16/10/2006 | Channel 4     | U18's in Programmes          | 1 |
| World in Focus                   | 20/06/2006 | Revelation TV | General Acceptance Standards | 1 |
| Your Money or Your Wife          | 01/11/2006 | Channel 4     | Crime (incite/encourage)     | 1 |
| Talksport                        | 13/11/2006 | Talksport     | Due Impartiality/Bias        | 1 |