

Ofcom Broadcast and On Demand Bulletin

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Contents

Introduction	3
Broadcast Standards cases	
<u>In Breach</u>	
Azmat-e-Islam <i>Peace TV Urdu, 12 and 13 September 2015, 14:00</i>	5
Derren Brown: Something Wicked This Way Comes <i>Watch, 6 December 2015, 09:10</i>	13
Jessie <i>Disney Channel, 23 October 2015, 15:55</i>	16
Geo News <i>Geo News, 28 October 2015, 16:00</i>	22
Big Tunes <i>Brit Asia TV, 30 September 2015, 09:30</i>	29
Trend <i>ATN Bangla UK, 22 June 2015, 10:00</i>	31
<u>Resolved</u>	
Geoff Lloyd with Annabel Port <i>Absolute Radio, 14 January 2016, 18:40</i>	35
Broadcast Licence Conditions cases	
<u>In Breach</u>	
Retention and production of recordings <i>1 Ummah FM (Reading), 12 to 14 November 2015</i>	38
Tables of cases	
Investigations Not in Breach	40
Complaints assessed, not investigated	41
Complaints outside of remit	49
Investigations List	51

Introduction

Under the Communications Act 2003 (“the Act”), Ofcom has a duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives¹. Ofcom also has a duty to secure that every provider of a notifiable On Demand Programme Services (“ODPS”) complies with certain standards requirements as set out in the Act². Ofcom must include these standards in a code, codes or rules. These are listed below.

The Broadcast and On Demand Bulletin reports on the outcome of investigations into alleged breaches of those Ofcom codes and rules below, as well as licence conditions with which broadcasters regulated by Ofcom are required to comply. We also report on the outcome of ODPS sanctions referrals made by the ASA on the basis of their rules and guidance for advertising content on ODPS. These Codes, rules and guidance documents include:

- a) [Ofcom’s Broadcasting Code](#) (“the Code”) for content broadcast on television and radio services.
- b) the [Code on the Scheduling of Television Advertising](#) (“COSTA”) which contains rules on how much advertising and teleshopping may be scheduled in television programmes, how many breaks are allowed and when they may be taken.
- 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 for on television and radio services. These include:
 - the prohibition on ‘political’ advertising;
 - sponsorship and product placement on television (see Rules 9.13, 9.16 and 9.17 of the Code) and all commercial communications in radio programming (see Rules 10.6 to 10.8 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 advertising³.
- d) other licence conditions which broadcasters must comply with, such as requirements to pay fees and submit information which enables Ofcom to carry out its statutory duties. Further information can be found on Ofcom’s website for [television](#) and [radio](#) licences.
- e) Ofcom’s [Statutory Rules and Non-Binding Guidance for Providers of On-Demand Programme Services](#) for editorial content on ODPS. Ofcom considers sanctions in relation to advertising content on ODPS on referral by the Advertising Standards Authority (“ASA”), the co-regulator of ODPS for advertising or may do so as a concurrent regulator.

[Other codes and requirements](#) may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must

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

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

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

provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code.

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

Broadcast Standards cases

In Breach

Azmat-e-Islam

Peace TV Urdu, 12 and 13 September 2015, 14:00

Introduction

Peace TV Urdu is a television channel broadcasting religious and other programming in Urdu from an Islamic perspective to audiences in the UK and internationally. The licence for Peace TV Urdu is held by Club TV Limited (“Club TV” or “the Licensee”).

As part of our routine monitoring, Ofcom viewed and translated¹ two editions of *Azmat-e-Islam*. Ofcom viewed each programme in its entirety alongside the relevant translation of each programme in order to understand the content of the programmes and the editorial context. We noted that these two programmes were recordings of public lectures given by the Islamic scholar Dr Israr Ahmad, who died in April 2010. Both these lectures lasted approximately 45 minutes and discussed the role and actions of Jewish people through history from c.1500 BC to the present day.

During his introduction to the first programme, broadcast on 12 September 2015, Israr Ahmad said the following:

“I have studied this [i.e. the Jewish] race and their history goes back 3,500 years but their critical date is 1400 and 1500 BC when Moses was handed down the Torah² and their history begins from that date... So although the history of the Jews begins with Jacob they became a distinct people when they received a Book [i.e. the Torah], and they became one nation”.

We noted that Israr Ahmad made the following further references to Jewish people in this programme:

“But God gave them a second chance if they accepted Muhammad. A chance that was not given to Lot, or the people of Noah who were all destroyed. But instead they were bent upon a vendetta and enmity for our Prophet and conspired against Him from that day to this day. Unfortunately this cursed people still did not take advantage of this opportunity to correct their ways. They did not take advantage of the opportunity to repent, but now the day of judgement is reaching a crescendo, and a peak. That is the mark of this cursed race, that despite God’s divine grace they do not take advantage of the opportunity to repent, which is why they are afflicted by great calamities, and the example is what happened to them at the hands of the Germans”.

¹ As part of our investigation, Ofcom gave Club TV an opportunity to comment on the accuracy of the translations in this case and the Licensee did not raise any concerns with these. We therefore relied on these translations for the purposes of this investigation.

² The Torah is the sacred Jewish book that contains the first five books of the Old Testament.

Let's face it they are clever, although they expend most of their energy and intelligence in hatching conspiracies – evil genius, but there is no question that they are very clever”.

“On both sides [in the First World War] there were Jewish bankers lending money to both, and they would demand interest at exorbitant rates, and in this way throughout Europe they lay down their roots like a cancer, and cancer when it enters one part of the body it spreads to other parts as well. In this way they took the whole of Europe in their grip”.

During his introduction to the second programme, Israr Ahmad said the following:

“For 1500 years [Jewish people] have been disgraced and treated with contempt. The world hated them, in particular in Europe where they were persecuted badly. They weren't even allowed to live in the cities, they were told to live in ghettos outside the city, they were considered dirty and unclean. Yet this same nation that suffered this level of persecution now has reached this extreme that it has its own country. They are back in their own country and they are back in Jerusalem, and today they have Christendom wholly in their grasp, by the end of the 20th century they had their own country. Their banking system was controlling the whole world”.

We noted the following further references to Jewish people in this programme:

“Now during this period [the early Middle Ages] from the great centres of learning in Spain, knowledge was spread to Italy and France. Which is why two great movements began; one was the reformation of religion and the other, the Renaissance. Now these great beams of light that were being shone into Europe, into France, Germany and Italy, the Jews also filled them with their poison”.

“In 1897 at a place called Basel some very powerful Jews gathered that included bankers and this was the birth of Zionism, which is named in reference to Mount Zion, which was a mountain of great significance in their history during the time that they held sway in the world during the time of Solomon and David. Many of those who had gathered were bankers and also secularists. You can easily get a copy of the Protocols of the Elders of Zion³ in which all their plans are laid in great detail. As I have said earlier they are a clever people and you have to give the devil his due, they are smart there is no question about that”.

“The second part of their grand scheme is an international plan and that concerns getting the world under their grip through the global banking system. That is an international plan with global reach, and they want to bring the world to heel

³ “The Protocols of the Meetings of the Learned Elders of Zion” was a document published in Russia in the first few years of the 20th Century. It has been described as “An anti-Semitic forgery...written to demonstrate a Jewish conspiracy to achieve financial and political power world-wide. Despite their evident falsity, they were used by the Nazis and have resurfaced as anti-Jewish propaganda during the conflict over Palestine/Israel” (see Oxford Concise Dictionary of World Religions, OUP, (2003)).

through the global banking network. We will control the world's finances, they say. All these organisations such as the World Bank, the IMF and the globalisation movement are all part of that grand plan. According to them non-Jews are not human, in fact they view others as animals with a human face. Gentiles and Goyims are the two terms that they use, and they believe that a human is entitled to use and exploit animals, in the same way that a horse is used to pull a carriage and an ox to pull a cart that is how they view non-Jews. In that way these people [i.e. non-Jewish] can be used, exploited and deceived. They believe that it is perfectly fine to cheat non-Jews, to rob them and to deceive them”.

“In retaliation they [i.e. Jewish people] hatched their evil plan; they have an evil genius mind. They caused the First World War”.

Ofcom considered the material raised issues warranting investigation under the following rules of the Code:

- Rule 2.1: “Generally accepted standards must be applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.
- Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to... discriminatory treatment or language (for example on the grounds of... race, religion...”.

We therefore asked the Licensee how the material complied with these rules.

Response

Club TV said that Dr Israr Ahmed was “a well renowned & prominent Islamic scholar who died in April 2010”. It added that editions of *Azmat-e-Islam* were “initially reviewed by our compliance team before airing”, but it accepted in this case that “certain parts of this transmission fell below our normal standards and...should never have been broadcast”. Therefore, the Licensee apologised for the fact that these programmes “appears to have slipped through the net when first reviewed”, and said that these programmes “will not be broadcast again”.

Club TV said that: “Peace TV’s main aim is to remove misconceptions about Islam, of which we believe there are many”. It added that its programming seeks “to draw the common threads of all religions...[and to] this end programming often furnishes references from the scriptures of varying different religions”. However, the Licensee said that: “It is not, and never has been, Peace TV’s intention to cause offence to believers of other religions, or to harm members of other faiths or those of none, in any way”.

Club TV said that, on being alerted to this content, it had suspended transmission of all content featuring Israr Ahmed. The Licensee added that it had appointed an additional member of compliance staff with relevant experience and fluency in Urdu to review “the entire content from [Dr Ahmed] to ensure it meets the requirements of the Broadcasting Code before being aired again”.

The Licensee also made comments on Ofcom's Preliminary View, which was to record breaches of Rules 2.1 and 2.3 of the Code. Further, due to the seriousness of these breaches Ofcom said it was putting Club TV on notice that Ofcom would consider these breaches for the imposition of a statutory sanction.

Club TV said it took the issue "very seriously" and "sincerely regret[ted] having broadcast Dr Ahmad's views on this matter, which are not consistent with [its] beliefs, and will not do so again". It added that it had "reviewed all our processes to ensure there is no repeat" of this incident. However, the Licensee said it was "concerned" that Ofcom was considering the imposition of a statutory sanction, which Club TV considered was not "appropriate or proportionate in these circumstances when they are normally imposed for repeated and deliberate transgressions". The Licensee also said that neither it nor Peace TV Urdu have "previously been subject to an adverse Ofcom decision, let alone warned in any Ofcom decision that we would be considered for a statutory sanction on the next occasion (as appears to be Ofcom's practice)".

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, including that: "generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material". This duty is reflected in Section Two of the Code.

In reaching a Decision in this case, Ofcom has taken careful account of the broadcaster's and audience's right to freedom of expression set out in Article 10 of the European Convention on Human Rights.

Rule 2.1

Rule 2.1 requires that:

"Generally accepted standards must be applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material".

Under this rule, broadcasters must ensure that they take sufficient steps to provide adequate protection to members of the public from the inclusion of harmful and/or offensive material. This rule deals with the reasonable likelihood of members of the public being caused harm and/or offence by what has appeared on a broadcast service. How adequate protection might be achieved is an editorial matter for the individual broadcaster. In reaching a decision under Rule 2.1, Ofcom must assess the nature of the material and either its potential effect or what actual harm and/or offence has occurred. The crucial question is whether broadcasters have provided sufficient context in the editorial content so that harm and/or offence is unlikely to be caused as a result. Accordingly, if it is to find a programme in breach of Rule 2.1, Ofcom must satisfy itself that there is a sufficient causal link between the editorial content in question and instances of actual or potential harm and offence. Ofcom must also take proper account of the broadcaster's right to freedom of expression.

We first considered whether these programmes contained potentially harmful and/or offensive material. We noted that in the two lectures Israr Ahmad delivered an analysis of Jewish people through history and made a number of discriminatory

remarks focused on them as an ethnic group. In particular, we noted that Israr Ahmad variously referred to Jewish people as: being *“this cursed people...this cursed race”*; having hatched an *“evil plan”*; possessing *“evil genius”*; causing the First World War; and filling Europe during history *“with their poison”*.

We considered that in these two programmes Israr Ahmad repeatedly portrayed Jewish people as a homogenous group and in overwhelmingly negative and stereotypical terms. For example, Israr Ahmad made a series of allegations ascribing perfidious intent to Jewish people throughout history. Among other things, Israr Ahmed accused Jewish people of *“hatching conspiracies”*; considering *“non-Jews”* to be *“not human”*; and considering it acceptable to *“cheat non-Jews, to rob them and to deceive them”*. He also asserted as fact highly negative stereotypes about the allegedly pernicious behaviour of Jewish people in history. To this end, we noted that Israr Ahmed made allegations about the role of *“Jewish bankers”* during the First World War (*“lay[ing] down their roots like a cancer... [to take] the whole of Europe in their grip”*) and in the present day (*“they want to bring the world to heel through the global banking network”*). Second, he referred to the inflammatory *“Protocols of the Elders of Zion”*⁴ – now accepted as an anti-Semitic forgery written to demonstrate a Jewish conspiracy to achieve financial and political power world-wide – as a factual document containing *“in great detail”* the plans of *“some very powerful Jews”*.

Israr Ahmad’s comments, in our view, had the potential to be interpreted as spreading anti-Semitism i.e. his comments could be a form of ‘hate speech’. In this context we are mindful of the Council of Europe’s definition of ‘hate speech’, as follows:

“All forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility towards minorities, migrants and people of immigrant origin”⁵.

We considered the statements from the programmes set out above clearly had the potential to cause offence to viewers as they denigrated, through the use of well-known stereotypes, Jewish people, and could be interpreted as a form of anti-Semitic hate speech.

We also considered that the content taken as a whole had the potential to cause harm. We considered that the likely overall effect of this content would have been to promote highly negative anti-Semitic stereotypes about, and attitudes towards, Jewish people. In our view the terms used to describe Jewish people such as *“like a cancer”*, *“evil genius”*, *“their poison”*, *“cursed people”* and *“cursed race”* were particularly strong and inflammatory and we considered there was a likelihood that these comments had the potential to harm community cohesion by promoting highly negative anti-Semitic views to viewers of Peace TV Urdu.

We went on to consider whether the Licensee had taken sufficient steps to provide adequate protection to members of the public from the inclusion of the potentially harmful and/or offensive material. We noted that Israr Ahmad spoke uninterrupted

⁴ Ibid.

⁵ Council of Europe Committee of Ministers Recommendation, 30 October 1997 ([http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/dh-lgbt_docs/CM_Rec\(97\)20_en.pdf](http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/dh-lgbt_docs/CM_Rec(97)20_en.pdf))

and at no point in either of the two programmes were Israr Ahmad's comments balanced or countered by other content which softened or otherwise challenged the pejorative, discriminatory and inflammatory stereotypes he was putting forward. Therefore, in this case, our Decision is that the Licensee had not taken sufficient steps to provide adequate protection to members of the public from the inclusion of the potentially harmful and/or offensive material discussed above.

In reaching our Decision we took into account that the Licensee: said it took the issue "very seriously" and "sincerely regret[ted] having broadcast Dr Ahmad's views on this matter, which are not consistent with [its] beliefs, and will not do so again"; apologised for this incident; accepted that "certain parts of this transmission fell below our normal standards"; said that these programmes would not be repeated; and that all other content featuring Israr Ahmad was being reviewed to ensure compliance with the Code. We also noted Club TV's statement that: "It is not, and never has been, Peace TV's intention to cause offence to believers of other religions, or to harm members of other faiths or those of none, in any way". It also said it had "reviewed all our processes to ensure there is no repeat" of this incident. However, we concluded that the two programmes contained anti-Semitic material that was likely to have caused harm and offence in terms of presenting pejorative, racist or damaging stereotypes and endorsing prejudice against Jewish people. As such, the Licensee did not apply generally accepted standards so as to ensure that adequate protection was provided to members of the public, including Jewish people, from any potentially harmful or offensive material, in breach of Rule 2.1.

Rule 2.3

Rule 2.3 requires that:

"In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context...Such material may include, but is not limited to... discriminatory treatment or language (for example on the grounds of...race, religion...".

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material is justified by the context. Context is assessed by reference to a range of factors including: the editorial content of the programme, the service on which the material was broadcast, the time of broadcast, what other programmes are scheduled before and after, the degree of harm or offence likely to be caused, likely audience expectations, warnings given to viewers, and the effect on viewers who may come across the material unawares.

Ofcom first considered whether the material in these programmes had the potential to cause offence. We noted that in the two lectures in this case Israr Ahmad delivered an analysis of Jewish people through history and made a number of pejorative and discriminatory remarks focused on them as an ethnic group. In particular, we noted that Israr Ahmad variously referred to Jewish people as: being "*this cursed people...this cursed race*"; possessing "*evil genius*"; and filling Europe during history "*with their poison*". He also accused Jewish people of "*hatching conspiracies*"; considering "*non-Jews*" to be "*not human*"; and considering it acceptable to "*cheat non-Jews, to rob them and to deceive them*". In addition he stated that during the twentieth century "*Jewish bankers...lay down their roots like a cancer... [to take] the whole of Europe in their grip*", and in the present day that Jewish people "*want to bring the world to heel through the global banking network*". He also referred to the inflammatory "*Protocols of the Elders of Zion*" discussed above, and presented it as a factual document containing "*in great detail*" the plans of

“some very powerful Jews”. As noted above we considered that these comments had the potential to be interpreted as a form of anti-Semitic hate speech.

We considered these comments clearly had considerable potential to be offensive for the same reasons as those discussed under Rule 2.1 above.

We went on to examine whether the broadcast of these potentially offensive statements was justified by the context. In these programmes, a Muslim scholar was delivering two lectures in which he gave his analysis of the role and actions of Jewish people through history until the present day. Ofcom acknowledged the Licensee could broadcast programmes that contained personal interpretations of the role of different groups and communities through history. However, in doing so any potential offence had to be justified by the context.

As already mentioned, in his lectures Israr Ahmad repeatedly posited a particularly critical and negative view of Jewish people. It is permissible to broadcast critical material under the Code, provided that criticism does not turn into, or amount to, gratuitous and pejorative abuse. In this case, however, we considered that Israr Ahmad made a series of allegations ascribing perfidious intent to Jewish people throughout history. Among other things, Israr Ahmed accused Jewish people of *“hatching conspiracies”*; considering *“non-Jews”* to be *“not human”*; and considering it acceptable to *“cheat non-Jews, to rob them and to deceive them”*. We noted that Israr Ahmad spoke uninterrupted and that there were no views or statements in the programmes which challenged or otherwise softened the considerable level of potential offence caused by Israr Ahmad’s statements.

We considered that it was particularly offensive that Israr Ahmad asserted as fact highly negative stereotypes about the allegedly pernicious behaviour of Jewish people in history and that this had the potential to cause offence. For example, Israr Ahmed made allegations about the role of *“Jewish bankers”* during the First World War (*“lay[jing] down their roots like a cancer... [to take] the whole of Europe in their grip”*) and in the present day (*“they want to bring the world to heel through the global banking network”*). Israr Ahmad also referred to the inflammatory *“Protocols of the Elders of Zion”* that we discuss above, and presented it as a factual document containing *“in great detail”* the plans of *“some very powerful Jews”*. We considered the fact that Israr Ahmad did not question the authenticity of this document or otherwise present the full context of its origins was likely to have heightened the level of offence in this case.

We noted that the Licensee: said it took the issue *“very seriously”* and *“sincerely regret[ted] having broadcast Dr Ahmad’s views on this matter, which are not consistent with [its] beliefs, and will not do so again”*; apologised for this incident; accepted that *“certain parts of this transmission fell below our normal standards”*; said that these programmes would not be repeated; and that all other content featuring Israr Ahmad was being reviewed to ensure compliance with the Code. We also noted Club TV’s statement that: *“It is not, and never has been, Peace TV’s intention to cause offence to believers of other religions, or to harm members of other faiths or those of none, in any way”*. It also said it had *“reviewed all our processes to ensure there is no repeat”* of this incident.

However, Ofcom considered that there would need to be very strong, if not exceptional, contextual factors to justify the inclusion of such highly offensive and discriminatory material which had the potential to cause offence under the Code. In this case, our Decision is that there was clearly insufficient context to justify the highly offensive statements, and Rule 2.3 was breached.

Ofcom noted that in its representations on Ofcom's Preliminary View, Club TV said it considered it was not "appropriate or proportionate" to consider the imposition of a statutory sanction in this case "when they are normally imposed for repeated and deliberate transgressions". Ofcom's Procedures for the consideration of statutory sanctions in breaches of broadcast licences⁶ make clear that Ofcom may impose a sanction if it considers that a broadcaster has seriously – and not just if it has deliberately and repeatedly (or recklessly) – breached the Code. Under the procedures, if Ofcom considers that a sanction may be appropriate, a broadcaster has the opportunity to make representations on Ofcom's Preliminary View in that matter.

Ofcom was particularly concerned about the nature of the potentially very harmful and highly offensive content broadcast by the Licensee. **Ofcom considered these breaches to be serious. We are therefore putting Club TV on notice that Ofcom will consider these breaches for the imposition of a statutory sanction.**

Breaches of Rules 2.1 and 2.3

⁶ See: http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/proceduresjuly2013/Procedures_for_consideration.pdf

In Breach

Derren Brown: Something Wicked This Way Comes

Watch, 6 December 2015, 09:10

Introduction

Watch¹ is a general entertainment channel broadcast on satellite and cable platforms. The licence for the service is held by UKTV Media Limited (“UKTV” or “the Licensee”).

Derren Brown: Something Wicked This Way Comes was based on footage from the 2006 stage show of the same name. Five complainants alerted Ofcom to the content of this programme broadcast on a Sunday morning.

Dangerous behaviour

During one segment of the programme which lasted about 14 minutes in total, Derren Brown sought to demonstrate a technique to limit pain and bleeding. He said that by restricting the air supply to the brain (and consequently the flow of blood around the body) a human being would not bleed when cut and would have the ability to withstand “*massive amounts of pain*”.

Derren Brown placed a transparent plastic bag over his head and sealed it while a member of the audience tapped out his pulse rate on a drum. The pulse rate gradually reduced until it stopped. He then removed the bag from his head, removed his shoes and socks, and slowly walked over to a path of broken glass on the stage, appearing to be in a state of semi-consciousness.

There were close up shots of Derren Brown’s feet as he walked over the glass, interspersed with shots showing his reactions and those of audience members. Once he had finished the challenge, the camera zoomed on his feet to show that they had not bled as a result of contact with the glass.

Offensive language

When walking over the broken glass, Derren Brown said the word “fuck” under his breath. He later said the following when addressing the audience:

“That was a punch, that was a fucking punch”.

“And if you don’t get the Daily Mail, fucking buy a copy on your way home”.

Ofcom considered the material described above raised issues warranting investigation under the following rules of the Code:

Rule 1.13: “Dangerous behaviour, or the portrayal of dangerous behaviour, that is likely to be easily imitable by children in a manner that is harmful...must not be broadcast before the watershed...unless there is editorial justification”.

¹ Watch rebranded as ‘W’ on 15 February 2016 but operates under the same licence held by UKTV.

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

We therefore asked the Licensee to explain how the content complied with these rules.

Response

UKTV confirmed that the programme was broadcast in error and fully acknowledged that the programme was unsuitable for a pre-watershed transmission. It added that it would not make any attempt to justify how the material complied with Rules 1.13 and 1.14 of the Code.

The Licensee said it had become aware of this incident before being contacted by Ofcom and that an internal investigation had revealed that the programme had been logged for a post-watershed transmission. However, it said that due to human error the post-watershed restriction was not marked against the programme in UKTV’s broadcast management system. As a result the system erroneously labelled the programme as being suitable for broadcast before the watershed.

The Licensee said that following this incident, it had implemented various additional safeguards to ensure post-watershed material is not broadcast before the watershed by mistake.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.13

Rule 1.13 of the Code states that dangerous behaviour that is likely to be easily imitable by children in a manner that is harmful must not be broadcast before the watershed unless there is editorial justification.

In this programme, Derren Brown advised the audience that cutting off the air supply to the brain would prevent bleeding and substantially reduce the experience of pain. He then proceeded to asphyxiate himself by placing a clear plastic bag over his head, sealing it and restricting the supply of oxygen to his brain. In Ofcom’s view, this was clearly dangerous behaviour.

Ofcom then considered whether this behaviour was likely to be easily imitable by children in a manner that is harmful. Plastic bags are a common household item that children frequently have access to without parental supervision. They also present a widely acknowledged risk of harm to young children. Therefore, Ofcom took the view that Derren Brown’s use of a plastic bag to asphyxiate himself was likely to be easily imitable by children in a manner that was harmful. This was particularly because self-asphyxiation was presented as a way to carry out acts which would not normally be possible because of the bleeding and pain that resulted. Further in this programme no negative consequences of self-asphyxiation were identified.

Ofcom went on to determine whether this portrayal of dangerous behaviour was editorially justified. We noted that this programme comprised footage of an entertainment show broadcast early on a Sunday morning at a time when in our opinion it was likely that a number of parents may have left their children to watch television unsupervised. We therefore did not consider there to be any editorial justification for the broadcast of this material. We noted that UKTV did not seek to justify the broadcast of this material under Rule 1.13.

For the reasons stated above, Ofcom concluded that this content breached Rule 1.13 of the Code.

Rule 1.14

Rule 1.14 of the Code states that “the most offensive language must not be broadcast before the watershed...” Ofcom research on offensive language² notes that the word “fuck” or a similar word is considered by audiences to be amongst the most offensive language.

The broadcast of the words “fuck” and “fucking” in this programme shown before the watershed was therefore a clear breach of Rule 1.14 of the Code.

Ofcom recognised that UKTV broadcast this programme pre-watershed by mistake and noted the additional measures it told us it had implemented to minimise the likelihood of a recurrence. However, for the reasons set out above, this material breached Rules 1.13 and 1.14 of the Code.

Breaches of Rules 1.13 and 1.14

² 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

Jessie

Disney Channel, 23 October 2015, 15:55

Introduction

Jessie is an American comedy series for children. It tells the story of a young woman who moves to New York to pursue a career as an actress but instead becomes a nanny for a well-to-do family. On 23 October 2015 at 15:55, Disney Channel broadcast a “Halloween special” episode from the programme’s fourth season.

Ofcom received three complaints from parents who said their young children had been upset and frightened by the programme’s content.

The programme was preceded by the following warning:

“...in this Halloween episode some scenes may be a little intense for younger viewers”.

A major storyline in the episode concerned Jessie and the four children in her care (Emma, Luke, Ravi and Zuri) seemingly being haunted by a ghost called Abigail. Approximately five minutes into the programme, one of the children’s friends, Stuart, recounted an urban legend about the ghost Abigail. He described the spectre as:

“...a lonely ghost who haunts the Upper West Side, her face is hidden by long dark hair and she always appears in a white dress. [...] Legend has it, Abigail rises up from the grave and takes children to be her eternal playmates, and they’re never heard from again”.

Two minutes later, Ravi received a black and white video message¹ on his mobile phone which lasted about 15 seconds. The video message was shown a number of times, in various forms, throughout the programme. On each occasion it was shown, a selection of the following short clips was included:

- the ghostly figure of Abigail walking up some steps;
- a close-up of a skeletal clown face turning to the camera;
- a jar of eyeballs;
- squirming maggots;
- characters in Halloween masks;
- rats running out of a hole;

¹ The imagery seemed reminiscent of the 1998 Japanese horror film *Ringu*, which tells the story of a cursed videotape containing a black and white film that features the ghost of a young girl with long dark hair wearing a white dress. During the film’s conclusion, as one of the characters watches the video, the ghost crawls out of the television set. *The Ring*, a Hollywood remake of the film, was released in 2002.

- Abigail sitting under a tree; and,
- a skeleton.

The video message concluded with a final clip of Abigail crawling towards the viewer, her face obscured by her long dark hair. The video message was accompanied by eerie music and distorted sounds of cackling and screaming.

After the video message finished playing, the other characters heard Ravi shouting Abigail's name. They ran to his aid but found only his mobile phone, with Ravi nowhere to be seen.

About three minutes later in the programme, while looking for Ravi, Luke received the video message on his phone. On this occasion, viewers were shown only around five seconds of the video message. After watching the video, Luke also went missing.

Shortly afterwards, Emma received the video message on her phone. She decided not to look at her phone but the video message then began to play on her laptop. As she backed away from the laptop in fear, two mobile phones in the room began to ring. She retreated into the home cinema room where the video message began to play on the cinema screen for approximately three seconds.

In the next scene, Jessie and Zuri went looking for their missing friends. A phone rang and when they answered, a disturbing voice said *"I'm lonely, come play with me"*. As they hurried away, the doors of a lift opened and a red ball bounced towards them. The room was briefly plunged into darkness, and when the lights came back on, Abigail was standing in the lift. As the girls screamed, the lights briefly went off again. When they came back on, Abigail had disappeared.

Seventeen minutes into the programme, Jessie and Zuri received a video call from Stuart. He said:

"Guys, I don't have much time. I've found the others. We're safe but I don't know for how long. Come quick".

Stuart was then shown to look to his side and scream *"Abigail!"* before the call was terminated by electrical interference.

In the next scene, Jessie and the children were shown reunited in the sitting room of a haunted house near Central Park. The video message then began playing on an old-fashioned television set. However, on this occasion during the final clip of the message, Abigail continued crawling forwards and pulled herself out of the television set. The children began screaming and hid behind Jessie. Jessie grabbed the ghost and its wig came off, revealing it was Stuart in disguise. Stuart declared he had been Abigail throughout.

The programme's final scene showed Bertram (the family butler), Jessie and the others at home watching CCTV footage of Abigail stealing Halloween sweets. Ravi worked out, however, as a result of noting the time the CCTV footage had been recorded, that the Abigail in the CCTV footage could not have been Stuart dressed up as Abigail. The music from the video message began to play and Abigail moved towards the CCTV camera. When her face was full screen, she parted her hair, revealing the face of a young girl with dark circles around her eyes. The family screamed Abigail's name and ran away.

Ofcom considered the material raised issues warranting investigation under Rule 1.3 of the Code which states:

“Children must also be protected by appropriate scheduling from material that is unsuitable for them”.

We asked the licensee for Disney Channel, The Walt Disney Company Ltd (“Disney” or “the Licensee”) how the programme complied with this rule.

Response

Disney said that it takes “its obligations to its viewers very seriously, especially younger viewers”.

Disney said that between 19 and 31 October 2015 (when the majority of children in the UK were on half-term holidays) Disney Channel had run a “Halloween themed schedule”. Disney said this included episodes from some of its “key series” revolving round Halloween. Disney said that as a result “the look and feel of the channel was very much Halloween themed”.

Disney said this episode was “reviewed extremely carefully before broadcast in an afternoon timeslot” and said it believed this episode was “suitable for [its] audience and [did] not go beyond the expectations of [its] viewers for Halloween themed Disney Channel programming”. However, it did take a decision to “alert the audience to the fact that this episode contained some “spooky” scenes reflecting the Halloween theme and its scheduling in that context”.

Disney said the urban legend of Abigail was told “in a humorous, light way” in this programme which made it clear the storyline was “a mock, comedic ghost story which kids love at this time of the year”.

Regarding the scenes in which the children received video messages which they believed were from Abigail, Disney said these were “brief” and “followed by humorous scenes and the laughter from the studio audience”. This signalled “to viewers that the humour of this series is very much present as usual throughout this episode”. The Licensee submitted that “as each child disappears, the other children continue to laugh and joke, showing that they are not in distress”. Disney also pointed out that there is “the adult and humorous presence of Jessie, Tony and Bertram at regular points throughout the episode...signalling that all is well and as usual in the series”.

Disney highlighted that during the scene in which Stuart, dressed as Abigail, crawled through the TV screen, “Jessie is joking with him as she confronts him, again demonstrating that this is a comedic Halloween episode and is not to be taken seriously”. Regarding the final scene in which the “real” Abigail is seen on CCTV footage, Disney said this showed her smiling and “the over the top screaming of the family, who are all together, are all clearly shown to be fine”.

For these reasons, the Licensee said that it considered the material was compliant with Rule 1.3. However, as a result of the three complaints received, Disney said it had “not aired this episode in any timeslot since the end of Halloween week”.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.3 requires that children must be protected by appropriate scheduling from material that is unsuitable for them.

Material Unsuitable for Children

We first considered whether the material was suitable for children. Consistent with the nature of both Disney Channel and the specific material in this case, Ofcom conducted this assessment with particular concern for children under the age of ten, who may have been watching the programme unsupervised.

As noted above, this episode of *Jessie* was a “Halloween Special”, a key storyline of which involved the programme’s main characters seemingly being haunted by a ghost. The ghost was depicted as a young girl, wearing a long white dress, with long dark hair covering her face. Over the course of the programme, the ghost sent a video message to a number of the programme’s child characters. After watching the message, the children mysteriously disappeared. Towards the end of the programme, it was revealed that the ghost was not in fact a spectre but one of the regular child characters dressed up as part of an elaborate prank. However, in the concluding scene, the characters discovered that the ghost of Abigail did in fact appear to exist.

Ofcom considered that this storyline was not inherently unsuitable for a Halloween special episode of a programme made for children. However, we did have concerns about the potentially frightening nature of particular scenes coupled with elements of the programme’s imagery. By way of example, we noted the following:

- the video message apparently sent by Abigail contained various black and white images including: a skeletal clown face turning to the camera; a masked figure surrounded by candles; and, Abigail crawling towards the camera. In Ofcom’s view, the potential for this series of images to distress younger children was significantly increased by the repeated number of times it was shown and the accompanying soundtrack of eerie music and distorted laughs and screams.
- Zuri and Jessie were shown looking for their friends in the apartment block lobby. As they searched, the room was plunged into darkness. When the lights came back on, Abigail was standing in a lift, in front of Jessie and Zuri. Zuri screamed and Jessie shouted “*no, no!*” After the lights briefly went off and on again, Abigail had vanished. Given that Abigail was presented as a malevolent spirit who “*takes children to be her eternal playmates*” resulting in them being “*never heard from again*”, we considered that her sudden and startling appearance together with the sounds of Zuri and Jessie in distress were capable of frightening or causing distress to younger viewers.
- the final time the video message was shown, Abigail crawled out of the television set towards Jessie and the children. This was accompanied by dramatic music and the sound of the children screaming. In our view, shots of a malevolent spirit transforming itself from a two-dimensional image on a screen to a “real” three-

dimensional being, combined with the terrified reaction of the children in the programme, was potentially distressing to younger viewers.

- in the programme's final scene, the characters were watching CCTV footage to try and discover who had been stealing Halloween sweets. Abigail was seen in the footage and the characters worked out, as a result of the timestamp on the footage, that at that time it could not have been Stuart dressed up as Abigail. Eerie music and distorted sounds of screaming from the video message then began to play. Abigail approached the camera and parted her hair, revealing a pale face with dark rings around her eyes and pulled her mouth into a sinister smile. Ofcom considered this final revelation that Abigail may indeed have been "real", may have caused undue concern to younger children.

We noted the various arguments advanced by the Licensee that the material was suitable for children. These included that: the sequences were brief; "the children continue to laugh and joke, showing they are not in distress"; that the programme's humour "demonstrate[d] that this [was] a comedic Halloween episode and is not to be taken seriously"; and, "the adult and humorous presence of Jessie, Tony and Bertram at regular points throughout the episode" signalled "that all is well and as usual in the series". However, Ofcom did not consider that these factors were sufficient in themselves to mitigate the intensity and the cumulative effect of these sequences or their potential to distress younger viewers.

In light of the above, Ofcom considered the episode contained material unsuitable for younger children.

Appropriate scheduling

Ofcom went on to consider whether this material was appropriately scheduled. Appropriate scheduling is judged by a number of factors including: the nature of the content; the likely number and age range of the audience; the start and finish time of the programme; and, likely audience expectations.

In this case, we took particular account of the fact that this programme was broadcast at 15:55 on Disney Channel, a channel specifically targeted at young viewers. Given the time of broadcast and the nature of the channel, we considered it likely that parents, and carers, would have expected that the programme would be suitable for children of all ages to watch unaccompanied. Ofcom reviewed the audience figures for this broadcast and noted that in fact almost 78% of the programme's total audience of 98,000 were children, with almost 34% (just over 33,000) under the age of 10.

We noted that *Jessie* is a well-known and well-established comedy series for children. However, given the programme's typically light and comedic tone, we considered that parents would not have expected this programme to contain potentially frightening content of the kind described above.

We also had regard to the fact that the programme was preceded by a pre-broadcast announcement:

"...in this Halloween episode some scenes may be a little intense for younger viewers".

In light of the factors set out above, we considered that this announcement would not have sufficiently prepared viewers, or alerted parents or carers, to the potentially

frightening and distressing nature of the programme's content. Ofcom also reminds broadcasters when considering the appropriateness of a warning that children may be watching unsupervised.

We considered that the material did exceed expectations for material broadcast at this particular time on this channel. We therefore considered that children were not protected from material unsuitable for them by appropriate scheduling, and Rule 1.3 was breached.

Breach of Rule 1.3

In Breach

Geo News

Geo News, 28 October 2015, 16:00

Introduction

Geo News is a digital satellite news channel broadcast in Urdu, aimed at the Pakistani community in the UK and Europe. The licence for Geo News is held by Geo TV Limited (“Geo TV” or “the Licensee”).

During routine monitoring, we noted the broadcast of a news report about the physical and verbal abuse inflicted on a woman in Pakistan, by an alleged police officer¹ in an attempt to gain a confession to theft. The report included footage of the incident obtained from social media.

Ofcom translated the material from Urdu to English, gave the Licensee an opportunity to comment on the transcript, and Geo TV did not contest its accuracy.

We noted that this news item was presented as a breaking news story by a Geo News presenter. It started at 16:00 and lasted about nine and half minutes in total. During this time footage of the incident was repeated 32 times in various forms.

The item was introduced by the news presenter as follows:

“A police employee’s disgraceful treatment of a woman, and a video that has come to light, that you can all see on screen. A woman who had been accused of theft and handed over to the police by a member of the public”.

The first time the footage was broadcast it was displayed on a split screen next to the caption *“Breaking News: A video showing a police official’s disgraceful treatment of a woman can be seen by the public at large”*. A caption displayed along the bottom of the screen stated *“A police official’s violent attempt to force a woman to confess”*. The clip of the footage showed a woman seated, her faced blurred, and surrounded by a crowd of people. A police officer, shown facing the woman (his back towards the camera), violently slapped the woman twice across the face as he said:

“The others have confessed, why do you think you won’t confess?”

Immediately after being hit by the police officer, the woman was shown attempting to straighten her hijab as the police officer tried to remove it.

The clip of the footage was then repeated, several times full screen, and accompanied by the following captions:

“In a crowded room a police official repeatedly slaps a woman and abuses her with filthy language”.

“A child is with the woman and this does not deter the police official from using filthy abuse”.

¹ At the time of broadcast it was not known whether the police officer was a civilian impersonating a police officer. It was subsequently reported on 29 October 2015 that the man in question was a security guard of a shopping mall posing as a police officer.

“Police official says to the woman “I’ll see how you don’t confess to stealing”. A video showing a Police official’s disgraceful treatment of a woman has come to light”.

“Instead of investigating the matter, the police official resorted to physical and verbal abuse”.

At about one minute into the news item an extended clip of the footage was broadcast and repeated. The extended repeats of this footage showed the police officer continuing to shout at the woman as she repositioned her hijab. There were also minor variations in the audio and visual content that was broadcast as the clips were repeated. For example, the extended footage was often shown with audio in which either consecutive bleeping could be heard or the police officer stating:

“The others have confessed, why do you think you won’t confess? They have all confessed and we have recovered everything [conversation masked by bleeps] I will fix you...you’ve been caught now. You were fine until you were caught, but now we have you, and you cannot escape, so try and understand exactly what I am saying”.

When repeated, the footage was accompanied by commentary by the news presenter and Geo News reporter Talha Hashmi:

Presenter: *“A video that has come to light via social media that shows a woman being tortured, and being subjected to filthy abuse. We have on the line with us, Geo news representative Talha Hashmi. Talha, are we any clearer about what this is all about?”*

Talha Hashmi: *“This harrowing scene of a woman being repeatedly slapped on her face by what appears to be a police employee. [...] What we appear to be seeing in this video, is that this woman has been apprehended and accused of theft, and some items are being demanded of her. The manner in which she is being tortured and the manner in which she is being subjected to foul abuse, that is totally wrong, because if she has been guilty of any offence she should have been arrested and brought before a court. [...] But to raise your hand to a woman in a public environment, and use such filthy language as if she was guilty of some major crime [...] For instance, we still have not been able to confirm that the person who is hitting the woman in the video is in fact a police official or not?...we know nothing about the person in the video, who is carrying out this torture or using the foul language...”*

Presenter: *“We have shown discretion by blurring the face of the woman, and we have bleeped the filthy language... and also make clear that we cannot vouch for the videos authenticity definitively. We cannot say whether this is a genuine video but we can say that this type of behaviour is common in our society and the police do act in this way, particularly with the average person, who is not involved in any form of crime...”*

Talha Hashmi: *“The first thing [we need] to establish is about this man who is beating this woman [inaudible] also about this woman, whether she is innocent or guilty, but regardless of that, the manner in*

which he is talking to her, and the language being used, and the fact that he is slapping her in the face, in front of a crowd of onlookers, that even includes a young child that could be her relative, is a very alarming sign”.

Ofcom considered the material warranted investigation under the following Code rules:

Rule 1.3: “Children must...be protected by appropriate scheduling from material that is unsuitable for them”.

Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context... Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

We therefore sought comments from the Licensee as to how the material complied with these rules.

Response

Geo TV explained that Geo News is a rolling news and current affairs channel based in Karachi in Pakistan. Its content is broadcast with editorial policy and compliance teams reviewing material “as it’s sent to the output teams”.

The Licensee said that news item was “first circulated on social media” on the day of broadcast. The decision was made to broadcast the news story because the “team felt it was important to report the police abuse suffered by the lady and highlight the abuse of women in Pakistan in generally”. Geo TV highlighted that “as a direct result of broadcasting the news item the “perpetrator was arrested²”.

The Licensee argued that the news item did not breach the Code for the following reasons:

- an appropriate warning was provided by the commentary of the news presenter and the on-screen captions made it “abundantly clear [emphasis in original]” that the footage showed the “**disgraceful treatment of woman** [emphasis in original]” by a police officer;
- the nature of Geo News was a rolling news channel “which any parent or child watching would know before watching it”. It was therefore “reasonable for them [the audience] to expect that any breaking news may be uncomfortable to watch”;
- the channel is not aimed at children and “the likely size of the audience being children who can understand Urdu would have been negligible”; and
- steps were taken to censor any verbal abuse included in the video and the faces of the people involved were blurred.

Geo TV concluded that due to the nature of the channel the “scheduling of the item was within Rule 1.3” and “the degree of harm (if any) was limited” by the commentary and the on-screen captions. The Licensee said that as a result of Ofcom’s

² See: <http://www.geo.tv/article-202280-Guard-caught-hitting-woman-on-social-media-video-held>

investigation it had however briefed its news teams “to avoid such stories before the watershed...and that appropriate warnings are highlighted before the news story is aired” and has provided further training for its team “to review content in-line with Ofcom’s [Broadcasting] Code”.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, which include ensuring that persons under the age of eighteen are protected from material that is unsuitable for them, and providing adequate protection for members of the public from harmful and/or offensive material. These objectives are reflected in Sections One and Two of the Code.

In reaching a Decision in the case, Ofcom has taken careful account of the broadcaster’s and audience’s right to freedom of expression set out in Article 10 of the European Convention on Human Rights. Ofcom must therefore seek an appropriate balance between, on the one hand, its duties to ensure that viewers are given adequate protection from offensive material and on the other the broadcaster’s and audience’s right to freedom of expression.

It is important that news programmes shown before the 21:00 watershed are able to report freely on distressing events. In doing so however they must comply with the Code. When including offensive or distressing content in the news before the watershed they must ensure that as necessary or appropriate such material must be appropriately scheduled or justified by the context. Ofcom acknowledges that this frequently involves news broadcasters making finely nuanced decisions, often under considerable time pressure.

Rule 1.3

Rule 1.3 states that children must be protected by appropriate scheduling from material that is unsuitable for them. Appropriate scheduling is judged by a number of factors including: the nature of the content, the time of broadcast, the likely audience expectations and the availability of children to view taking into account school time, weekends and holidays.

We first considered whether the programme contained material unsuitable for children.

The clip of the footage (as detailed in the Introduction) showed a woman being violently slapped twice and verbally abused by a police officer in front of a crowd of people. Although the woman’s face was blurred it was possible to distinguish the outline of her face and when she had been hit. The material was repeated 32 times in total over a period of about nine and a half minutes. In Ofcom’s view the repeated broadcast of this footage was capable of causing distress to children, because it showed repeatedly a defenceless woman (whom a number of young child viewers may have associated with either their mother or a female relative) being physically and verbally abused by a person of authority. Further, for child viewers who did not understand Urdu, the content still had the potential to cause distress, because it showed repeatedly a woman being physically abused. This material was therefore unsuitable for children.

We went on to assess whether the news report was appropriately scheduled.

Ofcom noted that the item was broadcast on a news and current affairs channel on a Wednesday at 16:00. We noted Geo TV's comments that the "likely size of the audience being children who can understand Urdu would have been negligible". We agreed that the likely number of children in the audience overall would have been limited by the fact that Geo News is a rolling news and current affairs channel. Nevertheless, we were concerned that this unsuitable material was repeatedly broadcast at a time when it was likely that children could have been in the audience.

Ofcom's guidance on Section One of the Code states:

"It is acceptable that it is in the public interest that, in certain circumstances, news programmes may show material which is stronger than may be expected pre-watershed in other programmes as long as clear information is given in advance so that adults may regulate the viewing of children³".

Ofcom noted that there was no warning about the content before the news item was broadcast. As a result, viewers (and particularly parents and carers) had no advance information about the broadcast of this potentially distressing material. We took into account the Licensee's comment that in its opinion an appropriate warning was provided through the commentary of the presenter and the on-screen captions (as detailed in the Introduction). We acknowledged that the news presenter referred to "*the disgraceful treatment of the women*" when reporting on the incident. This was not in Ofcom's view a sufficiently adequate or explicit warning in itself to ensure that this content was appropriately scheduled, bearing in mind its potentially distressing nature.

Taking all these factors into account, we considered that the content was not appropriately scheduled, and Rule 1.3 was breached.

Rule 2.3

Rule 2.3 states that in applying generally accepted standards broadcasters must ensure that potentially offensive material is justified by the context. Context includes but is not limited to, editorial content of the programme, warnings given to viewers, the time of the broadcast and the service the material was broadcast on.

Ofcom first considered whether the material was potentially offensive.

As detailed above, this news story contained repeated footage of woman being violently slapped across the face and verbally abused when being questioned by an alleged police officer. Although the images were blurred so that their impact was limited to some extent, we considered that there was sufficient detail in what was shown and in the commentary of the news correspondent for the viewers to be clear about what had taken place. This impact was then considerably magnified by the repetition of this clip of footage – 32 times over a period of nine and half minutes. We therefore considered the material was capable of causing offence to viewers in general.

We went on to consider whether the broadcast of this material was justified by the context.

³ See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section1.pdf>

Ofcom noted that this news item was a breaking story, and the broadcast of some footage relating to the assault was in the public interest (according to the Licensee the man who assaulted the woman was arrested “as a direct result” of the broadcast). We also noted that Geo News is a rolling news channel which typically broadcasts news and current affairs programmes with greater appeal to adults. Ofcom believes that in line with the right to freedom of expression, it is important for news programmes to be able to choose how to report freely on events which they consider in the public interest – and audiences expect them to do so. However, broadcasters must comply with the Code, and in particular must take into account that viewers have different expectations before and after the 21:00 watershed.

Ofcom noted that the item was broadcast at 16:00 on a news and current affairs channel aimed at adults. We took into account Geo TV’s comment that adult viewers would therefore expect some news items to be “uncomfortable to watch”. The fact that adult viewers expect news broadcasters to report on challenging stories in a timely way however does not mean that they have unlimited latitude. They must comply with the Code by ensuring generally accepted standards are applied. This means that when broadcasting offensive material broadcasters must ensure it is justified by the context.

We took into account the steps Geo TV took to help mitigate the offence caused by showing the material, in particular prior to broadcast by editing out the verbal abuse included in the video and blurring the face of the woman involved. In this case, however, Ofcom noted that at 16:00 footage was shown repeatedly (32 times over a period of nine and half minutes) of a defenceless woman being physically and verbally abused. In our opinion, this repeated showing of the footage considerably increased its potential to shock and cause offence. Further there was no warning about the content before the news item was broadcast. As a result, viewers had no advance information about the broadcast of this potentially offensive material, although the news presenter referred to “*the disgraceful treatment of the woman*” when reporting on the incident. For all these reasons, Ofcom was of the view that to show this material on this channel at this time in the manner it was broadcast, was not consistent with the likely expectation of the audience for this channel at this time. It was therefore not justified by the context, in breach of Rule 2.3.

Conclusion

Ofcom was concerned that the Licensee considered the broadcast of this material to be acceptable. Clearly it is essential that a news channel has the editorial freedom to report on examples of police abuse and the abuse of women in general, whether in Pakistan or elsewhere, and be able to do so before the watershed. Ofcom wishes to make clear that as a matter of principle the Code does not prohibit the broadcast of news stories about any subject before the watershed. We were also concerned therefore that the Licensee said that as a result of Ofcom’s investigation it has briefed its news teams to “avoid such stories before the watershed”.

In broadcasting news stories about controversial or sensitive subjects before the watershed, news programmes must comply with the Code. This can be done in a number of ways, other than not reporting on such matters at all before the watershed. News broadcasters can for example use a variety of editorial techniques to comply with the Code, including limiting potentially offensive footage shown and not repeating it again and again during a short period, the use of still images taken from the moving footage, and giving clear and appropriate warnings to viewers.

We acknowledge Geo TV has since briefed its news teams on providing appropriate warnings before broadcasting a news story containing challenging material and has provided further training for its staff. Nonetheless, for all the reasons set above, this news item breached Rules 1.3 and 2.3.

Breaches of Rules 1.3 and 2.3

In Breach

Big Tunes

Brit Asia TV, 30 September 2015, 09:30

Introduction

Brit Asia TV is a general entertainment television channel aimed at the British Punjabi community. The licence for Brit Asia TV is held by Britasia TV Limited (“Britasia” or “the Licensee”).

The Brit Asia TV Music Awards (“the Awards”) is Britasia’s annual music award ceremony, which recognises artistic talent within the British Asian music scene. A complainant contacted Ofcom about references to the Awards which appeared in the television programme *Big Tunes* on 30 September 2015, and which the complainant considered to be promotional in nature.

Ofcom viewed the programme and noted that the presenter made the following statements:

“...at the Brit Asia World TV Awards, that is happening at the Barclaycard Arena on 3 October 2015, so make sure you are there. Make sure if you want to see Ranjit Bawa live, performing for the first time in the UK, you have to get your tickets, ok. Simple way to get your tickets: they are online, ok, so all you have to go is to [website address given] or [website address given], so make sure you get your tickets”.

“So if you want to see Kulwinder Billa live. Not just Kulwinder Billa: Ranjit Bawa, Kulwinder Billa, Imran Khan...so many other performers...make sure you get your tickets from [website address given] or [website address given]”.

Ofcom considered that the presenter’s comments raised issues warranting investigation under the following Code rules:

Rule 9.2: “Broadcasters must ensure that editorial content is distinct from advertising”.

Rule 9.4: “Products, services and trademarks must not be promoted in programming”.

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

Response

The Licensee told us it believed it was entitled to create programming centred around the Awards as it was the Licensee’s own event, produced for television, and one that held great importance amongst the British Asian community. Britasia said that a number of complimentary tickets were available via the websites mentioned, in addition to those for which there was a charge, and that any mention of the Awards during programming was simply to promote the Awards ceremony programme, which was a Christmas special watched all over the world, rather than for any financial gain.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure specific standards objectives, including “that the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Services (“AVMS”) Directive.

The AVMS Directive requires, among other things, that television advertising is kept visually and/or audibly distinct from programming. The purpose of this is to prevent programmes becoming vehicles for advertising and to protect viewers from surreptitious advertising.

The requirements of the AVMS Directive and the Act are reflected in Section Nine of the Code. The rules in this section serve to protect viewers from excessive commercial references in programming by:

- limiting the extent to which references to products, services and trade marks can feature in programming; and
- helping to ensure that broadcasters do not exceed the limits placed on the amount of advertising they can transmit.

Section Nine does not prohibit all references to products and services in programmes. However, it does require that all such references should be justified by the editorial requirements of a programme and that they should not be promotional in nature.

Although Ofcom accepted that there was scope for Britasia to promote its televised coverage of the Awards, we considered that the discussion about the Awards in the programme served to promote the event itself rather than the Licensee’s broadcast coverage. In particular, we noted that the presenter referred to the location and date of the live event, and provided details of how viewers could obtain tickets to attend via two named ticketing websites. We also noted that the presenter explicitly encouraged viewers to attend the live event, for example by stating “*make sure you are there*” and “*make sure you get your tickets*”. Ofcom considered that the explicit invitations to obtain tickets to attend the event via two proprietary websites, were contrary to the requirements of Rule 9.4 and that, in effect, this part of the programming amounted to advertising of the live event, contrary to Rule 9.2.

Breaches of Rules 9.2 and 9.4

In Breach

Trend

ATN Bangla UK, 22 June 2015, 10:00

Introduction

ATN Bangla UK is a news and general entertainment channel broadcast in Bengali and serving the Bangladeshi community in the UK and Europe. The licence for ATN Bangla UK is held by ATN Bangla UK Limited (“ATN Bangla” or “the Licensee”).

During monitoring, we noted the programme *Trend*, a fashion and lifestyle magazine programme. *Trend* consisted of five minute long segments, related to fashion, beauty and dining which were in each case introduced by the programme’s presenter. The segments in this programme featured three businesses in Bangladesh: Ahang bridal collections; Mens Klub Salon and Spa; and, Baton Rouge restaurant.

As the programme was predominantly in Bengali with some English, we commissioned an independent translation of the material. We noted that all three segments included images of each business, visual and audio references to the range and quality of the goods which they offered, and included pricing information and calls to action, as noted below:

Ahang bridal collections

This segment included images of clothing, jewellery and accessories around the premises, with commentary including the following information:

“The collection of bridal party dresses in...Ahang will...fascinate you. If you would like to buy ornaments, you will find various types of ornament sets for party and bridal functions...The price of a full set ranges from taka 4,000 to 150,000...You can choose a bridal saree for your bride from a huge collection...The prices...range from taka 25,000 to 500,000. Now the ongoing trend is for bridal lehenga¹. You can choose a bridal lehenga of different colours and designs...between taka 25,000 to 425,000. There is a huge collection of sherwani² for bridegrooms...from taka 32,000 to taka 92,000...Collect a party saree for yourself from the gorgeous collection”.

Mens Klub Salon and Spa

This segment included images of individuals receiving beauty treatment at the premises, followed by a statement from “Shafiq Islam, Director Mens Club Salon and Spa” which included the following information:

“Mens Klub Salon and Spa does not compromise on quality. We import each of our products directly...We maintain very strict hygiene standards...We provide a number of hair treatments such as hair loss, hair loss control... We have treatments for damaged...I think the cost is reasonable. We have a fixed price, which is feasible and acceptable for all, compared to other companies. My best wishes, on behalf of Mens Klub Salon and Spa to all ATN Bangla viewers...I

¹ A lehenga is a long, embroidered skirt from South Asia.

² A sherwani is long coat-like garment from South Asia.

invite you all to visit Mens Klub Salon and Spa, even if it is for one occasion, and if possible use our services”.

Baton Rouge restaurant

This segment included images of the restaurant, food on offer and customers dining, with commentary including the following information:

“The Baton Rouge restaurant is at level 8 in the Pink City³ of Dhaka Gulshan 2...It possesses very eye catching decoration, interior, lighting and a calm environment. Also, you will find different menus of your choice from different countries...The restaurant is open every day from 12pm to 4pm and 6:30pm to 11:30pm...450 people can eat at any one time. There are 51 items on the buffet food menu during lunch. The price is taka 675 per person and there are 101 items on the dinner menus and the price is taka 850 per person. There are Indian, Chinese, continental, Italian and South Indian foods in the menu of the Baton Rouge. Also, you will get light food like pasta, pizza and kebabs. Besides, you have soup, salad, fresh juice and soft drinks as well as dessert. There are good arrangements for corporate parties, birthday parties and wedding parties here. They also supply food for any types of outside events. If you would like to eat tasty foods, then as a couple or with family, you can go to Baton Rouge restaurant...”

Ofcom requested information from the Licensee to decide whether these references constituted product placement as defined in the Code⁴. The Licensee was unable to confirm whether any commercial arrangements existed between the businesses and the programme’s producer/broadcaster in Bangladesh. The Licensee did confirm that the references described above were not subject to any commercial arrangement between itself and the businesses in question.

Although the Licensee was unable to provide Ofcom with relevant information to determine whether the programme fell within the scope of Rules 9.6 to 9.14 of the Code, relating to product placement, Ofcom considered that the references raised issues warranting investigation under the following rules of the Code:

Rule 9.4: “Products, services and trade marks must not be promoted in programming”.

Rule 9.5: “No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:

- the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
- the manner in which a product, service or trade mark appears or is referred to in programming”.

³ Pink City is a shopping centre in the Gulshan district of Dhaka.

⁴ The Code defines product placement as “The inclusion in a programme of, or reference to, a product, service or trademark where the inclusion is for a commercial purpose, and is in return for the making of any payment, or the giving of other valuable consideration, to any relevant provider or any other person connected with a relevant provider, and is not product placement.”

We therefore asked ATN Bangla for comments as to how the material complied with Rules 9.4 and 9.5.

Response

ATN Bangla said that: it had sourced this programme from Bangladesh: the programme was produced by an independent production company; and it did not financially benefit from the production. The Licensee added that the programme was made and designed for viewers in Bangladesh, not intended to promote any product or business, and featured businesses based in Bangladesh whose services are not available in the UK.

Decision

Under the Communications Act 2003 (“the Act”), Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure a number of standards objectives, one of which is “that the international obligations of the United Kingdom with respect to advertising included in television and radio services are complied with”. These obligations include ensuring compliance with the Audiovisual Media Services (“AVMS”) Directive.

The AVMS Directive contains a number of provisions designed to help maintain a distinction between advertising and editorial content, including requirements that television advertising is kept visually and/or audibly distinct from programming in order to prevent programmes becoming vehicles for advertising, and limiting the amount of advertising shown in any clock hour. The requirements of the AVMS Directive and the Act are reflected in Section Nine of the Code, including Rule 9.4 and Rule 9.5 among others.

Rule 9.4 states that products, services and trade marks must not be promoted in programming. Ofcom’s published guidance⁵ on Rule 9.4 states: “Where a reference to a product or service features in a programme for purely editorial reasons, the extent to which a reference will be considered promotional will be judged by the context in which it appears. In general, products or services should not be referred to using favourable or superlative language and prices and availability should not be discussed.”

Rule 9.5 states that no undue prominence may be given in programming to a product, service or trade mark, noting that undue prominence may result from a reference to a product, service or trade mark where there is no editorial justification, or from the manner in which a product, service or trade mark is referred to. Ofcom’s published guidance on Rule 9.5 states: “Whether a product, service or trade mark appears in a programme for solely editorial reasons...or as a result of a commercial arrangement between the broadcaster or producer and a third party funder...there must be editorial justification for its inclusion. The level of prominence given to a product, service or trade mark will be judged against the editorial context in which the reference appears”.

We noted the Licensee’s arguments both that the programme was not intended to promote any product or business and that the services referred to were not available in the UK. It is important to emphasise that the rules in Section Nine of the Code are intended to preserve the integrity of editorial content and protect audiences by limiting the number and kind of commercial references contained in programming.

⁵ See: <http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/section9.pdf>

Accordingly neither the availability of the products in question within the UK, nor whether the Licensee directly benefited from a commercial arrangement is relevant to our consideration of whether the references within the programme were promotional or unduly prominent.

In this case, we considered the segments contained promotional references to each of the three businesses featured that were more akin to advertising than editorial material. Specifically, *Trend* included:

- detailed information on the range and quality of services provided by the businesses (e.g. *“There is a huge collection of sherwani for bridegrooms”* and *“It possesses very eye catching decoration, interior, lighting and a calm environment”*);
- precise pricing information (e.g. *“There are 51 items on the buffet food menu during lunch. The price is taka 675 per person”*); and
- calls to action (e.g. *“I invite you all to visit Mens Klub Salon and Spa, even if it is for one occasion, and if possible use our services”*).

In our view, these extensive references to products and services offered by the businesses featured, combined with the favourable language used, and the information given about prices and availability, meant that the content was clearly promotional in tone. The programme was therefore in breach of Rule 9.4 of the Code.

Further, we noted that each segment focused entirely on the products and services offered by a specific business. Although there may be editorial justification for certain references to brands in fashion and lifestyle programmes, in this case, given the presentation of the items was highly promotional in tone, as described above, the extended references to the products and services provided by the companies featured were not justified. Because each segment was entirely dependent on the inclusion of detailed references to the featured business’ products and services, we concluded that the programme was in breach of Rule 9.5 of the Code.

In a breach decision published in issue 259 of Ofcom’s Broadcast Bulletin⁶, we made clear that we expected ATN Bangla to take steps to improve its compliance with Section Nine of the Code. In light of our concerns about the Licensee’s compliance record, ATN Bangla was required to attend a meeting to discuss its processes on 18 August 2014.

Ofcom is particularly concerned that despite assurances by the Licensee that it had improved its compliance procedures, the improvements have not proved sufficiently robust to prevent further breaches under Section Nine of the Code.

Ofcom is already investigating the sufficiency of the Licensee’s compliance arrangements (Licence Condition 17(2)) and will take account of this case in reaching a decision in that investigation.

Breaches of Rules 9.4 and 9.5

⁶ See: <http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb259/obb259.pdf>

Resolved

Geoff Lloyd with Annabel Port

Absolute Radio, 14 January 2016, 18:40

Introduction

Absolute Radio is a national radio station providing a rock-oriented service serving 25 to 44 year-olds. The licence for Absolute Radio is held by Absolute Radio Limited (“ARL” or “the Licensee”).

Geoff Lloyd with Annabel Port is an evening drivetime show broadcast every weekday evening starting at 18:00. A complainant alerted Ofcom to offensive language in this particular programme.

We noted that during this programme, the comedian Lou Sanders was acting as a stand-in co-presenter for regular presenter Annabel Port, who was ill. At approximately 18:40 there was an item featuring Lou Sanders reading out a number of “*unisex...chat-up lines*”. After recounting three relatively innocuous chat-up lines, the fourth chat-up line said by Lou Sanders was as follows:

“Hello sweetie, do you have the time...to suck me off?!”

We noted that the programme’s regular co-presenter, Geoff Lloyd, immediately said “*Sorry about that listeners*” and then played a music track. After the track had finished, both Geoff Lloyd and Lou Sanders apologised for what she had said.

Ofcom considered the material raised issues warranting investigation under the following rules of the Code:

Rule 1.16: “Offensive language must not be broadcast...when children are particularly likely to be listening (in the case of radio) unless it is justified by the context...”

We therefore asked ARL how the material complied with this rule.

Response

The Licensee apologised for any offence caused. It added that due to the illness of regular co-presenter Annabel Port, the comedian, Lou Sanders, had been “drafted in as a last minute contributor”. ARL said that she had appeared on the programme once before and “she had been well received by the audience”. It added that Lou Sanders was “briefed before the programme about the station and broadcast slot, all of which reflected the Code”.

The Licensee said that ahead of the programme, Lou Sanders had prepared material “based on chat-up lines” which was approved by the producer. However, during the broadcast Lou Sanders “went off the approved script”. ARL said that when the offensive language had been spoken, the regular co-presenter Geoff Lloyd “immediately apologised” and ended the item “thus preventing repeated use of the language”. In addition “at the next opportunity he apologised again and forced Sanders to apologise on-air”. The Licensee added that the comments in question

“were taken out of the show’s podcast to ensure there was no further opportunity to hear it”.

ARL said that following this incident “Lou Sanders was immediately warned by the show’s producer about her conduct”. In addition the programme producer had been reminded of the requirements of the Code and “the need to choose any live contributors with utmost care”.

In conclusion ARL said it was confident that this incident was a “one-off, partly caused by the illness of the regular co-host”. It added that “All of the necessary pre-show briefings were in place and the incident was caused when Lou Sanders deviated from the agreed and compliant content”.

Decision

Under the Communications Act 2003, Ofcom has a statutory duty to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that “persons under the age of eighteen are protected”. This objective is reflected in Section One of the Code.

Rule 1.16 states that offensive language must not be broadcast when children are particularly likely to be listening, unless it is justified by the context.

The comedian Lou Sanders presented an item where she read out a series of chat-up lines. The last of which was as follows:

“Hello sweetie, do you have the time...to suck me off?!”

We noted that in order to emphasise the end of this chat-up line, Lou Sanders shouted the words “*to suck me off*”. We considered that this was a clear reference to the sexual act of fellatio, and as such would be inappropriate for any children listening in the audience.

The Code states that the phrase “when children¹ are particularly likely to be listening” particularly refers to: “the school run and breakfast time, but might include other times”. Ofcom’s guidance² on offensive language in radio notes that:

“For the purpose of determining when children are particularly likely to be listening, Ofcom will take account of all relevant information available to it. However, based on Ofcom’s analysis of audience listening data, and previous Ofcom decisions, radio broadcasters should have particular regard to broadcasting content at the following times:

- between 06:00 and 9:00 and 15:00 and 19:00 Monday to Friday during term time ...”;

We noted that the offensive comments were broadcast at 18:40 on a Thursday evening. We therefore considered this was a time when children were particularly

¹ The Code says that “children” means: “people under the age of fifteen years”.

² Ofcom Guidance, Offensive language on radio, December 2011, paragraph 13 (<http://stakeholders.ofcom.org.uk/binaries/broadcast/guidance/831193/offensive-language.pdf>).

likely to be listening. In addition, we considered that the broadcast of these comments was not justified by the context and Rule 1.16 was therefore breached.

However, we took into account that the regular co-presenter Geoff Lloyd immediately apologised before then playing a music track. After the track had finished, both Geoff Lloyd and Lou Sanders apologised for what she had said. We also took into account the various steps taken by the Licensee following this incident including that: the offensive comments were removed from the podcast version of the programme; Lou Sanders was “immediately warned by the show’s producer about her conduct”; and the programme producer had been reminded of the requirements of the Code and the “need to choose any live contributors with utmost care”.

Given all the above, we therefore considered the matter resolved.

Resolved

Broadcast Licence Conditions cases

In Breach

Retention and production of recordings

1 Ummah FM (Reading), 12 to 14 November 2015

Introduction

1 Ummah FM is a community radio station licensed to provide a service for the Muslim community of Reading. The licence is held by 1 Ummah FM Community Interest Company (“1 Ummah CIC” or “the Licensee”).

Last year, Ofcom received a complaint regarding the Licensee’s compliance with its Key Commitments¹. We therefore asked 1 Ummah CIC for recordings of its output across three days in August 2015 so that we could assess the complaint. However, due to a fault with the Licensee’s equipment, it was unable to provide Ofcom with the requested material. Following an investigation, Ofcom found the Licensee to be in breach of Licence Conditions 8(2)(a) and (b), which require the Licensee to make and retain recordings for the previous 42 days of output and produce them forthwith to Ofcom upon request².

To assess the original complaint concerning the station’s compliance with Key Commitments, Ofcom requested an additional three days of recording from the Licensee in November 2015.

The Licensee responded that, due to a problem with its computer, the recordings for the dates requested were “missing”.

Ofcom considered that this again raised issues under Conditions 8(2)(a) and (b) of 1 Ummah CIC’s licence, which requires the Licensee to:

“(a) make and retain, for a period of 42 days from the date of its inclusion, a recording of every programme included in the Licensed Service...

(b) at the request of Ofcom forthwith produce to Ofcom any...recording for examination or reproduction...”.

We therefore requested comments from the Licensee about its compliance with these licence conditions.

Response

1 Ummah CIC had provided Ofcom with a list of 47 non-consecutive days for which it could provide recordings. However, it recognised that it had “been unable to provide

¹ ‘Key Commitments’ form part of each community radio station’s licence and are contained in an annex to the licence. They set out how the station will serve its target community and include a description of the programme service.

² Issue 292 of Ofcom’s Broadcast Bulletin:
http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/1525917/Issue_292.pdf

recordings to Ofcom upon request for certain dates and times on a number of occasions”.

The Licensee gave a number of reasons as to why its PC-based recording system had failed. These included: “System shut down... Recording software logging out... Not being able to reach the radio station in good time to do a restart of system manually...”. 1 Ummah CIC stated that these and other problems were being caused by anti-virus software scans causing the PC to shut down and not automatically restarting, meaning that the recording software would also have been shut down.

The Licensee assured Ofcom that “we are staying on top of this matter and have since rectified this issue of the PC shutting down. The recordings are currently consistent and in order”.

Decision

Under the Communications Act 2003, Ofcom has a duty to ensure that in each broadcaster’s licence there are conditions requiring the licensee to retain recordings of each programme broadcast, in a specified form and for a specific period after broadcast, and to comply with any request to produce such recordings issued by Ofcom. Community Radio licences enshrine these obligations in Licence Conditions 8(2)(a) and (b).

In this case, the Licensee admitted to Ofcom that it had not retained the recordings requested by Ofcom, and was therefore unable to provide them to us. The Licensee therefore breached Licence Conditions (8)(2)(a) and (b).

As noted above, this compliance failure followed similar recent breaches recorded by Ofcom against 1 Ummah CIC for a failure to provide recordings. In that case, the Licensee had provided assurances to Ofcom that new procedures had been implemented to avoid further breaches of the same Licence Conditions, and that the equipment was now working properly.

Ofcom is particularly concerned that, despite assurances by the Licensee that it had improved its compliance procedures, the improvements have not proved sufficiently robust to prevent further breaches of Licence Conditions (8)(2)(a) and (b). Under its licence, 1 Ummah CIC is required to ensure that it makes, retains and can produce recordings to Ofcom upon request.

Breaches of Licence Condition 8 are significant because they impede Ofcom’s ability to assess whether the output of a particular broadcaster raises potential issues under the relevant codes or, as in this case, the conditions of its licence. This can therefore affect Ofcom’s ability to carry out its statutory duties in regulating broadcast content and compliance with licence conditions.

In this case, we were particularly concerned that the breaches were repeated, despite assurances from the Licensee that the previous difficulties with its recording system had been resolved.

We are therefore putting 1 Ummah CIC on notice that Ofcom will be considering these breaches for the imposition of a statutory sanction.

Breaches of Licence Conditions 8(2)(a) and (b), in Part 2 of the Schedule to the community radio licence held by 1 Ummah FM Community Interest Company (licence number CR000214BA).

Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed 1 and 14 February 2016 and decided that the broadcaster or service provider did not breach Ofcom's codes, rules, licence conditions or other regulatory requirements.

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

Programme	Broadcaster	Transmission date	Categories
Advertising minutage	Sikh Channel	13/10/2015	Advertising minutage
Live NFL	Sky Sports 1	26/11/2015	Promotion of products and services

For more information about how Ofcom conducts investigations about content standards on television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 1 and 14 February 2016 because they did not raise issues warranting investigation.

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

For more information about how Ofcom assesses complaints about content standards on television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Bad Robots	4Music	08/02/2016	Under 18s in programmes	1
Top 20 Funniest	5*	04/02/2016	Animal welfare	1
Grant Francis	Access FM 104.2	28/01/2016	Generally accepted standards	1
BBC News	BBC 1	27/01/2016	Generally accepted standards	1
BBC News at Six	BBC 1	04/02/2016	Generally accepted standards	1
BBC News at Ten	BBC 1	02/02/2016	Under 18s in programmes	4
Call the Midwife	BBC 1	07/02/2016	Generally accepted standards	3
Dickensian	BBC 1	04/02/2016	Religious/Beliefs discrimination/offence	1
EastEnders	BBC 1	02/02/2016	Sexual material	3
EastEnders	BBC 1	09/02/2016	Violence and dangerous behaviour	1
Happy Valley	BBC 1	09/02/2016	Gender discrimination/offence	1
Inside Out	BBC 1	08/02/2016	Violence and dangerous behaviour	1
Mary Berry's Foolproof Cooking	BBC 1	30/01/2016	Materially misleading	1
Party Political Broadcast by the UK Independence Party	BBC 1	03/02/2016	Race discrimination/offence	39
Party Political Broadcast by the UK Independence Party	BBC 1/ITV	03/02/2016	Race discrimination/offence	1
Question Time	BBC 1	21/01/2016	Gender discrimination/offence	1
Regional News and Weather	BBC 1	28/01/2016	Due impartiality/bias	1
Room 101	BBC 1	04/02/2016	Generally accepted standards	1
The Voice UK	BBC 1	06/02/2016	Crime	1
This Week	BBC 1	28/01/2016	Race discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Tracey Ullman's Show	BBC 1	08/02/2016	Under 18s in programmes	1
War and Peace	BBC 1	31/01/2016	Nudity	3
Look East	BBC 1 (East)	04/02/2016	Generally accepted standards	1
Look North	BBC 1 (North East & Cumbria)	29/01/2016	Due accuracy	1
The Blame Game	BBC 1 (Northern Ireland)	30/12/2015	Materially misleading	1
Back in Time for the Weekend	BBC 2	09/02/2016	Generally accepted standards	2
Greece with Simon Reeve	BBC 2	08/02/2016	Offensive language	1
QI	BBC 2	05/02/2016	Race discrimination/offence	1
Real Steel	BBC 2	24/01/2016	Offensive language	2
The Real Marigold Hotel	BBC 2	26/01/2016	Animal welfare	1
The Real Marigold Hotel	BBC 2	30/01/2016	Animal welfare	1
Getaways	BBC 2 Northern Ireland	06/02/2016	Materially misleading	1
Russell Howard's Good News	BBC 3	08/01/2016	Generally accepted standards	1
Siblings	BBC 3	08/02/2016	Generally accepted standards	3
Troll Hunters	BBC 3	27/01/2016	Generally accepted standards	10
The Rap Show with Charlie Sloth	BBC Radio 1Xtra	18/01/2016	Gender discrimination/offence	1
BBC News	BBC Radio 2	12/09/2015	Scheduling	1
Ken Bruce	BBC Radio 2	08/02/2016	Offensive language	1
God of Carnage	BBC Radio 4	23/01/2016	Offensive language	1
The News Quiz	BBC Radio 4	16/01/2016	Generally accepted standards	1
The News Quiz	BBC Radio 4	29/01/2016	Offensive language	2
Today	BBC Radio 4	26/01/2016	Generally accepted standards	1
World at One	BBC Radio 4	05/02/2016	Generally accepted standards	1
Jonny Cole	Black Country Radio (Stourbridge)	01/02/2016	Generally accepted standards	1
Capital Breakfast with Rob & Katy	Capital FM (Birmingham)	02/02/2016	Scheduling	1
One to Watch competition	Capital FM (Scotland)	23/11/2015	Voting	1
The Dumping Ground	CBBC	03/02/2016	Generally accepted standards	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Footy Pups	CBeebies	30/01/2016	Race discrimination/offence	1
"True Colour TV" promotion	Channel 4	04/02/2016	Generally accepted standards	2
"True Colour TV" promotion	Channel 4	05/02/2016	Generally accepted standards	1
8 Out of 10 Cats Does Countdown	Channel 4	29/01/2016	Gender discrimination/offence	1
8 Out of 10 Cats Does Countdown	Channel 4	05/02/2016	Race discrimination/offence	1
Bernard Matthews' sponsorship of The Simpsons	Channel 4	Various	Sponsorship credits	1
Channel 4 News	Channel 4	15/01/2016	Due accuracy	1
Channel 4 News	Channel 4	02/02/2016	Due accuracy	1
Deutschland 83	Channel 4	31/01/2016	Animal welfare	1
Dispatches	Channel 4	08/02/2016	Generally accepted standards	1
Dispatches: Where's My Missing Mail	Channel 4	01/02/2016	Materially misleading	1
Dispatches: Where's My Missing Mail (trailer)	Channel 4	01/02/2016	Materially misleading	1
Four in a Bed	Channel 4	09/02/2016	Offensive language	1
Keeping Up with the Khans	Channel 4	04/02/2016	Race discrimination/offence	3
Knorr Stock Cubes' sponsorship of Come Dine with Me	Channel 4	Various	Sponsorship credits	1
Obsessed with My Body	Channel 4	02/02/2016	Race discrimination/offence	1
Samsung Home Appliance's sponsorship of Better Living on 4	Channel 4	27/01/2016	Sponsorship credits	1
Supershoppers	Channel 4	01/02/2016	Materially misleading	1
Supershoppers	Channel 4	02/02/2016	Materially misleading	1
Supershoppers	Channel 4	08/02/2016	Materially misleading	1
The Jump	Channel 4	31/01/2016	Gender discrimination/offence	2
The Jump	Channel 4	31/01/2016	Offensive language	2
The Jump	Channel 4	07/02/2016	Offensive language	1
The Jump	Channel 4	07/02/2016	Violence and dangerous behaviour	17
The Jump (trailer)	Channel 4	Various	Generally accepted standards	1
The Last Leg Goes Down Under	Channel 4	29/01/2016	Animal welfare	1
The Mad World of Donald Trump	Channel 4	26/01/2016	Due impartiality/bias	2
The Simpsons	Channel 4	09/02/2016	Scheduling	1
The Undateables	Channel 4	01/02/2016	Nudity	1
The Undateables	Channel 4	02/02/2016	Disability discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Walter Presents promotion	Channel 4	26/01/2016	Materially misleading	1
10,000 BC: Two Tribes	Channel 5	10/02/2016	Animal welfare	1
5 News Tonight	Channel 5	08/02/2016	Violence and dangerous behaviour	1
Ben Fogle: New Lives in the Wild	Channel 5	16/01/2016	Offensive language	1
Benefits Britain: Life on the Dole	Channel 5	18/08/2015	Generally accepted standards	1
Blue Streak	Channel 5	17/01/2016	Scheduling	1
Celebrity Big Brother	Channel 5	12/01/2016	Generally accepted standards	252
Celebrity Big Brother	Channel 5	12/01/2016	Race discrimination/offence	128
Celebrity Big Brother	Channel 5	14/01/2016	Competitions	1
Celebrity Big Brother	Channel 5	14/01/2016	Generally accepted standards	310
Celebrity Big Brother	Channel 5	15/01/2016	Offensive language	26
Celebrity Big Brother	Channel 5	17/01/2016	Generally accepted standards	1
Celebrity Big Brother	Channel 5	17/01/2016	Offensive language	40
Celebrity Big Brother	Channel 5	22/01/2016	Generally accepted standards	1
Celebrity Big Brother	Channel 5	22/01/2016	Nudity	1
Celebrity Big Brother	Channel 5	23/01/2016	Generally accepted standards	5
Celebrity Big Brother	Channel 5	26/01/2016	Generally accepted standards	3
Celebrity Big Brother	Channel 5	27/01/2016	Generally accepted standards	8
Celebrity Big Brother	Channel 5	28/01/2016	Generally accepted standards	26
Celebrity Big Brother	Channel 5	29/01/2016	Generally accepted standards	1
Celebrity Big Brother	Channel 5	29/01/2016	Voting	1
Celebrity Big Brother	Channel 5	30/01/2016	Generally accepted standards	1
Celebrity Big Brother	Channel 5	01/02/2016	Animal welfare	1
Celebrity Big Brother	Channel 5	01/02/2016	Gender discrimination/offence	1
Celebrity Big Brother	Channel 5	01/02/2016	Generally accepted standards	2
Celebrity Big Brother	Channel 5	01/02/2016	Race discrimination/offence	1
Celebrity Big Brother	Channel 5	01/02/2016	Religious/Beliefs discrimination/offence	2
Celebrity Big Brother	Channel 5	03/02/2016	Drugs, smoking, solvents or alcohol	1
Celebrity Big Brother	Channel 5	04/02/2016	Generally accepted standards	1
Celebrity Big Brother	Channel 5	05/02/2016	Race discrimination/offence	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Celebrity Big Brother	Channel 5	05/02/2016	Voting	5
Celebrity Big Brother	Channel 5	06/02/2016	Gender discrimination/offence	1
Celebrity Big Brother	Channel 5	06/02/2016	Generally accepted standards	1
Celebrity Big Brother's Bit on the Side	Channel 5	01/02/2016	Gender discrimination/offence	1
GPs: Behind Closed Doors	Channel 5	03/02/2016	Materially misleading	1
Little Nicky	Channel 5	07/02/2016	Scheduling	3
The Great British Benefits Handout	Channel 5	09/02/2016	Materially misleading	1
The Wright Stuff	Channel 5	05/02/2016	Generally accepted standards	2
Toddlers Make You Laugh Out Loud	Channel 5	29/01/2016	Scheduling	1
Toddlers Make You Laugh Out Loud	Channel 5	29/01/2016	Under 18s in programmes	1
10,000 BC: Two Tribes	Channel 5 + 24	11/02/2016	Animal welfare	1
Friends	Comedy Central	28/01/2016	Offensive language	1
Halfords' sponsorship of Motoring on Dave	Dave	20/01/2016	Sponsorship	1
Halfords' sponsorship of Motoring on Dave	Dave	24/01/2016	Sponsorship	2
Halfords' sponsorship of Motoring on Dave	Dave	Various	Sponsorship	1
Just Jillian (trailer)	E!	02/02/2016	Generally accepted standards	1
Alien League (trailer)	E4	06/02/2016	Generally accepted standards	1
My Family	Gold	21/01/2016	Drugs, smoking, solvents or alcohol	1
James and Becky	Heart FM	08/02/2016	Generally accepted standards	1
21 Girls with Bodies to Die For!	Heat TV	03/02/2016	Gender discrimination/offence	1
Benidorm	ITV	01/02/2016	Generally accepted standards	6
Beowulf: Return to the Shieldlands	ITV	31/01/2016	Violence and dangerous behaviour	1
Comparethemarket.com's sponsorship of Coronation Street	ITV	27/01/2016	Sponsorship credits	1
Coronation Street	ITV	29/01/2016	Materially misleading	1
Coronation Street	ITV	10/02/2016	Materially misleading	1
Emmerdale	ITV	03/02/2016	Scheduling	6
Emmerdale	ITV	04/02/2016	Sexual orientation discrimination/offence	1
Emmerdale	ITV	05/02/2016	Scheduling	3
Emmerdale	ITV	08/02/2016	Scheduling	3
Emmerdale	ITV	09/02/2016	Generally accepted standards	5

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Emmerdale	ITV	10/02/2016	Offensive language	1
Emmerdale	ITV	11/02/2016	Violence and dangerous behaviour	4
Endeavour	ITV	10/01/2016	Religious/Beliefs discrimination/offence	1
Good Morning Britain	ITV	01/02/2016	Flashing images/risk to viewers who have PSE	1
Good Morning Britain	ITV	02/02/2016	Due impartiality/bias	2
Good Morning Britain	ITV	08/02/2016	Violence and dangerous behaviour	2
Green Flag's sponsorship of ITV Weather	ITV	Various	Sponsorship credits	1
ITV News at Ten and Weather	ITV	22/01/2016	Due accuracy	1
ITV News at Ten and Weather	ITV	04/02/2016	Materially misleading	1
ITV News at Ten and Weather	ITV	10/02/2016	Generally accepted standards	1
Judge Rinder	ITV	09/02/2016	Race discrimination/offence	1
Loose Women	ITV	05/02/2016	Offensive language	1
Lorraine	ITV	01/02/2016	Scheduling	1
McCain's sponsorship of Emmerdale	ITV	29/01/2016	Sponsorship credits	1
McCain's sponsorship of Emmerdale	ITV	08/02/2016	Sponsorship credits	2
Midsomer Murders	ITV	10/02/2016	Scheduling	1
Party Political Broadcast by the UK Independence Party	ITV	03/02/2016	Race discrimination/offence	15
Sugar Free Farm	ITV	26/01/2016	Due impartiality/bias	1
Sugar Free Farm	ITV	26/01/2016	Generally accepted standards	1
Sugar Free Farm	ITV	26/01/2016	Offensive language	2
Sugar Free Farm	ITV	02/02/2016	Materially misleading	1
Sugar Free Farm	ITV	02/02/2016	Offensive language	1
The Chase	ITV	29/01/2016	Generally accepted standards	1
The Jeremy Kyle Show	ITV	29/01/2016	Generally accepted standards	3
The Jeremy Kyle Show	ITV	11/02/2016	Sexual orientation discrimination/offence	1
The Jonathan Ross Show	ITV	30/01/2016	Generally accepted standards	6
The Keith Lemon Sketch Show	ITV	04/02/2016	Generally accepted standards	1
The Keith Lemon Sketch Show (trailer)	ITV	30/01/2016	Scheduling	1
The Keith Lemon Sketch Show (trailer)	ITV	04/02/2016	Scheduling	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Kyle Files	ITV	02/02/2016	Materially misleading	1
This Morning	ITV	03/02/2016	Scheduling	1
This Morning	ITV	04/02/2016	Scheduling	1
Vera (trailer)	ITV	03/02/2016	Generally accepted standards	1
You've Been Framed!	ITV	06/02/2016	Scheduling	2
Emmerdale	ITV2	05/02/2016	Generally accepted standards	1
The Keith Lemon Sketch Show	ITV2	04/02/2016	Generally accepted standards	1
The Keith Lemon Sketch Show	ITV2	06/02/2016	Generally accepted standards	1
The Keith Lemon Sketch Show (trailer)	ITV2	03/02/2016	Scheduling	1
Midsomer Murders	ITV3	06/02/2016	Religious/Beliefs discrimination/offence	1
Advertisements	ITV4	30/12/2015	Advertising scheduling	1
The Classic Car Show	ITV4	28/01/2016	Offensive language	1
Nick Ferrari	LBC 97.3FM	Various	Due impartiality/bias	1
Shelagh Fogarty	LBC 97.3FM	04/02/2016	Race discrimination/offence	1
London Live News	London Live	28/12/2015	Offensive language	1
Father Ted	More4	06/02/2016	Offensive language	1
Celebrity Big Brother (trailer)	MTV	17/01/2016	Generally accepted standards	1
Sexcetera	Pick	02/02/2016	Gender discrimination/offence	1
Vodafone's sponsorship of The Big Top 40	Planet Rock	Various	Commercial communications on radio	1
PTC Xclusive	PTC Punjabi	05/01/2016	Violence and dangerous behaviour	1
Programming	Rinse FM	Various	Race discrimination/offence	1
Sky News	Sky News	02/02/2016	Race discrimination/offence	1
Sunrise	Sky News	29/01/2016	Due impartiality/bias	1
Live Ford Super Sunday	Sky Sports 1	24/01/2016	Race discrimination/offence	1
ICC Cricket Under 19 World Cup	Sky Sports 2	11/02/2016	Advertising scheduling	1
Live Test Cricket	Sky Sports 2	26/01/2016	Offensive language	1
Sky Sports Today	Sky Sports News	04/02/2016	Due impartiality/bias	1
A League of Their Own	Sky1	21/01/2016	Race discrimination/offence	1
Kick Off	Talksport	28/01/2016	Offensive language	1
Programming	Trax FM	Various	Materially misleading	1
Diana - Last Days Of A Princess	True Entertainment	02/02/2016	Offensive language	1
The Cinderella Pact	TV3	03/01/2016	Generally accepted standards	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
ITV News at Ten and Weather	UTV	09/02/2016	Due accuracy	1
HM Government advertisement for The National Living Wage	Various	Various	Political advertising	10
Subtitling	Various	Various	Television Access Services	1
Masterchef USA (trailer)	Watch	21/01/2016	Animal welfare	1

Complaints outside of remit

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

For more information about what Ofcom's rules cover, go to:

<http://consumers.ofcom.org.uk/complain/tv-and-radio-complaints/what-does-ofcom-cover/>

Complaints about television or radio programmes

For more information about how Ofcom assesses complaints about television and radio programmes, go to:

<http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Happy Valley	BBC 1	09/02/2016	Outside of remit / other	1
This Week	BBC 1	04/02/2016	Promotion of products/services	1
War and Peace	BBC 1	07/02/2016	Outside of remit / other	1
Sea Cities	BBC 2	05/02/2016	Due accuracy	1
World War Three: Inside the War Room	BBC 2	03/02/2016	Due impartiality/bias	2
The News Hour	BBC Radio Cumbria	04/02/2016	Due accuracy	1
BBC London News	BBC1	10/02/2016	Outside of remit / other	1
Advertisement	BT Sport 1	31/01/2016	Advertising content	1
Advertisement	Channel 4	31/01/2016	Advertising content	1
Advertisement	Channel 4	07/02/2016	Advertising content	1
Party Political Broadcast by the UK Independence Party	Channel 4	03/02/2016	Outside of remit / other	1
Advertisement	Channel 5	04/02/2016	Advertising content	1
Advertisement	Channel 5	07/02/2016	Advertising content	1
Benefits: Can't Work, Won't Work	Channel 5	06/02/2016	Outside of remit / other	1
The Great British Benefits Handout	Channel 5	09/02/2016	Outside of remit / other	2
Advertisement	Discovery	31/01/2016	Advertising content	1
Porridge	Gold	30/01/2016	Outside of remit / other	1
Advertisement	ITV	29/01/2016	Advertising content	2
Advertisement	ITV	30/01/2016	Advertising content	1
Advertisement	ITV	05/02/2016	Advertising content	2

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Advertisement	ITV	06/02/2016	Advertising content	1
Advertisement	ITV	07/02/2016	Advertising content	1
Coronation Street	ITV	29/01/2016	Outside of remit / other	1
Coronation Street	ITV	Various	Outside of remit / other	1
ITV News London	ITV London	31/01/2016	Outside of remit / other	1
Rugby	ITV	07/02/2016	Outside of remit / other	1
The Mummy Returns	ITV2	06/02/2016	Outside of remit / other	1
Advertisement	ITV3	05/02/2016	Advertising content	1
Advertisement	ITV4	06/02/2016	Advertising content	1
Advertisement	ITVBe	29/01/2016	Advertising content	1
Advertisement	Various	29/01/2016	Advertising content	1
Advertisement	Various	05/02/2016	Advertising content	1
Advertisement	Various	Various	Advertising content	2

Complaints about on demand services

Programme	Service name	Accessed date	Categories	Number of complaints
Content	Balls for Kicking (clips4sale)	n/a	Prohibited material / notification	1
Content	More Balls to Kick (clips4sale)	n/a	Prohibited material / notification	1
Peppa Pig	Netflix	17/01/2016	Materially misleading	1
Content	Sit and Smother (clips4sale)	n/a	Prohibited material / notification	1
Content	Uniformed Women in Control (clips4sale)	n/a	Prohibited material / notification	1
Content	Women Rule (clips4sale)	n/a	Prohibited material / notification	1
Content	Womens World (clips4sale)	n/a	Prohibited material / notification	1

For more information about how Ofcom assesses complaints about on demand services, go to: http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/interim_procedures.pdf

Investigations List

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

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

Here are alphabetical lists of new investigations launched between 1 and 14 February 2016

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

Programme	Broadcaster	Transmission date
Saas Bahu Aur Beti	Aaj Tak	Various
Various	ABS-CBN Europe	Various
Panorama	BBC 1	11 January 2016
Channel 4 News	Channel 4	6 January 2016
Advertising minutage	Channel i	23 December 2015
Programme sponsorship	Channel i	Various
WTCC	Eurosport Danmark	Various
Programming	Flava	16 January 2016
Jeremy Kyle Show	ITV	18 January 2016
Punjab Crisis	Sikh Channel	4 November 2015
Sky News	Sky News	8 January 2016
Sky News with Colin Brazier	Sky News	27 January 2016
WWE Live (promotion)	Sky Sports 3	7 November 2015
Various	Sony Max	Various

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to: <http://stakeholders.ofcom.org.uk/broadcasting/procedures/standards/>

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

Programme	Broadcaster	Transmission date
ITV London News	ITV	2 November 2015
Channel 4 News	Channel 4	6 January 2016