

Ofcom Broadcast Bulletin

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Introduction

The Broadcast Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes with which broadcasters regulated by Ofcom are required to comply. These include:

- a) Ofcom's Broadcasting Code ("the Code"), the most recent version of which took effect on 1 September 2010 and covers all programmes broadcast on or after 1 September 2010. The Broadcasting Code can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/broadcast-code/>.

Note: Programmes broadcast prior to 1 September 2010 are covered by either the 2009, 2008 or the 2005 versions of the Code (depending on the date of their broadcast).

- b) the Code on the Scheduling of Television Advertising ("COSTA") which came into effect on 1 September 2008 and contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken. COSTA can be found at:
<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/advert-code/>.

- c) certain sections of the BCAP Code: the UK Code of Broadcast Advertising, which relate to those areas of the BCAP Code for which Ofcom retains regulatory responsibility. These include:
- the prohibition on 'political' advertising;
 - sponsorship (see Rules 9.2 and 9.3 of the Code);
 - 'participation TV' advertising. This includes long-form advertising predicated on premium rate telephone services – most notably chat (including 'adult' chat), 'psychic' readings and dedicated quiz TV (Call TV quiz services). Ofcom is also responsible for regulating gambling, dating and 'message board' material where these are broadcast as advertising¹; and
 - the imposition of statutory sanctions in advertising cases.

The BCAP Code can be found at:

www.bcap.org.uk/The-Codes/BCAP-Code.aspx

Other codes and requirements may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code. Links to all these codes can be found at:

<http://stakeholders.ofcom.org.uk/broadcasting/broadcast-codes/>

It is Ofcom's policy to describe fully the content in television and radio programmes that is subject to broadcast investigations. Some of the language and descriptions used in Ofcom's Broadcast Bulletin may therefore cause offence.

¹ BCAP and ASA continue to regulate conventional teleshopping content and spot advertising for these types of services where it is permitted.

Standards cases

In Breach

Khatm-e-Nubuwwat (*The Seal of Prophethood*)

Ummah Channel, 21 May 2010, 22:00

Seal of the Prophets

Ummah Channel, 30 May 2010, 14:00 (repeat of a live broadcast shown on 14 April 2010)

Bahaar-e-Shariat (an encyclopaedia of Islamic jurisprudence)

Ummah Channel, 8 June 2010, 22:00

Introduction

The Ummah Channel is a satellite television service which aims “to promote knowledge of Islam through educating viewers to fulfil their spiritual and religious development”. The three programmes complained of followed a similar format: presenters moderating a phone-in where viewers put questions seeking guidance and instruction in the Islamic religion to a small group of scholars. The licence for this channel is held by Ummah Channel Limited.

Ofcom received 1,026 complaints from members of the Ahmadiyya religious community. This is a comparatively small Islamic movement founded by Mirza Ghulam Ahmad Qaadyani that grew out of mainstream Islam in the nineteenth century, whose followers believe themselves to be true Muslims. Followers of Mirza Ghulam Ahmad are known as Ahmadis or Qaadyanis or Ahmadiyya. The complainants expressed serious concerns about the programmes *Khatm-e-Nubuwwat* (571 complaints received); *Seal of the Prophets* (173 complaints received); and *Bahaar-e-Shariat* (282 complaints received) broadcast on the Ummah Channel. There was evidence that the complaints were part of an orchestrated campaign.

The theme of the three programmes was the Islamic theological belief that Prophet Muhammad was the last of the prophets and, thereafter, all others claiming to be prophets are false (including, according to a number of mainstream Muslims, the founder of the Ahmadiyya, Mirza Ghulam Ahmad Qaadyani).

All of the complainants from the Ahmadiyya community expressed significant concern that, in effect, the content of the programmes amounted to “a hate campaign” against them and that it would lead to the incitement of violence, given that it was, according to some complainants, “declared on-air that killing Ahmadi Muslims is legal in Islamic jurisprudence and also a duty for any Muslim”. Some of the complainants also stated that the content was particularly unacceptable given attacks on two Ahmadi mosques in Lahore which had taken place on 28 May 2010 shortly before the broadcasts of 30 May and 8 June 2010. A significant number of the complainants also highlighted that in addition to inciting hatred and violence the programmes subjected the Ahmadiyya movement to abusive treatment.

Ofcom employed the services of an independent translator, a native Urdu speaker, to translate extracts from the three programmes and produce a transcript of the content from the original Urdu. We cite a selection of the translated comments made during the broadcasts to illustrate the tone and content of the programmes complained of (however, the programmes were considered in full and in context):

[Guest Scholar]: "We are the guardians of the faith of the companions of Prophet Muhammad who beheaded false prophets. Allah willing as long as there are Muslims, and the spark of faith is inside them, they will continue to conduct jihad against false prophets"

(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

[Guest Scholar]: "Many liars have falsely claimed prophethood; one of these men was Mirza Ghulam Ahmad Qaadyani. He has a vast fellowship who affirm his claim to prophethood."

(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

[Guest Scholar]: "...it is the unanimous decision of the confirmed Paradise dwellers that the one who claims to be a prophet after Prophet Muhammad is a kafir [unbeliever], apostate and must be killed"

(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

[Guest Scholar]: "After he (Muhammad) disappeared from this world, many liars falsely claimed prophethood; one of these men was Mirza Ghulam Ahmad Qaadyani...If one belongs to this group...then we advise him to seek repentance from the core of his heart"

(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

[Guest Scholar]: Until now, whenever one has claimed to be a prophet the Muslim nation has issued fatwa that he should be killed. It is only that at present Muslims are weak and they do not have the power to slice such a man in two parts. If Muslims had the courage and power that prevailed in the period of the associates of prophet Muhammad a false prophet would have met the same fate as that of Musaylima Kazaab"¹

(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

[Guest Scholar]: "Sunni scholars had realised that the filth of this group [Ahmadis] would spread to the entire country from their headquarters and they [Ahmadis] will try to convert the land of purity [Pakistan] into the land of filth. That is why the scholars of the Sunni Muslims resolved to fight against them with their burial clothes tied around their heads"

(Seal of the Prophets, 30 May 2010, 14:00)

[Guest Scholar]: "Any kind of contact with them [Ahmadis] is "haram" [prohibited]. Do not eat with them, do not drink with them, and do not sit with them. There should be no dealing with them..." **(Seal of the Prophets, 30 May 2010, 14:00)**

[Guest Scholar]: "We will chase them [Ahmadis] to deserts and enter the field as soldiers of the end of prophethood... May Allah grant the capacity to the guardians of the end of prophethood and those who want to sacrifice their lives in this cause, to fulfil their responsibilities in this period, and the capacity to leave this secure place and chase them in the deserts."

(Seal of the Prophets, 30 May 2010, 14:00)

¹ According to Islamic scriptures Musaylima Kazaab was the first false claimant to prophethood.

*[Guest Scholar]: "There is this man [a non-Muslim] whose faith is so filthy and whose deeds are so filthy and you are socializing with him? You try your best to avoid physical filth and you are not willing to shake hand; you should also protect yourself from potential filth and stay away from him."
(Bahaar-e-Shariat, 8 June 2010, 22:00)*

Some of the references above were selected by the scholars from, or based upon, religious texts.

According to the Code, a "religious programme" is one "which deals with matters of religion as the central subject, or as a significant part, of the programme". In Ofcom's opinion these three broadcasts were clearly religious programmes.

Ofcom asked the Ummah Channel to provide formal comments with reference to the following Code rules:

- Rule 3.1 (material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television and radio services); and
- Rule 4.2 (the religious beliefs of those belonging to a particular religion or religious denomination must not be subject to abusive treatment in religious programmes).

Response

The Ummah Channel made an unreserved apology for any offence caused by the broadcast of these three programmes detailed above. The channel stressed it was never the intention of the Ummah Channel to cause any distress or offence as this was not the mission of the channel. Further, the broadcaster stated that it did not support or condone the opinions which were delivered by independent scholars during 'live' phone-in shows.

Consequently the broadcaster confirmed that it had transmitted an on-air apology of several occasions, the text of which is detailed below²:

"The Ummah Channel would like to express their sincere apologies for any offence caused in the broadcast of the three programmes in question namely: Khatm-e-Nubuwaat, Seal of the Prophets and Bahaar-e-Shariat. It was never the intention of the Ummah Channel to support or condone these opinions that were delivered by independent scholars during 'live' phone-in shows."

In addition, the broadcaster stated it was implementing a number of procedures to ensure that material of a similar nature could not be broadcast again. These were:

- all live transmissions that have a viewer interactive strand within the programme will be watched by staff who have a thorough understanding of the aspects of compliance and will, should it prove necessary, mute any broadcast prior to being allowed on air. This will include a 30 second delay to broadcast; and

² The dates and times of the broadcast of the apology were: 29 August 2010 (07:44 & 20:46); 31 August 2010 (17:51, 20:23 & 21:17); 1 September 2010 (11:14; 12:53; 14:17 & 15:17); 2 September 2010 (08:19; 11:24; 11:49; 12:53; 14:18; and 3 September 2010 (09:44; 11:13; 11:59; 12:16; 15:29). According to the licensee the apology was scheduled around similar programming, or the most viewed programmes, on the channel.

- all the scholars have been informed of their obligation to adhere to regulations relating to the Broadcasting Code and have signed a form of agreement to comply.

The broadcaster also confirmed that the presenter of two of the broadcasts (*Khatm-e-Nubuwwat and Seal of the Prophets*), Sahail Ahmed, was initially suspended and now no longer works for the Ummah Channel.

The channel pointed out that the edition of *Seal of the Prophets* broadcast on 30 May 2010 was a repeat of a programme broadcast previously on 14 April 2010. The Ummah Channel explained that this repeat was transmitted by a member of staff who is not an Urdu speaker and the repeated broadcast of this programme occurred as a result of a scheduling error.

In terms of the content of the programmes, the broadcaster explained that the three programmes complained of were all related to the teachings of Islam, which firmly believe that Muhammad was the last Prophet. The view of the complainants was that their leader is a prophet after Muhammad and “none of the scholars [on the programmes] believe this to be true”. Therefore whilst the scholars did not wish to offend anybody “they will not accept that their leader [ie Mirza Ghulam Ahmad] is a prophet”.

The broadcasters also submitted three letters written by some of the scholars who contributed to the programmes above. In one letter the scholar concerned explained that the sources of a selection of his statements presented in *Khatm-e-Nubuwwat* (21 May 2010, 22:00) were the “most accepted and famous books after the Qur’an” and he quotes from the writings of the founder of the Ahmadi religion, Mirza Ghulam Ahmad. In the second letter the scholar stated that he did not intend to offend and expressed his apologies for any direct or indirect hurt he may have caused. The third scholar explained that it is an Islamic religious understanding that Muslims should “stay away from those who declare prophecy after Muhammad” but as followers of Islam they are also bound to respect all religions equally and live with them in peace, respect and harmony.

Finally, the broadcaster explained that as these were phone-in programmes all viewers could put forward their point of view which provided an opportunity for a range of opinions to be presented.

Decision

In reaching this decision Ofcom has taken careful account of the right to freedom of expression, as set out in Article 10 of the European Convention on Human Rights. Article 10 provides for the right of freedom of expression, which provides the right to transmit and receive creative material, information and ideas without interference from a public body. Applied to broadcasting, Article 10 therefore protects the broadcaster’s right to transmit material as well as the audience’s right to receive it as long as the broadcaster ensures compliance with the Rules of the Code and the requirements of statutory and common law.

In investigating the serious concerns raised by the majority of the complainants in relation to incitement to hatred and subjecting the Ahmadi religion to abusive treatment, Ofcom reviewed the wider context in which the comments in these programmes were made.

In terms of the editorial content, Ofcom noted the broadcaster's statement that the theme of these programmes was that Muhammad was the last prophet and this theme was reflected in the three titles of the programmes. The comments by the scholars made during these programmes, as set out above, were therefore made in the context of a religious programme broadcast on a channel which is aimed at a Muslim audience.

Ofcom considered the material broadcast under Rules 3.1 (crime), and 4.2 (abusive treatment of a religion)

Rule 3.1

Rule 3.1 states that:

“material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television and radio service”.

The Rule is concerned with the *likelihood* of the encouragement or incitement of crime. In this case Ofcom therefore assessed:

- firstly, whether more generally, references to the Ahmadiyya community in the programmes would be understood within a context that would be likely to encourage a crime of hatred or violence, or lead to disorder; and
- secondly, if the actual comments as they were presented contained a direct or implied call to action which would be likely to encourage or incite the commission of crime or lead to disorder.

With reference to the first point, Ofcom is mindful of the long established tension between some members of mainstream Muslim groups and the Ahmadi movement which has resulted in a number of documented examples of intolerance, persecution and oppression against members of the Ahmadiyya community. Against this background Ofcom understood how some members of the Ahmadi religion would consider the type of statements included in the programmes, and set out in the Introduction to this finding to be of considerable concern.

Ofcom noted the various comments and statements made in the programme by the presenters and guest Islamic scholars which were perceived by complainants to either incite hatred or violence against the Ahmadis or were critical of, or abusive towards, the Ahmadiyya community. A number of illustrative examples are set out in the Introduction.

Ofcom can appreciate the distress experienced by the complainants in response to such statements detailed above. However in considering Rule 3.1 we are required to address the *likelihood* of the commission of a crime, in this case a hate crime against an Ahmadi follower. In particular, we have considered whether the references in the programmes included a direct or indirect call to action that would have encouraged Muslims to take violent or criminal action against the Ahmadiyya because of their beliefs.

Ofcom notes that it was the case that some of the references above were quoted by the scholars from religious texts. As such, the violent imagery within the comments was rooted in the language of the scriptures and aimed at those who claim to be “false prophets” rather than any existing religious group. It is therefore our view that the comments were not directed at the Ahmadiyya community.

However, given the context of the tension between the communities and the background to the issue, as described above, it was of considerable concern to Ofcom that the scholars did not, at any point during the programmes, comment on the scriptures in a manner so as to make clear to viewers that they wished or intended the words to be understood only symbolically and not literally, and that they were not in any way advocating hatred or any form of violence against Ahmadis. Ofcom's concern was heightened by the evidence of recent violent action taken against Ahmadis and their religious buildings in Pakistan.

Notwithstanding these concerns, on reviewing the content it was Ofcom's overall view that whilst the particular selection of the texts, and language, used by the scholars could be perceived at times as abusive and aggressive, it did not amount to incitement to commission crime or an attempt to lead viewers to disorder. The statements stopped short of encouraging violence against any existing specified or named group and did not clearly advocate any potentially criminal action. Therefore, Ofcom did not consider that the broadcaster breached Rule 3.1.

However, whilst Ofcom did not consider that the material was likely to result in the incitement of a crime, given that there was no direct or indirect call to action, we were extremely concerned about the potential for viewers to interpret the comments, particularly given the context of the ongoing tensions between the Ahmadiyya community and mainstream Islam. Ofcom would therefore urge broadcasters to apply extreme caution when complying such material, especially where there is an context of tension, to ensure that the potential for interpretation does not increase the likelihood of the commission of a crime.

Rule 4.2

Rule 4.2 states:

"The religious views and beliefs of those belonging to a particular religion or religious denomination must not be subject to abusive treatment."

The above requirement comes directly from section 319(6)(b) of the Act.

The Code provides scope for the followers of one religion to engage in religious debate with, or criticise, other religions provided they comply with the Code, and in particular the general requirements for religious programmes set out in Section Four. It is therefore Ofcom's view that the theme of these three programmes - a discussion about issues surrounding Muhammad as the last prophet - was clearly a legitimate theological discussion for a religious programme. As such, within this editorial context, it would also be legitimate to discuss the Ahmadiyya movement and critique the differences in their teachings on prophethood compared to mainstream Islam. Such an approach is rooted in the broadcaster's and the audience's right to freedom of expression. However, the Code requires that if programmes engage in this sort of debate the material broadcast should not include comments and references which might reasonably be considered to subject the religious views and beliefs of the Ahmadiyya religion to abusive treatment.

When considering "abusive treatment" in religious programmes under Rule 4.2, Ofcom would consider if the material included statements which sought to revile, attack or vehemently express condemnation towards another religion without sufficient justification by the context.

Ofcom noted that the broadcaster's response and the letters from the scholars stated that Islamic scripture stated that those who accepted prophecy made by anyone after

Muhammad were non-Muslim, and therefore Muslims should “stay away” from them. Therefore it was the view of the contributors to these programmes that their arguments were confirming a fundamental belief of Islam.

However, it is Ofcom’s view, that the references included in the programme by both contributors and scholars significantly exceeded a generic discussion about “non-Muslims” to such an extent that it included a number of directly derogatory and abusive references specifically about the Ahmadiyya community. For example:

- when the presenter asked a scholar why the Pakistani government declared the Ahmadis non-Muslims, a scholar replied specifically about “this group”, that is the Ahmadis:

“Sunni scholars had realised that the filth of this group [Ahmadis] would spread to the entire country from their headquarters and they [Ahmadis] will try to convert the land of purity into the land of filth”
(Seal of the Prophets, 30 May 2010, 14:00)

- With reference to the Ahmadis’ use of the name “Rabwah”³ to name their town in Pakistan a scholar responded:

“The Muslim nation should protest about this because their town is the first door to Hell and it should not be named Rabwah. We strongly condemn the use of this name...it would be better to call it something else such as “the Centre of Qaadyanis”...”
(Seal of the Prophets, 30 May 2010, 14:00)

- A caller to the programme commented as follows on Mirza Ghulam Ahmad, the founder of the Ahmadiyya movement:

“And it is the need of this time that this Qaadyani liar and “djaal” [expert in cunning and deceit] and his liar followers must be condemned.” In response the presenter replied: “Yes”.
(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

- A scholar commented:

“Which Muslim in this world can think for a moment that while they [the Ahmadis] attacked the prophethood of Muhammad we could have any contact with them? Any kind of contact with them is “haram” [prohibited]. Do not eat with them, do not drink with them, do not sit with them”
(Seal of the Prophets, 30 May 2010, 14:00)

- A scholar commented with reference to non-Muslims and from the context applicable to an Ahmadi follower:

“There is this man whose faith is so filthy and whose deeds are so filthy and you are socializing with him? You try your best to avoid physical filth and you are not willing to shake hand; you should also protect yourself from potential filth and stay away from him.”
(Bahaar-e-Shariat, 8 June 2010, 22:00)

³ The word “Rabwah” is present in the Qur’an and is considered a holy word to describe a place of paradise

Taking the three programmes together, Ofcom noted references such as: “filth” or “filthy” to describe the Ahmadiyya, comments by the scholars that Muslims should shun contact with “this group” and that Ahmadis were “hellbound”; and derogatory insults about the Ahmadi founder referring to him as a “liar” and a “cheat”. Ofcom also noted the various other comments set out in the Introduction to this finding. It was Ofcom’s view that the use of such terms and references when taken together amounted to “abusive treatment” of the religious views and beliefs of members of the Ahmadiyya community.

Further, it is Ofcom’s opinion that it was a serious compliance failing that the broadcaster was not aware of its responsibilities in terms of Rule 4.2 of the Code. Consequently the broadcaster did not identify nor take action during the live broadcasts to curtail the abusive nature of the comments about Ahmadis being made by a number of the contributors. This was despite the fact that a handful of Ahmadis, who telephoned the first of the programmes, *Khatm-e-Nubuwwat*, on 21 May 2010 had highlighted the nature of the abusive language during the first of the three programmes broadcast. For example:

Caller #1: “I am an Ahmadi Muslim. Whatever you think of us, I do not care. However, by the grace of Allah, I consider myself a Muslim...”
(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

Caller #2: “Before 1974, in the eyes of God, were the Ahmadis or Qaadyanis or Mirzais, whatever you call us – this is an ethical channel and it should use polite language – before 1974 the Ahmadis were considered Muslims, only God can decide this but because the Pakistan Assembly passed this resolution the Ahmadis became non-Muslims⁴.”
(Khatm-e-Nubuwwat, 21 May 2010, 22:00)

In addition, it is Ofcom’s view that neither of the two presenters featured on the three programmes exercised a proper degree of moderation or fairness, when handling the telephone calls from individuals and the responses from the scholars contributing. Ofcom noted that viewers could have perceived the conduct of the presenters as condoning towards the abusive references about the Ahmadi and dismissive towards the Ahmadi callers who contacted the programmes. If the presenters had moderated the programmes and put the discussion into a wider context in a more fair and effective manner they could have contributed towards lessening the impact of the abusive treatment presented in these programmes.

Ofcom welcomes the broadcaster’s apology and the steps it has taken to ensure that going forward such programmes are fully compliant with the Code. However, given the points set out above Ofcom considers that the broadcaster was in breach of Rule 4.2. We advise all broadcasters producing religious programmes to ensure that, when discussing the views and beliefs of either followers of the same religion or followers of other religions, they ensure those views and beliefs are not subject to abusive treatment.

Breach of Rule 4.2

⁴ In 1974, the Pakistan parliament adopted a law declaring Ahmadiyya to be non-Muslims and the country’s constitution was amended to define a Muslim “as a person who believes in the finality of the Prophet Muhammad”. Following this the religious practises of the Ahmadiyya community were criminalised and they were prevented from claiming to be Muslim or from “behaving” as Muslims.

In Breach

Assan Na Kashmir

DM Digital, 20 July 2010, 15:30 to 16:30

Introduction

Assan na Kashmir was a one hour programme which discussed the actions and policy of the State of India in the disputed region of Kashmir. It was broadcast on DM Digital, a free-to-air general entertainment channel which broadcasts mainly in Urdu to the UK Asian community. The licence for DM Digital is held by DM Digital Television Limited (“DM Digital” or the “Licensee”).

The programme opened with a single presenter speaking in Urdu about the current international political situation with regard to the disputed territory of Kashmir (which is administered by three states: India, Pakistan and the People’s Republic of China). For example, the presenter commented (in translation from the original Urdu¹):

“India is not prepared to talk on the issue of Kashmir. The Americans want Pakistan to enter into dialogue with India but India is adamant not to talk having killed 500,000 Kashmiris...”

“...India has 800,000 troops in occupied Kashmir committing atrocities. Kashmiri nation’s women, children, windows who lost husbands, mothers who lost their son, and you saw in the last two months young men – 12 year olds and 15 year old – Indian forces shot them in broad daylight...”

During the course of the programme, two guest contributors joined the presenter to express their opinions on events, policies and issues relating to Kashmir. The first guest, from the Kashmir National Arts Council, presented his views direct to camera in the style of a dramatic performance (in translation from the original Urdu):

“O people of the world! Listen to me...Come and see the atrocities being committed upon Kashmiri mothers, children and sisters.”

The second presenter was described as belonging to the organisation “Reformation of Muslims” and also presented a pro-Pakistan viewpoint. For example (in translation from the original Urdu):

“India is implicated in the terrorism that is happening in Pakistan; Mossad [Israeli secret service] and Ra [Indian secret service] agents are involved in terrorist activities in Pakistan”

Ofcom received a complaint from a viewer who said the programme included “very strong anti-Indian” content with no alternative view presented.

Ofcom noted that the subject matter focused on the ongoing dispute over Kashmir between India and Pakistan and the policies and actions of the State of India in the region. Therefore, it was Ofcom’s view that these issues were matters of political controversy on which politicians and the media are in debate and subject to Section 5

¹ Ofcom commissioned an independent translator to review the whole programme and make word for word translations of relevant segments

of the Broadcasting Code (“the Code”). This requires broadcasters to ensure due impartiality on matters of political controversy.

The broadcaster was therefore asked to provide comments with respect to the following Code Rule:

- Rule 5.5: “Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved...”

Response

In response the broadcaster stated that the basic objective of the discussion was to bring International attention to an issue which has been accepted but failed to be “resolved”. DM Digital explained that “the discussion held in the programme was totally generic” and highlighted issues that were “real happenings”.

The broadcaster further commented that the presenter did not aim to offend viewers: “he just wanted to invite attention of the international world and British government to act as a mediator in resolving the issue in a peaceful manner”.

Decision

The Communications Act 2003, as set out in the Broadcasting Code, requires that due impartiality must be preserved by broadcasters in all matters of political or industrial controversy.

In reaching this decision Ofcom must also take into account the fact that broadcasters have a right to freedom of expression which gives the broadcaster a right to transmit and the audience a right to receive creative material, information and ideas without interference from a public body, but subject to restrictions prescribed by law and necessary in a democratic society. This is set out in Article 10 of the European Convention on Human Rights. Therefore, although broadcasters and viewers have this right, it is the responsibility of the broadcasters to ensure that the material they transmit is in accordance with the general law and the Code.

It should be noted that the importance of freedom of expression is considered to be at its highest in relation to political matters, including the manner of expression exercised by journalists in relation to political matters. The European Convention states:

“The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed in law and are necessary for a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others...”

In carrying out its duties Ofcom must therefore balance the right to freedom of expression on one hand with the need to preserve due impartiality. Therefore whilst the Code does not prohibit broadcasters from exercising the editorial freedom to discuss any controversial subject, or include a particular point of view within a programme, it must do so in a way which ensures compliance with the Code. In applying these Rules Ofcom takes account of the fact that they act to some degree to limit freedom of expression by ensuring that in certain circumstances broadcasters are under an obligation to some extent not to favour one side over another.

Rule 5.5

The programme *Assan Na Kashmir* featured one presenter and two guest presenters who all expressed a pro-Muslim and anti-Indian view regarding the disputed region of Kashmir. In addition to the comments set out above the following statements are further examples of the nature of the content of the programme (in translation from the original Urdu):

“Viewers sitting in your homes, its your duty, as Kashmiris, Muslims and humans, to raise voice against the humiliation of humanity being done by Indian forces, martyring kids aged 10 to 12 who don’t have rifles, they only protest through voice...”

“India is conducting state terrorism in Kashmir but the world is not raising its voice”

“Half a million Kashmiris have given their lives but though they are not of this world, they are alive...their coming generations will not let this issue die and they will continue to struggle”

With reference to the content, Ofcom considered that the programme included only one viewpoint. This viewpoint was overtly and consistently critical of the policies of the State of India in the disputed region of Kashmir. Throughout the whole programme, no alternative opinion (which could be adequately considered to be supportive of, or which sought to explain, the actions and policies of the State of India in relation to Kashmir) was included.

Indeed, Ofcom noted with some concern that, in its response DM Digital argued that the programme as it was broadcast was legitimate because the discussion was about “bringing attention” to the world about a series of “real happenings”. The broadcasters appeared to have little understanding of the requirement to apply Rule 5.5: firstly, in terms of identifying the material as concerning a matter of political or industrial controversy or matter relating to current public policy; and secondly, ensuring that the programme adequately represented the State of India’s position regarding Kashmir. Nor did the broadcaster provide any evidence of alternative views across a series of programmes taken as a whole (i.e more than one programme on the same service, dealing with the same issue which are editorially linked and aimed at a like audience). Ofcom therefore considered that the programme was in breach of Rule 5.5.

It is central to the right to freedom of expression that broadcasters can produce discussion style programmes on sensitive and controversial topics like Kashmir. However, in doing so they must, if necessary, have regard to the requirements of due impartiality under the Code. In fulfilling the requirements of due impartiality set out in the Communications Act 2003 and Code it may be necessary to ensure that alternative viewpoints are adequately represented.

In this case, Ofcom concluded that such a viewpoint (namely the position of the State of India regarding Kashmir) was not adequately represented in the programme or over a series of programmes taken as a whole and therefore the broadcaster breached Rule 5.5.

We consider that the breach in this case is not so serious or repeated to merit being considered for imposition of a statutory sanction. However, Ofcom remains concerned about DM Digital Television Limited's understanding and compliance processes in relation to Section Five of the Code. Therefore, DM Digital Television Limited will be required to attend a meeting with the regulator to explain and discuss its compliance processes further in this area.

Breach of Rule 5.5

In Breach

The Da Vinci Treasure

Syfy, 15 August 2010, 11:00

Introduction

Syfy is a channel that features science fiction, fantasy, horror and paranormal programming. It is available on satellite and cable platforms. A film titled *The Da Vinci Treasure* was broadcast at 11:00 on a Sunday morning. Ofcom received one complaint about the broadcast of the words “fuck” and “fucking” during this programme when shown on the Syfy service. The licence for the Syfy service is held by Sci-Fi Channel Europe LLC (“Sci-Fi Channel Europe”).

Ofcom asked Universal Sci-Fi Channel Europe for its comments under Rule 1.14 (the most offensive language must not be broadcast before the watershed) of the Code.

Response

Sci-Fi Channel Europe apologised and explained that the programme was broadcast in error. Sci-Fi Channel Europe explained there had been a breakdown in communications concerning requests for the daytime and post-watershed versions of the film, which resulted in the post-watershed version being incorrectly scheduled.

Sci-Fi Channel Europe outlined the steps it took when it became aware of the broadcast of the offensive language. These included: immediately removing the programme from their schedules; writing to a complainant that had contacted them directly; and introducing further compliance checks to address the risk of the error being repeated.

Decision

Ofcom research on offensive language¹ identified that the word “fuck” and its derivatives are considered by viewers to be very offensive and unacceptable before the watershed. Ofcom notes Sci-Fi Channel Europe’s apology; and the action it has taken since it became aware of the transmission to improve compliance. However, Rule 1.14 of the Code states unequivocally that “the most offensive language must not be broadcast before the watershed...”. Therefore the broadcast of “fuck” and its derivatives in this instance is a clear breach of Rule 1.14.

Breach of Rule 1.14

¹ Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

In Breach

Off Set

TCM, 24 July 2010, 12:20

Introduction

Off Set is a programme that features discussion with famous faces from Hollywood. The show typically includes behind the scenes insights and celebrity gossip from those inside the film industry. This episode featured an interview with actor Michael Madsen. During the episode Madsen relates a joke that includes the word 'fucking' in the punch line.

Ofcom received a complaint from a viewer who objected to strong language being broadcast at this time of day when their young children were present. The licence for TCM is held by Turner Entertainment Networks International Limited ("Turner Entertainment"). Ofcom wrote to Turner Entertainment for comments with regard to Rule 1.14 (the most offensive language must not be broadcast before the watershed).

Response

Turner Entertainment explained that the programme had originally been given a post-watershed restriction in order to comply with the Code. Unfortunately a technical problem resulted in some scheduling restrictions being wiped from its systems and as a result this programme was wrongly made available for pre-watershed transmission. It has now been removed from daytime schedules. All other material affected by the technical problem has been reviewed and scheduling restrictions reapplied as appropriate.

Decision

Rule 1.14 of the Code clearly states that the most offensive language must not feature before the watershed. Ofcom's research¹ confirms that most viewers find the word "fuck" and its derivatives one of the most offensive words.

Ofcom acknowledged Turner Entertainment's explanation and the steps taken by the broadcaster to ensure compliance in this area in the future. However broadcast of the most offensive language in this pre-watershed programme is unacceptable and therefore in breach of Rule 1.14.

Breach of Rule 1.14

¹ "Audience attitudes towards offensive language on television and radio", August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

In Breach

Brit Cops: Zero Tolerance

Virgin 1 (Freeview), 18 August 2010, 20:00

Introduction

In this episode of *Brit Cops: Zero Tolerance*, the ‘fly on the wall’ documentary series, a camera crew followed police officers patrolling the streets of London in the early hours of the morning. This episode included scenes of officers on a drugs raid on a suspected cannabis factory. Ofcom received one complaint from a viewer who noticed an image on a poster, of two pigs engaged in a sex act with the words “fucking pigs” clearly displayed underneath. The licence for Virgin 1 on Freeview is held by Living TV Group Ltd¹ (“Living TV Group”).

Ofcom asked Living TV for comments under Rule 1.14 (The most offensive language must not be broadcast before the watershed).

Response

Living TV Group explained that this example of offensive language was missed due to human error. As a consequence, a number of processes have been put into place to prevent any recurrence of this problem. Living TV Group highlighted the low child audience figures for the programme and stated that, whilst that did not excuse or condone the inclusion of the language, they were confident the level of offence caused was minimal. Living TV Group apologised unreservedly to the complainant for the error.

Decision

Ofcom research on offensive language² identified that the word “fuck” and its derivatives are considered by viewers to be very offensive and unacceptable before the watershed. The Code requires that licensees do not broadcast the most offensive language before the watershed (Rule 1.14). The use of the word “fucking” in this episode of *Brit Cops: Zero Tolerance* was a clear example of such language.

Ofcom noted Living TV Group’s apology and the revised compliance procedures that have since been introduced. However, Ofcom is concerned given the number of fairly recent and repeated breaches³ regarding offensive language by this licensee, and

¹ On 3 September 2010 the licence for this service was transferred to British Sky Broadcasting Ltd and the service was re-named ‘Channel One’

² Audience attitudes towards offensive language on television and radio, August 2010 (<http://stakeholders.ofcom.org.uk/binaries/research/tv-research/offensive-lang.pdf>)

³ See Broadcast Bulletin 164 published on 23 August 2010 at: <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb164/issue164.pdf>; and Broadcast Bulletin 140 published on 24 August 2009 at: <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb140/issue140.pdf>.

advises Living TV Group to check the adequacy of its current compliance procedures.

Breach of Rule 1.14

Not in Breach

“Bedtime stories” advertisement for Act on CO₂

Various broadcasters, October 2009, various dates and times

Introduction

Ofcom received 537 complaints about a television advertisement for Act on CO₂. The complainants raised objections that the advertising was of a ‘political’ nature. The majority of the complaints¹ were referred to Ofcom by the Advertising Standards Authority (ASA).

Political advertising is prohibited on television and radio under the terms of section 321 of the Communications Act 2003 (“the Act”) and, for television, by Rule 4 of the Broadcast Committee of Advertising Practice (BCAP) Television Advertising Standards Code (“the TV Advertising Code”). The relevant extracts from the Act and the TV Advertising Code are given at the end of this Finding.

The TV Advertising Code, formerly Ofcom’s Advertising Standards Code, is now for most matters enforced by the ASA. Ofcom, however, remains responsible under the terms of the Memorandum of Understanding between Ofcom and the ASA for enforcing the rules on ‘political’ advertising.

Act on CO₂ is a joint initiative of the Department of Energy and Climate Change (DECC), the Department for Transport (DfT), the Department for Environment Food and Rural Affairs (DEFRA) and the Department for Communities and Local Government (DCLG). The scheme co-ordinates government efforts to reduce businesses’ and individuals’ ‘carbon footprints’, in other words to reduce the amount of CO₂ (carbon dioxide) produced through work and daily life.

The advertisement showed a father reading his young daughter a bedtime story from an illustrated children’s book. The audio was as follows:

Father: *“There was once a land where the weather was very, very strange. There were awful heatwaves in some parts, and in others terrible storms and floods. Scientists said it was being caused by too much CO₂ which went up into the sky when the grown-ups used energy. They said the CO₂ was getting dangerous; its effects were happening faster than they had thought. Some places could even disappear under the sea and it was the children of the land who’d have to live with the horrible consequences. The grown-ups realised they had to do something. They discovered that over 40% of the CO₂ was coming from ordinary everyday things like keeping houses warm and driving cars, which meant if they made less CO₂ maybe they could save the land for the children.”*

¹ The complaints assessed by Ofcom and others received by the ASA made a variety of objections on other, non-political, grounds including inaccuracy, exaggeration, appeals to fear and distress caused to children. These aspects of the complaints fell to the ASA to adjudicate on. The ASA’s adjudication can be found at:

http://www.asa.org.uk/Complaints-and-ASA-action/Adjudications/2010/3/Department-of-Energy-and-Climate-Change/TF_ADJ_48225.aspx

Child: *"Is there a happy ending?"*

Voiceover: *"It's up to us how the story ends. See what you can do. Search online for Act on CO₂."*

During the advertisement pictures from the storybook were shown, with simple animation, to illustrate the effects described: a rabbit weeping during a drought, a 'sky monster' representing accumulated carbon dioxide in the atmosphere, a flooded town with a dog disappearing beneath rising waters, a small girl turning off a light. These images were intercut with close-ups of the daughter's face as she listened to her father.

Complainants used various descriptions of the advertisement that related, to one degree or another, to its having a 'political' purpose. Typical phrases included: "government propaganda", "Orwellian", "brain-washing", "cynical political manipulation", "alarmist propaganda", "theocratic propaganda", "political message targeted at minors", "softening the public up for tax increases", "one-sided political propaganda", "social engineering", and "indoctrination".

Five of the complainants referred specifically to Rule 4 of the TV Advertising Code. They said variously that the government was: "issue campaigning"; "exhibiting partiality"; "likely to influence viewers' willingness to vote for the political party that is promoting these policies..."; and that the advertisement "promotes the government's viewpoint in a way that could be used to subtly influence voters". Two of the five complaints were in identical terms.

In considering the complainants' objections to the alleged 'political' nature of the advertisement, Ofcom took into account that the advertisement had been placed by a joint initiative of a number of government departments. A general exception to the statutory scheme of section 321 exists at section 321(7)(a) of the Act. This applies to advertisements of "a public service nature" which have been inserted by or on behalf of a government department:

"Provision included by virtue of this section in standards set under section 319 is not to apply to, or to be construed as prohibiting the inclusion in a programme service of—
(a) an advertisement of a public service nature inserted by, or on behalf of, a government department; or..."

Ofcom therefore sought responses from the advertiser, the Department of Energy and Climate Change (DECC), and from Clearcast², with regard to whether the advertisement was of a "public service nature".

Response

DECC's representations

DECC stated that the evidence for global warming and for a human contribution to the phenomenon through the emission of greenhouse gases are "very well established", as are the "adverse effects" on the world and the mitigating effects that measures taken by individuals and governments can have. The advertiser referred to

² Clearcast is the body that assesses television advertising on behalf of broadcasters in advance of transmission.

what it considered to be the strong evidence base supporting these conclusions and informing current public policy in the UK.

In respect of the evidence for anthropogenic global warming [i.e. caused by humans], its effects and the possibility of reducing these effects, DECC pointed out that the ASA had not upheld complaints about the accuracy of the advertising.

As to the nature of the advertisement itself, DECC said that it was one in a succession of Act on CO₂ advertisements that had covered various themes: personal carbon footprints, home energy saving, smarter driving, car buying, water saving, reducing waste and driving less.

The “Bedtime Stories” advertisement had been informed by “consumer insights” and qualitative research. DECC said this had confirmed the need for the advertising to highlight: the scientific consensus about climate change and its effects; “personal responsibility” by demonstrating how individuals are personally contributing to the problem; and the “collective responsibility” of government, business and the public. The advertiser said it had also identified a need for the advertisement to “communicate the urgency” of the issue, and to “illustrate the personal and social impact here in the UK to make it personally relevant”.

According to DECC, the advertising did not seek to counter scepticism about climate change but to “increase the general level of public awareness and understanding of the issue”, and to educate about climate change as a context for “ongoing messaging about the changes in behaviour needed”. As with other advertisements placed by the Act on CO₂ campaign, this advertisement encouraged viewers “to go to the Act on CO₂ website for more information”. It also argued that the “switching off the light scene” at the end of the illustrated animation during the advertisement “reinforced the message about the need for everyday action”.

In respect of the advertisement’s status under the Act, DECC considered the advertisement to be of a public service nature and therefore to fall within the exemption given to such advertisements when placed by or on behalf of a government department under section 321(7). The advertisement, DECC argued, was of a public service nature because “its purpose was to educate and inform members of the public about climate change, an issue relevant to their welfare and interests, in order to reinforce and provide a context for the practical messages and advice contained in other advertisements in the Act on CO₂ campaign about changes in behaviour needed.”

Within the design of the Act’s provisions for ‘political’ advertising, DECC said, an advertisement influencing public opinion on a matter of public controversy (otherwise a ground for prohibition under section 321(3) of the Act) can be of a “public service nature”. Scientific questions are likely to be subject to some degree of debate, the advertiser argued, citing the subject of passive smoking as an example. DECC was of the view that there was no reason why the government should not seek to educate people as to the current prevailing scientific understanding on such an issue, and therefore contended that the same reasoning applied to the issue of climate change.

The advertiser was of the view that Parliament would not have intended the ambit of the advertisements which the government is empowered to make to be constrained by whether the subject is a matter of public controversy, otherwise the exception at section 321(7) “would have been framed in more limited terms”.

With reference to those complainants who described the advertisement as “propaganda”, DECC considered this to be a “pejorative way of saying that it was designed to influence viewers’ opinions or behaviour, which is an object of most Government advertising, including many of the paradigm public service advertisements such as drink driving and seat belt campaigns”. Furthermore, it argued that Parliament could not have intended that all advertising designed to influence viewers’ opinions or behaviour is outside the scope of the exception at section 321(7) of the Act, otherwise that exception “would be almost devoid of effect”.

The emotive manner of the advertisement was not in DECC’s view a relevant consideration. DECC pointed out that many government campaigns – drink driving and road safety, for example – adopt emotive approaches yet remain public service advertising.

Clearcast’s representations

Clearcast confirmed that the advertisement had been considered against section 321 of the Act and Rule 4 of the TV Advertising Code before approval had been given in advance of transmission. It did not consider the advertisement to breach the ‘political’ provisions of either the Act or the TV Advertising Code.

Clearcast accepted there was “no definitive proof” of global warming but argued that there was a consensus in support of a link between human-produced CO₂ emissions and global warming.

Further, Clearcast was of the view that the weight of “considerable evidence” it had been provided in support of the advertisement’s claims meant that the advertisement was “neither scientifically doubtful, alarmist nor propagandist.” Whatever the scientific debate may be, though, Clearcast argued that it should not be considered a matter of dispute of the sort the Act is designed to prohibit.

Clearcast also pointed out that the ASA had not upheld complaints about the accuracy of the claims made in the advertisement about global warming and its effects.

In advising on the advertisement, Clearcast had taken care to ensure that claims were not presented in unequivocal terms, asking for conditional language to be used to ensure that the scenarios were presented as possibilities, rather than that they would definitely happen. For example: “*..if they made less CO₂, maybe they could save the land for the children*”. Similarly, the advertisement stated: “*Scientists said it was being caused by too much CO₂*”, so in Clearcast’s view making clear that the statement was the opinion of scientists.

The advertisement’s purpose was to communicate established government policy to the public, Clearcast said. The advertisement thus informed and educated the public, an approach Clearcast believed to be in line with advertising of a public service nature.

Clearcast said that the Central Office of Information (COI) (the government information service) had run similar messages before and submitted an example of an advertisement that had run previously and that Clearcast considered to have made fundamentally similar claims.

Decision

Ofcom has a statutory duty to ensure that political advertising, as defined by the Act, is not included in television or radio services. Section 321(2) of the Act explains that an advertisement contravenes the prohibition on political advertising if it is:

- a) an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature;
- b) an advertisement which is directed towards a political end; or
- c) an advertisement which has a connection with an industrial dispute.

Therefore an advertisement may fall foul of the prohibition on political advertising either because of the character of the advertiser or because of the content and character of the advertisement. Section 321(3) sets out an inclusive, non exhaustive list of examples of “objects of a political nature” and “political ends”.

However, section 321(7)(a) of the Act contains a general exception to the statutory scheme described above which operates by disapplying the previous subsections in relation to an advertisement of a “public service nature” placed by or on behalf of a government department.

Public service advertising has a long history and has been used for such varied purposes as encouraging healthy eating, increasing awareness of utility privatisations, promoting road safety, recruiting to the armed forces, communicating details of tax self-assessment and promoting anti-drug messages.

In Ofcom’s view, the primary determinant of an advertisement of a public service nature is that the advertisement’s purpose is to inform and educate the public by means of imparting information which is in the public interest. Whether any particular advertisement can be so classed is a decision that has to be made on the facts of each case. In addition to considering the advertisement’s purpose, Ofcom is also likely to consider other factors such as: the nature of the advertisement’s subject matter; the nature of any information or advice given; the manner in which information or advice is given; the timing and context of the advertisement’s broadcast; and the degree of any controversy that might be associated with the subject matter and/or contents of the advertisement.

In assessing whether the advertisement in this case was of a public service nature, Ofcom first considered its purpose.

Ofcom noted that Act on CO₂ is a cross-departmental government campaign which was first launched in 2007. The campaign had focused subsequently on the public’s and businesses’ reduction of carbon dioxide emissions. A variety of advertising campaigns had featured information on matters such as energy conservation, waste reduction and climate change generally. By way of background, none of the previous Act on CO₂ television or radio advertisements has raised issues under section 321 of the Act.

Ofcom took into account both DECC and Clearcast’s submissions on the overall premise of the “Bedtime Stories” advertisement – namely, that it was intended to raise the public’s awareness of the wider context on which the UK Government’s policy of reducing carbon dioxide emissions is based.

Ofcom agrees that raising levels of awareness about an issue or matter in the public interest is potentially of a public service nature. Ofcom noted that, at the time of this

advertisement's broadcast, the UK Government's efforts to reduce carbon dioxide emissions to limit their effects on the environment, and specifically on climate, had been based on a long-established policy, on which there was (and remains) a broad level of consensus across the major political parties.

Ofcom also took into account that there is ongoing and polarised debate, both in the UK and more widely, about the theory of anthropogenic climate change. Nevertheless, Ofcom is of the view that it is reasonable to consider this theory as the current orthodoxy in relation to climate change, on which there is a strongly prevailing mainstream scientific consensus. Ofcom therefore considered that, *in principle*, a government advertisement which sought to educate and inform the public on the current prevailing understanding of such issues could be described as being in the public interest.

Further, Ofcom noted the ASA's decision on those complaints it had received that objected that the advertisement's claims about anthropogenic climate change were exaggerated, misleading or likely to mislead viewers. The ASA did not uphold the complaints³.

Ofcom therefore went on to consider the manner in which the advertisement had sought to educate and inform the public on this subject. We noted that the advertisement conveyed information about carbon dioxide emissions resulting from "*ordinary everyday things*", and the views of scientists on the potentially "*horrible consequences*" of those emissions on our climate, and possible risk to future generations. Ofcom noted that the advertisement imparted some information about actions viewers could take to conserve energy by means of an animated illustration of a young girl turning off a light switch. Further, the message at the end of the advertisement to "*See what you can do. Search online for Act on CO₂*" provided viewers with a source of further information about everyday actions they could take.

In this respect, Ofcom considered that the advertisement differed from previous Act on CO₂ campaigns which suggested specifically, for example, that viewers drive less, improve loft insulation, turn off lights and not leave electrical appliances on stand-by. In this case, the focus of the advertisement's contents appeared to fall more on the wider context of why the audience should consider energy conservation to be important and relevant to them ("*It's up to us how the story ends*"), as opposed to the provision of specific information about what actions viewers could take, or changes they could make to their behaviour in this regard.

Ofcom went on to assess DECC's submissions in this regard. Ofcom noted that DECC had argued that this advertisement informed and educated members of the public about climate change to "...reinforce and provide a context for the practical messages and advice contained in other advertisements in the Act on CO₂ campaign about changes in behaviour needed".

However, Ofcom considered that the nature and extent of the information imparted by the advertisement itself was relatively limited - for example about actions viewers themselves could take or consider. It was Ofcom's view that, for this reason, the advertisement came close to the limits of acceptability as an advertisement of a public service nature. On balance, Ofcom decided that the inclusion of the image of

³ The ASA's adjudication can be found at:
http://www.asa.org.uk/Complaints-and-ASA-action/Adjudications/2010/3/Department-of-Energy-and-Climate-Change/TF_ADJ_48225.aspx

the young girl turning off a light switch, and the message at the end of the advertisement providing viewers with a further source of information about specific actions they could take was adequate to merit the advertisement being classed as of a public service nature.

On the particular facts of this case, for all the reasons set out above, and having taken account of all submissions, Ofcom concluded that the purpose of the advertisement was to raise viewers' awareness of the issues of climate change, in the context of energy conservation and its relevance to viewers. This was achieved by means of some information provided within the advertisement, in combination with specific information provided by the Act on CO₂ website, to which the advertisement referred.

The advertisement was therefore of a public service nature and, as such, it fell within the exception at section 321(7)(a) of the Act. Therefore, the advertisement was not in breach of the prohibition on political advertising.

Not in breach

Extracts from the relevant legislation and code

Communications Act 2003

Section 319:

(1) It shall be the duty of OFCOM to set, and from time to time to review and revise, such standards for the content of programmes to be included in television and radio services as appear to them best calculated to secure the standards objectives.

(2) The standards objectives are—

...

(g) that advertising that contravenes the prohibition on political advertising set out in section 321(2) is not included in television or radio services;

Section 321:

Objectives for advertisements and sponsorship

(1) Standards set by OFCOM to secure the objectives mentioned in section 319(2)(a) and (g) to (j)—

(a) must include general provision governing standards and practice in advertising and in the sponsoring of programmes; and

(b) may include provision prohibiting advertisements and forms and methods of advertising or sponsorship (whether generally or in particular circumstances).

(2) For the purposes of section 319(2)(g) an advertisement contravenes the prohibition on political advertising if it is—

(a) an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature;

- (b) an advertisement which is directed towards a political end; or*
- (c) an advertisement which has a connection with an industrial dispute.*

(3) For the purposes of this section objects of a political nature and political ends include each of the following—

- (a) influencing the outcome of elections or referendums, whether in the United Kingdom or elsewhere;*
- (b) bringing about changes of the law in the whole or a part of the United Kingdom or elsewhere, or otherwise influencing the legislative process in any country or territory;*
- (c) influencing the policies or decisions of local, regional or national governments, whether in the United Kingdom or elsewhere;*
- (d) influencing the policies or decisions of persons on whom public functions are conferred by or under the law of the United Kingdom or of a country or territory outside the United Kingdom;*
- (e) influencing the policies or decisions of persons on whom functions are conferred by or under international agreements;*
- (f) influencing public opinion on a matter which, in the United Kingdom, is a matter of public controversy;*
- (g) promoting the interests of a party or other group of persons organised, in the United Kingdom or elsewhere, for political ends.*

(4) OFCOM—

- (a) shall, in relation to programme services, have a general responsibility with respect to advertisements and methods of advertising and sponsorship; and*
- (b) in the discharge of that responsibility may include conditions in any licence which is granted by them for any such service that enable OFCOM to impose requirements with respect to any of those matters that go beyond the provisions of OFCOM's standards code.*

(5) OFCOM must, from time to time, consult the Secretary of State about—

- (a) the descriptions of advertisements that should not be included in programme services; and*
- (b) the forms and methods of advertising and sponsorship that should not be employed in, or in connection with, the provision of such services.*

(6) The Secretary of State may give OFCOM directions as to the matters mentioned in subsection (5); and it shall be the duty of OFCOM to comply with any such direction.

(7) Provision included by virtue of this section in standards set under section 319 is not to apply to, or to be construed as prohibiting the inclusion in a programme service of—

- (a) an advertisement of a public service nature inserted by, or on behalf of, a government department; or*
- (b) a party political or referendum campaign broadcast the inclusion of which is required by a condition imposed under section 333 or by paragraph 18 of Schedule 12 to this Act.*

(8) In this section "programme service" does not include a service provided by the BBC.

BCAP Television Advertising Standards Code, Section 4

No advertisement:

(a) may be inserted by or on behalf of any body whose objects are wholly or mainly of a political nature.

(b) may be directed towards any political end.

(c) may have any relation to any industrial dispute (with limited exceptions).

Note to 4(c):

The Broadcasting Act 1990 specifically exempts public service advertisements by or on behalf of a government department from the prohibition of advertisements having 'any relation to any industrial dispute'.

Notes to Section 4:

(1) The purpose of this prohibition is to prevent well-funded organisations from using the power of television advertising to distort the balance of political debate. The rule reflects the statutory ban on 'political' advertising on television in the Broadcasting Act 1990.

(2) The term 'political' here is used in a wider sense than 'party political'. The rule prevents, for example, issue campaigning for the purpose of influencing legislation or executive action by legislatures either at home or abroad. Where there is a risk that advertising could breach this rule, prospective advertisers should seek guidance from licensees before developing specific proposals.

Broadcasting Licensing Condition Cases

In Breach

Radio Faza, community radio service for Nottingham

End of June to 19 September 2010

Introduction

Radio Faza is a community radio station broadcasting to the South Asian community in Nottingham.

Radio Faza's licence includes as an annex a 'key commitments' document which sets out what the radio station will do. In the programming section it says that "programming will typically be broadcast live for at least eight hours between 07.00 and 24.00 on weekdays". The licence is held by Radio Fiza Limited. On 20 August 2010 Ofcom received a complaint regarding the provision of live output on the station, alleging that only pre-recorded material was being broadcast.

Accordingly, on 20 August Ofcom wrote to the licensee, Radio Fiza Limited, to ask whether it was complying with the licence condition relating to key commitments delivery. Condition 2(4), contained in Part 2 of the Schedule to the licence, states that: "The Licensee shall ensure that the Licensed Service accords with the proposals set out in the Annex so as to maintain the character of the Licensed Service throughout the licence period."

Response

The licensee accepts that it was in breach of the licence requirement with regard to the provision of live output from the end of June until 19 September. The licensee said that the problem occurred at a time when a change in day-to-day station management had been put in place. During this period the link which carries output from the studio to the transmitter had been disconnected, due to the non-payment of the bill to the supplier of this link. The link had been cut at the end of June and from that point until 19 August only pre-recorded output was broadcast. It included music, speech in the form of chat programmes, discussion programmes, lectures/talks and some Faza archived programmes.

In mid-August steps were taken to resume live output, and six hours a day live material was broadcast between 20 August and 19 September. Live output was resumed in full in accordance with the licence and its key commitments (i.e. typically eight hours per day on weekdays, between the hours of 0700 and 2400) on 20 September 2010. In addition day-to-day station management has changed, the station's financial position has been strengthened, and governance procedures are being reviewed.

The licensee referred to Radio Faza and its host organisation's track record. "Radio Faza has been running successfully for the last ten years first as Kiran and then as Faza. It is a lifeline for culturally isolated, frail housebound people. There is no other local station which provides a platform for women to have a voice, express their opinions and address taboo subjects outside the constraint of religion and culture. It provides volunteering opportunities for women in a predominantly female-only safe environment to develop their skills and potential to play a full role in society."

Decision

By failing to provide live output for eight hours per day (weekdays) on Radio Fiza in the period from the end of June to 19 September 2010, Radio Fiza Limited was not providing the service as described in its key commitments, and therefore in breach of the licence condition referred to above. Ofcom has therefore formally recorded this breach by Radio Fiza Limited.

Community radio stations are, under the terms of The Community Radio Order 2004, defined as local radio stations provided primarily for the good of members of the public or for a particular community, rather than primarily for commercial reasons. They are also required to deliver social gain, be run on a not-for-profit basis, involve members of their target communities and be accountable to the communities they serve.

Anyone applying for a community radio licence is required to set out proposals as to how they will meet these various statutory requirements. If they are awarded a licence, their proposals are then included in their licence so as to ensure their continued delivery. This part of a community radio station's licence is known as the 'key commitments', and it is designed to ensure that each community radio station continues to provide the service for which it has been licensed.

Provision by a Licensee of its licensed service is the fundamental purpose for which a community radio licence is granted. Ofcom has a range of duties in relation to radio broadcasting, including securing a range and diversity of local radio services which are calculated to appeal to a variety of tastes and interests. These matters find expression in, or are linked to, the licence condition requiring that the Licensee ensures that the character of the service, as set out in the key commitments, is maintained throughout the licence period. If the service described in the key commitments is not delivered, this is to the potential disadvantage of the target community, and in addition, choice for listeners may be reduced.

Breach of Licence Condition 2(4) in Part 2 of the Schedule to the community radio licence held by Radio Fiza Ltd (licence number CR014)

Fairness and Privacy Cases

Not Upheld

Complaint by Mr Abjol Miah

Dispatches: Britain's Islamic Republic, Channel 4, 1 March 2010

Summary: Ofcom has not upheld this complaint of unfair treatment by Mr Abjol Miah.

This programme reported on the Islamic Forum of Europe ("the IFE") and included allegations that it had infiltrated a number of British political parties and was exerting influence over Tower Hamlets Council in London. Mr Abjol Miah, a councillor and prospective parliamentary candidate for the Respect Party in the 2010 general election at the time the programme was broadcast, was featured in the programme, which alleged that he was an active member of the IFE.

Mr Miah complained to Ofcom that he was portrayed unfairly in the programme as broadcast.

Ofcom examined the steps the programme makers' took in gathering evidence to corroborate the claim that Mr Miah was a member of the IFE. It also took account of the inclusion in the programme of Mr Miah's denial of those allegations. Ofcom found that the programme had not presented, disregarded or omitted material facts in a way that was unfair to Mr Miah.

Introduction

On 1 March 2010, Channel 4 broadcast an edition of its investigative programme *Dispatches*, entitled *Britain's Islamic Republic*. The programme reported on the Islamic Forum of Europe ("the IFE") and sought to investigate how "*a fundamentalist Islamic group* [the IFE]" had allegedly infiltrated a number of British political parties and was exerting influence over Tower Hamlets Council in London. One of the people the programme alleged to be an active member of the IFE was Mr Abjol Miah. Mr Miah, who has held a number of political roles including being a Respect Party councillor and the leader of Tower Hamlets Council, was at the time of the broadcast the Respect Party prospective parliamentary candidate in the 2010 general election. The programme concluded with an examination of the IFE's wider channels of influence through, it claimed, its radio programmes on Muslim Community Radio ("MCR") and by representing Muslim community organisations.

Archive footage of Mr Miah was included in the programme along with surreptitiously filmed footage of him taken by the programme makers.

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

The Complaint

Mr Miah's case

In summary, Mr Miah complained that he was portrayed unfairly in the programme as broadcast in that it alleged, falsely, that he was a member of the IFE.

In particular, Mr Miah said that the programme alleged repeatedly that he was a leading member of the IFE despite him making it clear to the programme makers that he was not. He said that the programme makers made a cursory reference in the programme to his denial that he was a member of the IFE but it continued to make the allegation without any evidence to substantiate it.

Channel 4's case

In summary and in response to Mr Miah's complaint, Channel 4 said that given the information available to the programme makers' and Channel 4's editorial decision makers at the time of broadcast, it was justifiable for the programme to identify Mr Miah as a member of the IFE. Channel 4 also said that Mr Miah's denial of membership of the IFE was weighed against the information available to the programme makers and then an editorial decision was taken to refer to Mr Miah in the programme in the way he was.

Channel 4 said that the following information was available to it and the programme makers when the editorial decisions to broadcast the information relating to Mr Miah were taken and which justified those decisions:

- The programme's reporter, Mr Andrew Gilligan, spoke with several Councillors and ex- Councillors in the Tower Hamlets area who provided information that Mr Miah was an IFE activist.
- Mr Miah is referred to in the book "The Islamist" by Mr Ed Hussain as a leading IFE activist due to his membership of the IFE youth wing, the Young Muslim Organisation. Channel 4 said that Mr Husain was active in the organisation in the early 1990s.
- Mr John Rees, the former National Secretary of the Respect Party, described Mr Miah as an IFE member to Mr Gilligan. This was consistent with other material available in the public domain.
- Mr Miah was once the Chairman of Elite Youth, an organisation which was strongly linked to the IFE through having shared Trustees.
- Mr Miah's name could be found on the IFE website, attached to a letter of complaint about a BBC *Panorama* programme.
- Mr Miah was identified as an IFE activist in The Telegraph newspaper on 28 February 2010, prior to broadcast of the programme. Channel 4 said that, although Mr Gilligan was involved with both the *Dispatches* programme and the newspaper, the editorial and legal decisions were taken entirely separately.
- Mr Miah was, until January 2010, a regular main presenter on *Easy Talk*, a radio show transmitted on MCR, which is based at the London Muslim Centre and which has been described as "a joint initiative of the Islamic Forum Europe and the London Muslim Centre". The programme was described in an IFE leaflet, seen by the programme makers, as a "project" of the IFE. Channel 4 said that the individual who applied to Ofcom for the 2009 Community Radio Licence for MCR was a former president of the IFE, an IFE trustee and a blogger on the IFE hosted site "Between the Lines". Mr Miah's co-presenters on *Easy Talk* were either current or former members of the IFE. Channel 4 said that the inference

could be drawn from this information that all the regular presenters, including Mr Miah, were IFE activists.

Channel 4 also said that prior to the broadcast of the programme, Mr Miah had told the programme makers that his comments (recorded surreptitiously) that:

“We’ve actually consolidated ourselves now. We’ve got a lot of influence and power in the council. Councillors, politicians...”

actually referred to:

“the Muslim community in Tower Hamlets and younger members of it in particular, of whom I still count myself one. It was not and would never have been a reference to the IFE.”

Channel 4 said that the programme makers had found Mr Miah’s explanation difficult to reconcile, given that the conversation took place among IFE activists during an *Easy Talk* broadcast.

Channel 4 said that it was editorially justifiable, having considered the evidence obtained, for Mr Miah to be referred to in the way he was in the programme. It said that a substantial amount of evidence was gathered and assessed and that Mr Miah was given an opportunity to respond in a letter which set out not only the allegations against him, but also those against the IFE. His denial of the allegations was fairly set out in the programme.

Channel 4 said that Mr Miah’s denial was appropriately placed at the point in the programme when he was seen talking about political influence. It said that viewers would have been left in no doubt that Mr Miah denied his involvement with the IFE and that the IFE considered itself to be a benign organisation. Channel 4 said that viewers would have been also aware that other contributors to the programme took a different view. As far as Mr Miah was concerned, Channel 4 said that his involvement or non-involvement with the IFE was brought to the public’s attention and that, considering the evidence available, it was entirely appropriate and fair to do so.

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 and unwarranted infringement of privacy in, or in the making of, 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 and consistent and targeted only at cases in which action is needed.

In reaching its decision on Mr Miah’s complaint, Ofcom considered all the relevant material provided by both parties. This included a recording of the programme as broadcast and a transcript of it as well as a transcript of the secretly recorded footage. It also considered both parties’ written submissions and supporting material.

Ofcom considered Mr Miah’s complaint that he was portrayed unfairly in the programme as broadcast in that it alleged, falsely, that he was a member of the IFE.

Ofcom considered whether the broadcaster's actions were consistent with its obligation to avoid unjust or unfair treatment of individuals in programmes as set out in Rule 7.1 of the Ofcom Broadcasting Code ("the Code"). In particular, Ofcom considered Practice 7.9, which states that 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 examined the statements made specifically about Mr Miah in the programme. It noted that the programme included archive footage of the Respect Party's campaign in the constituency of Bethnal Green and Bow in London during the 2005 general election and footage of George Galloway MP who won the seat from the Labour Party. With this footage, the programme stated:

"Among the key people helping him, looking over his shoulder, is this man – Abjol Miah. A rising young star in the Islamic Forum of Europe, he is to become a key figure in George Galloway's Respect Party".

Following this statement, Ofcom noted that archive footage of Mr Miah from 2005 was shown with the caption *"IFE and Respect Party Activist"*. The programme went on to explain that, in 2006, the Respect Party had won 12 seats on Tower Hamlets Council and stated that:

"Abjol Miah, who campaigned to get George Galloway into parliament became the Respect group leader on the Council".

The programme also included surreptitiously filmed footage of Mr Miah which had been taken by an undercover reporter. The footage showed the reporter with, what the programme stated were, *"six senior IFE activists"* during an edition of the *"IFE's weekly radio show, Easy Talk"* broadcast on MCR. Ofcom noted that the programme stated:

"A key presenter is Councillor Miah who, for many years, was a leading figure in the IFE youth wing, although now he claims not to be a member of the IFE".

Mr Miah was also shown talking to the undercover reporter unaware that he was being filmed. Mr Miah said:

"We've actually consolidated ourselves...we've actually got a lot of influence and power in the Council. Councillors, politicians..."

Immediately after this footage was shown, the programme stated:

"Councillor Miah has told us he wasn't referring to the IFE in the extract, but to Muslims in general".

Ofcom noted that later in the programme, it was claimed that the IFE was shifting its focus from exerting influence in the political parties to a campaign for an elected mayor for Tower Hamlets. A photograph of Mr Miah was shown along with the following commentary:

"Abjol Miah, the IFE activist and Councillor you saw earlier, has organised a petition for a directly-elected mayor for Tower Hamlets. Unlike a council leader, a mayor would be unsackable, except by the voters every four years. They would be enormously powerful".

Ofcom went on to examine the steps taken by Channel 4 to seek to ensure that the programme was not unfair to Mr Miah. Ofcom's role was to determine whether or not, in broadcasting the allegations, the broadcaster took reasonable care not to present, disregard or omit material facts in a way that was unfair to Mr Miah. It should be noted that Ofcom's role was not to establish whether or not Mr Miah was, in fact, a member of the IFE, which the programme described as being "*a fundamentalist Muslim Group*".

The Code recognises the importance of freedom of expression and the need to allow broadcasters the freedom to broadcast matters of a genuine public interest. However, in presenting significant allegations, reasonable care must be taken not to do so in a way that does not cause unfairness to individuals or organisations. In this particular case, Ofcom recognised that it was in the public interest for the broadcaster to report on allegations such as those covered by the programme, but that this needed to be consistent with the requirements of the Code.

Ofcom noted that the programme presented the allegations regarding Mr Miah and his involvement with the IFE a number of times throughout the programme (as set out in detail above). The programme makers had relied on various sources of information (set out in detail in the summary of Channel 4's response above), which they believed corroborated the allegations. Ofcom also took account of the fact that the programme presented Mr Miah's denial that he was a member of the IFE and his rejection of the allegation that the surreptitiously filmed footage showed him talking about the IFE.

Ofcom also noted that the programme makers wrote to the IFE on the 17 February 2010, setting out the nature and content of the programme and inviting the IFE to respond to the allegations that would be included in the programme. This letter was copied to Mr Miah who, on 25 February 2010, responded directly to the programme makers after an exchange of email correspondence relating to the programme. In this letter, Mr Miah denied being a member of the IFE and stated that his comments made to the undercover reporter during the making of the *Easy Talk* programme had been in reference to the Muslim community in Tower Hamlets and not to the IFE. Ofcom was satisfied that his response was fairly presented in the programme.

In all the circumstances of this case, and taking into account the steps taken by the programme makers' to gather evidence to corroborate the allegations included in the programme and the fair presentation in the programme of Mr Miah's denial and rejection of those allegations, the programme makers had taken reasonable care to ensure that the programme did not present, disregard or omit material facts in a way that was unfair to Mr Miah.

Accordingly, Ofcom has not upheld this complaint of unfair treatment in the programme as broadcast.

Other Programmes Not in Breach

Up to 20 September 2010

| Programme | Transmission Date | Broadcaster | Categories | Number of complaints |
|--|-------------------|------------------|---|----------------------|
| 10 Things You Need to Know About Sleep | 02/09/2010 | BBC 1 | Animal welfare | 1 |
| 4thought.tv | 06/09/2010 | Channel 4 | Gender discrimination/offence | 2 |
| 4thought.tv | 14/09/2010 | Channel 4 | Religious/Beliefs discrimination/offence | 1 |
| 4thought.tv | 15/09/2010 | Channel 4 | Religious/Beliefs discrimination/offence | 1 |
| 8 Out of 10 Cats | 09/09/2010 | Channel 4 | Disability discrimination/offence | 1 |
| A Concert for Heroes | 12/09/2010 | BBC 1 | Generally accepted standards | 1 |
| A Town Like Merthyr | 07/09/2010 | Sky News | Due accuracy | 3 |
| Advertising | Various | Nickelodeon | COSTA | 1 |
| Advertising | Various | Channel 4 | COSTA | 1 |
| An Idiot Abroad: The Preview Show | 05/09/2010 | Sky1 | Race discrimination/offence | 1 |
| An Idiot Abroad: The Preview Show | 09/09/2010 | Sky1 | Race discrimination/offence | 1 |
| Animals Do the Funniest Things | 11/09/2010 | ITV1 | Violence and dangerous behaviour | 1 |
| Are You Smarter Than a 10 Year Old? | 21/08/2010 | Sky 3 | Race discrimination/offence | 1 |
| BBC News | 20/09/2010 | BBC News Channel | Generally accepted standards | 1 |
| Big Brother's Big Mouth | 03/09/2010 | E4 | Religious/Beliefs discrimination/offence | 1 |
| Breakfast | 02/09/2010 | BBC 1 | Sexual orientation discrimination/offence | 1 |
| Breakfast | 14/09/2010 | BBC 1 | Generally accepted standards | 1 |
| Britain's Best Dish | 08/09/2010 | ITV1 | Animal welfare | 1 |
| Cannibal Squid | 06/09/2010 | Nat Geo Wild | Animal welfare | 1 |
| Casualty | 04/09/2010 | BBC 1 | Violence and dangerous behaviour | 1 |
| Casualty | 04/09/2010 | BBC 1 | Race discrimination/offence | 1 |
| Channel 4 News | 14/09/2010 | Channel 4 | Due impartiality/bias | 1 |
| Children's Hospital | 04/09/2010 | ITV1 | Generally accepted standards | 1 |
| Come Dine with Me | 06/09/2010 | Channel 4 | Generally accepted standards | 1 |
| Come Dine with Me | 14/09/2010 | Channel 4 | Offensive language | 1 |
| Coronation Street | 02/09/2010 | ITV1 | Offensive language | 1 |
| Coronation Street | 06/09/2010 | ITV1 | Drugs, smoking, solvents or alcohol | 2 |
| Coronation Street | 06/09/2010 | ITV1 | Materially misleading | 1 |
| Coronation Street | 10/09/2010 | ITV1 | Sexual orientation discrimination/offence | 1 |
| Coronation Street | 13/09/2010 | ITV1 | Generally accepted standards | 1 |
| Coronation Street | 13/09/2010 | ITV1 | Drugs, smoking, solvents or | 1 |

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|--------------------------------|------------|----------------------|---|---|
| | | | alcohol | |
| Cream | 24/07/2010 | Cream | Sexual material | 1 |
| Criminal Minds | 08/09/2010 | Channel One | Advertising/editorial separation | 1 |
| CSI: Crime Scene Investigation | 21/08/2010 | Five | Competitions | 1 |
| Daybreak | 06/09/2010 | ITV1 | Gender discrimination/offence | 1 |
| Daybreak | 08/09/2010 | ITV1 | Due accuracy | 1 |
| Daybreak | 10/09/2010 | ITV1 | Sexual orientation discrimination/offence | 1 |
| Daybreak | 14/09/2010 | ITV1 | Generally accepted standards | 1 |
| Daybreak | 15/09/2010 | ITV1 | Due impartiality/bias | 1 |
| Daybreak | 15/09/2010 | ITV1 | Race discrimination/offence | 2 |
| Daybreak | 17/09/2010 | ITV1 | Nudity | 1 |
| Daybreak | 07/09/2010 | ITV1 | Nudity | 3 |
| Derren Brown | 08/09/2010 | Channel 4 | Generally accepted standards | 1 |
| Derren Brown | 08/09/2010 | Channel 4 | Materially misleading | 2 |
| Doctors | 16/09/2010 | BBC 1 | Harm | 1 |
| EastEnders | 09/09/2010 | BBC 1 | Drugs, smoking, solvents or alcohol | 6 |
| EastEnders | 06/09/2010 | BBC 1 | Nudity | 1 |
| EastEnders | 09/09/2010 | BBC 1 | Generally accepted standards | 1 |
| EastEnders | 14/09/2010 | BBC 1 | Offensive language | 1 |
| EastEnders | 16/09/2010 | BBC 1 | Drugs, smoking, solvents or alcohol | 1 |
| EastEnders | 09/08/2010 | BBC 1 | Drugs, smoking, solvents or alcohol | 8 |
| Eastenders (trailer) | 31/08/2010 | BBC 2 | Violence and dangerous behaviour | 1 |
| EastEnders Omnibus | 12/09/2010 | BBC 1 | Drugs, smoking, solvents or alcohol | 1 |
| Edinburgh Comedy Festival Live | 07/09/2010 | BBC 3 | Race discrimination/offence | 1 |
| Elite | 18/08/2010 | Elite TV | Animal welfare | 1 |
| Emmerdale | 08/07/2010 | ITV1 | Violence and dangerous behaviour | 1 |
| Euro 2012 Qualifier Live | 03/09/2010 | ITV1 | Generally accepted standards | 2 |
| Euro 2012 Qualifier Live | 03/09/2010 | ITV1 | Race discrimination/offence | 1 |
| Family Guy | 09/09/2010 | BBC 3 | Generally accepted standards | 1 |
| Food (trailer) | 14/09/2010 | Channel 4 | Materially misleading | 1 |
| Friends | 07/09/2010 | Channel 4 | Offensive language | 1 |
| Grimefighters | 24/08/2010 | ITV1 | Animal welfare | 1 |
| Grouchy Young Men (trailer) | 03/09/2010 | Comedy Central | Age discrimination/offence | 1 |
| Hamilton v Hearts | 21/08/2010 | ESPN | Generally accepted standards | 1 |
| Heart Breakfast | 01/09/2010 | Heart (West Country) | Generally accepted standards | 1 |
| Heartbeat | 05/09/2010 | ITV1 | Animal welfare | 1 |
| Hirsty's Daily Dose | 11/08/2010 | Galaxy Yorkshire | Offensive language | 1 |

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| Horrid Henry (trailer) | 06/09/2010 | CITV | Offensive language | 1 |
| I Am Slave | 30/08/2010 | Channel 4 | Materially misleading | 2 |
| James O'Brien | 02/09/2010 | LBC 97.3FM | Generally accepted standards | 1 |
| Judge Judy | 31/08/2010 | ITV2 | Under 18s in programmes | 1 |
| Katy Perry: T4 Special | 12/09/2010 | Channel 4 | Sexual material | 1 |
| Kerry and Me | 24/06/2010 | Channel 4 | Under 18s in programmes | 23 |
| Kerry and Me | 24/06/2010 | Channel 4 | Disability discrimination/offence | 1 |
| Ladette to Lady | 31/08/2010 | ITV1 | Race discrimination/offence | 1 |
| Live at Five | 13/09/2010 | Sky News | Violence and dangerous behaviour | 1 |
| Live at the Apollo | 04/09/2010 | BBC 1 | Generally accepted standards | 1 |
| Loose Women | 15/09/2010 | ITV1 | Race discrimination/offence | 1 |
| Maltesers' sponsorship of Loose Women | 13/09/2010 | ITV1 | Gender discrimination/offence | 1 |
| Man Up promotion | 10/09/2010 | Comedy Central | Sexual orientation discrimination/offence | 3 |
| Man Up promotion | Various | Comedy Central | Sexual orientation discrimination/offence | 3 |
| Man Up promotion | 04/09/2010 | Comedy Central | Sexual orientation discrimination/offence | 1 |
| Man Up promotion | 06/09/2010 | Comedy Central | Sexual orientation discrimination/offence | 1 |
| Men in Black | 12/09/2010 | Five | Offensive language | 1 |
| Meridian Tonight | 26/07/2010 | ITV1 Meridian | Due accuracy | 1 |
| More Music Workday | 20/08/2010 | Atlantic FM | Advertising/editorial separation | 1 |
| MotoGP | 05/09/2010 | BBC 1 | Generally accepted standards | 1 |
| My Family's Crazy Gap Year | 13/09/2010 | Channel 4 | Generally accepted standards | 1 |
| My Funniest Year | 09/09/2010 | Channel 4 | Generally accepted standards | 2 |
| My Funniest Year | 04/09/2010 | Channel 4 | Generally accepted standards | 4 |
| News | 01/09/2010 | BBC Radio 2 | Violence and dangerous behaviour | 1 |
| Nick Ferrari | 03/09/2010 | LBC 97.3FM | Age discrimination/offence | 1 |
| Patrick Kielty | 21/08/2010 | BBC Radio 2 | Drugs, smoking, solvents or alcohol | 1 |
| Paul O'Grady Live | 10/09/2010 | ITV1 | Generally accepted standards | 1 |
| Paul O'Grady Live | 17/09/2010 | ITV1 | Religious/Beliefs discrimination/offence | 1 |
| Points West | 06/09/2010 | BBC1 Bristol | Violence and dangerous behaviour | 1 |
| Police Interceptors | 17/09/2010 | Five | Generally accepted standards | 1 |
| Reporting Scotland | 25/08/2010 | BBC 1 Scotland | Race discrimination/offence | 1 |
| Richard Bacon | 11/09/2010 | BBC 6 Music | Generally accepted standards | 1 |
| Rory and Paddy's Even Greater British Adventure (trailer) | 14/09/2010 | Five | Sexual material | 2 |

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| SCS' sponsorship of ITV Daytime | 04/09/2010 | ITV3 | Harm | 1 |
| Sex and Lies in Sin City: The Ted Binion Scandal | 02/09/2010 | Five | Sexual material | 1 |
| Sky Broadband's sponsorship of Films on 4 | 11/09/2010 | Channel 4 | Generally accepted standards | 2 |
| Sky HD Promotion | Various | Sky 1 | Materially misleading | 1 |
| Sky News Today | 09/09/2010 | Sky News | Offensive language | 1 |
| Soccer A.M. | 04/09/2010 | Sky1 | Race discrimination/offence | 1 |
| Stoned in Suburbia | 26/08/2010 | Sky 3 | Drugs, smoking, solvents or alcohol | 2 |
| Strictly Come Dancing | 11/09/2010 | BBC 1 | Generally accepted standards | 1 |
| Tara Road | 12/09/2010 | BBC 2 | Offensive Language | 1 |
| The Big Food Fight | 21/08/2010 | Food Network | Offensive language | 1 |
| The Hunt for Britain's Sex Traffickers | 31/08/2010 | Channel 4 | Due impartiality/bias | 1 |
| The Jeremy Kyle Show | 17/09/2010 | ITV1 | Materially misleading | 1 |
| The Michael Ball Show | 13/09/2010 | ITV1 | Generally accepted standards | 1 |
| The Michael Ball Show | 14/09/2010 | ITV1 | Generally accepted standards | 1 |
| The Nolan Show | 19/08/2010 | BBC Radio Ulster | Sexual material | 1 |
| The Papal Visit (trailer) | 11/09/2010 | Sky News | Religious/Beliefs discrimination/offence | 1 |
| The Real Breakfast Show | 17/08/2010 | Real Radio Northwest | Generally accepted standards | 1 |
| The Saturdays: 24/7 | 04/09/2010 | ITV2 | Violence and dangerous behaviour | 1 |
| The Simpsons | 08/09/2010 | Sky1 | Violence and dangerous behaviour | 1 |
| The Simpsons | 09/09/2010 | Sky1 | Violence and dangerous behaviour | 1 |
| The Today Programme | 08/09/2010 | BBC Radio 4 | Gender discrimination/offence | 1 |
| The Trouble With the Pope (trailer) | 12/09/2010 | Channel 4 | Religious/Beliefs discrimination/offence | 1 |
| The World's Most Amazing Videos: Animals Gone Wild | 18/07/2010 | Virgin 1 | Violence and dangerous behaviour | 1 |
| The Wright Stuff | 06/09/2010 | Five | Disability discrimination/offence | 1 |
| The Wright Stuff | 09/09/2010 | Five | Generally accepted standards | 1 |
| The X Factor | 28/08/2010 | ITV1 | Nudity | 1 |
| The X Factor | 04/09/2010 | ITV1 | Generally accepted standards | 4 |
| The X Factor | 11/09/2010 | ITV1 | Competitions | 1 |
| The X Factor | 11/09/2010 | ITV1 | Under 18s in programmes | 1 |
| The X Factor | 11/09/2010 | ITV1 | Race discrimination/offence | 1 |
| The X Factor | 11/09/2010 | ITV1 | Generally accepted standards | 1 |
| The X Factor | 18/09/2010 | ITV1 | Generally accepted standards | 1 |
| Tonight | 02/09/2010 | ITV1 | Due impartiality/bias | 1 |
| Tonight | 16/09/2010 | ITV1 | Generally accepted standards | 1 |

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| Tony Horne In The Morning | 07/09/2010 | Metro Radio | Race discrimination/offence | 1 |
| Top Gear | 15/09/2010 | Dave | Sexual material | 1 |
| Total Wipeout USA (trailer) | 29/08/2010 | Dave | Generally accepted standards | 1 |
| Traffic Cops | 21/07/2010 | BBC 1 | Flashing images/risk to viewers who have PSE | 1 |
| Ultimate Big Brother | 31/08/2010 | Channel 4 | Generally accepted standards | 1 |
| Ultimate Big Brother | 03/09/2010 | Channel 4 | Religious/Beliefs discrimination/offence | 1 |
| Ultimate Big Brother | 08/09/2010 | Channel 4 | Materially misleading | 1 |
| Ultimate Big Brother | 10/09/2010 | Channel 4 | Generally accepted standards | 1 |
| US Tennis Open | 01/09/2010 | Sky Sports 2 | Generally accepted standards | 1 |