

# **Ofcom broadcast bulletin**

**Issue number 42  
30 August 2005**

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## Introduction

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

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

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

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

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

*Copies of the full adjudications for Upheld and Not Upheld Fairness and Privacy cases can be found on the Ofcom website: [www.ofcom.org.uk](http://www.ofcom.org.uk)*

## Standards cases

### In Breach

#### Various programmes

*Vectone Bangla, 25 March 2005*

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##### Introduction

Vectone Bangla is a general entertainment channel owned by Vectone Media Limited and aimed at a Bengali speaking audience in the UK. We received a complaint about the channel's use of premium rate telephone numbers during programmes. The complaint was that:

- total call costs generally were not clearly displayed on screen and that the minimum call cost ranged from £20 to £120;
- the channel's programmes were presented in Bengali, to a Bengali speaking audience, yet call cost information was always written in English. The complainant considered this misleading;
- a programme called *Bandhan* (broadcast on 25 March 2005) failed to display call costs for a premium rate telephone service.

##### Response

- Vectone Media said that it did not state the average cost of calls to programmes because it could not predict how long a caller would choose to stay on the line. The minimum call cost was not £20 or £120 as suggested by the complainant. It could not envisage a situation where a call would last for four hours (the equivalent of £120 of call charges), given that its programmes did not run for that length of time.
- Whether or not call costs should be expressed in a non-English format was a matter that the broadcaster had given significant thought to. The channel is broadcast in the UK through the Sky platform and for people to interact with the programmes they must have a fixed or mobile telephone. Accordingly, Vectone took the view that its viewers, irrespective of their ability to speak or read English, would be aware of the format used in the UK to display the costs per minute of telephone calls.

The broadcaster had discussed this matter with people in the Bangladeshi, Pakistani, Sri Lankan and Indian communities in the UK. Vectone was confident that viewers would understand what "50p/min" meant because the groups spoken to were almost unanimous in stating that they were very used to English language format pricing information because of its use by calling card companies, mobile and fixed telephone service providers used to remain in contact with family and friends abroad.

- Vectone Media acknowledged that the editions of *Bandhan* referred to failed to display the cost per minute of calls to the programme. This error was wholly unintentional and resulted from a technical problem.

## **Decision**

- The Programme Code requires the call charge rate for premium rate numbers to be stated clearly and simultaneously when the number is displayed on screen. Where a call is interactive, prices must be given for the total price per minute and/or likely cost to the viewer of the complete call. The cost of calling the channel was 50p per minute and we consider that most calls to the channel are unlikely to last more than a few minutes. We agree that the broadcaster cannot predict the length of a call and therefore do not consider it appropriate for the broadcaster to state total call costs in the programme.
- We accept the broadcaster's rationale for stating call costs in English. It had taken responsible measures to ensure that the call cost format was understood by potential viewers. We consider that the inclusion of the material in this format was unlikely to mislead or confuse viewers.
- As stated above, the Code requires the cost of calling premium rate numbers to be stated with the number. This edition of *Bandhan* was in breach of the Code for failing to do so.

**Failure to state calls costs during the programme *Bandhan* breached Section 8.2 (Use of Premium Rate Telephone Services in Programmes) of the Programme Code.**

## Resolved

### Grand Prix

ITV 1, 18 June 2005, 21:25

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#### Introduction

In a promotional trail for *Formula One US Grand Prix* coverage, the announcement stated: "The American Grand Prix; live and exclusive; tonight; ITV1". The onscreen graphic read: "QUALIFYING TONIGHT 11.30 PM" and "RACE TOMORROW 6 PM LIVE."

A viewer believed this was misleading, as coverage of the qualifying session was not broadcast live.

#### Response

ITV said that the trail was intended to promote both the qualifying event on Saturday and the race itself on Sunday. The broadcaster accepted that the voice-over had failed to make clear the distinction that had been made in the onscreen graphic. There had been no intention to mislead, but the headline-style verbal promotion had not distinguished between the live and recorded nature of the two programmes. The broadcaster apologised for any confusion. The error had been carefully noted by its promotions and presentation specialists with the intention of avoiding any recurrence.

#### Decision

We agreed that the voiceover had been incorrect. However, we welcome the broadcaster's apology for this lapse and its intention to avoid any recurrence, which we believe resolves the matter.

#### Complaint resolved

## **ITV West News**

*ITV West, 10 June 2005, 13:15*

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### **Introduction**

At the end of this news bulletin the presenter announced the results of a competition for schools, which the broadcaster had run in previous news bulletins. The winning school was to be awarded a prize that involved a visit to the school by Olympic rower, James Cracknell. The company EDF Energy had sponsored the visit. The presenter acknowledged the donation by saying, "Thanks to EDF Energy, one of the UK's biggest energy companies, who are supporting the bid to bring the Olympic Games to the UK in 2012...", and the company's logo appeared on screen. A complainant found this inappropriate in a news broadcast.

### **Response**

The broadcaster accepted that the feature was "flawed", adding that exceptional circumstances had left the lunchtime bulletin in the hands of a relatively junior producer. It clarified that two elements of the broadcast would not normally have been included – the use of EDF Energy's logo and the reference to the energy company as "one of the UK's biggest", both of which exceeded its ordinary practice. The broadcaster regretted its error and assured us that all members of its production team had been reminded of its working practices and our Code requirements. It added that the scrutiny of such items had now been designated to members of the senior news room team.

### **Decision**

The Programme Code states that "No undue prominence may be given in any programme to a commercial product or service. ....any reference to such a product or service must be limited to what can clearly be justified by the editorial requirements of the programme itself." The error in this item was a fundamental one and we are concerned that the bulletin had been left in the hands of such an inexperienced producer. However we welcome the broadcaster's clarification, action and assurance. We consider that this resolves the matter.

### **Complaint resolved**

## **CD:UK**

*ITV 1, 8 May 2005, 10:50*

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### **Introduction**

A viewer complained that the subtitles for a song contained the word “shit” on several occasions. The viewer objected to swearing in a programme that appealed to children.

### **Response**

ITV said that *CD:UK* was transmitted and sub-titled live, but the song lyrics were taken by the sub-titlers in advance from a designated Internet site, downloaded and formatted into sub-titles for keying out during live transmission. The programme makers supplied the sub-titlers with link script which showed the songs and any content edits, in order that the sub-titles could accurately match the performance on screen. On this occasion, because of an oversight, the edit removing “shit” from the performance was not indicated on the script and the sub-titler keyed out the original lyric.

ITV stated that it had re-emphasised to both production staff and the sub-titlers the requirement to double-check script and sub-titles in order to avoid any repetition of this error. The broadcaster offered its apologies and emphasised that this was an unintentional, isolated incident.

### **Decision**

The inclusion of the word was not suitable in this context. However, this appeared to be a genuine error and, in view of the steps taken by ITV to prevent a recurrence, we consider the matter resolved.

### **Complaint resolved**



## Other programmes not in breach/out of remit 27 July – 9 August

Programme	Trans Date	Channel	Category	No of complaints
40 Days and 40 Nights	27/07/2005	ITV1	Sexual Portrayal	1
8 Out of 10 Cats	29/07/2005	Channel 4	Offence	2
Arab News Network	17/05/2005	Arab News Network	Offence	1
B4	25/07/2005	Channel 4	Offence	1
Baddiel and Skinner Unplanned	26/07/2005	ITV1	Offence	1
BBC News	-	BBC1	Offence	1
BBC News	13/07/2005	BBC1	Offence	1
BBC News	07/07/2005	BBC1	Offence	1
BBC News	22/07/2005	BBC1	Offence	2
BBC News	25/07/2005	BBC1	Offence	1
BBC News	02/08/2005	BBC1	Impartiality	1
BBC Radio Derby	05/07/2005	BBC Radio Derby	Offence	1
BBC Radio Scotland	20/07/2005	BBC Radio Scotland	Offence	3
Big Brother 6	17/06/2005	Channel 4	Offence	1
Big Brother 6	19/07/2005	Channel 4	Sexual Portrayal	2
Big Brother 6	22/07/2005	Channel 4	Language	1
Big Brother 6	25/07/2005	Channel 4	Offence	3
Big Brother 6	27/07/2005	E4	Language	1
Big Brother 6	28/07/2005	Channel 4	Offence	1
Big Brother 6	31/07/2005	Channel 4	Accuracy	1
Big Brother 6	01/08/2005	Channel 4	Offence	1
Big Brother 6	26/12/2005	Channel 4	Offence	1
Big Brother 6	03/08/2005	Channel 4	Offence	1
Big Brother 6	04/08/2005	Channel 4	Offence	1
Big Brother 6	26/07/2005	Channel 4	Offence	1
Big Brother 6	02/08/2005	Channel 4	Offence	1
Big Brother 6	05/08/2005	Channel 4	Offence	1
Big Brother 6	08/08/2005	Channel 4	Offence	1
Big Daddy	02/05/2005	BBC1	Offence	2
Breakfast	25/07/2005	BBC1	Offence	1
Capital FM	07/07/2005	Capital FM	Offence	1
Casualty	25/07/2005	BBC1	Offence	1
Celebrity Big Brother	11/01/2005	Channel 4	Advertising	1
Celebrity Big Brother	17/01/2005	Channel 4	Advertising	1
Celebrity Big Brother	10/01/2005	Channel 4	Advertising	1
Celebrity Love Island	05/08/2005	ITV1	Offence	1
Channel 4 News	21/07/2005	Channel 4	Offence	1
Channel 4 News	19/07/2005	Channel 4	Offence	1
Channel 4 News	30/07/2005	Channel 4	Offence	1
Channel 4 News	04/08/2005	Channel 4	Offence	1

Channel 4 Test Cricket	05/08/2005	Channel 4	Offence	1
Club Reps	08/07/2005	ITV1	Offence	1
Coast	24/07/2005	BBC2	Offence	1
Cool FM	30/06/2005	Cool FM	Language	1
Coronation Street	18/07/2005	ITV1	Language	1
Coronation Street	15/07/2005	ITV1	Offence	1
Coronation Street	26/07/2005	ITV1	Offence	1
CSI: Crime Scene	19/07/2005	Five	Scheduling	4
Denis Norden's Laughter File	12/07/2005	ITV1	Offence	2
Diagnosis Murder	14/07/2005	BBC1	Offence	1
Dispatches	25/07/2005	Channel 4	Impartiality	2
Doctor Zhivago	23/07/2005	ITV1	Offence	1
Emmerdale	03/01/2005	ITV1	Offence	1
Emmerdale	28/07/2005	ITV1	Offence	1
Faking It Trailer	05/08/2005	Channel 4	Offence	1
Family Sins	29/06/2005	Five	Offence	1
Feather Boy	01/08/2005	BBC2	Offence	1
Fox News	22/07/2005	Fox news	Offence	1
Frankenstein (2005)	30/07/2005	Channel 4	Violence	1
Full on Food	20/07/2005	BBC2	Offence	1
Gosford Park	23/04/2005	Channel 4	Offence	1
Hiroshima	07/08/2005	BBC1	Offence	1
Hollyoaks	02/08/2005	Channel 4	Offence	1
iBuy TV	28/07/2005	Satellite & Cable	Offence	1
Impacto Latino	04/08/2005	SVT Sound Radio	Offence	1
Islam Channel	01/07/2005	Satellite & Cable	Accuracy	1
Islam Channel	13/07/2005	Satellite & Cable	Religious Offence	1
ITN News	03/08/2005	ITV1	Impartiality	1
ITV News	18/07/2005	ITV1	Offence	1
ITV News	20/07/2005	ITV1	Offence	3
ITV News	11/07/2005	ITV1	Offence	1
ITV News	27/07/2005	ITV1	Offence	1
ITV News	01/08/2005	ITV1	Religious Offence	2
ITV News	31/07/2005	ITV1	Offence	1
Key 103 Radio	02/08/2005	Key 103	Offence	1
Key 103 Radio	04/08/2005	Key 103	Offence	1
Key103FM	23/06/2005	Key 103	Offence	1
Konsol Kids	21/07/2005	Jetix	Offence	1
LBC Programme	21/07/2005	LBC97.3	Offence	1
Lost	25/07/2005	Channel 4	Offence	1
Martha and Me	13/06/2005	BBC2	Offence	1
Newsnight	06/07/2005	BBC2	Offence	1
Newsnight	04/08/2005	BBC2	Offence	3
Playing it Straight	27/07/2005	Channel 4	Offence	1
Price Drop T.V.	01/08/2005	Price Drop T.V.	Offence	1
Quiz TV	01/08/2005	Quiz TV	Offence	1
Five Live	09/07/2005	BBC Radio Five	Impartiality	1

Radio XL	15/07/2005	Radio XL	Offence	1
Ramsay's Kitchen Nightmares - Revisited	05/07/2005	Channel 4	Offence	1
Richard and Judy	21/07/2005	Channel 4	Language	1
Shariah TV	04/08/2005	Channel 4	Offence	3
Sky News	21/07/2005	Sky News	Offence	1
Sky News	22/07/2005	Sky News	Offence	1
Sky News	07/07/2005	Sky News	Offence	1
Streets Ahead	19/07/2005	Channel 4	Language	1
Sugar Rush	05/07/2005	Channel 4	Offence	1
Survivors	21/07/2005	ITV1	Offence	1
Talksport	04/11/2004	Talk Sport	Religious Offence	1
Talksport	09/02/2005	Talk Sport	Offence	2
Talksport	08/06/2005	Talk Sport	Impartiality	1
TBC	26/11/2004	TBC	Offence	1
Tarrant on TV	08/08/2005	ITV1	Offence	2
TBC London	26/11/2004	TBC	Offence	1
The Battle for Hitler's Supership	06/06/2005	Five	Offence	1
The Best and Worst Places to Live	09/08/2005	Channel 4	Offence	1
The Bigger Picture with Graham Norton	01/08/2005	BBC1	Offence	1
The Chris Moyles Show	27/07/2005	BBC Radio 1	Offence	1
The Cult of the Suicide Bomber	04/08/2005	Channel 4	Offence	2
The Farm	11/05/2005	Five	Language	1
The Four Feathers	28/07/2005	Channel 4	Religious Offence	1
The Great Big British Quiz	20/07/2005	TTV	Offence	1
The Great Big British Quiz	27/07/2005	Satellite & Cable	Misleading	1
The Great Big British Quiz	02/08/2005	TTV	Offence	1
The Great Big British Quiz	05/08/2005	TTV	Offence	1
The Jeremy Kyle Show	27/07/2005	ITV1	Sexual Portrayal	1
The Jeremy Kyle Show	29/07/2005	ITV1	Language	1
The Last Hunt	10/07/2005	Sky One	Impartiality	1
The New Al Qaeda	25/07/2005	BBC2	Offence	2
The OC	28/07/2005	Channel 4	Offence	1
The Political Slot	25/07/2005	Channel 4	Impartiality	2
The Slavery Business	03/08/2005	BBC2	Offence	1
This Morning	02/08/2005	ITV1	Offence	1
TMF - The Music Factory	28/07/2005	TMF	Offence	1
Tonight with Trevor McDonald	12/05/2005	ITV1	Offence	4
Tonight with Trevor McDonald	25/07/2005	ITV1	Impartiality	1
Top Gear	27/07/2005	BBC2	Offence	1
Top Gear	19/07/2005	BBC2	Impartiality	1
Trauma Africa	21/07/2005	BBC1	Offence	1
True Lies	01/08/2005	ITV2	Offence	1
World Rally	17/07/2005	ITV1	Offence	1
WWE - Experience	24/07/2005	Sky One	Offence	1