

Ofcom broadcast bulletin

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Ofcom
OFFICE OF COMMUNICATIONS

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Introduction

The Communications Act allows for the Codes of the legacy regulators to remain in force until such time as Ofcom has developed its own Codes. Ofcom has consulted on its new draft Code.

The new Code will be published this year.

The Codes and rules currently in force for broadcast content are:

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

From time to time adjudications relating to advertising content may appear in the bulletin in relation to the application of formal sanctions by Ofcom.

Copies of the full adjudications for Upheld and Not Upheld Fairness and Privacy cases can be found on the Ofcom website: www.ofcom.org.uk

Standards cases

In Breach

Bam Bam Bigelow Interview/Cage of Death The Wrestling Channel

14 October 2004, 17:00 and 8 November 2004, 09:00

Introduction

A viewer complained about swearing (“fuck”) in this interview with Bam Bam Bigelow which they felt was unsuitable for broadcast when children could be watching.

Another viewer complained about violence and swearing (“motherfucking”) in the *Cage of Death* match which they considered inappropriate for broadcast at 09:00.

When viewing the programme, Ofcom was also concerned about the way in which alcohol was featured in the programme.

Response

The Wrestling Channel said that viewers choosing to watch the channel must expect to see what appears to be violent and aggressive behaviour. However there were degrees of violence, and the channel took care to schedule and edit its programmes in line with the watershed guidelines. Modern wrestling is stage managed, little more than pantomime and appeared to be widely accepted by the viewing public – the majority of whom believed that the violence was faked. In addition, the Wrestling Channel was listed in the Sports Section of the Sky EPG and was therefore unlikely to be viewed accidentally.

The “sadistic and ultra FN violence” trailed, together with the actual *Cage of Death* match had been removed from the programme, given that it was scheduled for broadcast at 09:00. A scene involving a wrestler apparently being pushed into a pile of light bulbs was on screen for no more than one second, and was filmed from a distance so that viewers would not have been able to see any actual or apparent injury occurring.

The broadcaster said that the programme had contained a short sequence of a group of wrestlers entering the auditorium, drinking from what appeared to be beer bottles and then pouring some of the contents over members of the audience. However the wrestlers were not intoxicated and the scene was brief.

The song lyrics at the beginning of the *Cage of Death*, and the *Bam Bam interview*, had contained swearing but this was minimal and the programmes were not aimed specifically at children. As a policy, the channel removed all swearing from its bought-in programming but in these cases it had slipped through the net. Strict instructions had been issued to the channel’s editors to ensure that this did not happen again.

Decision

The Wrestling Channel was given a licence after it had provided specific reassurances to the then regulator (Independent Television Commission) that it would ensure that all its output complied fully with the Codes regarding family viewing and watershed issues.

We were concerned by some scenes of wrestling included in a montage in the *Cage of Death* programme. While accepting that this was a schoolday, younger children would still have been available to view and there was no announcement given about the simulated nature of the action or any warning not to emulate the stunts. The Programme Code requires that the portrayal of dangerous behaviour easily imitated by children should be avoided, especially before 21:00. The general level of violence in the montage, including the use of everyday objects such as tables, chairs, ladders, lights and barbed wire as weapons, and the injuries that appeared to be caused, meant that this programme was unsuitable for broadcast at 09:00.

In addition, one team of wrestlers made a feature of their supposed 'alcohol' consumption before the match began and encouraged the crowd to drink the 'beer' the team carried. Whether or not this alcohol was real, it was portrayed as such and was inappropriate in a programme broadcast at this time where it could not be justified by its context.

We agree that the swearing was clearly unsuitable for broadcast pre-watershed and welcome the steps taken by the channel to improve its compliance procedures.

The programmes were in breach of Section 1.2 (Family Viewing and the Watershed/Children and Imitative Behaviour) of the Programme Code

Navy NCIS

Fx289, 9 January 2005, 14:57

Introduction

A viewer was concerned about the scheduling of this US drama on a Sunday afternoon, when many children are watching television. This episode involved the Crime Investigation Team tracking down a terrorist cell and included a detailed forensic examination of body parts, the point-blank shooting of a terrorist and a close-up of a terrorist hitting a female agent.

Response

FX believed that the series, overall, was suitable for scheduling in the afternoon, but agreed that this episode was close to the line. It was the last episode in the first series and, in the interests of continuity, the broadcaster had decided to screen it in the scheduled slot.

However, when viewing the second series, the licensee considered that a few episodes needed to be edited for pre-watershed transmission. The decision was taken, therefore, to re-schedule the repeat of the first series, and the second series, in the evening, at 21:00 on Fridays and 19:00 on Sundays. Edits were made to this episode and the second series to make them suitable for these slots.

Decision

We welcome that the broadcaster has recognised that some episodes of this series are not suitable for afternoon viewing. The Programme Code recognises that the likelihood of children watching a particular channel varies according to the time and subject matter. However material unsuitable for children must not be transmitted at times when large numbers of children may be expected to be watching television. Although this channel is aimed at young males, we believe it is reasonable for parents or carers to expect that programmes at this time on a Sunday afternoon will not contain content unsuitable for children, who may be watching on their own.

Last July, a similar incident occurred when an episode of *The X Files* was shown in the afternoon schedule and contained scenes which some children may have found disturbing. FX re-evaluated its afternoon scheduling of some episodes and moved them to an evening slot. On that occasion, in view of the broadcaster's action, we considered the matter resolved. We are concerned that another series has now presented similar problems. Whilst recognising that the channel is not aimed at children, we believe that some US drama does contain material which is more violent in tone than most viewers would find acceptable for children to view. Even taking into account the channel's niche target audience, the licensee should take care with material scheduled during the day when children are available to view in large numbers.

The programme was in breach of Section 1.2 (Family Viewing and the watershed) of the Programme Code

Psyclops

The Horror Channel, 2 January 2005, 20:00

Introduction

A viewer was concerned that this horror film, showing graphic violence and an explicit sex scene, was shown before the watershed.

Response

The Horror Channel said that although the film had not received a British Board of Film Certification (BBFC) rating, it believed that the film would be the equivalent of a '15' rating.

Decision

When the Horror Channel was given a licence, it was expressly told by the then regulator (Independent Television Commission) that it would have to ensure that it did not show any films stronger than a PG (or equivalent) before 21:00.

The Horror Channel is not a premium subscription channel. In Section 1.4 (Feature Films and other Acquired Material), the Programme Code states that the earlier watershed of 20:00 applies only to *premium subscription* (film) channels. The Horror Channel is one of a range of channels available when subscribing to a basic cable or satellite package. Viewers do not pay a premium subscription for this channel and so, as previously stated, it must comply with the 21:00 watershed.

The graphic sexual scenes and strong horror theme of this film meant that it was not suitable for scheduling before the 21:00 watershed. When we discussed this issue with the licensee, it undertook to immediately remove this film and any others with a '15' certificate from its pre-watershed schedule.

The film was in breach of Section 1.4 (Feature Films and Other Acquired Material) of the Programme Code

Resolved

Blue Peter

BBC1, 10 January 2005, 17 January 2005 17:00

Introduction

The edition ran a competition for viewers to design a logo encapsulating the theme of the 'Best of British', which would feature on the fuselage of an aeroplane. When introducing the competition, one of the presenters suggested that viewers might, for example, consider where they were born. She said that she had been born in Ulster and that when she thought of Britain, she thought of "the Red Hand that represents it [Ulster]". Two viewers considered this inappropriate and said that the symbol had sectarian links.

One of the viewers also mentioned an item in the following week's edition, when the presenters showed a selection of the competition entries that had been received. One presenter held up a computer-generated design featuring the Olympic rings and a map in which England, Scotland, Wales and Ireland (including the Republic of Ireland) were all covered with the Union Jack.

Response

The BBC said that *Blue Peter* had no political agenda and aimed to be fair and even-handed to every sector of the community. The production team had researched the item but were unaware of the complex sensitivities surrounding the use of the Red Hand. The BBC said that, while in retrospect it would have been better if the researchers had found a more universally accepted symbol for the presenter to use, the choice was made in good faith, with no intention to promote or support any group which may have made political use of the symbol.

The map was a competition entry from an eight-year old child. The BBC said that work from children often included errors of some kind, and pointing them out would do little to encourage participation in future.

Senior management in CBBC had since drawn the attention of the team to the need for greater care with such matters. BBC Belfast's Political Editor had also briefed the team.

Decision

Given the sensitivities involved, the choice of the 'red hand' was unfortunate. The map was obviously incorrect and this should have been noted by the production team. However, the design appeared to be a genuine mistake by a child, in an attempt to refer to the bid to host the 2012 Olympic Games.

In view of the action taken by the BBC, we consider the matter resolved.

Complaints resolved

ITN News

ITV1, 18 February 2005, 22:30

Introduction

Seven viewers complained that a report about pensions stated that public sector employees - such as teachers, nurses and police officers - do not contribute to their pensions which are funded directly by tax payers. The complainants said this was untrue, and that public sector workers made considerable contributions to their pension schemes.

Response

ITN - which makes the news programmes for ITV - said that it had investigated the complaints, and now accepted that the report was not accurate. It apologised for the error and promised to transmit an appropriate clarification/correction the next time pension issues are covered.

Decision

We welcome ITN's acceptance of the error, and accept the proposed remedy. We consider the matter resolved.

Complaints resolved

Champions' League

ITV1, December 7 2004, 19:25

Introduction

Two viewers complained that, during ITV's live broadcast of a football match, a football commentator remarked that one of the teams had had a "holocaust of a start".

Response

ITV said that immediately after the incident, programme executives made it very clear to the commentator that his use of the word – albeit without intending to offend, and with the pressures of live broadcasting – was wrong and unacceptable. ITV Sport immediately issued a public apology.

Decision

In view of the action taken and apology by ITV, we consider this matter resolved.

Complaints resolved

Off the Ball

BBC Radio Scotland, 6 November 2004, 13.00

Introduction

In this edition of the series, listeners were asked to email their suggestions of things to throw at unsuccessful football managers. A selection of responses was then read out by one of the presenters.

The Catholic Media Office objected to the suggestion that a former Celtic Manager and Assistant Scotland Manager should be pelted with communion wafers, which it believed was “a profane and disrespectful reference to the Eucharist, a sacrament at the heart of Catholic religious belief.”

Response

The BBC said that the programme sought to take a light-hearted but irreverent look at Scottish soccer and society. It included comments, sketches and listener contributions that often challenged attitudes to sport and satirised aspects of its relationship with life in Scotland - the legacy of sectarianism being frequently probed. One of the programme’s hallmarks was that prejudices expressed by listeners were liable to be strongly challenged by the studio team.

The BBC admitted that editorial supervision had not been as stringent as usual and said that senior editorial staff accepted that the email should not have been selected for broadcast. However, the broadcaster added that the comment had not gone unchallenged. Nevertheless, in view of the growing seriousness with which the issue of sectarianism in soccer is regarded by the Scottish Executive and football clubs, the programme team had been reminded to take greater care in future.

Decision

This was an unfortunate choice of email, particularly in a context where emotions are known to run high. Neither presenter’s reaction at the time fully challenged what had been aired. As the Code states, “although these [comedy] programmes have a special freedom, this does not give them unlimited licence....” However, the BBC have recognised this, addressed the matter with staff and taken steps to ensure such material is treated with greater care in future. We consider that the matter is now resolved.

Complaint resolved

GMTV

ITV 1, 15 February 2005, 06:45

Introduction

A viewer complained about a guest wearing a jacket with a logo which read "Punk As Fuck".

Response

GMTV agreed that the logo was unacceptable and should not have been shown. The guest had hid the logo from the producers, only revealing it halfway through the interview. The jacket was removed at the earliest opportunity.

Decision

During most of the interview the guest had covered the logo and we accept that the producers were unaware of it. In the circumstances, we consider the matter resolved.

Complaint resolved

Not in Breach

Jerry Springer: The Opera

BBC2, 8 January 2005, 22:00

Summary

Ofcom recognises that a large number of people were deeply offended by the transmission of *Jerry Springer: The Opera*. Nevertheless, it is Ofcom's view that the show was an important work and commentary on modern television.

In assessing these complaints, and in line with our statutory duties, Ofcom has sought to achieve the appropriate balance between, on the one hand, the standards set in the Code (ex-BSC Code on Standards) and the need to apply those standards to give adequate protection from harmful and offensive material, and on the other hand the need to guarantee an appropriate level of freedom of expression. Freedom of expression is particularly important in the context of artistic works, beliefs, philosophy and argument.

Ofcom appreciated that the representation of religious figures was offensive to some people. Their main concern arose from the depictions of figures at the heart of the complainants' religious beliefs. However, the show addressed moral issues in the context of a contemporary setting and contained a strong message. The show's effect was to satirise modern fame and the culture of celebrity. The images that caused the most offence were part of a "dream" sequence serving as a metaphor for the fictional Jerry Springer and his chat show. In Ofcom's view, these were not meant to be faithful or accurate depictions of religious figures, but a product of the lead character's imagination. Even as he lay dying, the fictional Jerry Springer still saw his life through the lens of his confessional show.

The programme as broadcast was not only clearly labelled and signposted, but was preceded by programmes which aimed to put the whole show in context. As always with matters of offence, the context is key. Whilst the show clearly had the potential to offend and indeed the intention to shock it was set in a very clear context as a comment on modern television. The strongest and most offensive language occurred well after the watershed: at 2230 onwards, with the most challenging material after 2300.

The transmission of *Jerry Springer: The Opera* was not therefore in contravention of Ofcom's Code (see below).

Introduction

Jerry Springer: The Opera was a televised performance of the West End stage production based on Jerry Springer's television show. The US programme is a 'reality-based' talk show which features members of the public discussing their emotional and personal lives. It is highly charged emotionally and regularly features strong language, violent behaviour and revelations of an extreme or shocking nature.

In the Opera, Jerry, the host, is shot at the end of the first act. In the second act, as he is dying, he imagines he is in Hell and forced to present a special show in which

Satan wishes to confront figures from the Bible. In the same way as a 'dysfunctional' family in the actual television show might behave, these figures tackle the fundamental issues that divide them. The fictional Springer, dying, reflects on the meaning of life and death and the part he has played in the world. Adam and Eve, Jesus, Mary and God are all introduced as characters in his imagination in this context.

Ofcom received 7941 contacts about the programme before transmission. We replied to these complainants explaining that Ofcom does not preview programmes.

Following the broadcast, 8860 complaints were received by Ofcom - 2849 e-mails, 1747 other contacts and 4264 e-mails from a campaign by the Premier Media Group. The level was unprecedented for Ofcom or any previous broadcasting regulator and appears to have been the first large scale internet campaign to Ofcom on any broadcasting issue.

The complaints included contentions which we would summarise as follows:

- the BBC went ahead with the broadcast despite protests beforehand, knowing that it was likely to cause offence;
- the programme singled out the Christian faith and would not have been broadcast if another faith was targeted in the same way;
- the swearing was excessive and offensive;
- the characterisation of religious Christian figures was offensive in terms of the language they used and their actions (many people highlighted the use of swear words alongside references to God and Jesus; Eve putting her hand under Jesus' loincloth; the suggestion that Jesus was gay; and the re-enactment of the crucifixion);
- the BBC's argument of artistic merit did not give the broadcaster the right to overstep acceptable boundaries;
- the BBC as a public service broadcaster should not spend licence fees on programming that some or many people do not want on their screens; and
- warnings alone did not justify broadcasts that were unwanted, contained offensive material, and might have an adverse effect on younger viewers.

We received 210 contacts in support of the programme's broadcast, of whom:

- some were Christian but were not offended;
- some saw the programme as an aspect of freedom of expression, a satire and emphasised its artistic merit; and
- some did not feel it warranted such attention.

Exceptionally on this occasion, Ofcom decided that it would be appropriate in all the circumstances for *Jerry Springer: The Opera* to be considered at the highest level within Ofcom, by Ofcom's Content Board. This was because: it had already been considered at the highest level within the BBC; there was a need to avoid delay; the strength of feeling on the part of complainants; the general public interest; the high profile nature of the programme; and the fact that it had provoked strong emotions.

Response

We asked the BBC to respond to the complaints we had received following the transmission of the programme.

The BBC requested that we considered the finding of the BBC's Governors' Programme Complaints Committee (GPCC) as its representation to us. The BBC's Director General had publicly offered his views on this matter prior to transmission, and so the BBC convened a meeting of the GPCC to consider the complaints lodged with the BBC. Ofcom decided to take the GPCC representation as the BBC's statement.

On request, the BBC also supplied us with an edited version of the management statement that was prepared for the GPCC.

In summary the GPCC said that:

- the offence, particularly the offence to religious beliefs, caused to sizeable numbers of people should not be underestimated or taken lightly;
- reasonable and comprehensive attempts were made to minimise offence through appropriate scheduling, clear warnings, and the use of other programmes prior to the broadcast to set the piece in context;
- the BBC is committed to freedom of expression, and has a duty to innovate, to reflect new and challenging ideas, and to make available to its audiences work of outstanding artistic significance; and
- in all the circumstances, the outstanding artistic significance of the programme outweighed the offence which it caused to some viewers and so the broadcasting of the programme was justified.

The GPCC's representations also specifically referred to our guidance on profanity (which was published in our bulletin Number 13).

Decision

Ofcom had to consider whether *Jerry Springer: The Opera* contravened the provisions of the ex-Broadcasting Standards Commission Code on Standards ("the Code") with which the BBC has to comply. This Code takes effect under the Communications Act 2003 ("the Act") as if it were a code issued by Ofcom (paragraph 43, Schedule 18 of the Act).

Ofcom considered the relevant provisions of the Code (as set out below) taking into account the complaints it had received and in light of its statutory duties under section 319 of the Act, and in particular, in the context of the Standards objectives.

The Act also requires Ofcom - to the extent it appears relevant - to apply standards regarding "harm and offence" in a manner that "best guarantees an appropriate level of freedom of expression".

Ofcom considered the relevant sections of the Code as follows:

Section 7 –Scheduling. The Code states that: "The composition of audiences of open access channels changes throughout the day, and the content of broadcasts reflects this. At certain times, parents will want to be confident that their children can watch or listen to programmes without the risk of being exposed to disturbing material. At other times, there will be more challenging material."

The programme started one hour after the 2100 watershed. The strongest material was broadcast after 2300. Some complainants clearly did not expect this type of programme to be shown by BBC2. However while there may have been different audience expectations of the kind of material to be found on BBC2, Ofcom recognises that the service was created as an alternative to mainstream offerings found on BBC1.

Conclusion: The programme did not contravene this section of the Code.

Sections 23 and 24 – Informing and Warning. The Code states that “Broadcasters have a clear duty to give accurate information about the nature and content of programmes in order to allow the audience to make an informed choice.”

BBC2 gave clear pre-transmission warnings about the content of the programme. It also clearly prepared the audience for what was coming up, by contextualising the material and explaining the background to the Opera. The likely strength of the material was also clear from the pre-programme publicity and surrounding controversy, although some of it was exaggerated.

Conclusion: The programme did not contravene these sections of the Code.

Sections 26 and 27 – Respect and Dignity. The Code states that “challenging and deliberately flouting the boundaries of taste in drama and comedy is a time-honoured tradition. Although these programmes have a special freedom, this does not give them unlimited licence to be cruel or to humiliate individuals or groups gratuitously”.

Ofcom recognises that a great number of complainants felt that the Opera denigrated the Christian religion. Complainants clearly felt that the programme mocked their strongly held beliefs.

However, in Ofcom's view, serious thought had been given to the material, its production and its transmission. The subject of the Opera was ‘*The Jerry Springer Show*’ and the society it reflects. The show was created as a caricature of modern television. Importantly, in Ofcom's view the Opera did not gratuitously humiliate individuals or any groups and in particular the Christian community. Its target was television and fame.

Conclusion: The programme did not contravene these sections of the Code.

Sections 36-38 and 40 – Swearing and Offensive Language. The Code states that, “Where the language can be justified, the majority of the audience favours the use of a later transmission time rather than editing...”

As stated above, the programme was appropriately scheduled well after the watershed (as required by the Code) and the strongest language was transmitted after 2230. However, the Opera as broadcast also pointed up the absurdities of excessive swearing in many of the songs and exchanges – rendering them on occasions meaningless and ridiculous. The most extreme language was directed at the character of Satan. This was a programme that satirised modern day ‘confessional shows’ where such language is common place. The Opera was a parody of such programming and as such, the language was to be expected and could be understood in such a context.

Furthermore, as stated above, the information and warnings available to any potential viewer should have given sufficient indication of the likely content of the programme.

Conclusion: The programme did not contravene these sections of the Code.

Sections 43-45 – Offences against Religious Sensibilities. The Code states that “Although religions should not be exempt from (the) critical scrutiny...particular care should be taken when referring to religion in entertainment”.

Many complainants accused the BBC of committing the crime of blasphemy. However, criminal law is not a matter for Ofcom but for the courts. Ofcom is not required to determine whether the BBC committed blasphemy, but whether, in this case, the provisions of the Code had been contravened.

In assessing these complaints and in line with our statutory duties, Ofcom has sought to achieve the appropriate balance between, on the one hand the standards set in the Code (ex-BSC Code on Standards) and the need to apply those standards to give adequate protection from harmful and offensive material, and on the other hand the need, as appropriate, to guarantee freedom of expression. Freedom of expression is particularly important in the context of artistic works, beliefs, philosophy and argument.

Ofcom appreciated that the representation of religious figures was offensive to some people. Their main concern arose from the depictions of figures at the heart of the complainants’ religious beliefs.

In considering offence against religious sensibilities, Ofcom took into account the clear context of the Opera. The fictional Jerry Springer lay dying in a delusional state. As he hallucinated, this character was asked to pitch Jesus against the Devil in his own confessional talk show. This ‘*dream*’ sequence was emphasised by the fact that the same actors, who played guests on his show in the first act played the characters in the second act. What resulted was a cartoon, full of grotesque images, which challenged the audience’s views about morality and the human condition. The production made clear that all the characters in the second act were the product of the fictional Springer’s imagination: *his* concepts of Satan, God, Jesus and the others and modelled on the guests in his show.

In addition to this was the blatant use of *The Jerry Springer Show* format. The characters throughout behaved as people do on the show, using strong language and violence in a highly emotional manner. In light of this, Ofcom did not believe that the characters represented were, in the context of this piece, conveyed as faithful or accurate representations of religious figures, but were characterisations of the show’s participants.

Some complainants commented on the fact that Christianity was the subject of the programme rather than another religion. However, the Code does not prohibit broadcasters from choosing to feature any faith in programming – what is important is the manner in which it is treated. (The BBC stated that it would broadcast a programme raising similar issues relating to another religion and it was therefore not being discriminatory.) It is not within Ofcom’s remit to record a contravention of the Code on the basis that Christianity, as opposed to another faith, was the subject of *Jerry Springer: The Opera*. In considering freedom of expression, Ofcom recognises the UK’s long standing tradition of satirising political and religious figures and celebrities. Ofcom must consider each programme on its merits.

Conclusion: The programme did not contravene these sections of the Code.

On balance, taking the full range of views into account, set against the provisions of the Code and other considerations listed above, Ofcom concluded that the broadcast of *Jerry Springer: The Opera* was not in contravention of the Code.

The programme did not contravene the Code

Fairness and Privacy Cases

Where a complaint is not upheld there is only a note of the outcome. For a copy of a full adjudication, whether the complaint is upheld or not, go to Ofcom's website at www.ofcom.org.uk/bulletins/ or send a stamped addressed envelope to: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA.

Upheld in Part

Complaint by Mr Danny Toffel on behalf of Toff Tech Limited *Watchdog, BBC1, 26 October 2004*

Ofcom has upheld part of a complaint by Mr Danny Toffel on behalf of Toff Tech Limited that an edition of *Watchdog* was unfair to his company.

This programme featured a watch selling operation that it exposed as a "scam". The item focused primarily on a company called Tetherfield but also mentioned *watches2u*, owned by Toff Tech Ltd, in connection with the operation.

Ofcom recognised that there was a clear public interest in exposing the watch-selling operation, through which members of the public were buying watches at inflated prices. However, we did not accept the BBC's assertion that all the programme did in relation to *watches2u* was make a simple statement of fact, namely that some of the products were available on the *watches2u* website. It went further, in implying a direct connection with Tetherfield and an involvement in the watch-selling operation. This was justified on the basis of the content of the *watches2u* website, its links with other websites and a secretly recorded conversation with the man identified by the BBC as being at the head of the operation. However it was a serious allegation and *watches2u* should have had an opportunity to respond to it.

Upheld in part

Complaint by Mr John Ritchings *Jeremy Vine, BBC Radio 2, 26 September 2003*

Ofcom has partly upheld this complaint of unfair treatment from Mr Ritchings. The programme included an item called "*How to Sue*" where listeners were invited to phone in and talk about their experiences of lawsuits. A solicitor provided advice to listeners and related a story about a dispute between two neighbours, one of whom was Mr Ritchings, over Corky, a noisy cock.

Mr Ritchings complained that the programme included untrue claims about him. Ofcom considered that the programme failed to present an accurate account of the events referred to and was unfair to Mr Ritchings.

Mr Ritchings complained that the story was not relevant to the subject matter of the programme. Ofcom considered that, despite the way the events were presented, it was reasonable for the programme to include the story.

Upheld in part

Not Upheld

Complainant	Programme	Date & Broadcaster	Type of complaint
Mr Barrie Vardon	Aggro	Sky One 10 May 2004	Unfair treatment
Mr Mr David Edmonston, obo Petrolheads Limited	Look North	BBC1 (Yorkshire) 13 February 2004	Unfair treatment

Complaint from Mr Bryan Evans

X-Ray, BBC1 Wales, 24 May 2004

Ofcom's Broadcast Bulletin (No 25) stated that the programme was transmitted on 24 March 2004. This should have read 24 May 2004.

Other programmes not in breach/out of remit

6 April– 19 April

Programme	Trans Date	Channel	Category	No of complaints
Adult Channels	01/03/2005	Adult Channels	Sexual Portrayal	1
Artsworld	04/04/2005	Artsworld	Sexual Portrayal	1
BBC Midlands Today	23/03/2005	BBC1	Offence	1
BBC Radio Scotland	01/04/2005	BBC Radio Scotland	Offence	1
BBC Radio WM	17/03/2005	BBC Radio WM	Offence	1
BBC Spotlight Southwest	21/02/2005	BBC1	Offence	1
Bremner, Bird & Fortune	03/04/2005	Channel 4	Offence	1
Bremner, Bird & Fortune	10/04/2005	Channel 4	Religious Offence	4
Calon FM	29/03/2005	Calon FM	Language	1
Camilla's Friends Speak Out	07/04/2005	ITV1	Language	1
Chambers	09/03/2005	BBC7	Language	1
Channel 4 News	04/04/2005	Channel 4	Offence	1
Channel 4 News	03/02/2005	Channel 4	Offence	1
Channel 4 News	09/04/2005	Channel 4	Offence	2
Channel 4 News	07/04/2005	Channel 4	Offence	1
Children in Need	15/11/2004	BBC1	Offence	1
Children in Need	12/11/2004	BBC1	Offence	1
Children in Need	19/11/2004	BBC1	Offence	1
Classic FM	16/03/2005	Classic FM	Impartiality	1
Coach Trip	24/03/2005	Channel 4	Offence	1
Coach Trip	11/04/2005	Channel 4	Language	1
Colditz	28/03/2005	ITV1	Offence	1
Comic Relief 2005	11/03/2005	BBC1	Scheduling	1
Coronation Street	11/04/2005	ITV1	Offence	1
Coronation Street	08/04/2005	ITV1	Offence	1
Coronation Street	11/04/2005	ITV1	Offence	1
Dr Who	09/04/2005	BBC1	Scheduling	2
Earthsea	27/03/2005	Channel 4	Sexual Portrayal	1
Emmerdale	-	ITV1	Offence	1
Emmerdale	11/04/2005	ITV1	Offence	1
Emmerdale	13/04/2005	ITV1	Offence	2
Extreme Celebrity Detox	07/04/2005	Channel 4	Offence	1
Fifth Gear	01/04/2005	Five	Offence	1
Fingersmith	27/03/2005	BBC1	Religious Offence	1
Fingersmith	03/04/2005	BBC1	Sexual Portrayal	1
Five Live	21/03/2005	BBC Radio 5	Offence	1
Footballers' Wives	30/03/2005	ITV1	Offence	1
Frasier	01/04/2005	Channel 4	Offence	1

Friendly TV	-	Friendly TV	Sexual Portrayal	1
Gems.tv	28/03/2005	Gems TV	Misleading	1
H Side Story	27/03/2005	Channel 4	Scheduling	1
Hardware	19/03/2005	ITV1	Language	2
Heart FM	21/03/2005	Heart FM	Offence	1
Heart FM	04/12/2004	Heart FM	Misleading	1
Help	28/03/2005	BBC2	Language	1
Hollyoaks	17/02/2005	Channel 4	Offence	1
House Doctor	14/04/2005	Five	Advertising	1
ITV News	25/02/2005	ITV1	Offence	1
ITV News	05/04/2005	ITV1	Impartiality	1
ITV News	04/04/2005	ITV1	Misleading	1
Jeremy Vine	15/03/2005	BBC Radio 2	Offence	1
Just for Laughs	02/04/2005	BBC1	Offence	1
Kilroy and the Gypsies	05/04/2005	Channel 4	Accuracy	1
LBC Programme	01/02/2005	LBC97.3	Offence	1
LBC Programme	09/03/2005	LBC97.3	Offence	1
LBC Programme	23/03/2005	LBC97.3	Offence	1
LBC Programme	29/03/2005	LBC97.3	Offence	2
Little Britain	-	BBC3	Offence	1
Living with Michael Jackson	-	Five	Offence	1
Make Me a Supermodel	14/03/2005	Five	Offence	1
Malice Aforethought	11/04/2005	ITV1	Sexual Portrayal	1
Match of the Day 2	03/04/2005	BBC2	Offence	1
Meridian Tonight	26/10/2004	ITV1	Misleading	1
Ministry of Mayhem	02/04/2005	ITV1	Offence	1
Ministry of Mayhem	09/04/2005	ITV1	Offence	1
Most Haunted	01/01/2004	Living	Accuracy	1
Not the Royal Wedding	04/04/2005	Channel 4	Offence	2
Not the Royal Wedding	06/04/2005	Channel 4	Offence	4
Not the Royal Wedding	08/04/2005	Channel 4	Offence	2
Not the Royal Wedding	11/04/2005	Channel 4	Offence	1
Not the Royal Wedding	05/04/2005	Channel 4	Offence	1
Panorama	17/04/2005	BBC1	Offence	1
BBC Radio 2	05/04/2005	BBC Radio 2	Language	1
Richard and Judy	09/12/2004	Channel 4	Scheduling	2
Richard and Judy	11/04/2005	Channel 4	Offence	1
Scott Mills	10/03/2005	BBC Radio 1	Offence	1
Setanta Sport	05/11/2004	Setanta Sport	Misleading	1
Shariah TV	05/04/2005	Channel 4	Offence	1
Shariah TV	08/04/2005	Channel 4	Offence	1
Gay network	07/02/2005	Gay network	Offence	1
Sky News	08/03/2005	Sky News	Impartiality	1
Sky News	13/04/2005	Sky News	Impartiality	1
Talksport	22/03/2005	Talksport	Offence	1
Talksport	10/04/2005	Talksport	Impartiality	1
Talksport	12/04/2005	Talksport	Offence	1
The Bill	07/04/2005	ITV1	Violence	1
The Dating Channel	17/03/2005	The Dating	Sexual	1

		Channel	Portrayal	
The Farm	06/10/2004	Five	Offence	1
The Friday Night Project	25/03/2005	Channel 4	Offence	1
The Friday Night Project	18/03/2005	Channel 4	Offence	1
The Fugitives	14/04/2005	ITV1	Language	1
The Horror Film Channel	06/04/2005	Horror Channel	Offence	1
The Joy of Sex Education	21/09/2004	Channel 4	Offence	1
The Last Temptation of Christ	-	Channel 4	Religious Offence	1
The Real Da Vinci Code	03/02/2005	Channel 4	Religious Offence	1
The Vault	25/11/2004	Chart Show TV	Offence	1
The Wright Stuff	04/04/2005	Five	Offence	1
Tiny Pop	08/03/2005	Tiny Pop	Offence	1
Tonight with Trevor McDonald	15/11/2004	ITV1	Impartiality	1
Tonight with Trevor McDonald	11/04/2005	ITV1	Impartiality	1
Tonight with Trevor McDonald	11/05/2005	ITV1	Impartiality	1
TV's Naughtiest Blunders	05/04/2005	ITV1	Sexual Portrayal	1
We Have Ways of Making You Talk	05/04/2005	BBC2	Offence	1
Weakest Link	28/02/2005	BBC2	Offence	1
Wire in the Blood	14/03/2005	BBC1	Offence	1
World's Biggest Celebrity Mingers	01/04/2005	Sky One	Offence	1
X-Rated: The Films They Tried to Ban	16/12/2004	Five	Sexual Portrayal	1
You're Fayed	31/03/2005	Channel 4	Offence	1