

# **Ofcom Broadcast and On Demand Bulletin**

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## 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 objectives<sup>1</sup>. 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 Act<sup>2</sup>. 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 advertising<sup>3</sup>.
- 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

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<sup>1</sup> The relevant legislation is set out in detail in Annex 1 of the Code.

<sup>2</sup> The relevant legislation can be found at Part 4A of the Act.

<sup>3</sup> 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.**

## Notice of Sanction

### Urs Nehrian

Noor TV, 17 November 2015, 21:00

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#### Introduction

Noor TV is a digital satellite television channel broadcasting religious and other programming in Urdu from an Islamic perspective to audiences in the UK and internationally.

The licence for Noor TV is held by Mohiuddin Digital Television Limited (“MDT” or “the Licensee”).

This sanction relates to the second instalment of a series of four programmes which had been recorded at the Urs Nehrian festival in Pakistan in June 2015.

#### Summary of Decision

In its decision published on 9 May 2016 in issue 304<sup>1</sup> of the Broadcast and On Demand Bulletin, Ofcom found for the reasons summarised below that the programme contained potentially harmful and/or offensive material, and that the offensive material was not justified by the context.

The programme featured a number of religious scholars and preachers addressing an assembled congregation with short sermons, homilies and poetic verses. One of the speakers made a number of remarks about Jewish people. The speaker recounted a parable that lauded the killing of a Jewish trader as an example of the devotion and obedience of a disciple to the Prophet Muhammad. The speaker on several occasions appeared to condone the killing of the Jewish trader. In Ofcom’s view, the speaker’s clear statements that religious obedience within the Islamic faith could be demonstrated through murder of a Jewish person had the potential to be interpreted as anti-Semitism, and a form of hate speech. Ofcom considered that condoning the murder of Jewish people created a serious risk of harm to viewers, would have exceeded viewers’ expectations and was clearly capable of causing offence.

Ofcom found that the two programmes breached Rules 2.1 and 2.3 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...”.

In accordance with Ofcom’s penalty guidelines, Ofcom decided that it was appropriate and proportionate in the circumstances to impose a financial penalty of **£75,000** on the Licensee in respect of these serious Code breaches (payable to HM

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<sup>1</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0035/49796/issue\\_304.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0035/49796/issue_304.pdf)

Paymaster General). In addition, MDT should broadcast a statement of Ofcom's findings in this case, on a date and time to be determined by Ofcom.

The full decision is available at:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/96124/Noor-TV.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/96124/Noor-TV.pdf)

## Broadcast Standards cases

### In Breach

#### Tell Me Another

*Talking Pictures TV, 24 August 2016, 19:00*

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#### Introduction

Talking Pictures TV is an entertainment channel broadcasting classic films and archive programmes. The channel is owned and operated by Talking Pictures TV Ltd (“Talking Pictures” or “the Licensee”).

*Tell Me Another* was a talk show originally broadcast between 1976 and 1979 in which stars of the 1960s and 70s recalled personal anecdotes of their experiences in show business.

A complainant alerted Ofcom to the use of the word “coon”, which they found offensive.

The word featured in an anecdote told by the comedian and singer Joan Turner when describing her first professional appearance on stage at the age of 14 in a theatre in east London in 1937. She described how the dancing girls in the troupe used to tan their legs: *“in those days the girls didn’t wear tights...they used to make their legs up with what they call ‘wet white’, but it was actually brown”*. She told how, because her legs were cold and very pale, she borrowed “wet white” from a dancer and used it to darken her legs and face. Her booking agent however responded by saying, *“Take that bloody stuff off. You look like a bloody chocolate coloured coon – put that on again, you’re not coming on!”*.

We considered the material raised issues warranting investigation under Rules 1.14 and 2.3 of the Code, which state:

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

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)”.

We therefore asked Talking Pictures TV for its comments as to how this content complied with these rules.

#### Response

In its initial comments the Licensee said that it was “extremely saddened by the complaint as we never wish to offend any viewers” and apologised for any offence caused. It stated that its viewers are well versed in the channel’s schedule of classic archive drama and entertainment programming. The Licensee added that the Electronic Programme Guide (“EPG”) information on this particular series informed viewers of the year it was produced. It considered that viewers would therefore have expected anecdotes to reflect attitudes from that period.

The Licensee said that the word complained about occurred in an episode originally broadcast in ITV regions at 18:30 in 1978 and later. It said “while we don’t wish to defend the use of the term ‘coon’, we recognise that this was part of the lexicon of the era when the series was first broadcast”. Talking Pictures did not seek to justify the use of the term on the basis that it was said in a programme broadcast in the late 1970s, but given the above factors, it argued that the mature demographic of viewers would have made allowance for and understood the use of the term “coon” in context of an anecdote from 1937 being relayed in a 1970s chat show.

Talking Pictures later commented in detail on Ofcom's Preliminary View (that in the circumstances of this case “coon” was an example of the most offensive language and there were breaches of Rules 1.14 and 2.3). The Licensee argued in summary that Ofcom was “taking a disproportionate view in this case and not judging the offending term in the historic context in which it was originally made in 1937” and requested Ofcom to “resolve this case”.

The Licensee pointed out that the word “coon” was included for the first time only in Ofcom research on offensive language published on 30 September 2016<sup>1</sup> - a date after the episode of *Tell Me Another* was broadcast. Previous Ofcom research, including that of 2010<sup>2</sup> did not assess the word “coon”.

It stated that while the research of 2010 assessed racially derogatory terms including chink, nigger, and paki, and the 2016 research assessed 20 new words in the category of discriminatory language, including several racially derogatory terms to the black community, only one word, “nigger” was assessed in 2010.

The Licensee did not deny that the word “coon” is offensive, but considered it was “unfair to apply the 2016 language research findings retrospectively when little published evidence in terms of Ofcom research was available to licensees in August 2016”. It therefore questioned whether the use of “coon” in this particular case should be categorised as “the most offensive language” under Rule 1.14, or “offensive language” under Rule 1.16 of the Code.

Talking Pictures pointed to the fact that Ofcom, in analysing in the Preliminary View whether “coon” was in this case an example of the most offensive language, had taken account of context. Talking Pictures suggested that because Rule 1.16 specifically refers to context (the rule states that “Offensive language must not be broadcast before the watershed unless it is justified by the context”), Ofcom should investigate this case under Rule 1.16, not Rule 1.14.

In assessing the word “coon” in the context of this programme, the Licensee argued that Ofcom did not take sufficient account “of the perceived intent” when the offensive language was used and of the “genre of the programme”. It pointed out that Ofcom referred to these factors in its 2016 offensive language research.

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<sup>1</sup> Attitudes to potentially offensive language and gestures on TV and radio, September 2016. See page 12 of the Quick Reference Guide:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0023/91625/OfcomQRG-AOC.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0023/91625/OfcomQRG-AOC.pdf)

See also the main report:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/91624/OfcomOffensiveLanguage.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf)

<sup>2</sup> Audience attitudes towards offensive language on television and radio, August 2010. See pages 106 to 109: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0017/27260/offensive-lang.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0017/27260/offensive-lang.pdf)



It said that the genre of the show was comedy entertainment where guests were invited to recount funny anecdotes, and Joan Turner's story was clearly delivered for comic effect. The comment was made in reaction to a young girl's disastrous attempt to use fake tan for her first stage show, and showed ignorance on the part of the booking agent but, when viewed in context, it was not used as a racial slur. Talking Pictures underlined that the term was not directed at anyone or used in an aggressive manner.

Talking Pictures said also that the Ofcom 2016 research stated that: "participants gave specialist channels and programmes unlikely to appeal to children some leeway before the watershed... [more than] programmes targeting children or broadcast on mainstream channels". The Licensee said that Talking Pictures TV is a specialist channel targeting fans of classic programming and not aimed at younger audiences or children. It referred to viewing figures indicating that children represented less than 1% of Talking Picture TV's audience around the time of broadcast, and that this reflected typical low child audiences for the channel. It said that audience analysis also indicated that the core of viewers in the weeks around the broadcast were aged between 60 and 70 years old.

Talking Pictures said it takes "compliance very seriously and understands that television content is not, and shouldn't be, judged by the same standards now as it was" in the past. It pointed out that many of its titles had "warning boards scheduled before the start which warn viewers of violence, offensive and discriminatory language and nudity". It said it had also taken steps in the past to bleep or dip audio when offensive language has been used.

Talking Pictures said as a result of this case it had stopped broadcasts of this particular episode of *Tell Me Another*, and also reviewed the whole series against Ofcom's 2016 offensive language research, to ensure it contained no language that raised concerns. It said it had also increased the frequency of warnings before archive movies and TV shows to forewarn viewers of outdated language.

## **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.

### Rule 1.14

Rule 1.14 states that the most offensive language must not be broadcast before the watershed.

Ofcom's 2010 research on offensive language did not specifically assess public attitudes to the word "coon". It did however, as the Licensee stated, research other racially discriminatory terms such as "nigger" and "paki", and found participants felt such language was amongst the "strongest, most discriminatory words discussed".<sup>3</sup> Ofcom's September 2016 research, however, did research the term "coon", and

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<sup>3</sup> Audience attitudes towards offensive language on television and radio, August 2010. See pages 106 to 109: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0017/27260/offensive-lang.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0017/27260/offensive-lang.pdf)

concluded that participants regarded it as an example of the “strongest language, highly unacceptable without strong contextualisation. Seen as derogatory to black people”.<sup>4</sup>

In light of the 2010 Ofcom research and evidence of the evolution of generally accepted standards regarding discriminatory language in the UK, Ofcom was of the view that broadcasters should have been aware before September 2016 that the word “coon” was racist and capable of being highly offensive. Given the variety and development of language, for Ofcom to regulate generally accepted standards it is not necessary for specific potentially offensive language to have featured in Ofcom research for us to decide that a particular term is either “offensive language” under Rule 1.16, or the “most offensive language” under Rule 1.14.

To determine whether in this case the use of the word “coon” was an example of the most offensive language, Ofcom did not (as suggested by the Licensee) apply the findings of the September 2016 offensive language research on the word “coon”. We took account of: the overall findings of both the 2010 and 2016 research about racist and discriminatory language (see above); the factors viewers consider when evaluating the potential offensiveness of such language; and, the overall context in which it was broadcast.

Ofcom noted the Licensee’s comments that the word was included in an archive programme dating from 1978 and that viewers may have taken account of this. They may also have had regard to the fact Joan Turner was relating an anecdote which took place at the time of her childhood in 1937. As Ofcom research has shown, however, UK audiences today regard racist language of this nature as highly unacceptable, and therefore expect strong contextualisation if it is to comply with the Code.

In our view it was not the interviewee’s intention to be discriminatory towards an ethnic minority or to cause offence. However, we considered that the use of the phrase “*bloody chocolate coloured coon*” clearly conveyed a negative reaction by the booking agent to Ms Turner’s skin colour. Even though the phrase was not directed at anyone from an ethnic minority or used in an aggressive manner, it also would have been likely to have been seen by viewers as conveying a discriminatory and racist attitude on the part of the booking agent. These factors, in our view, would have been likely to increase the potential level of offence and on balance made the use of these words inconsistent with viewers’ expectations for this programme on this channel at this time, and particularly for any who may have come across this material unawares.

We acknowledged that the language was broadcast in the context of a comedy entertainment programme made in the 1970s which contained what was intended to be a comic anecdote about comments made in 1937. However, this offensive language (as acknowledged by the Licensee) was broadcast to viewers with no warning beforehand alerting them to potentially offensive language, and without any editorial voice, commentary or other context to mitigate sufficiently the potential offence. We did not consider the fact that the programme had been made many

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<sup>4</sup> Attitudes to potentially offensive language and gestures on TV and radio, September 2016. See page 12 of the Quick Reference Guide:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0023/91625/OfcomQRG-AOC.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0023/91625/OfcomQRG-AOC.pdf)

See also the main report:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/91624/OfcomOffensiveLanguage.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/91624/OfcomOffensiveLanguage.pdf)

years previously or that the anecdote referred to an earlier era, when attitudes were different, provided sufficient context in this case. In particular, we took into account that this programme was broadcast before the watershed with a potential for children to be in the viewing audience, who would not necessarily have been aware of historical differences in attitudes to offensive language.

Given all these factors, in this case we considered the word “coon” was an example of the most offensive language broadcast before the watershed in breach of Rule 1.14.

### Rule 2.3

Rule 2.3 requires broadcasters to ensure that the broadcast of potentially offensive material must be justified by the context. Context includes for example: the editorial content of the programme; the service on which it is broadcast; the time of broadcast; and, the likely size and composition of the potential audience and the likely expectation of the audience.

For the reasons set out above under Rule 1.14, the use of the phrase “*bloody chocolate coloured coon*” was clearly capable of causing offence.

Ofcom acknowledges that there are some circumstances when the inclusion of racially offensive language may be justified by the context of the broadcast. On this occasion, we have acknowledged that viewers, particularly those familiar with the service, would have had some knowledge of the archive nature of this programme, and, through the EPG, of its original date.

However, we also took account of the circumstances outlined above under Rule 1.14. In particular, we had regard to Ofcom’s research which showed clearly that the use of a racist word like “coon” requires strong justification, and that the phrase “*bloody chocolate coloured coon*” clearly conveyed a racist attitude on the part of the booking agent. These factors were likely to have increased the potential degree of offence and on balance made the use of these words on this channel in this programme broadcast at this time inconsistent with viewer expectations, particularly for any who may have come across this material unawares. Also, this offensive language was broadcast to viewers with no warning beforehand, and without any editorial voice, commentary or other context to mitigate sufficiently the potential offence. Given all these factors, in our view the use of the phrase “*bloody chocolate coloured coon*” was not justified by the context and also breached Rule 2.3.

We took into account the various points put forward by Talking Pictures in mitigation, including that: it had stopped broadcasting this particular episode; it had checked all other episodes of the *Tell Me Another* series for offensive language; and, would broadcast warnings about outdated potentially offensive language more frequently before its archive programming.

We did not consider however that these factors were sufficient to merit resolving this matter.

### **Breaches of Rules 1.14 and 2.3**

## In Breach

### Trigger Happy TV

*London Live, 3 September 2016, 06:00 to 08:00*

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#### Introduction

London Live is a local television channel for the Greater London area. The licence for the service is held by ESTV Limited (“ESTV” or “the Licensee”).

*Trigger Happy TV* is a hidden camera prank show first broadcast on Channel 4 between 2000 and 2003. On Saturday 3 September 2016, London Live broadcast four episodes of the series consecutively between 06:00 and 08:00. Ofcom received a complaint from a viewer that these programmes contained material that was unsuitable for children.

The programmes included three sequences that featured two people dressed in rabbit costumes simulating sex. Each sequence took place in a different public location, with members of the public looking on. They were broadcast at 06:21, 07:40 and 07:52 and were each between ten and 15 seconds in duration.

There were also two sequences in which people dressed in dog costumes appeared to commit violent acts. The first (broadcast at 06:24) was filmed in a pool hall and showed the attacker smashing a chair over the head of his victim. He then struck his victim four times with a pool cue, also on his head. The victim fell to the floor during the attack, as if he had been knocked unconscious. The attacker then walked away. The sequence was shown in slow motion and had a duration of approximately 40 seconds.

The second violent scene (broadcast at 06:54) featured the same characters and took place in a narrow street. This time, the attacker hit his victim over the head with a truncheon, seemingly knocking him unconscious. The attacker then struck his prostrate victim two more times on the upper half of his body before running away. This 45-second sequence, also shown in slow-motion, concluded with a bystander walking over to the victim to check on his condition.

We considered that this material raised issues warranting investigation under the following rule of the Code:

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

We therefore sought comments from the Licensee as to how the material complied with this rule.

#### Response

The Licensee expressed “regret that a viewer has been offended by the time slot in which the Programme was broadcast” and it agreed “that the content in question is unsuitable for broadcast at the time of day in which it aired”.

The Licensee said that, following an internal investigation, it had discovered that when the channel launched in 2014, it had outsourced “compliance screening,

editing and certification” for several programmes including *Trigger Happy TV*. The Licensee told Ofcom that “although the compliance viewer had noted the schedule-sensitive scenes [in *Trigger Happy TV*], they unfortunately neglected to remove said scenes” from the pre-watershed versions of these programmes. ESTV “acknowledge[d] this oversight and apologise[d] for this error”.

The Licensee said that in response to Ofcom's investigation it had removed the series from its pre-watershed schedule until all episodes had been reviewed by its in-house compliance team. ESTV also advised Ofcom that it no longer outsources any compliance screening and all acquired content is now reviewed by its internal compliance team prior to broadcast.

## Decision

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

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; and, likely audience expectations.

We first assessed whether the programmes included material unsuitable for children.

As noted under Introduction, the episodes contained three sequences featuring people dressed in rabbit costumes simulating sex in various public locations, with members of the public looking on. While the scenes were brief (between ten and 15 seconds in duration), each unambiguously showed simulated sex.

We noted that the tone of the simulated sex scenes (and the programmes overall) was comedic and the use of animal costumes resulted in a surreal juxtaposition between the appearance of the characters and the sexual acts being depicted, and the reactions of members of the public. However, given that the characters were clearly simulating sex, we did not consider that the humorous and surreal tone materially lessened the scenes' unsuitability for children.

With respect to the two sequences of violence, we considered that adult viewers would have understood the violence was simulated. However, in our view both scenes depicted a somewhat brutal and realistic violent act that appeared to result in the victim being left unconscious (and also causing concern to a bystander in the second case). Therefore, we considered that both were capable of causing distress to some (especially younger) children.

For these reasons, we considered that these programmes did contain material unsuitable for children.

We went on to assess whether the content was appropriately scheduled. London Live is a local television service that is not aimed at children and *Trigger Happy TV* was not a series.

that would have particular appeal to child viewers. However, these programmes were broadcast between 06:00 and 08:00 on a Saturday morning – a time when the

channel was likely to attract a broad audience, which could have included children, some of whom could have been unsupervised.

As noted above, the overall tone of the programmes was light-hearted and comedic, and the characters were all wearing animal costumes. However, three sequences clearly featured these characters simulating sex, while the two sequences of violence were relatively brutal in tone. Overall in our view these sequences were not consistent with likely audience expectations of material broadcast on a local television service early on a Saturday morning. We also took into account that, when first broadcast in the UK, this series was scheduled to be shown after the 21:00 watershed. For all these reasons we considered that the programmes were not appropriately scheduled.

We recognised that the Licensee acknowledged that this material was “unsuitable for broadcast the time of day in which it aired” and apologised for the compliance error that resulted in this incident. However, our Preliminary View was that the broadcast of this material on a Saturday morning breached Rule 1.3.

### **Breach of Rule 1.3**

## In Breach

### Kajal

*Lyca Dil Se 1035, 28 July 2016, 19:00*

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#### Introduction

Lyca Dil Se 1035 is a commercial radio station providing an interactive speech-based service for the over 35s in Greater London's various Asian communities. The licence for Lyca Dil Se 1035 is held by Lyca Media II Limited ("Lyca Media" or "the Licensee").

A complainant alerted Ofcom to a competition run in the evening show, *Kajal*. Shortly after 21:00, the presenter invited listeners to call a standard rate landline number for a chance to win tickets to attend a 'Giggle and Give' charity event in Watford, which featured various comedians, including Paul Chowdhry. The presenter asked listeners to provide the answer to the following question:

*"What's Paul Chowdhry's real name?"*

After playing a music track, she said:

*"...Now, I'm going to change the competition a little bit. I thought that the question I asked was too easy and I think I'm going to make it a little bit harder tonight, so what I've decided to do is, I've decided to play a song".*

She then said that she was going to play "a remix version of a Bollywood track", after which she asked listeners to answer the following question:

*"What film is this Bollywood track from?"*

Ofcom considered the broadcast competition warranted investigation under Rule 2.13 of the Code, which states:

*"Broadcast competitions...must be conducted fairly".*

We therefore sought Lyca Media's view on how the broadcast competition complied with this rule.

#### Response

Lyca Media said it did not consider the competition had been conducted unfairly. It said that "the presenter had 'stacked' calls ready to go to air" and added that, "before any callers were put to air the presenter was informed by management that the question [she had broadcast] was flawed and she should re-run the competition". Lyca Media said that "no callers were taken to air and the competition was not formally entered by any individual", adding that it "regret[ted] having changed the question but this was explained to listeners".

The Licensee said that "this incident [had] highlighted the need to examine [its] procedures", adding that it was now "undertaking a full review of competition practice and consequent training...".

In response to Ofcom's Preliminary View, the Licensee accepted that after the competition question was asked, and listeners were invited to answer it, the question should not have subsequently been changed. It said that the studio phone-in number was on a non-premium landline and that its presenters and producers were reminded of the "importance of better diligence and approval process".

## **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 certain standards objectives, one of which is "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 is reflected in, among other things, Rule 2.13, which requires that broadcast competitions are conducted fairly.

In telling the presenter she "should re-run the competition", Lyca Media appeared to consider that one competition would end and a subsequent competition begin, when the question provided to listeners was replaced. Although there may be circumstances when a broadcaster can legitimately abort a phone-in competition – when it has received no entries, for example – Ofcom does not consider the change of question in this instance was a valid mechanism by which to close the competition and start a new one.

The competition commenced when the presenter first posed the original question for listeners to answer (i.e: "*What's Paul Chowdhry's real name?*") and asked them to call the station for a chance to win tickets to attend a 'Giggle and Give' charity event. In Ofcom's view, the competition did not then end until the prize was won. After the presenter first solicited interaction from listeners, potential entrants responded by calling the station and being held electronically for a chance to participate on air. As the question was subsequently changed, these listeners were disadvantaged, as they then had no chance of entering or winning the competition on the basis upon which they had responded to the presenter's invitation to participate.

Our Decision was therefore that the broadcast competition was conducted unfairly, in breach of Rule 2.13 of the Code.

## **Breach of Rule 2.13**



## In Breach

### Father Spitzer's Universe

EWTN, 11 August 2016, 06:00

### At Home with Jim and Joy

EWTN, 11 August 2016, 19:00

### EWTN Bookmark

EWTN, 11 August 2016, 22:30

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#### Introduction

EWTN is a religious channel broadcasting from a Catholic perspective in English and other European languages. The Licensee of EWTN is Eternal World Television Network Inc. ("EWTNI" or "the Licensee").

During routine monitoring, Ofcom noted the following programmes:

#### *Father Spitzer's Universe*

During this one-hour programme the presenter discusses with Father Spitzer a wide range of subjects, such as faith, suffering and the existence of God. At various points in the episode broadcast at 06:00 on 11 August 2016, the presenter referred to specific religious publications, informing viewers how to obtain them. These commercial references included:

- *"Don't forget, so much of the information featured on our programme is not only available through EWTN's website, but also the Magis Center website – Magis Center one word – dot com, where all Father Spitzer's materials and information can be found. And as we talk to Father Spitzer momentarily, I want to remind everybody of the book that has been very popular this summer: 'Mother Angelica's Answers, Not Promises'. This is a new edition – all new soft cover edition – with a forward by our own Chaplain, Father Joseph Mary Wolf MFVA – a wonderful priest here at EWTN – 'Straightforward Solutions to Life's Puzzling Problems'. So, Mother had her own take on some puzzling problems in 'Answers Not Promises', ewtnrc.com. Thinking of problems, with some answers we join Father Spitzer at our West Coast studios in Orange County, California...".*

At relevant points during the above, the following corresponding visual material was also shown:

*"The Magis Center magiscenter.com" and "Mather Angelica's Answers, Not Promises item #80046 ewtnrc.com 1-800-854-6313", with a photograph of the book's cover.*

*"This is also the part of the show where I get to hawk the host's book, and it's 'God So Loved the World – clues to our transcended destiny from the Revelation of Jesus'. This is Father Robert Spitzer's latest book. We'll have the honour of being with him at the end of the month. Then we'll be doing a whole show on this particular work, 'Go So Loved the World'. So he's got some other wonderful books about finding true happiness – check them out on ewtnrc.com...".*

During the above, the following visual material was shown, with a photograph of the book's cover:

*“God So Loved The World item #40363 ewtnrc.com 1-800-854-6313”.*

The following publications by Father Spitzer were similarly referenced in the programme:

- ‘Finding True Happiness’;
- ‘The Soul’s Upward Yearning’;
- ‘New Proofs for the Existence of God’;
- ‘Healing the Culture’;
- ‘Ten Universal Principles: A Brief Philosophy of the Life Issue’;
- ‘Five Pillars of the Spiritual Life: A Practical Guide to Prayer for Active People’;  
and
- ‘The Spirit of Leadership’.

#### *At Home with Jim and Joy*

In this one-hour programme, the presenters discussed religious matters with various studio guests. The principal guest in the episode broadcast at 19:00 on 11 August 2016 was the opera singer, Bárbara Padilla, who discussed her faith and how it helped with her fight against cancer. The programme featured recordings of her performing. At various points during the programme her web address, *“BarbaraPadilla.com”*, appeared a number of times near the bottom of the screen. On three occasions it was shown for well over two minutes. Towards the end of the programme one of the presenters held to camera a copy of the singer’s CD, ‘Bárbara Padilla’, saying:

*“...but if you would like more of Bárbara Padilla, you can get this fabulous CD. There’s more of her. And you can just go to BarbaraPadilla.com and get this beautiful, beautiful CD and have more of that heavenly voice and that heavenly music at your own home, in your car. It would be wonderful”.*

#### *EWTN Bookmark*

This half-hour broadcast is a discussion programme about theological books. In the episode broadcast at 22:30 on 11 August 2016, the programme was broadcast from the Catholic Marketing Network’s International Trade Show in Somerset, New Jersey. It comprised two interviews. The first was an interview with the religious counsellor and author, Dr Gregory Popcak, in which his books, ‘Broken Gods: Hope, Healing and the Seven Longings of the Human Heart’ and ‘When Divorce is Not an Option’ were discussed. The book covers were shown briefly at the beginning of the interview and each was shown occasionally throughout. At the end of the interview the covers were shown again, with a banner stating, *“www.ewtnrc.com”*.

The second interview was with Dr Frances Renda, a psychoanalyst and editor of the book, ‘A Call to a Deeper Love’. The feature followed a similar presentational format to the above, again ending with an image of the book cover, with a banner stating, *“www.ewtnrc.com”*.

EWTNI confirmed that none of the material described above was broadcast in return for the making of any payment, or the giving of other valuable consideration, to EWTNI or any person connected with it.

We therefore considered the material raised issues warranting investigation under the following Code rules:

- 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.”

We sought EWTNI’s comments on how the material complied with these rules.

## **Response**

The Licensee said that EWTNI is the parent company of EWTN Religious Catalogue (the website of which is ewtnrc.com) and that both organisations are “non-profit corporations.”

### *Father Spitzer’s Universe*

EWTNI said it had reviewed the broadcast and “concluded that it may have breached Rules 9.4 and/or 9.5 of the Broadcasting Code”, adding that “any such breach ... was entirely unintentional and the result of a misunderstanding of the relevant Rules”.

The Licensee asked Ofcom to “consider in mitigation that the references to Father Spitzer’s publications and to the Magis Center, a United States based ... tax-exempt non-profit charity organization associated with Father Spitzer, are akin to the “Guests’ ‘plugs’” referred to in paragraph 1.30 of the Guidance Notes to Section Nine of the Broadcasting Code<sup>1</sup>, in that these references were “directly linked to the guest’s profession”.

EWTNI also noted that, “in a 54 minute broadcast, two segments that refer to Father Spitzer’s publication, ‘God So Loved the World’, and Mother Angelica’s publication, ‘Mother Angelica’s Answers, Not Promises’, each last[ed] for fewer than 30 seconds” and that “the final segment, in which Father Spitzer’s publications are listed on screen and are mentioned by the interviewer, last[ed] for fewer than 20 seconds”.

The Licensee said it had obtained guidance from external legal counsel to ensure future compliance with the Code, adding that the advice it receives will allow it “to review and improve ... existing compliance procedures and to improve compliance training for EWTN employees”.

*At Home with Jim and Joy*

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<sup>1</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0014/33611/section9\\_may16.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0014/33611/section9_may16.pdf)

The Licensee said that the references in the programme to Bárbara Padilla's CD and website were "made in the context of a celebrity guest appearance on a chat show", noting again paragraph 1.30 of Ofcom's published guidance to Section Nine of the Code. EWTNI said it therefore considered its reference to the opera singer's CD was justified editorially, as it was directly related to her profession. The Licensee also said it considered the CD was not given undue prominence in the broadcast, as "the visual reference to [it lasted] for less than 20 seconds of the 53-minute broadcast. Further, EWTNI said that it considered Barbara Padilla's website was not given undue prominence, as it was "limited to an occasional appearance in a banner at the bottom of the screen that variously display[ed] information regarding Ms. Padilla's profession and the songs being performed on the show".

### *EWTN Bookmark*

EWTNI said it considered references to the books, 'Broken Gods', 'When Divorce is Not an Option' and 'A Call to a Deeper Love' were "made in the context of a book review and interview programme in which the research and writings of guests [were] discussed". The Licensee therefore considered "the references to the products are also editorially justified, being necessary to facilitate a discussion of the ideas and not unduly prominent", adding that "visual references to the books under discussion [were] brief, lasting less than 10 seconds, and used sparingly to indicate the particular book being referred to". EWTNI said Ofcom's guidance advises that "favourable or superlative language and prices and availability should not be discussed", noting that, in this instance, "the tone of the interview avoid[ed] inappropriately favourable language and [was] a bona fide discussion of the guest's ideas". The Licensee added that "the prices of the books [were] not discussed and, although the website URL 'www.ewtnrc.com' [was] shown onscreen briefly, the availability of any products on this website [was] not discussed by the interviewer or guests".

In response to Ofcom's Preliminary View, the Licensee accepted the conclusions reached in the Preliminary View. EWTNI said that it always sought to be compliant in its operations and the breaches of the Code were not intentional. It added that, as previously stated, they had sought advice from external legal counsel to ensure that, going forward, EWTNI had a clearer understanding of the Code and it operated in a manner that was fully compliant with the Code.

### **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.

The requirements of the Act and the AVMS Directive are reflected in Section Nine of the Code. The rules in this section serve to protect viewers from both excessive commercial references in programming and from surreptitious advertising 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 are permitted to transmit.

Importantly, Section Nine does not prohibit all references to products and services in programmes. However, Rule 9.4 requires that products, services and trade marks must not be promoted in programming and Rule 9.5 requires 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.

#### *Father Spitzer's Universe*

EWTNI suggested that references in the programme to publications and the Magis Center could have been “akin to ... "Guests' 'plugs'".” However, Ofcom’s published guidance with reference to such ‘plugs’ states that “it is common for celebrity guests on chat shows and magazine-style programmes to refer to their latest venture ... In most cases such references will be justified editorially. In all circumstances broadcasters should ensure that any references to products, services or trade marks are appropriately limited so as not to become unduly prominent”.

In this case, viewers were informed where they could purchase each featured book – by visiting, for example, “*magiscenter.com*” or “*ewtnrc.com*”. Ofcom considered that these references in the programme to points of sale were not editorially justified, as they served the purpose of promoting the sale of the books, as did the references to the books themselves in these instances. Further we considered that, in the absence of sufficient editorial justification for the inclusion of these references, they were unduly prominent.

Our Decision was therefore that such references were in breach of Rules 9.4 and 9.5 of the Code and we welcomed the action taken by EWTNI to avoid recurrence.

#### *At Home with Jim and Joy*

EWTNI said that the references in the programme to Bárbara Padilla’s CD and website were “made in the context of a celebrity guest appearance on a chat show”. Ofcom accepted that both the CD and the website were directly related to Bárbara Padilla’s profession as an opera singer. Nevertheless, references to any CD or website in a programme must be editorially justified, and must not be given undue prominence.

As noted above, references to a celebrity guest’s latest venture can be editorially justified. However, Ofcom’s published guidance makes clear that, “where a reference to a product or service features in a programme for purely editorial purposes, 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”.<sup>2</sup>

In this instance, throughout the interview, the studio guest was occasionally identified in a graphic by her name and profession. Further, the presenter said:

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<sup>2</sup> Paragraph 1.30, at:  
[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0014/33611/section9\\_may16.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0014/33611/section9_may16.pdf)

*“...but if you would like more of Bárbara Padilla, you can get this fabulous CD. There’s more of her. And you can just go to BarbaraPadilla.com and get this beautiful, beautiful CD and have more of that heavenly voice and that heavenly music at your own home, in your car. It would be wonderful”.*

In addition, a graphic was shown including the singer’s website address, a number of times during the interview, sometimes for more than two minutes in duration.

This website promoted heavily the opera singer’s CD and provided the opportunity to purchase it directly.

We did not consider there was editorial justification for the references to the singer’s website, and we found that these, and the favourable language used by the presenter to describe the singer’s music, served to promote the sale of her products. Further we considered that, in the absence of sufficient editorial justification for the inclusion of these references, they were unduly prominent.

Our Decision was therefore that the above references to the singer’s website, “*BarbaraPadilla.com*”, and the CD, ‘Bárbara Padilla’, were in breach of Rules 9.4 and 9.5 of the Code.

#### *EWTN Bookmark*

EWTNI said that references in the programme to the featured books, ‘Broken Gods’, ‘When Divorce is Not an Option’ and ‘A Call to a Deeper Love’ were “made in the context of a book review and interview programme in which the research and writings of guests are discussed”.

We accepted that passing references to the names of featured books would have clearly been editorially justified in the context of a programme about theological books. However, we considered that there was insufficient editorial justification for showing the covers of the publications themselves on several occasions, after the presenter had initially introduced them, and in our view this gave undue prominence to the books.

Further, the final image of the book covers of each guest also included the website of EWTNI’s retail arm, EWTN Religious Catalogue – i.e. [ewtnrc.com](http://ewtnrc.com) – which in our view served the purpose of promoting the sale of the book.

Our Decision was therefore that this material was in breach of Rules 9.4 and 9.5 of the Code.

#### **Breaches of Rules 9.4 and 9.5**

## Investigations Not in Breach

Here are alphabetical lists of investigations that Ofcom has completed between 12 December 2016 and 2 January 2017 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
Meet the Babes	Babenation	28/10/2016	Participation TV – Harm
The Walking Dead	Fox	24/10/2016	Scheduling
This Morning	ITV	28/10/2016	Product placement
Johnny Vaughan	Radio X	16/09/2016	Competitions
The Town That Banned Christmas	Sony Movie Channel	04/11/2016	Disability discrimination
News	Times Now	02/10/2016	Due accuracy

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

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

## Complaints assessed, not investigated

Here are alphabetical lists of complaints that, after careful assessment, Ofcom has decided not to pursue between 12 December 2016 and 2 January 2017 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:

[https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
8 Out of 10 Cats Christmas Special	4Music	11/12/2016	Generally accepted standards	1
Jail Chittian Bhai Randhir Singh	Akaal Channel	13/11/2016	Crime and disorder	1
Asian Connections	Babention	13/12/2016	Offensive language	1
BBC News	BBC 1	12/12/2016	Generally accepted standards	1
BBC News	BBC 1	14/12/2016	Scheduling	1
BBC News at 10	BBC 1	05/12/2016	Religious/Beliefs discrimination/offence	1
Breakfast	BBC 1	15/12/2016	Under 18s in programmes	2
Casualty	BBC 1	10/12/2016	Animal welfare	2
EastEnders	BBC 1	19/12/2016	Sexual material	1
EastEnders	BBC 1	19/12/2016	Sexual material	1
EastEnders	BBC 1	20/12/2016	Sexual material	1
Have I Got News for You	BBC 1	11/11/2016	Generally accepted standards	1
Holby City	BBC 1	06/12/2016	Disability discrimination/offence	1
Holby City	BBC 1	13/12/2016	Dangerous behaviour	1
Match of the Day 2	BBC 1	04/12/2016	Dangerous behaviour	2
Oneness Christmas trailer	BBC 1	09/12/2016	Sexual material	2
Oneness Christmas trailer	BBC 1	10/12/2016	Sexual material	4
Oneness Christmas trailer	BBC 1	10/12/2016	Sexual material	1
Oneness Christmas trailer	BBC 1	11/12/2016	Sexual material	1
Outnumbered	BBC 1	27/12/2016	Age discrimination/offence	1
Oxford Street Revealed	BBC 1	09/12/1916	Race discrimination/offence	1
Points West	BBC 1	02/12/2016	Generally accepted standards	1



Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Question Time	BBC 1	01/12/2016	Race discrimination/offence	1
Strictly Come Dancing	BBC 1	10/12/2016	Voting	19
Strictly Come Dancing	BBC 1	17/12/2016	Other	7
The Apprentice	BBC 1	08/12/2016	Dangerous behaviour	1
The Apprentice	BBC 1	08/12/2016	Drugs, smoking, solvents or alcohol	1
The Apprentice	BBC 1	15/12/2016	Other	1
Watchdog	BBC 1	21/12/2016	Generally accepted standards	1
North West Tonight	BBC 1 North West	18/08/2016	Other	1
A Place to Call Home	BBC 2	12/12/2016	Nudity	1
A Place to Call Home	BBC 2	16/12/2016	Scheduling	1
Black is the New Black	BBC 2	13/12/2016	Race discrimination/offence	1
Daily Politics	BBC 2	05/12/2016	Religious/Beliefs discrimination/offence	1
Insert Name Here	BBC 2	21/12/2016	Religious/Beliefs discrimination/offence	1
The Lone Ranger	BBC 2	11/12/2016	Violence	1
The Real Marigold Hotel	BBC 2	21/12/2016	Animal welfare	1
The Terminal	BBC 2	18/12/2016	Offensive language	1
Two Doors Down	BBC 2	12/12/2016	Religious/Beliefs discrimination/offence	1
Newsbeat	BBC Radio 1	13/12/2016	Generally accepted standards	1
Scott Mills	BBC Radio 1	14/12/2016	Generally accepted standards	1
Programming	BBC Radio 1Xtra	11/12/2016	Sexual material	1
Jeremy Vine	BBC Radio 2	21/11/2016	Materially misleading	1
Ken Bruce	BBC Radio 2	21/12/2016	Generally accepted standards	1
Programming	BBC Radio 2	15/11/2016	Offensive language	2
The Chris Evans Breakfast Show	BBC Radio 2	01/12/2016	Religious/Beliefs discrimination/offence	1
Broadcasting House	BBC Radio 4	11/12/2016	Race discrimination/offence	1
The Now Show	BBC Radio 4	26/11/2016	Offensive language	1
Today	BBC Radio 4	14/12/2016	Generally accepted standards	1
The Sports Hour	BBC Radio Cambridgeshire	21/11/2016	Race discrimination/offence	1
Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Live Test Cricket: Australia v SA Competition	BT Sport 3	25/11/2016	Competitions	1
The Vodafone Big Top 40	Capital FM	04/12/2016	Sexual material	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
Programming	Capital FM (Teeside)	17/12/2016	Sexual material	1
Newsround	CBBC	09/12/2016	Scheduling	1
0-60mph: Britain's Fasted Kids	Channel 4	20/11/2016	Offensive language	7
A Big Lego Christmas	Channel 4	28/12/2016	Materially misleading	1
Alan Carr's Happy Hour	Channel 4	09/12/2016	Animal welfare	1
Channel 4 News	Channel 4	11/11/2016	Generally accepted standards	1
Channel 4 News	Channel 4	15/12/2016	Due impartiality/bias	1
Channel 4 news	Channel 4	23/12/2016	Offensive language	1
David Blaine: Beyond Magic	Channel 4	12/12/2016	Animal welfare	2
Deal or No Deal	Channel 4	23/12/2016	Materially misleading	1
Derren Brown: Miracle	Channel 4	19/12/2012	Religious/Beliefs discrimination/offence	1
Hollyoaks	Channel 4	08/12/2016	Materially misleading	1
Naked Attraction	Channel 4	29/12/2016	Nudity	1
No Offence (trailer)	Channel 4	19/12/2016	Offensive language	1
The Jump	Channel 4	various	Outside of remit	1
The Last Leg	Channel 4	16/12/2016	Disability discrimination/offence	1
The Political Slot	Channel 4	14/12/2016	Due accuracy	1
The Windsors	Channel 4	23/12/2016	Race discrimination/offence	1
Transforming Lives	Channel 4	03/11/2016	Gender discrimination/offence	1
We're Going on a Bear Hunt	Channel 4	24/12/2016	Generally accepted standards	1
Ben Fogle: New Lives in the Wild	Channel 5	13/12/2016	Animal welfare	1
Can't Pay? We'll Take It Away!	Channel 5	08/12/2016	Generally accepted standards	1
Jack Taylor: Nemesis	Channel 5	24/11/2016	Advertising placement	1
Milkshake	Channel 5	27/11/2016	Gender discrimination/offence	1
Programming	Channel 5	various	Violence	1
Secrets of Great British Castles	Channel 5	09/12/2016	Religious/Beliefs discrimination/offence	1
Secrets of Great British Castles	Channel 5	09/12/2016	Religious/Beliefs discrimination/offence	1
Skoda's sponsorship of Tour de Celeb	Channel 5	28/11/2016	Sponsorship credits	1
The Dog Rescuers at Christmas	Channel 5	13/12/2016	Generally accepted standards	1
The Gadget Show	Channel 5	21/10/2016	Competitions	1
The Gadget Show	Channel 5	14/12/2016	Drugs, smoking, solvents or alcohol	1
The Wright Stuff	Channel 5	28/11/2016	Crime and disorder	1
The Wright Stuff	Channel 5	28/11/2016	Due impartiality/bias	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Wright Stuff	Channel 5	28/11/2016	Generally accepted standards	1
The Wright Stuff	Channel 5	29/11/2016	Generally accepted standards	1
The Wright Stuff	Channel 5	02/12/2016	Due impartiality/bias	1
The Wright Stuff	Channel 5	02/12/2016	Due impartiality/bias	1
There's a Croc In My Kitchen	Channel 5	27/12/2016	Animal welfare	6
Tour de Celeb	Channel 5	05/12/2016	Generally accepted standards	1
Tour de Celeb	Channel 5	12/12/2016	Generally accepted standards	1
Traffic Cops	Channel 5	06/12/2016	Other	1
Law with N Rahman	Channel S	01/11/2016	Materially misleading	1
Chart Show's Top 40 Singles Chart	Chart Show TV	09/12/2016	Sexual material	1
Dave Gorman: Modern Life is Goodish (trailer)	Dave	11/12/2016	Sexual material	1
Alaska: The Last Frontier	Discovery DMAX+1	11/12/2016	Animal welfare	1
Missguided's sponsorship of Shows with Style on E!	E!	various	Sponsorship credits	1
Naked Attraction	E4	11/12/2016	Generally accepted standards	1
Rude Tube	E4	20/12/2016	Generally accepted standards	1
Mystery Diners	Food Network	15/12/2016	Other	1
Boogie in the Morning	Forth 1	06/12/2016	Offensive language	1
The Walking Dead	Fox	23/10/2016	Violence	1
Sam & Amy	Gem 106	20/12/2016	Competitions	1
Kim on Saturday	Heart FM (Milton Keynes)	26/11/2016	Competitions	1
Girls Against Boys	Horror Channel	08/12/2016	Violence	1
Terrordactyl	Horror Channel	22/11/2016	Offensive language	1
Aunt Bessie's sponsorship of I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2016	Sponsorship credits	1
Aunt Bessie's sponsorship of I'm a Celebrity...Get Me Out of Here!	ITV	various	Sponsorship credits	1
Blankety Blank	ITV	24/12/2016	Sexual material	1
Carry On Girls	ITV	03/12/2016	Scheduling	3
Channel ident	ITV	10/11/2016	Animal welfare	1
Coronation Street	ITV	05/12/2016	Nudity	1
Coronation Street	ITV	07/12/2016	Other	1
Coronation Street	ITV	09/12/2016	Sexual material	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Coronation Street	ITV	12/12/2016	Generally accepted standards	1
Coronation Street	ITV	14/12/2016	Generally accepted standards	2
Coronation Street	ITV	26/12/2016	Sexual material	1
Coronation Street and Emmerdale	ITV	09/12/2016	Sexual material	1
Countrywise Guide to Britain	ITV	18/11/2016	Animal welfare	1
Emmerdale	ITV	06/12/2016	Other	1
Emmerdale	ITV	07/12/2016	Religious/Beliefs discrimination/offence	1
Emmerdale	ITV	07/12/2016	Sexual material	8
Emmerdale	ITV	13/12/2016	Disability discrimination/offence	1
Emmerdale	ITV	20/12/2016	Disability discrimination/offence	2
Emmerdale	ITV	21/12/2016	Sexual material	2
Emmerdale	ITV	23/12/2016	Crime and disorder	1
Emmerdale	ITV	23/12/2016	Scheduling	1
Emmerdale	ITV	23/12/2016	Sexual material	2
Emmerdale	ITV	23/12/2016	Violence	1
Emmerdale	ITV	25/12/2016	Disability discrimination/offence	1
Emmerdale	ITV	27/12/2016	Outside of remit	1
Emmerdale	ITV	various	Generally accepted standards	1
Foxy Bingo's sponsorship of The Jeremy Kyle Show	ITV	23/11/2016	Sponsorship credits	1
Good Morning Britain	ITV	05/12/2016	Generally accepted standards	1
Good Morning Britain	ITV	07/12/2016	Due impartiality/bias	1
Good Morning Britain	ITV	07/12/2016	Generally accepted standards	1
Good Morning Britain	ITV	12/12/2016	Offensive language	1
Good Morning Britain	ITV	14/12/2016	Disability discrimination/offence	1
Harry Potter and the Goblet of Fire	ITV	27/12/2016	Offensive language	1
I'm a Celebrity...Get Me Out of Here!	ITV	21/11/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	22/11/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	23/11/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	25/11/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	26/11/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	27/11/2016	Animal welfare	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
I'm a Celebrity...Get Me Out of Here!	ITV	28/11/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	29/11/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	30/11/2016	Animal welfare	10
I'm a Celebrity...Get Me Out of Here!	ITV	02/12/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	02/12/2016	Animal welfare	1
I'm a Celebrity...Get Me Out of Here!	ITV	02/12/2016	Drugs, smoking, solvents or alcohol	1
I'm a Celebrity...Get Me Out of Here!	ITV	02/12/2016	Generally accepted standards	47
I'm a Celebrity...Get Me Out of Here!	ITV	03/12/2016	Animal welfare	2
I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2016	Animal welfare	5
I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2016	Offensive language	1
I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2016	Voting	1
I'm a Celebrity...Get Me Out of Here!	ITV	04/12/2016	Voting	1
I'm a Celebrity...Get Me Out of Here!	ITV	various	Animal welfare	1
ITV Evening news	ITV	08/12/2016	Due impartiality/bias	1
ITV Evening News	ITV	12/12/2016	Generally accepted standards	1
Loose Women	ITV	19/12/2015	Generally accepted standards	1
Loose Women	ITV	24/11/2016	Suicide and self harm	1
Loose Women	ITV	16/12/2016	Generally accepted standards	1
Loose Women	ITV	22/12/2016	Gender discrimination/offence	1
Loose Women	ITV	23/12/2016	Sexual material	1
Lorraine	ITV	22/12/2016	Scheduling	1
Off Their Rockers	ITV	20/11/2016	Scheduling	1
Off Their Rockers	ITV	11/12/2016	Generally accepted standards	1
The Chase	ITV	08/12/2016	Generally accepted standards	1
The Chase	ITV	08/12/2016	Generally accepted standards	1
The Chase	ITV	10/12/2016	Generally accepted standards	1
The Chase	ITV	11/12/2016	Competitions	1
The Chase	ITV	16/12/2016	Other	1
The Chase	ITV	23/12/2016	Materially misleading	1
The Coming War on China	ITV	06/12/2016	Due impartiality/bias	1
The Jeremy Kyle Show	ITV	16/11/2016	Generally accepted standards	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
The Jonathan Ross Show	ITV	10/12/2016	Generally accepted standards	1
The Next Great Magician	ITV	04/12/2016	Dangerous behaviour	1
The Royal Variety Performance	ITV	13/12/2016	Generally accepted standards	1
The Royal Variety Performance	ITV	13/12/2016	Nudity	1
The Royal Variety Performance	ITV	13/12/2016	Race discrimination/offence	1
The Secrets of Your Christmas Dinner – Tonight	ITV	15/12/2016	Generally accepted standards	1
The X Factor	ITV	27/11/2016	Violence	1
The X Factor	ITV	10/12/2016	Disability discrimination/offence	1
The X Factor	ITV	10/12/2016	Other	12
The X Factor	ITV	10/12/2016	Race discrimination/offence	4
The X Factor	ITV	10/12/2016	Sexual material	2
The X Factor	ITV	11/12/2016	Due impartiality/bias	3
The X Factor	ITV	11/12/2016	Other	1
The X Factor	ITV	11/12/2016	Scheduling	1
The X Factor	ITV	11/12/2016	Sexual material	1
The X Factor (trailer)	ITV	various	Generally accepted standards	1
This Morning	ITV	28/11/2016	Generally accepted standards	1
This Morning	ITV	07/12/2016	Religious/Beliefs discrimination/offence	1
This Morning	ITV	11/12/2016	Materially misleading	1
This Morning	ITV	13/12/2016	Due impartiality/bias	1
This Morning	ITV	14/12/2016	Materially misleading	1
This Morning	ITV	23/12/2016	Drugs, smoking, solvents or alcohol	1
Undercover: Life and Death in a Homeless Hostel	ITV	10/11/2016	Generally accepted standards	3
ITV News London	ITV London	30/11/2016	Due accuracy	1
ITV News Meridian	ITV News	06/12/2016	Due accuracy	2
ITV News West Country	ITV West	05/12/2016	Under 18s in programmes	1
The X Factor	ITV+1	23/10/2016	Offensive language	1
American Dad	ITV2	05/12/2016	Generally accepted standards	1
I'm a Celebrity...Get Me Out of Here: Extra Camp	ITV2	04/12/2016	Generally accepted standards	3
I'm a Celebrity...Get Me Out of Here: Extra Camp	ITV2	03/12/2016	Generally accepted standards	1
You've Been Framed	ITV2	15/12/2016	Religious/Beliefs discrimination/offence	1

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
You've Been Framed Gold	ITV2	12/12/2016	Religious/Beliefs discrimination/offence	1
Aviva's sponsorship of Afternoons on ITV3	ITV3	03/12/2016	Sponsorship credits	1
The Great Outdoors	ITV4	17/12/2016	Offensive language	1
Breakfast time with Andrew Castle	LBC 97.3 FM	26/11/2016	Generally accepted standards	1
Clive Bull	LBC 97.3 FM	21/12/2016	Due impartiality/bias	1
Katie Hopkins	LBC 97.3 FM	04/12/2016	Sexual orientation discrimination/offence	1
Nick Ferrari	LBC 97.3 FM	25/11/2016	Due impartiality/bias	1
Nick Ferrari	LBC 97.3 FM	20/12/2016	Generally accepted standards	2
Steve Allen	LBC 97.3 FM	05/12/2016	Due impartiality/bias	1
Steve Allen	LBC 97.3 FM	05/12/2016	Generally accepted standards	1
London Live News	London Live	09/12/2016	Generally accepted standards	1
Miss World 2016 Live	London Live	18/12/2016	Advertising minutage	1
£10,000 Competition	Magic Radio	02/12/2016	Competitions	1
Car SOS	More 4	29/11/2016	Harm	1
The Case of JonBenét Ramsey (trailer)	More 4	11/12/2016	Scheduling	1
A Prostitute Called Mary	Nollywood Movies	25/12/2016	Religious/Beliefs discrimination/offence	1
Border Security USA	Pick	22/12/2016	Race discrimination/offence	1
Warner Leisure Hotels' sponsorship	Pick TV	27/11/2016	Sponsorship credits	1
Station ident	Planet Rock	21/12/2016	Materially misleading	1
Programming	Radio Dawn (Nottingham)	28/11/2016	Crime and disorder	1
Toby Tarrant	Radio X	06/12/2016	Generally accepted standards	1
News	RT	09/12/2016	Due impartiality/bias	1
Programming	Sabras Radio	various	Competitions	1
Music Videos that Shaped the 80s	Sky Arts	03/12/2016	Scheduling	1
Sky Sports Rugby Autumn Internationals (trailer)	Sky Atlantic	16/11/2016	Generally accepted standards	1
Westworld	Sky Atlantic	30/11/2016	Generally accepted standards	1
Press Preview	Sky News	14/12/2016	Generally accepted standards	1
Sky News	Sky News	19/12/2016	Due impartiality/bias	1
Sky News with Kay Burley	Sky News	14/12/2016	Gender discrimination/offence	1
Sunrise	Sky News	05/12/2016	Race discrimination/offence	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Sunrise	Sky News	10/12/2016	Due impartiality/bias	1
Sunrise	Sky News	13/12/2016	Due impartiality/bias	1
Live Premier League: Manchester City v Chelsea	Sky Sports 1	03/12/2016	Crime and disorder	5
David Haye vs Tony Bellew	Sky Sports Box Office	10/12/2016	Offensive language	1
Sky Sports News	Sky Sports News	13/12/2016	Other	1
Supergirl	Sky1	28/11/2016	Sexual material	1
The Cars That Made Britain Great	Spike	19/12/2016	Offensive language	1
Masterchef India 5: Masterclass	Star Plus	15/10/2016	Undue prominence	1
Advertisements	Studio 66	various	Participation TV - Offence	1
STV	STV	various	Competitions	1
Programming	Various	01/12/2016	Sexual material	1
Programming	Various	various	Other	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:

[https://www.ofcom.org.uk/data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

Programme	Broadcaster	Transmission Date	Categories	Number of complaints
BBC News	BBC 1	13/12/2016	Due accuracy	1
BBC South East Today	BBC 1	17/12/2016	Due impartiality/bias	1
Outnumbered Christmas Special	BBC 1	26/12/2016	Due impartiality/bias	1
Question Time	BBC 1	01/12/2016	Due impartiality/bias	1
BBC News	BBC News Channel	10/12/2016	Due impartiality/bias	1
BBC News	BBC News website	08/12/2016	Gender discrimination/offence	1
The Official Chart	BBC Radio 1	16/12/2016	Other	1
In Short	BBC Radio 5 Live	29/11/2016	Due impartiality/bias	1
News	BBC Radio Kent	01/12/2016	Due impartiality/bias	1
BBC News Coverage	BBC TV/Radio News Coverage	09/12/2016	Due impartiality/bias	1
BBC News	BBC Website	13/12/2016	Other	1
Advertisement	Channel 4	13/12/2016	Advertising content	1
Advertisement	Channel 5	28/12/2016	Advertising content	1
Advertisement	Film4	21/12/2016	Advertising content	1
Advertisements	n/a	29/12/2016	Advertising content	1
Advertisement	ITV	11/12/2016	Advertising content	1
Advertisement	ITV	13/12/2016	Advertising content	1
Advertisement	ITV	13/12/2016	Advertising content	1
Advertisement	ITV	15/12/2016	Advertising content	1
Advertisement	ITV	22/12/2016	Advertising content	1
Advertisement	ITV2	27/12/2016	Advertising content	1
Advertisement	Quest	11/12/2016	Advertising content	1
Advertisement	Sky Atlantic	03/12/2016	Advertising content	1

<b>Programme</b>	<b>Broadcaster</b>	<b>Transmission Date</b>	<b>Categories</b>	<b>Number of complaints</b>
Advertisement	Virgin channels	22/12/2016	Advertising content	1
Advertisement	Yesterday	30/12/2016	Advertising content	1

## Investigations List

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

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

Here are alphabetical lists of new investigations launched between 12 December 2016 and 2 January 2017.

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

Programme	Broadcaster	Transmission date
Dai Haywood Rock & Roll	BRFM 97.3 (Brynmawr)	25 October 2016
News Bulletin	Channel 4	20 November 2016
Like Radio UK	Like Radio UK	27 November 2016
Awakening with Brahma Kumaris	MATV	28 September 2016
Ayurveda Health for All	MATV	28 September 2016
Grahonkakhe	MATV	28 September 2016

For more information about how Ofcom assesses complaints and conducts investigations about content standards on television and radio programmes, go to: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0020/55109/breaches-content-standards.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0020/55109/breaches-content-standards.pdf)

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

Programme	Broadcaster	Transmission date
X Ray	BBC 1	7 November 2016
Britain's Benefit Tenants	Channel 4	27 October 2016
Dispatches Undercover: Britain's Abortion Extremists	Channel 4	5 October 2016

For more information about how Ofcom considers and adjudicates upon Fairness and Privacy complaints about television and radio programmes, go to: [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0031/57388/fairness-privacy-complaints.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0031/57388/fairness-privacy-complaints.pdf)