

# **Ofcom Broadcast Bulletin**

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## Introduction

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

- a) Ofcom's Broadcasting Code ("the Code") which 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/>
- b) the Code on the Scheduling of Television Advertising ("COSTA") which came into effect on 1 September 2008 and contains rules on how much advertising and teleshopping may be scheduled in programmes, how many breaks are allowed and when they may be taken. COSTA can be found at [http://www.ofcom.org.uk/tv/ifi/codes/code\\_adv/tacode.pdf](http://www.ofcom.org.uk/tv/ifi/codes/code_adv/tacode.pdf).
- c) other codes and requirements that may also apply to broadcasters, depending on their circumstances. These include the Code on Television Access Services (which sets out how much subtitling, signing and audio description relevant licensees must provide), the Code on Electronic Programme Guides, the Code on Listed Events, and the Cross Promotion Code. Links to all these codes can be found at <http://www.ofcom.org.uk/tv/ifi/codes/>

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).

It is Ofcom policy to state the full language used on air by broadcasters who are the subject of a complaint where it is relevant to the case. Some of the language used in Ofcom Broadcast Bulletins may therefore cause offence.

## Standards cases

### In Breach

#### News Bulletins

*Nepali TV, various dates, August 2008*

#### Closeup1

*Nepali TV, 22 September 2008, 10:40*

#### Amount of advertising

*Nepali TV, 22 September 2008, 11:00-12:00*

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#### Introduction

Nepali TV is a general entertainment channel aimed at a UK Bangladeshi audience.

Routine monitoring of Nepali TV by Ofcom in August and September 2008 indicated the following concerns over the content broadcast on the channel:

##### News Bulletins

The news bulletins broadcast on various dates during August 2008 appeared to be sponsored by National Bank Limited.

Ofcom asked Nepali TV for comments in relation to Rule 9.1 of the Code (news and current affairs programmes may not be sponsored).

##### Closeup1

*Closeup1* is a talent show broadcast on Nepali TV. Ofcom noted that during the episode broadcast on 22 September 2008, the brand of the presenters' wardrobe and the name of the make-up artist were captioned on screen.

We asked Nepali TV for comments in relation to Rule 10.4 (no undue prominence may be given in any programme to a product or service).

##### Amount of advertising

Between 11:00 and 12:00 on 22 September 2008, Ofcom viewed 34 minutes of advertising on Nepali TV. In addition to advertising during the commercial breaks, advertisements were also displayed in a scrolling caption across the screen during programming.

Ofcom asked the broadcaster for its comments with regard to Rule 4(a) of the Code on the Scheduling of Television Advertising ("COSTA") (the total allowance for advertising and teleshopping spots on any channel in any one hour must not exceed 12 minutes).

#### Response

Nepali TV told us that its content was supplied as a direct feed from the NTV Bangla channel from Bangladesh. The broadcaster explained that it required time to remove the content as it needed to contact NTV Bangla's head office. It subsequently

reported to Ofcom that it had set up facilities in the UK to enable it to edit the content it acquired from NTV Bangla before broadcasting it.

The broadcaster responded with regard to each individual issue, as follows:

#### News bulletins

Once Nepali TV had set up facilities for editing the content it received from Bangladesh, it ceased the broadcast of sponsored news bulletins.

#### Closeup1

The broadcaster did not provide any response to our request for comments regarding *Closeup1* within the specified period.

#### Amount of advertising

With regard to the amount of advertising broadcast on the channel between 11:00 and 12:00 on 22 September 2008, the broadcaster said, “we duly note that there was in excess of 12 minutes of advertising”. It added that this was because at the time of the broadcast, the content was a direct feed from the NTV Bangla channel from Bangladesh. The broadcaster informed Ofcom that it had since ceased all advertising from Bangladesh and assured Ofcom that it would now comply with the rules set out in COSTA.

### **Decision**

#### News bulletins

The sponsorship of news (and current affairs) is prohibited. This requirement comes directly from European legislation – the Television Without Frontiers Directive. This is to ensure news is not distorted for commercial purposes. In news, the broadcaster must maintain and must be seen to maintain editorial control over its output. Nevertheless, in this case, Nepali TV decided to transmit news broadcasts from Bangladesh without considering UK regulatory compliance.

In this instance Nepali TV broadcast news bulletins as sponsored output, in breach of Rule 9.1 of the Code.

#### Closeup1

In determining whether or not a breach of the Code has occurred, Ofcom will seek representations from the broadcaster before adjudicating. Where a broadcaster chooses not to make representations, or (as in this case) does not make representations within the specified period, Ofcom will reach a decision on the basis of the information it holds at the time.

As the broadcaster did not make any representations regarding *Closeup1*, we made the following judgement based on the content itself and the information that we already had available to us.

One of the fundamental principles of European broadcasting regulation is that advertising and programming must be kept separate. This is set out in Article 10 of the Television Without Frontiers Directive which is in turn reflected in the rules in Section Ten of the Code.

With regard to Rule 10.4, undue prominence may arise where a product or service is referred to without editorial justification. Ofcom noted that the caption referring to the clothing brand and the make-up artist appeared during the programme and there was no editorial justification for the display of this caption. Therefore the broadcast of the caption gave undue prominence to both the clothing brand and the make-up artist, in breach of Rule 10.4.

#### Amount of advertising

Rule 4(a) of COSTA limits advertising in any one hour to a maximum of 12 minutes. Ofcom was able to conclude from the material viewed (i.e. an hour of content broadcast from 11:00), that Nepali TV transmitted 34 minutes of advertising material during this hour. Therefore the material broadcast during this period on 22 September 2008 was in breach of COSTA Rule 4(a).

#### Conclusion

Broadcasters are responsible for ensuring that the material they broadcast on services licensed by Ofcom complies with Ofcom codes including Broadcasting Code and COSTA. Ofcom is very concerned that Nepali TV appeared to believe it was acceptable to transmit material from overseas without doing so.

*News bulletins*, various dates (August 2008): **Breach of Rule 9.1 of the Code**  
*Closeup1*, 22 September 2008: **Breach of Rule 10.4 of the Code**  
*Amount of advertising*, 22 September 2008: **Breach of Rule 4(a) of COSTA**

## Sponsorship of *Super Scoreboard* by Verve car dealership

*News, Clyde 1 (Glasgow), 4 August 2008, 09:00*

*Super Scoreboard, Clyde 1 (Glasgow), 9 August 2008, 12:45*

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### Introduction

*Super Scoreboard* is a football programme broadcast on the radio station, Clyde 1. Verve car dealership became the new sponsor of *Super Scoreboard* at the start of the 2008 football season.

### News bulletin

During a news bulletin broadcast on 4 August 2008, the news presenter stated:

*“Super Scoreboard’s getting ready for a new season with a new sponsor. The number one football programme’s all set to return to the airwaves on Monday night from six on Clyde 1 with Verve as the new sponsor. Verve’s Managing Director...says his staff are delighted they’re part of Radio Clyde’s award-winning show”.*

The news item then briefly featured Verve’s Managing Director who said in an interview, *“We announced it to the staff at a staff meeting – we’ve got 500 staff – four weeks ago and everybody was absolutely ecstatic. It means a lot to our staff, it means a lot to our business, our brand identity. Fabulous, fabulous”.*

The presenter concluded the news item with: *“and Super Scoreboard’s also back for the start of the new SPL [Scottish Premier League] season on Clyde 1 and Clyde 2 from 12 noon on Saturday the 9<sup>th</sup> of August”.*

A listener questioned whether this was real ‘news’. We asked the broadcaster for its comments in relation to Rule 10.4 of the Code (no undue prominence may be given in any programme to a product or service).

### Super Scoreboard

During the edition of *Super Scoreboard* broadcast on 9 August 2008, the following conversation occurred between the presenter and the guest contributor:

Presenter: *“Clyde 1 and Clyde 2 Super Scoreboard, with Verve our new sponsors for the season. DJ?”* [DJ is the name of the guest contributor and “DJ” signified a handover of the conversation to him]

Guest: *“...Great cars, fantastic, what have you got?”*

Presenter: *“Er...um...well I’m negotiating (laughter). Could you maybe give me an insight into what question you’re going to ask me to catch me out?”*

Guest: *“I love the Passats, I love them.”*

Presenter: *“Oh they’re fantastic. I’ve noticed a couple of cracking Golf GTIs out there as well. They’re really nice.”*

Guest: *“Far too good for you.”*



Presenter: *“Well I was just about to say to you, I think that’s beyond our reach to be perfectly honest with you. It looks like it could be a Polo. Um...Falkirk nil.”*

[Guest contributor interrupts]

Guest: *“Just watch you don’t fall through the middle.”*

[Guest contributor laughs]

Presenter: *“Yeah, Falkirk nil, Rangers nil. You set them up, I’ll head them in.”*

The same listener questioned the promotion of the sponsor within the sponsored programme. We sought the broadcaster’s comments in relation to Rule 9.5 of the Code, which states:

“There must be no promotional reference to the sponsor, its name, trademark, image, activities, services or products or to any of its other direct or indirect interests. There must be no promotional generic reference. Non-promotional references are permitted only where they are editorially justified and incidental”.

## **Response**

Bauer Media (“Bauer” or “the broadcaster”), which owns Clyde 1, responded with regard to each programme, as follows:

### News bulletin

Bauer said it was “unfortunate that in the sports section of the news bulletin...the excitement of the sports team about securing a new sponsor for the flagship sports programme clouded their judgement about how this should be reported”. It said *Super Scoreboard* is a long established and popular programme that for the previous six years had benefited from a sponsorship deal that terminated at the end of the previous football season. Bauer said that “to ensure [the programme’s] future, it was important to secure a new sponsor and the station was pleased that they were able to do so and were sure that listeners would also be delighted to hear that the programme would be returning”.

The broadcaster added that the interview with the Managing Director of Verve “was designed to promote the return of the programme” and “the brief interview with him was designed to underline its return and his enthusiasm for the programme”.

Bauer said that, apart from the name of the sponsor, the broadcaster did not consider that there was any other material included that promoted the sponsor or its products or services. However, the broadcaster acknowledged that the inclusion of the item in a news bulletin “may have inadvertently breached the rules”, although this was not the intention of the story.

### Super Scoreboard

With regard to the *Super Scoreboard* programme, the broadcaster accepted that the references to the sponsor’s products should not have been included in the programme. It explained that the presenter read the sponsorship credit line and then handed over to the guest contributor. Bauer said that “instead of moving to an

editorial matter, the guest contributor misinterpreted the link as an invitation to say something about the sponsor". The broadcaster added that the presenter was taken by surprise as suggested by his comment, "*Could you maybe give me an insight into what question you're going to ask me to catch me out*", and that "despite his efforts to steer the conversation back on topic [i.e. football] he didn't achieve this without some unfortunate references to the sponsor's products".

Bauer said it had since provided the presenters at its Clyde stations with refresher courses specifically concerning sponsorship and commercial references issues.

## **Decision**

### News bulletin

Rule 10.4 of the Code states that no undue prominence may be given to a product or service in any programme. Undue prominence may result from the manner in which a product or service is referred to, or from a reference to a product or service where there is no editorial justification.

While regular listeners may have welcomed hearing about the return of the Clyde station's flagship sports programme, *Super Scoreboard*, there appeared to be no editorial justification for referring to the programme's sponsor, or interviewing its Managing Director, specifically during a news bulletin. Broadcasters should take particular care in reporting news about themselves (especially where it concerns their own commercial interests).

The programme was therefore in breach of Rule 10.4 of the Code.

### Super Scoreboard

In a sponsored programme, Rule 9.5 of the Code permits references to the sponsor only if they are non-promotional, editorially justified and incidental.

During the broadcast of the first *Super Scoreboard* of the new football season – sponsored by Verve – both the presenter and the contributing guest not only referred to the sponsor and its products, but also personally endorsed them.

Whilst Ofcom notes that the broadcaster states that such references were unplanned. However, it appears that the presenter did not immediately try to steer the guest back to the topic of football. In fact he perpetuated the conversation about the sponsor with references to its "*...cracking Golf GTis out there...*".

Ofcom considers that the references in this broadcast to the sponsor's products were neither editorially justified nor incidental. Further, the personal endorsements of the sponsor's products were promotional. The programme was therefore in breach of Rule 9.5 of the Code.

*News*, 4 August 2008: **Breach of Rule 10.4**

*Super Scoreboard*, 9 August 2008: **Breach of Rule 9.5**

## Resolved

### **Faking It Changed My Life**

*UKTV People, 30 August 2008, 10:00*

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#### **Introduction**

*Faking It Changed My Life* looked at how people's lives had changed following their involvement in the television programme *Faking It*. In the programme *Faking It* contributors were given limited training in a particular type of work and were then required to 'fake' their knowledge during a practical trial.

One viewer complained to Ofcom about the use of the word "fuck" during the programme.

Ofcom wrote to UKTV to respond under Rule 1.14 of the Code (the most offensive language must not be broadcast before the watershed).

#### **Response**

UKTV said the inclusion of this language was utterly unacceptable for broadcast. It said that one of the senior compliance operatives who had reviewed the programme had spotted and muted various other instances of language within the episode but, through human error, had missed this term.

The broadcaster said the language was removed from the episode and an on-air apology was subsequently given in the same time-slot as the original programme. While UKTV said it had received no complaints about the remainder of the series, it reviewed the episodes again to ensure no similar language was broadcast and uncovered no further errors.

#### **Decision**

Ofcom research is clear that "fuck" and its derivatives are considered by viewers as the most offensive forms of language. Rule 1.14 clearly states that this should not be broadcast before the watershed.

We welcome the fact that UKTV People broadcast an on-air apology and its admission that "fuck" should not have been broadcast. Given that UKTV People has previously had a good compliance record and taking into account the steps the broadcaster took following the incident, Ofcom considers the matter resolved.

#### **Resolved**

## Not in Breach

### Friday Plus

Bangla TV, 29 June 2007, 19:30

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#### Introduction

*Friday Plus* is a live current affairs programme for the Bangladeshi community broadcast on Bangla TV. This edition of the programme reported at length on the collapse and voluntary liquidation of First Solution Money Transfer Limited (“First Solution”). The programme invited members of the Bangladeshi community who had been affected by the company’s collapse to call the programme to discuss their experiences and the difficulties they were facing as a consequence of the company’s collapse.

Ofcom received five complaints that callers to the programme were permitted to make threatening and violent comments aimed at the directors and families of First Solution.

Ofcom viewed the programme, which was broadcast in Bengali, assessing its contents using an independently sourced translation into English. Ofcom noted the following comments made at different points within the programme:

1. Caller:                    *“...these three [i.e. the directors of First Solution] should be hanged together.”*
- Presenter:                    *“We have heard your opinion but on behalf of a media we cannot give such inflammatory statements. We would want justice to be done through legal channel...”*
2. Caller:                    *“...we need to know where they [i.e. the directors of First Solution] live in Bangladesh so we can take action there also.”*
- Presenter:                    *“I have to stop you there. We don’t want to go into any inflammatory comments likes this. What you do is your decision. But we don’t want to give any advice inciting anything like this...”*
3. Caller:                    *“They [i.e. the directors of First Solution] have all got properties over there. Everybody should get together and take over their properties and should undress their mothers and sisters and put them naked out on the street.”*
- Presenter:                    *“Thank you, thank you. I am coming to you now Mr..... you are a lawyer. In this sort of incidents what sort of help can a victim get from the law?”*

Ofcom asked the Licensee, Bangla TV (Worldwide) Limited, to comment under Rule 2.3 (material which may cause offence must be justified by the context); and Rule 3.1 (material likely to encourage or incite the commission of crime or to lead to disorder must not be broadcast).

## Response

Bangla TV said that the collapse of First Solution was a matter of public concern and that many of the callers to the programme had suffered personal financial loss and felt betrayed by them. The broadcaster said that although it did not operate a time delay system it did cut off calls where the content might abuse the requirements of the Code. In addition, it said that its presenters were aware of their duties under the Code.

With regard to the comment by one caller “...*everybody should get together and take over their [i.e. the directors of First Solution] properties and should undress their mothers and sisters and put them naked out on the street*” the Licensee stated that it was unfortunate that the presenter had been momentarily distracted and did not hear the caller’s comments fully. However, it said that it was clear from previous and subsequent comments by the presenter that such actions would not be condoned.

The broadcaster continued that it did not believe that any of the calls made to the programme breached the Code and that the cultural and colloquial content of the translation of the programme transcript from Bengali into English should also be taken into consideration. It confirmed that it considered some of the perceived threats made by callers were simply Bengali figures of speech which were given greater significance than would have been intended when translated into English. The broadcaster also said that although some of the callers were emotional, at no time did the presenter encourage, condone or incite violence or harm against any persons involved with First Solution.

## Decision

In forming its decision, Ofcom bore in mind the fact that broadcasters have a right to freedom of expression which includes the broadcaster’s right to transmit and the audience’s right to receive creative material, information and ideas without interference but subject to restrictions prescribed by law and necessary in a democratic society. This right is enshrined in the European Convention on Human Rights. A broadcaster should therefore always take care to ensure that material it transmits is in accordance with both the general law and the Code.

This edition of *Friday Plus* was transmitted live just after news of the collapse of First Plus became known. The comments made by callers, including those as described above, were made in the context of a specialised Bangladeshi community programme offering a forum for those of that community, affected by the collapse of First Solution, to express their frustration and anger regarding the money they believed they had lost. Ofcom was able therefore to appreciate that emotions were running high and that the story was of great relevance and significance to many of Bangla TV’s viewers. It was also clear that where comments of an intemperate or aggressive manner were voiced, the presenter was quick to make it clear that such comments were not condoned by the programme and in most instances calls of this nature were terminated.

On the occasion where the presenter did not moderate the call about undressing the mothers and sisters as described above, Ofcom accepted that this was a mistake made in a highly pressurised live environment and not a situation where such a course of action was being encouraged by the broadcaster.

Ofcom recognised the actions taken by the presenter of *Friday Plus* to end or moderate calls of the most aggressive or offensive nature. Nonetheless it considers

that broadcasters should take exceptional care, and remain duly vigilant, when broadcasting 'live' programmes where feelings and emotions run high, particularly when viewers who may be personally involved are encouraged to participate. This is to ensure that any potentially offensive comments of contributors are justified by the context.

In this case, given the subject matter, the live nature of the programme, the presenter's generally swift action in ending calls of an abusive nature and the context of a complex and extremely pertinent issue to Bangla TV's audience, Ofcom judged, on balance, that generally accepted standards as required by Rule 2.3 were met. In addition, Ofcom considered that some of the comments, whilst offensive to the directors of First Solution and their families, did not incite the commission of crime and were not likely to lead to disorder. As a consequence there was no breach of Rule 3.1 of the Code<sup>1</sup>.

### **Not in Breach**

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<sup>1</sup> Directors of First Solution and some members of their families made Fairness and Privacy complaints to Ofcom. Ofcom's decisions in relation to these complaints are reported elsewhere in this Bulletin: see pages 19 to 60.

## Fairness and Privacy Cases

### Upheld and Partly Upheld

#### Complaint by Ms A made on her behalf by Ms B

Scotland Today, STV, 18 January 2008

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**Summary:** Ofcom has upheld this complaint of unfair treatment by Ms B on behalf of Ms A.

This edition of Scotland Today contained a news item about the sentencing of Mr James Kerr for the murder of Mr Thomas Nicoll at Edinburgh High Court. The report stated that the murder occurred after Mr Kerr had heard “false rumours” that Mr Nicoll had sexually abused Mr Kerr’s girlfriend. It also stated that police had investigated the allegations made by Mr Kerr’s girlfriend and had “found them to be untrue”. The report added that the girlfriend should have the death “on her conscience”.

Ms B complained that, although Ms A was not named in the report, it was her daughter who was referred to as making allegations against Mr Nicoll and she had been treated unfairly in the programme as broadcast.

Ofcom concluded that the programme makers did not provide material to support the allegation that the police had found the claims of sexual abuse were false. Ofcom therefore found that the suggestion made in the report, that Ms A, as the girlfriend of Mr Kerr should have Mr Nicoll’s death on her conscience, resulted in unfairness to her.

#### Introduction

On 18 January 2008, STV broadcast a report in its evening news bulletin on the sentencing at the High Court in Edinburgh of Mr James Kerr for the murder of Mr Thomas Nicoll. It was reported that Mr Kerr had carried out the murder:

*“...after hearing false rumours that he (Mr Nicoll) had abused his (Mr Kerr’s) girlfriend...”*

Later the reporter stated:

*“Police had investigated the allegations made against the pensioner [Mr Nicoll] and found them to be false...[Mr Kerr’s] girlfriend had claimed that Mr Nicoll molested her as a child but after investigating the police had decided that the allegations weren’t true.”*

The item also contained interviews with members of Mr Nicoll’s family who were outside court.

The item ended with the following comment:

*“..and in Winchburgh the woman who made these false claims may also have his death on her conscience”*

In her complaint, Ms B stated that, although she was not named in the report, it was her daughter, Ms A, who was referred to in the report as making allegations against the murder victim. In its correspondence with Ms B STV did not dispute this.

Ms B complained to Ofcom on behalf of her daughter that her daughter, Ms A, was treated unfairly in the programme as broadcast.

### **The Complaint**

In summary, Ms B complained that:

- a) her daughter was treated unfairly in that:
  - i) The item incorrectly and unfairly stated that the allegations of abuse made by Ms A were “false” or “untrue”. By way of background Ms B said the reason police had not pursued Ms A’s allegations of abuse against Mr Nicoll was that they had found insufficient evidence to mount a prosecution, due to the passage of time. She referred to comments made by the police in court to support her position. Ms B said that the inclusion of these allegations in the item was damaging and defamatory to Ms A.
  - ii) As the allegations made in the report were untrue, the closing comment by the reporter (“*the woman who made these false claims may have his death on her conscience*”) was unfair to Ms A.

### **STV’s Statement**

In response STV said it had considered the complaint and an investigation within STV had established various findings. These were that the police investigated the allegations of abuse and thereafter the Crown made a decision not to prosecute Mr Nicoll, the man who was later murdered by Mr Kerr.

STV also said it had established that Ms A repeated the allegation to her then boyfriend, Mr Kerr, and that he later murdered Mr Nicoll.

STV noted that Mr Kerr pleaded guilty to the charge of murder and was sentenced to thirteen years in prison and said it was clearly established in Court that the abuse claim was the direct cause of the attack upon Mr Nicoll by Mr Kerr.

The report broadcast by STV referred to the narrative as heard in Court by the Crown which clearly detailed the cause and result of the death.

STV said that Ms A was not identified during the broadcast, nor were certain comments made by the deceased’s family broadcast by STV. It said this did not apply to other media sources.

Taking all of the circumstances into account, STV accepted that its news report could have characterised the allegations as ‘unfounded’ rather than ‘untrue’ and it apologised for any upset caused to the complainant’s family.

STV also provided correspondence between it and Ms B which took place before her complaint to Ofcom. This was considered in full by Ofcom.



## Decision

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment in programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

This complaint was considered by the Executive Fairness Group. In reaching a decision it considered a recording and transcript of the programme. It also considered the submissions from both parties.

- a) Ofcom considered the elements of the complaint at i) and ii) together because they relate to the same complaint of unfair treatment, namely that the item incorrectly and unfairly stated that the allegations of abuse made by Ms A were *"false" or "untrue" and unfairly stated that "the woman who made these false claims may have his [Mr Nicoll's] death on her conscience"*. (Ofcom also took note of Ms B's background statement, including her view that the inclusion of the allegations was damaging and defamatory to Ms A, only insofar as the inclusion may have resulted in unfairness to the complainant in the programme as broadcast)

In considering this head of complaint Ofcom took into account whether the programme maker's actions were consistent with its obligation to avoid unjust or unfair treatment of individuals in programmes as set out in Rule 7.1 which states:

"Broadcasters must avoid unjust or unfair treatment of individuals or organisations in programmes."

Ofcom also considered Practice 7.9 which states:

"Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation."

Ofcom observed that, in reporting the sentencing of Mr Kerr for Mr Nicoll's murder, the report referred to the cause of the murder as being false claims of abuse by an unnamed party. These references are detailed in the Introduction. Although Ms A was not named in the report, Ofcom noted that she was referred to as Mr Kerr's *"girlfriend"* from *"Winchburgh"* and considered that given the high profile of the murder, and her naming in other media outlets, she was likely to be easily identifiable to the local audience.

Ofcom noted that the programme makers attributed the statement that the claims of abuse had been false to the outcome of an investigation by the police, stating:

*“Police had investigated the allegations made against the pensioner and found them to be false” and “after investigating the police had decided that the allegations [of molestation by Mr Nicoll] weren’t true.”*

Ofcom therefore considered whether the programme makers had taken reasonable care to satisfy themselves that material facts had been presented fairly in the programme. In doing so, Ofcom first examined the factual basis for the statement. It noted that in its statement in response to the complaint the broadcaster stated that:

*“the police investigated the allegation [of sexual abuse] and thereafter the Crown made a decision not to prosecute Mr Nicoll, the man who was later murdered by James Kerr.”*

The broadcaster also stated that:

*“It was clearly established in Court that the abuse claim was the direct cause of the attack upon Mr Nicoll by James Kerr.”*

Ofcom also noted that STV argued that the report “referred to the narrative as heard in Court”.

In Ofcom’s view, none of the arguments made above support the programme’s allegation that the police had concluded that the claims of abuse were false. Further, the broadcaster provided no other evidence to support the allegation made in the report that the police had found that the claims of abuse were false. The broadcaster’s statement referred only to a decision not to prosecute Mr Nicoll and not to the basis for that decision.

Ofcom considered that, in the absence of a clear factual basis for the allegation or any other authoritative source to support this very serious allegation, the programme makers had failed to take reasonable care to satisfy themselves that material facts had been presented fairly.

In Ofcom’s view, in light of the statement in the report that the police had found the claims of abuse were *“false”*, and the suggestion that Ms A should have the murder of Mr Nicoll *“on her conscience”* it would have been reasonable for viewers to conclude that Ms A had falsely invented the claims of abuse and therefore had some responsibility for the murder of Mr Nicoll. In the circumstances and for the reasons detailed above Ofcom found that the programmes presentation of this very serious allegation was unfair.

**Accordingly the complaint of unfair treatment was upheld.**

## **Complaint by Dr Fazal Mahmood, Mr Gulam Robbani Rumi and Mr Shah Hadi**

*Bangladesh Protideen, Bangla Television, 25 June 2007*

*News, Bangla Television, 25, 28 and 29 June, 1, 4, 5, 6, 8, 9, 10, 11, 12, 20 and 27 July 2007*

*Friday Plus, Bangla Television, 29 June, 6, 13 and 20 July, 3 and 17 August and 7 September 2007*

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**Summary:** Ofcom has upheld this complaint of unfair treatment and partly upheld a complaint of unwarranted infringement of privacy made by Dr Fazal Mahmood, Mr Gulam Robbani Rumi and Mr Shah Hadi.

During the period from June to September of 2007, Bangla TV, which broadcasts to the UK's Bengali community, broadcast a number of programmes that reported on the collapse of First Solution Money Transfer Limited ("First Solution"), a money transfer company. The story featured in an edition of the phone-in programme, "Bangladesh Protideen", various editions of Bangla TV's daily news programmes and editions of its phone-in programme, "Friday Plus". During the programmes, references were made to the affairs of the company and to the company's directors, Dr Mahmood, Mr Rumi and Mr Hadi.

Dr Mahmood, Mr Rumi and Mr Hadi complained to Ofcom that they were treated unfairly and that their privacy was unwarrantably infringed in the programmes as broadcast.

In summary Ofcom found the following:

- Bangla TV broadcast serious allegations by presenters, guests and callers of dishonesty or potentially criminal behaviour against Dr Mahmood, Mr Rumi and Mr Hadi relating to the collapse of First Solution without an appropriate basis to support those allegations and over a period of many weeks. Bangla TV did not have systems in place to ensure that no unfairness resulted to the directors as a result of contributions to programmes by presenters, guests and callers.
- Bangla TV did not give the directors of First Solution an appropriate and timely opportunity to respond to the serious allegations made about them in the programmes.
- The broadcast of footage of the directors' homes, filmed from the public highway, did not amount to an infringement of their privacy.
- The directors' addresses were not visible from a document seen on screen, but the broadcast of Dr Mahmood's personal telephone number was an unwarranted infringement of his privacy.

### **Introduction**

During the period from June to September 2007, Bangla Television ("Bangla TV"), which broadcasts to the Bengali community, included references in *Bangladesh Protideen*, news items and in editions of a current affairs programme, *Friday Plus*, to problems involving First Solution Money Transfer Ltd ("First Solution"). First Solution was a money transfer company, which became insolvent during that period, causing extensive financial loss to many people in the Bangladeshi community. The directors of First Solution were Dr Fazal Mahmood, Mr Gulam Robbani Rumi and Mr Shah Hadi. On *Bangladesh Protideen*, a phone-in show, a caller to the programme on 25

June 2007 said that First Solution had gone bankrupt that afternoon. In news programmes and editions of *Friday Plus* broadcast between 28 June and 7 September 2007, there were numerous references to, and criticisms of, First Solution and its directors by presenters, guests and callers.

Dr Mahmood, Mr Rumi and Mr Hadi complained to Ofcom that they were treated unfairly and that their privacy was unwarrantably infringed in the programmes as broadcast.

## **The Complaint**

### **Dr Mahmood, Mr Rumi and Mr Hadi's case**

By way of background, the complainants said that First Solution operated primarily as a company that dealt with the transfer of money, belonging to customers within the Bangladeshi community, to recipients in Bangladesh. They said that the company grew rapidly and the directors were not efficient at managing the vast number of transactions processed each day due to the fact that the company did not have an adequate technological infrastructure in place. As a result, the company had a cashflow problem, as it was committed to processing transfers but did so without its agents having banked the appropriate amount of money on time. The company therefore made losses as a result of exchange rate fluctuations. The complainants said that they had recognised that there was a problem and had taken steps to resolve these issues so that the company could move forward. When Mr Suhel Chowdhury, a well known and respected businessman in the Bangladeshi community, stated on *Bangladesh Protideen*, live on air and incorrectly, that First Solution had gone bankrupt, there was uproar at the office of First Solution and rumours spread. The directors of First Solution and their solicitor spoke to Mr Chowdhury the following day and he admitted that he had made a mistake and wished to publicly retract his comments. Bangla TV, however, would not facilitate him doing so.

In summary, Dr Mahmood, Mr Rumi and Mr Hadi complained that they were treated unfairly in the programmes in that:

- a) They were unfairly portrayed in that:
  - i) On *Bangladesh Protideen* Mr Chowdhury was allowed to state, incorrectly, that First Solution had gone bankrupt. In news items and editions of *Friday Plus*, statements were included, from Mr George Galloway MP and from callers into the programmes, alleging that there was criminality involved and that the directors of First Solution had gone into hiding, with millions of pounds of customers' money. The clear message was that the directors had acted dishonestly and embezzled money belonging to others.
  - ii) Unfair and damaging statements were included in the broadcasts suggesting that the directors and their families should be tracked down, taken into the streets and paraded naked.
  - iii) It was claimed that Dr Mahmood had built a "palace" using customers' money and that the directors had bought their homes using customers' missing millions, when in reality their homes had been purchased before First Solution started trading.

- b) The directors were not given an appropriate and timely opportunity to respond in that:
  - i) The broadcasts included conclusions about the situation before the lawyers and accountants had had an opportunity to consider all the evidence.
  - ii) No one from Bangla TV had contacted the complainants' solicitor to ascertain the correct legal or factual position regarding First Solution.

In summary, Dr Mahmood, Mr Rumi and Mr Hadi complained that their privacy was unwarrantably infringed in the broadcast of the programmes in that:

- c) Footage of the directors' homes was included, showing their house numbers and street names. This was not warranted, since there had been no findings of impropriety on the part of the directors.
- d) The personal telephone numbers and home addresses of the directors were broadcast. This was not warranted, since there had been no findings of impropriety on the part of the directors.

### **Bangla TV's case**

In summary Bangla TV responded to the complaint of unfairness as follow:

- a) As regards the complaint that Dr Mahmood, Mr Rumi and Mr Hadi were unfairly portrayed, Bangla TV responded as follows:
  - i) In response to the complaint that the clear message in the programmes was that Dr Mahmood, Mr Rumi and Mr Hadi had acted dishonestly and embezzled money belonging to others, Bangla TV said that the call made from Mr Chowdhury to Bangladesh Protideen regarding the insolvency of First Solution may or may not have had a basis in fact. However, Bangla TV did not itself add credence to the statement. The programme made it clear that Bangla TV could not verify the information provided by the caller and the programme included the following comment:

"We (BTV) regulated by Ofcom broadcast the adverts within Ofcom and FSA guidelines. Insofar as we do not receive any order/declaration regarding the complaint from regulatory authorities, we will not take any action. As a media we are aware of our responsibilities and we will conduct our own research regarding the complaint".

*As regards the subsequent news items and editions of Friday Plus, Bangla TV said that the programmes did include statements from Mr Galloway and various guests and callers who were deeply upset about the conduct of First Solution. Whilst some allegations of criminality occurred, the fact was that the directors had placed a note on their office in the London Muslim Centre on 27 June 2007, saying that the office was closed until further notice. Members of the public were unable to contact the directors of First Solution and there was no sight of the directors or the customers' money. These were facts that were stated by members of the public, not by the presenters or by Bangla TV. Bangla TV handled the statements regarding bankruptcy and criminality appropriately. Throughout the programmes, the presenters continuously confirmed that the comments being made were merely opinions.*

- ii) In response to the complaint that statements were included in the broadcasts suggesting that the directors and their families should be tracked down, taken into the streets and paraded naked, Bangla TV said that on 29 June 2007 a caller to *Friday Plus* had said:

*“...we should all get together and go to their homes in Bangladesh and set their mothers and sisters naked on the streets”.*

Bangla TV said that, unfortunately, the presenter had been momentarily distracted by messages in her earpiece and was unable to hear the caller's comments fully. She had been able to ascertain the gist of what was being said and to ensure that the call was cut short so as not to encourage the caller. The presenter quickly moved on to speaking with a guest on the show. It was clear that Bangla TV would not condone such provocative and inflammatory action as the presenter had already stated during the course of the programme:

*“We have heard your comment but as a media, we can't accept this kind of opinion or message from any caller. We want justice to happen in accordance with the law”.*

- iii) In response to the complaint that it was claimed that Dr Mahmood had built a “palace” using customers' money and that the directors had bought their homes using customers' missing millions, Bangla TV said that the comment made by the presenter about the houses of the directors of First Solution needed to be understood within the context of the speech while being aware of common Bengali expressions. The presenter did not make any claim that Dr Mahmood's house was built with First Solutions' money but referred to it in a lead in to footage of the director's house. What was said in Bengali was:

*“Let's go and see what sort of 'prashado potom attalika' the director lives in”.*

Bangla TV said that “*prashado potom attalika*” meant something “expensive and big”.

- b) In response to the complaint that Dr Mahmood, Mr Rumi and Mr Hadi were not given an appropriate and timely opportunity to respond, Bangla TV responded as follows:
- i) In response to the complaint that the broadcasts included conclusions about the situation before the lawyers and accountants had had an opportunity to consider all the evidence, Bangla TV said that the only information shared on the programme was a known fact that First Solution was in financial difficulties. It was clear from the company accounts submitted to Companies House that the company was trading at a loss. There was no attempt to analyse or put forward any other conclusion.
- ii) In response to the complaint that no one from Bangla TV had contacted the complainants' solicitor to ascertain the correct legal or factual position regarding First Solution, Bangla TV said that the solicitor acting for First Solution contacted Bangla TV to inform them that an imminent fax would confirm that First Solution had gone into liquidation. This had simply confirmed the position. Bangla TV said that the directors of First Solution

were invited on numerous occasions to make statements and respond to the public's concerns. No response was received from them. At Dr Mahmood's request, during the broadcast on 29 June 2007, Bangla TV showed footage of Dr Mahmood giving a speech about First Solution's financial difficulties. On 12 July 2007 an invitation was sent to Dr Mahmood inviting him to attend the *Friday Plus* programme, but no response was received. On 20 July 2007, Dr Mahmood called the *Friday Plus* show and was given the opportunity to face the public. The presenter did not cut his call by her words and actions. She was disagreeing with Dr Mahmood's comments and asked him to stop speaking so that he could answer questions from the panel. He refused to do so and ended the call.

Furthermore, Bangla TV said that on 27 July 2007, Dr Mahmood was given another opportunity to respond, when he called the studio during the live programme. He was given approximately one hour on the programme to clarify the position and console the public. During *Friday Plus* paragraphs of the letter from solicitors representing First Solution were read out. This was the first official response from First Solution and was duly conveyed to the public to ensure that a full picture of the situation was provided.

In summary, Bangla TV responded to the complaint of unwarranted infringement of privacy as follows:

- c) In response to the complaint that footage of the directors' homes was included, showing their house numbers and street names, Bangla TV said that it was accepted that footage of the directors' family homes was shown. Bangla TV said that the street names were not shown. The footage did not zoom in on road names and door numbers.
- d) In response to the complaint that the personal telephone numbers and home addresses of the directors were broadcast, Bangla TV said that during one of the broadcasts Bangla TV attempted to call Dr Mahmood but the call went to a voicemail message which disclosed his telephone number. This message was inadvertently broadcast. No other telephone numbers were broadcast.

#### **The complainants' comments in response to the broadcaster's statement**

- a) In response to Bangla TV's statement regarding the complaint that Dr Mahmood, Mr Rumi and Mr Hadi were portrayed unfairly, the complainants commented as follows:
  - i) Bangla TV had not explained why Mr Chowdhury was permitted to make his unsubstantiated and untrue allegation on *Bangladesh Protideen* at all, particularly given that he prefaced his remarks by saying he was going to comment on a new subject. The comment quoted by Bangla TV in its response to Ofcom was not made in response to Mr Chowdhury's comments about First Solution but referred to what he had said regarding an advertisement on Bangla TV.

As regards Bangla TV's statement that "some allegations of criminality occurred", the complainants said that the broadcasts complained of were riddled with terms such as "robbed", "stolen", "lying", "thieves", "scam", "fraud", "embezzling" and "conned". Furthermore, it was not the case that Bangla TV did not make any allegations about the criminality of the directors of First Solution and there were also numerous examples of such allegations made by callers and contributors to the programmes. The complainants said

that Bangla TV was responsible for allegations made by callers and that the presenters did not act to stop such allegations being made or to distance the broadcaster from them.

- b) In response to Bangla TV's comments in relation to opportunity to respond, the complainants said, in summary:
- i) The accounts relied on by Bangla TV were not those of First Solution Money Transfer Limited, but related to another company, First Solution UK Limited. The audited accounts for First Solution Money Transfer Limited for the year ended 30 June 2006 showed that, far from the company trading at a loss, it made a profit of £122,388 in 2006. All the allegations broadcast on Bangla TV concerning the company accounts were wholly misconceived and untrue.
  - ii) The solicitor who represented First Solution denied telling Bangla TV that he would be sending a fax confirming that First Solution was going into liquidation. The solicitor spoke to a Mr Khan at Bangla TV on 26 June 2007 regarding an opportunity for Mr Chowdhury to retract his allegation of the previous day on air. Given that this was the purpose of his call, he did not state that the company had gone into liquidation.

As regards opportunities for the complainants themselves to respond, the complainants said that the attitude of the presenter on 20 July 2007 in cutting Dr Mahmood off spoke for itself. The complainants said that subsequent repeats of the programme were edited so as to suggest wrongly that Dr Mahmood terminated the call. Although Dr Mahmood was permitted to speak for a substantial period on 27 July 2007, his contribution was immediately followed by the same or similar criticisms to those already broadcast.

In summary, the complainants responded to Bangla TV's statement relating to unwarranted infringement of privacy as follows:

- c) The directors' houses were clearly shown.
- d) A page from the company's accounts, detailing the addresses of each of the directors was broadcast.

### **Bangla TV's second statement**

Bangla TV wrote to Ofcom following the comments from the complainants, but did not respond to the issues set out above.

### **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.



The complaint from Dr Mahmood, Mr Rumi and Mr Hadi was considered by Ofcom's Executive Fairness Group. In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included recordings of the programmes as broadcast, English transcripts, Bengali transcripts with independent translations of some parts of some of the broadcasts and written submissions from the parties.

Ofcom noted the content of the programmes, which is summarised as follows:

#### *News Items*

On 28 June 2007, Bangla TV reported that First Solution had "*run away with several million pounds*" and that George Galloway MP had asked for an investigation and severe punishment for the "*scam*". Dr Mahmood and Mr Rumi were both named and the report said that none of the directors was available for contact.

On 29 June and 1 July 2007, Bangla TV reported that First Solution had handed the business over to insolvency practitioners and questioned how the "*scandal*" had been allowed to happen. Bangla TV reported on the situation again on 4 July 2007, with calls for an investigation into whether money had been stolen. On 5 July 2007, Bangla TV reported that First Solution had offered customers a higher rate than the market rate for money transfers and had thereby "*attracted thousands and thousands of customers and grabbed millions of pounds*".

On 6 July 2007, Bangla TV reported on the story, referring to Dr Mahmood as "*controversial*" and to First Solution as a "*deceptive and cheating*" business and said it was "*now proven that the directors were running a business of conspiracy*". Later on the same day, Bangla TV reported on the story again and referred to an investigation by Stephen Timm MP into the collapse of First Solution. The report included footage of Mr Galloway referring to "*millions of pounds taken from thousands of people*".

On 8 July 2007, Bangla TV referred to money having been stolen by First Solution and the directors as having run away. On 9 July 2007, Bangla TV referred to the situation as a "*scandal*". On 10 July 2007 Bangla TV referred to a discussion by MPs as to how victims of the insolvency of First Solution could be helped. On 11 July 2007, Bangla TV reported that the London Muslim Centre had said that it had no ties with First Solution and that First Solution was simply a tenant on the London Muslim Centre's premises.

On 12 July 2007, Bangla TV reported that the story surrounding First Solution's affairs had now appeared on the YouTube website and comments had been posted on the website referring to those responsible for the insolvency of First Solution as thieves. On 20 July 2007, Bangla TV reported that Dr Mahmood called in to the *Friday Plus* programme broadcast by Bangla TV to blame the media for the situation, but had not answered questions from the panel on the programme.

#### *Friday Plus*

On 29 June 2007, the programme's presenter, its reporter and callers into the programme referred to misappropriation of money by the directors of First Solution and said that they could not be contacted. Criticisms of how the business was run were included and the directors were named. Footage of the homes of Dr Mahmood and Mr Rumi was included and documentation relating to the company was shown. On 6 July 2007, First Solution's situation was reported on again in an edition of *Friday Plus*. It was stated that it had been "*proven that they truly have been running a business to deceive people*". The programme included criticisms of the company and

of the directors and included footage of them.

On 13 July 2007, the First Solution situation was reported on again and callers were telling stories of the money they had lost. Dr Mahmood and Mr Rumi were named. Again, the programme included criticisms of First Solution and its directors, from presenters, guests and callers. On 20 July 2007, the situation was reported again in similar terms and the directors of First Solution named. Dr Mahmood called the programme and spoke about the situation from First Solution's point of view.

On 3 August 2007, First Solution's situation was reported on briefly. The programme said that Dr Mahmood had said that "with Allah's will" First Solution would give the money back. There was then further criticism of First Solution and the directors. Criticisms of the company and its directors were again included. On 17 August 2007, First Solution's situation was again briefly referred to, with criticisms of First Solution and Dr Mahmood. On 7 September 2007, there was an update on the situation and the statement from First Solution's solicitor and the directors was read out. There were criticisms of the company included in the programme.

- a) Ofcom considered the complaint that Dr Mahmood, Mr Rumi and Mr Hadi were unfairly portrayed in the programmes.

In considering this part of the complaint Ofcom took account of Practice 7.9 of Ofcom's Broadcasting Code ("the Code"), which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

- i) Ofcom first considered the complaint that a businessman, Mr Chowdhury, was unfairly allowed to state on *Bangladesh Protideen* that First Solution had gone bankrupt and that allegations of criminality were made in news items and editions of *Friday Plus*.

Ofcom recognises that broadcasters broadcast live programmes, to which guests and viewers can contribute and offer their views on a situation. When doing so, broadcasters must have robust systems in place to ensure that no unfairness results to others from the broadcast of such views.

In this case, Ofcom noted Mr Chowdhury's call to *Bangladesh Protideen*, in which he said:

*"This evening we heard that First Solution has gone bankrupt".*

This was an extremely serious claim, which had a significant impact on First Solution, its directors and its customers. It appeared to Ofcom that no steps were taken to establish in advance what Mr Chowdhury was intending to say, despite the fact that he made it clear that he wished to raise a new topic for discussion, when he began his call by saying:

*"I am going to comment on a completely different matter..."*

Furthermore Ofcom noted that no steps were taken by the presenter to interrupt Mr Chowdhury, to question him about his allegation or to ask him for evidence to support his claim. The presenter's response to Mr Chowdhury's call, when he had finished speaking, was as follows:

*“Mr Chowdhury, thank you very much for your questions. I will take a few more calls then answer your questions”.*

In Ofcom’s view this response allowed Mr Chowdhury’s serious allegation to stand wholly unchallenged and did not in any way acknowledge the gravity of what he was saying. Furthermore, Ofcom was also provided with evidence that the solicitor representing the directors of First Solution approached Bangla TV the day after the broadcast to raise the directors’ concerns and to inform the station that Mr Chowdhury wished to retract his claims, but that Bangla TV did not reflect this in its programming.

In Ofcom’s view, whatever the reason for the collapse of First Solution, it was clear that it had a devastating effect on many of the company’s customers. It was legitimate for Bangla TV to cover the story and to allow people affected by it to air their views. However, it was also incumbent on Bangla TV to ensure that it had clear and robust measures in place to ensure that, in doing so, it did not allow unfairness to result to the directors of First Solution. As regards the news items and editions of *Friday Plus*, Ofcom noted that some of the allegations made about First Solution and the directors were that they were incompetent. In Ofcom’s view, once the directors had admitted to problems with the management of First Solution, it was reasonable for contributors to the programmes to refer to them as having been incompetent. However, Ofcom noted that many of the statements made about the directors by presenters, guests and callers went much further than this and were clear allegations of dishonesty. For example, the news item on 28 June 2007 began with the news reader saying:

*“First Solution has run away with several million pounds”.*

In a news report the following day, the reporter said:

*“A company worth £100 has stolen several million pounds from the public...”*

Similar comments were aired about the directors of First Solution by reporters and presenters, callers to and guests on the programmes over a period of many weeks.

Ofcom took the view that Bangla TV did not have systems in place to ensure that the initial serious allegation made by Mr Chowdhury was challenged, tested or supported in any way. Nor did the station have systems in place to ensure that the directors of First Solution were not treated unfairly in subsequent programmes. The presenters did little to moderate effectively the views being expressed about the directors. Ofcom noted that, on some occasions, callers were interrupted or warned that their remarks may be going too far (see decision head a)ii) below). However, Ofcom noted that many accusations against the directors and suggestions that action should be taken against them were not moderated or stopped by the presenters. In Ofcom’s view this represented a serious failure on the part of Bangla TV to ensure that its broadcasts did not result in unfairness to Dr Mahmood, Mr Rumi and Mr Hadi.

Furthermore, as set out under head b) of the decision below, the directors of First Solution were not given an appropriate and timely opportunity to respond to the allegations.

In all these circumstances, Ofcom found that the inclusion of these allegations without Bangla TV properly providing the basis for them was unfair to Dr Mahmood, Mr Rumi and Mr Hadi.

- ii) Ofcom next considered the complaint that the news broadcasts and editions of *Friday Plus* complained of included unfair and damaging statements suggesting that the directors should be tracked down, taken into the streets and paraded naked.

In considering this complaint, Ofcom took into account the references to First Solution and the directors as set out in the summary of the programmes at the beginning of this decision and other comments made during the programmes complained of. As set out under decision head a) i) above, Ofcom takes the view that if guests and callers are allowed to make statements such as those set out in the summary of the programmes above and numerous others made in the programmes complained of, the broadcaster must ensure that this is done in such a way as to avoid unfairness.

As set out above, in Ofcom's view the presenters did little to moderate effectively the views being expressed about the directors by callers and guests. Ofcom noted that when a caller to *Friday Plus* on 29 June 2007 suggested that the directors' mothers and sisters should be "*set...naked in the streets*", the presenter simply responded "*thank you, thank you*" and went on to speak to another contributor. In the same programme, when a caller said that people should find out where the directors lived so they could "*go to them*", the presenter said:

*"We cannot give any advice like this. It's your opinion".*

Ofcom also noted that when another caller to the programme suggested that the directors should be hanged, the presenter had responded as follows:

*"We have heard your comment but as a media, we can't accept this kind of opinion or message from any caller. We want justice to happen in accordance with the law".*

However, in Ofcom's view, serious allegations about the directors of First Solution were made and permitted to be broadcast by Bangla TV without an appropriate basis. To permit statements such as those referred to under this decision head to be broadcast was unfair. This was because they were clearly made on the assumption that the directors were dishonestly involved in some way in the collapse of First Solution and attempts by presenters to discourage the more extreme suggestions by callers were insufficient to ensure that no unfairness resulted to the directors of First Solution. In Ofcom's view this represented a failure on the part of Bangla TV to ensure that its broadcasts did not result in unfairness to Dr Mahmood, Mr Rumi and Mr Hadi.

- iii) Ofcom next considered the complaint that the programmes included claims that Dr Mahmood had built a palace using customers' money and that the directors had built their homes with customers' money.

Ofcom noted that the presenter said of Dr Mahmood's home:

*“This palace, worth how many millions we cannot be sure. But you can see the house is gold plated. It can be said that on every single brick there is Dullah Miah’s<sup>1</sup> cry”.*

The presenter said of Mr Rumi’s home:

*“Now we are going to see Gulum Robanni’s home, another big palace. Even in the bricks of this palace remains the sorrow of Dullah Miah...”*

In Ofcom’s view, and as set out under decision heads a) i) and ii) above, Bangla TV had a responsibility to ensure that the views expressed on its programmes did not result in unfairness to the directors of First Solution. Given the serious impact on many people of the collapse of First Solution, it was not unfair for the programmes to refer to the directors’ homes. However, there was no evidence presented to Ofcom to support the claims that the directors’ homes were bought with customers’ money or as a result of dishonesty and the inclusion of such claims was unfair to them.

Accordingly Ofcom found that that Dr Mahmood, Mr Rumi and Mr Hadi were portrayed unfairly in relation to each of these sub-heads of complaint.

- b) Ofcom next considered the complaint that Dr Mahmood, Mr Rumi and Mr Hadi were not given an appropriate and timely opportunity to respond to the allegations made in the programmes.

In considering this part of the complaint Ofcom took account of Practice 7.11 of the Code, which states if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

Ofcom has considered the two sub-heads of complaint together as they appear to raise the same issues.

As set out under decision head a) above, Ofcom took the view that many of the allegations made about the directors of First Solution were extremely serious. Claims were made that they were dishonest, both in terms of their handling of First Solution and the ways in which they were alleged to have benefited from their customers’ losses. In these circumstances, it was incumbent on Bangla TV to provide the directors with an appropriate and timely opportunity to respond to the allegations. Ofcom noted Bangla TV’s assertion that such opportunities were offered, but Ofcom has not been provided with copies of any letters or any other communications inviting the directors or their representatives to take part or setting out questions for them to answer. Ofcom is therefore not satisfied that the directors of First Solution were given an appropriate and timely opportunity to respond to the serious allegations made about them.

Ofcom noted that Dr Mahmood did take part in some programmes, but given that he initiated these contributions, for example by calling the station, and given that the serious allegations continued to be made after his contributions were made, this did not address the failure on the part of Bangla TV to offer him and his fellow directors an appropriate and timely opportunity to respond to the allegations.

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<sup>1</sup> Dullah Miah was one of the guests on the programme, a customer of First Solution who had lost money.

Ofcom therefore found unfairness to Dr Mahmood, Mr Rumi and Mr Hadi in this respect.

- c) Ofcom then considered the complaint that the privacy of Dr Mahmood, Mr Hadi and Mr Rumi was unwarrantably infringed as a result of the inclusion of footage of their homes in some of the broadcasts.

In Ofcom's view, the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy both in relation to the making and the broadcast of the programme, Ofcom must consider two distinct questions: First, has there been an infringement of privacy? Secondly, if so, was it warranted? (Rule 8.1 of the Code).

In considering whether the complainants' privacy was infringed in the programmes as broadcast, Ofcom considered whether they had a legitimate expectation of privacy in relation to the broadcast of footage of their homes. Ofcom noted that the footage of the directors' homes was filmed from the public highway, did not intrude on the complainants' personal and family life and that nothing was broadcast that was not visible to anyone who passed the houses on the street. Taking into consideration these factors, it is Ofcom's view that Dr Mahmood, Mr Rumi and Mr Hadi did not have a legitimate expectation of privacy in relation to the footage of their homes. Given this Ofcom therefore found that their privacy was not infringed in the broadcasts and it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

- d) Ofcom then considered the complaint that privacy of Dr Mahmood, Mr Hadi and Mr Rumi was unwarrantably infringed as a result of the inclusion of footage of their telephone numbers and addresses in some of the broadcasts.

In considering whether the complainants' privacy was infringed in this respect, Ofcom considered whether they had a legitimate expectation of privacy in relation to the broadcast of Dr Mahmood's telephone number and all three directors' addresses.

Ofcom noted that during the news item and the *Friday Plus* programme broadcast on 29 July 2007, footage of a document relating to First Solution was shown on screen. Ofcom also noted that the complainants considered that their home addresses were visible. Ofcom took the view that the footage of the documentation was so fleeting and the details so blurred that viewers would not have been able to read any addresses revealed. In these circumstances, no details of the home addresses were in fact shown. In relation to the addresses, Ofcom therefore considered that the complainants did not have a legitimate expectation of privacy. Given this, Ofcom therefore found that their privacy was not infringed in the broadcast and it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

As regards the complaint in relation to telephone numbers, Ofcom understood that only Dr Mahmood's telephone number was broadcast. Ofcom noted the circumstances in which this took place, namely when the presenter of *Friday Plus* on 29 June 2007 tried to call Dr Mahmood and was put through to his voicemail, which gave his telephone number. Ofcom also noted that Bangla TV said that the broadcast of the telephone number was inadvertent. Ofcom first considered whether Dr Mahmood had a legitimate expectation of privacy in relation to the

broadcast of his telephone number. Ofcom noted that the number was his personal telephone number. While this would have been familiar to some people, Ofcom considered it to be a private matter and took the view that Dr Mahmood had a legitimate expectation of privacy in relation to his phone number. The broadcast of the number was an infringement of his privacy. In Ofcom's view, while Bangla TV was justified in covering the story of the collapse of First Solution generally, there was no justification for broadcasting Dr Mahmood's personal telephone number. This infringement of Dr Mahmood's privacy was unwarranted.

Ofcom therefore upheld the complaint of unwarranted infringement of privacy in relation to the broadcast of Dr Mahmood's telephone number.

**Accordingly Ofcom has upheld the complaint from Dr Mahmood, Mr Rumi and Mr Hadi of unfair treatment and partly upheld the complaint of unwarranted infringement of privacy in the broadcast of the programmes.**

**Ofcom has directed Bangla TV to broadcast a summary of this finding on a number of occasions and is considering whether further regulatory action is appropriate.**

## **Complaint by Mr Nazrul Islam Bashon**

*News, Bangla Television, 28 June and 8 July 2007*

*Friday Plus, Bangla Television, 29 June 2007*

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**Summary:** Ofcom has upheld a complaint of unfair treatment made by Mr Nazrul Islam Bashon and had not upheld a complaint of unwarranted infringement of privacy.

During the period from June to September of 2007, Bangla TV, which broadcasts to the UK's Bengali community, broadcast a number of programmes that reported on the collapse of First Solution Money Transfer Limited ("First Solution"), a money transfer company. The story featured in an edition of the phone-in programme "Bangladesh Protideen", various editions of Bangla TV's daily news programmes and editions of its phone-in programme "Friday Plus". During the programmes, references were made to the affairs of First Solution. In two news broadcasts and one edition of Friday Plus, references and criticisms were also made to Mr Nazrul Islam Bashon.

Mr Bashon complained to Ofcom that he was treated unfairly and that his privacy was unwarrantably infringed in the programmes as broadcast.

In summary Ofcom found the following:

- The programmes unfairly contained serious allegations about Mr Bashon, both in terms of his alleged involvement with First Solution and how he had purchased his home. No material was provided to Ofcom to support these allegations. Bangla TV did not have systems in place to ensure that no unfairness resulted to the directors as a result of contributions to programmes by presenters, guests and callers.
- Bangla TV did not give Mr Bashon an appropriate and timely opportunity to respond to the serious allegations made about him in the programmes.
- The broadcast of a photograph of Mr Bashon did not amount to an infringement of his privacy.
- The broadcast of footage of Mr Bashon's home, filmed from the public highway, did not amount to an infringement of his privacy.

### **Introduction**

During the period from June to September 2007, Bangla Television ("Bangla TV"), which broadcasts to the Bengali community, included references in news items and in editions of a current affairs programme, *Friday Plus*, to problems involving First Solution Money Transfer Limited ("First Solution"). First Solution was a money transfer company, which became insolvent that period, causing extensive financial loss to many people in the Bangladeshi community.

In news reports on 28 June and 8 July 2007 and in *Friday Plus* on 29 June 2007, Mr Nazrul Islam Bashon was referred to. On 28 June 2007 a news item reported on the story and referred to it as "*the biggest scandal in the Bengali community*". The report included footage of Mr Bashon and said that he was one of the directors of First Solution. It also said that he had built an empire of properties and become a business tycoon using money taken from First Solution clients. On 29 June 2007 *Friday Plus* included a lengthy report on the situation, including reference to Mr Bashon, with studio guests and callers to the programme giving their views. Footage of Mr Bashon's home was included.



On 8 July 2007 a news item reported that Mr Bashon had been dismissed from his position at Tower Hamlets Council as a result of the First Solution “*scandal*”.

Mr Bashon complained that he was treated unfairly and that his privacy was unwarrantably infringed in the broadcast of the programmes.

## **The Complaint**

### **Nazrul Bashon’s case**

In summary, Mr Bashon complained that he was treated unfairly, because

- a) He was portrayed unfairly in that:
  - i) The news report on 28 June 2007 stated, incorrectly, that he was a director of First Solution.
  - ii) On *Friday Plus* on 29 June 2007, the presenter said, incorrectly, that Mr Bashon had bought his home with First Solution’s money. In fact he had bought his home in 1997 and First Solution was set up in April 2004.
  - iii) Callers to *Friday Plus* were allowed and encouraged to “bad mouth” Mr Bashon and make threats to him.
- b) Mr Bashon was not given an appropriate and timely opportunity to respond to the allegations. He tried to explain his position to Bangla TV but his statement was twisted.

In summary, Mr Bashon complained that his privacy was unwarrantably infringed in the programme as broadcast in that:

- c) Footage of him was included in the news programmes on 28 June and 8 July 2007.
- d) Footage of his home was included in the *Friday Plus* programme on 29 June 2007.

### **Bangla TV’s case**

In summary, Bangla TV responded to the complaint of unfair treatment as follows:

- a) As regards the complaint that Mr Bashon was portrayed unfairly, Bangla TV said in summary:
  - i) Mr Bashon was one of the founding directors of First Solution and was well known in the Bangladeshi community due to his connections with the company. Mr Bashon was still attending public events in relation to First Solution, giving the impression that he was still very much a part of the company. For example, Bangla TV said that Mr Bashon had attended and been actively involved in a ceremony involving First Solution in Birmingham in January 2007. At no point during the broadcasts did Bangla TV confirm that Mr Bashon was still a director of First Solution. During the news report on 28 June 2007, the presenter said:

*“The directors, Dr Fazal Mahmood, Gulam Robanni Rumi and Nazrul Islam Bashon **have built up an empire...**”* [Bangla TV’s emphasis].

Bangla TV said that Mr Bashon was a founding director of the company and that the above statement should be put in context. The statement was not made in the present tense, but in the past tense.

- ii) The presenter of *Friday Plus* on 29 June 2007 had not stated that Mr Bashon had bought his home with money from customers of First Solution.
- iii) Bangla TV said that at no point had it encouraged any callers to make any threats against Mr Bashon. Where such negative comments or threats were made, the presenter reminded callers that unlawful actions could not be condoned. Bangla TV highlighted the following extract from the *Friday Plus* programme, when, in response to a suggestion from a caller that Mr Bashon and two other people “*should all be hanged*”, the presenter said:

*“We have heard your comment but as media, we can’t accept this kind of opinion or message from any caller. We want justice to happen in accordance with the law”.*

- b) In response to the complaint that Mr Bashon was not given an appropriate and timely opportunity to respond, Bangla TV said that Mr Bashon was requested to put forward his position in writing before the *Friday Plus* programme on 29 June 2007. He did so by providing Bangla TV with a statement, which was sent from a Tower Hamlets Council fax machine. The scanned copy of his letter was transmitted live on the programme in an attempt to observe some impartiality. In this statement, Mr Bashon stated that he was not a director of the company. He did not state, however, that he had never been a director of the company and, therefore, confirmed the position.

In response to the complaint that Mr Bashon’s privacy was unwarrantably infringed in the programme as broadcast, Bangla TV responded in summary as follows:

- c) As regards the complaint that Mr Bashon’s privacy was infringed as a result of the use of a photograph of him in the news items, Bangla TV confirmed that a photograph of him was shown in the news programmes on 28 June and 8 July 2007. However, as he was a well known individual within the Bengali community, he was within the public domain. In these circumstances, Bangla TV said that there was no infringement of his privacy.
- d) As regards the complaint that footage of his home was included in the *Friday Plus* programme on 29 June 2007, Bangla TV confirmed that footage of Mr Bashon’s home was shown in the programme. Only the outside of his house, along with other houses, was shown from a long shot. Whilst the street name was shown, the house number was not identified.

**Decision**

Ofcom’s statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

Mr Bashon's complaint was considered by Ofcom's Executive Fairness Group. In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included recordings of the programme as broadcast, English transcripts, Bengali transcripts with independent translations of some parts of some of the broadcasts and written submissions from the parties.

- a) Ofcom considered the complaint that Mr Bashon was portrayed unfairly in the broadcasts.

In considering this part of the complaint Ofcom took account of Practice 7.9 of Ofcom's Broadcasting Code ("the Code"), which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

- i) Ofcom first considered the complaint that the news report on 28 June 2007 stated incorrectly that Mr Bashon was a director of First Solution. Ofcom noted that the reporter stated:

*"The directors, Dr Fazal Mahmood, Gulum Robanni Rumi and Nazrul Islam Bashon have built up an empire of properties using this money...Gulum Robanni Rumi and Bashon have become business tycoons by using this money".*

Ofcom noted Bangla TV's view that the tense used in this comment was relevant. However, in Ofcom's view this statement by the reporter, taken together with the coverage of the story as a whole, clearly suggested that Mr Bashon was one of the directors of the company and that the criticisms directed in the report and First Solution and its directors applied equally to him. Furthermore, Ofcom noted that during *Friday Plus* on 29 June 2007 and in the news item on 8 July 2007 Mr Bashon was repeatedly referred to and criticised: as set out under decision head a) ii) below, it was suggested that Mr Bashon was a thief and had bought his home with money made from the losses suffered by customers of First Solution. Ofcom noted that the *Friday Plus* programme referred to Mr Bashon's denial that he was a director of First Solution (see decision head b) below), however the programme contained repeated references to him as a director and suggestions that he was one of the people responsible for the problems at First Solution.

In Ofcom's view, whatever the true reason for the collapse of First Solution, it was clear that it had a devastating effect on many of the company's customers. It was legitimate for Bangla TV to cover this story and to allow people affected by it to air their views. However, it was also incumbent on Bangla TV to ensure that it had clear and robust measures in place to ensure that, in doing so, it did not allow unfairness to result to people referred to in its programmes. Ofcom took the view that Bangla TV did not have systems in place to ensure that the information it gave about Mr Bashon did not result in unfairness, since no evidence was produced about his relationship, if any, with First Solution at the time of the broadcast.

The suggestion that Mr Bashon was, at the time of the collapse of First Solution, a director of the company was therefore made without evidence to support it and, given the serious criticisms made of him on the basis that he was a director, this was unfair to him.

- ii) Ofcom considered next the complaint that it was stated incorrectly on *Friday Plus* that Mr Bashon had bought his home with First Solution's money.

Ofcom noted that Bangla TV denied that this was the case. Ofcom considered the content of the programme and noted that towards the beginning of the programme, the reporter said:

*"The directors of the company, Dr Fazal Mahmood, Gulum Robanni Rumi and Nazrul Islam Bashon have put together a huge amount of wealth and money from the hard-earned money of the common people..."*

Later in the programme a caller said:

*"...This son of a thief, Nazrul Bashon, they all have lots of properties. So many people have lost their money..."*

In a later section of the programme there was footage of the homes of Dr Mahmood and Mr Rumi, with references to them as "mansions" or "palaces". The presenter said of Dr Mahmood's home that:

*"It can be said that on every single brick there is Dullah Miah's<sup>1</sup> cry".*

The presenter said of Mr Rumi's home:

*"...another big palace. Even in the bricks of this palace remains the sorrow of Dullah Miah. Not just Dullah Miah but also everyone like him all over the country".*

The programme then included footage of Mr Bashon's home and the presenter said:

*"Now we are going to Nazrul Islam Bashon's house".*

Taking this programme as a whole, Ofcom considered that there was a clear implication that Mr Bashon had profited from the customers of First Solution and that he had bought his home with the proceeds of directorship of the company.

Bangla TV produced no evidence to confirm that this was the case. As set out under decision head a) i) above, it was legitimate for Bangla TV to cover the story of the collapse of First Solution. It was also legitimate to allow people affected by the situation to air their views. However, it was also incumbent on Bangla TV to ensure that it had clear and robust measures in place to ensure that, in doing so, it did not allow unfairness to result to people referred to in its programmes. Ofcom took the view that Bangla TV did not have systems in place to ensure that the information it gave about Mr Bashon did not result in

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<sup>1</sup> Dullah Miah was one of the guests on the programme, a customer of First Solution who had lost money.

unfairness, since no evidence was produced about his relationship, if any, with First Solution nor was any evidence produced to verify the claims made regarding his home.

The serious allegation that Mr Bashon had bought his home at the expense of customers of First Solution was therefore made without evidence to support it and was unfair to him.

- iii) Ofcom considered the complaint that callers to *Friday Plus* were allowed and encouraged to “bad mouth” Mr Bashon and make threats to him.

Ofcom noted that, as set out above under decision heads a) i) and ii), it was suggested on Bangla TV programmes both that Mr Bashon was a director of First Solution and that he had profited from customers of the company. Ofcom also noted that one caller to *Friday Plus* said:

*“So many people have lost their money... Can you catch them [i.e. the directors] and sell their properties? Can you do this?”*

Another caller said:

*“My comment is that Bashon, Dr Fazal Mahmood and Mahee Ferdahus Jalil should all be hanged”.*

In Ofcom’s view, Bangla TV did not expressly solicit such comments about or threats to Mr Bashon. However the format of the programme, in which callers were encouraged to contribute their views on the situation, and the sustained coverage over a period of months of the story of the collapse of First Solution resulted in a situation where callers expressed strong and often personal opinions about people involved or implicated in the story. Ofcom noted that the presenter said, in response to the statement that Mr Bashon and others should be hanged:

*“We have heard your comment but as a media, we can’t accept this kind of opinion or message from any caller. We want justice to happen in accordance with the law”.*

However, considering the programme as a whole, Ofcom took the view that the presenter did little to moderate effectively the views being expressed about Mr Bashon. In Ofcom’s view this represented a failure on the part of Bangla TV to ensure that its broadcasts did not result in unfairness to Mr Bashon. This was because the calls suggesting extreme action against Mr Bashon were clearly made on the assumption that Mr Bashon was dishonestly involved in some way in the collapse of First Solution and the attempts by the presenter to moderate the more extreme suggestions by callers were insufficient to ensure that no unfairness resulted to Mr Bashon.

Furthermore, as set out under head b) of the decision below, Mr Bashon was not given an appropriate and timely opportunity to respond to the allegations made about him.

- b) Ofcom next considered the complaint that Mr Bashon was not given an appropriate and timely opportunity to respond to the allegations made in the programmes.

In considering this part of the complaint Ofcom took account of Practice 7.11 of the Code, which states if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

As set out under decision head a) above, Ofcom took the view that the allegations and criticisms made about Mr Bashon were serious. Unsupported claims of were made about him, both in terms of his involvement in First Solution and the way in which he was alleged to have profited from the losses of customers of the company. In these circumstances, it was incumbent on Bangla TV to provide him with an appropriate and timely opportunity to respond to the allegations.

Ofcom noted that no response from Mr Bashon was included in either of the news items in which he was referred to and Bangla TV did not suggest that such an opportunity was offered to him. It appears therefore that he was not given any opportunity to respond to the allegations in these programmes.

As regards *Friday Plus* the presenter said:

*"...And the other director Nazrul Islam Bashon when contacted claimed he had no relation with First Solution".*

Later in the programme the presenter said:

*"Tower Hamlets member, Mr Bashon, said he is not a director of First Solution fraudulence".*

A copy of a letter written by Mr Bashon to Bangla TV was also shown briefly on screen. It was clear to Ofcom, therefore, that Mr Bashon was, in relation to *Friday Plus*, approached and asked to comment on the allegations being made. However Ofcom has not been provided with copies of any letters or any other communications inviting Mr Bashon to take part or setting out questions for him to answer in response to the serious allegations being made about him. Furthermore the comments attributed to him simply included his denial that he was a director but did not address the serious allegation that he had profited from the losses of customers of First Solution. Ofcom is therefore not satisfied that Mr Bashon was given an appropriate and timely opportunity to respond to the serious allegations made about him.

Ofcom therefore found unfairness to Mr Bashon in this respect.

- c) Ofcom next considered the complaint that Mr Bashon's privacy was unwarrantably infringed as a result of the inclusion of a photograph of him in the news items on 28 June and 8 July 2007.

In Ofcom's view, the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy both in relation to the making and the broadcast of the programme, Ofcom must consider two distinct questions: First, has there been an infringement of privacy? Secondly, if so, was it warranted? (Rule 8.1 of the Code).

In considering whether Mr Bashon's privacy was infringed in the programmes as broadcast, Ofcom considered whether he had a legitimate expectation of privacy in relation to the broadcast of a photograph of him.

Ofcom noted that the two news items featured a portrait photograph of Mr Bashon. This was a photograph of his face, in which he was not seen to be taking part in any personal or sensitive act. Taking into consideration these factors, it is Ofcom's view that Mr Bashon did not have a legitimate expectation of privacy in relation to the use of his photograph. Given this Ofcom therefore found that his privacy was not infringed in the broadcasts and it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

Ofcom therefore did not uphold the complaint of unwarranted infringement of privacy in relation to the broadcast of the photograph of Mr Bashon.

- d) Ofcom then considered the complaint that Mr Bashon's privacy was unwarrantably infringed as a result of the inclusion of footage of his home in the broadcast of *Friday Plus*.

In considering whether Mr Bashon's privacy was infringed in the programme as broadcast, Ofcom considered whether he had a legitimate expectation of privacy in relation to the broadcast of footage of his homes. Ofcom noted that the footage of Mr Bashon's home was filmed from the public highway, did not intrude on the complainants' personal and family life and that nothing was broadcast that was not visible to anyone who passed the house. Taking into consideration these factors, it is Ofcom's view that Mr Bashon did not have a legitimate expectation of privacy in relation to the footage of his home. Given this Ofcom therefore found that his privacy was not infringed in the broadcasts and it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

Ofcom has therefore not upheld the complaint of unwarranted infringement of privacy in relation to the broadcast of footage of Mr Bashon's home.

**Accordingly Ofcom has upheld Mr Bashon's complaint of unfair treatment and not upheld his complaint of unwarranted infringement of privacy in the broadcast of the programmes.**

**Ofcom has directed Bangla TV to broadcast a summary of this finding on a number of occasions and is considering whether further regulatory action is appropriate.**

## **Complaint by Channel S Global Limited and Mr Mahee Ferdahus made on their behalf by BACI Solicitors**

*News, Bangla Television, 1 July 2007*

*Friday Plus, Bangla Television, 29 June, 6 and 13 July 2007*

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**Summary:** Ofcom has upheld this complaint of unfair treatment made by Channel S Global Limited (“Channel S”) and Mr Mahee Ferdahus.

During the period from June to September of 2007, Bangla TV, which broadcasts to the UK’s Bengali community, broadcast a number of programmes that reported on the collapse of First Solution Money Transfer Limited (“First Solution”), a money transfer company. The story featured in various editions of Bangla TV’s daily news programmes and editions of its phone-in programme “Friday Plus”. During the programmes, references were made to Channel S, which also broadcasts to the Bengali community, and to Mr Ferdahus, the Chairman and principal shareholder of Channel S, in connection with the problems at First Solution.

Channel S and Mr Ferdahus complained to Ofcom that they were treated unfairly in a news broadcast and in three editions of Friday Plus.

In summary Ofcom found the following:

- Bangla TV broadcast serious allegations of dishonesty against Channel S and Mr Ferdahus relating to the collapse of First Solution without an appropriate basis to support those allegations. Bangla TV did not have systems in place to ensure that no unfairness resulted to them as a result of contributions to programmes by guests and callers.
- Bangla TV did not give Channel S and Mr Ferdahus an appropriate and timely opportunity to respond to the serious allegations made about them in the programmes.

### **Introduction**

During the summer period in 2007, Bangla Television (“Bangla TV”), which broadcasts to the Bengali community, included references in news items and in editions of a current affairs programme, *Friday Plus*, to problems involving First Solution Money Transfer Limited (“First Solution”). First Solution was a money transfer company, which became insolvent during that period, causing extensive financial loss to many people in the Bangladeshi community. In programmes broadcast between 29 June and 13 July 2007, there were references to and criticisms of television broadcaster Channel S Global Limited (“Channel S”), which also broadcasts to the Bengali community, and Mr Mahee Ferdahus, the Chairman and principal shareholder of Channel S, in connection with the problems of First Solution.

Channel S and Mr Ferdahus complained to Ofcom that they were treated unfairly in the broadcast of the programmes.

### **The Complaint**

#### **Channel S and Mr Ferdahus’ case**



In summary, Channel S and Mr Ferdahus complained that they were treated unfairly in that:

- a) They were portrayed unfairly in that the programmes suggested incorrectly that Channel S and Mr Ferdahus were in some way associated with First Solution and were “in league with” First Solution in attempting to con the public into using services whilst knowing that First Solution was insolvent. Channel S was not directly involved in the First Solution scandal, as suggested by the programmes.

By way of background, the complainants said that the reality of the situation was that the main shareholder of First Solution, Dr Mahmood, was the honorary chairman of Channel S and, in that capacity, presented a number of programmes broadcast on the channel. Other than that, and the fact that First Solution placed advertisements with Channel S (on an arm’s length basis), there was no further connection between Channel S and First Solution. Bangla TV had broadcast news reports and hosted live chat shows where the issues were discussed and appeared to consider that it was acceptable to broadcast the allegations complained of solely because the comments were made by third parties. The community was clearly divided over the insolvency of First Solution and Bangla TV had sought to present only one side of the very complicated argument. There had been little, if any, balanced reporting of the situation, which was unfair to Channel S and to Mr Ferdahus.

- b) Bangla TV did not contact Channel S or Mr Ferdahus at any point for their comments on the allegations made in the programme.

### **Bangla TV’s case**

In summary, Bangla TV responded to the complaint of unfair treatment as follows:

- a) In response to the complaint that Channel S and Mr Ferdahus were portrayed unfairly in that it was suggested that they were associated with First Solution, Bangla TV denied that it had made any suggestions regarding the association of Channel S with First Solution. Callers to the programme had suggested that, since Dr Mahmood was both the managing director of First Solution and Chairman of Channel S, it was logical to believe that there was a connection between First Solution and Channel S. Bangla TV said that the relationship and the capacity of Dr Mahmood in his involvement with Channel S and First Solution and the specific distinction between the two roles could not be public knowledge to the callers and the demonstrators. They were simply aware that he was connected to both but were not aware of the distinctions. This was not discussed in any way by Bangla TV presenters in any of the broadcasts. Bangla TV said that Dr Mahmood was the principal director of First Solution and a senior employee of Channel S and that it was clear that there was a relationship.

Bangla TV said that on *Friday Plus* on 29 June 2007, it was guests and callers, rather than the presenter, who made the connection with First Solution. There were numerous references from callers referring to Channel S and First Solution. This association was not made by the presenter or Bangla TV.

On the news item on 1 July 2007, it was clear that an association was made between Channel S and First Solution by the public and that this knowledge was already in the public domain.

During the edition of *Friday Plus* on 6 July 2007, there were references to Channel S and Dr Mahmood's, but it was clear from the presenter's response that the comments were not entertained in any way and no further discussions took place on these references.

During the edition of *Friday Plus* on 13 July 2007, the broadcast showed footage of a demonstration at Atlab Ali Park. A man had asked why Mr Ferdahus had not attended to prove that he was "*not a thief*". Although some guests or callers made reference to Channel S and/or Mr Ferdahus, it was clear from the transcript that the presenter and Bangla TV did not wish to discuss this on the programme. No reference was made by the presenter in this regard. The presenter allowed guests and callers to voice their concerns and views, but did not make any representations. Where callers made references to threats and criminal acts committed by Mr Ferdahus, the presenter asked for evidence of such acts and asked callers to write to the show and/or their MP. Such comments were not entertained by the presenter in any way. Bangla TV said that the complainants had not given an accurate picture of the broadcasts in their complaints. Bangla TV said that a guest on the programme, Mr Kumar Murshid, said:

*"Because of the unfortunate coincidence that he is the chairman of First Solution and the managing director of Channel S people since would ask questions. We have to remember that nothing has been proven against him".*

Bangla TV was therefore highlighting what could be regarded as positive and negative.

It was clear therefore that it was not the presenters or reporters or Bangla TV that made an association between Channel S and First Solution, but it was the public. The relationship between Channel S and First Solution was also published in different leading media arenas. The relationship between Channel S and First Solution was also raised by George Galloway MP before a special committee at the House of Commons, where he commented that Channel S was the driving force of First Solution.

- b) In response to the complaint that Channel S and Mr Ferdahus were not given an opportunity to respond, Bangla TV said it had made no allegations against Channel S or Mr Ferdahus and that the issue of requiring them to be contacted therefore did not arise.

## **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

The complaint by Channel S and Mr Ferdahus complaint was considered by Ofcom's Executive Fairness Group. In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included recordings of the

programmes as broadcast, English transcripts, Bengali transcripts with independent translations of some parts of some of the broadcasts and written submissions from the parties.

Ofcom noted the content of the programmes, which is summarised as follows:

*News item*

In a *news* item on 1 July 2007, Bangla TV reported that “*victims*” of the First Solution collapse had gathered in Brick Lane to demonstrate about the situation. Demonstrators spoke on air about their belief that Channel S was involved, as the channel had “*promoted*” the people involved in First Solution and because Dr Fazal Mahmood, the chairman of First Solution, was also the managing director of Channel S. Mr Ferdahus was also referred to as having helped First Solution and having “*conned*” people out of their money.

*Friday Plus*

On 29 June 2007, the story regarding First Solution was included on *Friday Plus*. The programme reported that the head office of First Solution had closed and the situation was discussed at length. The presenter, the reporter, and callers into the programme referred to misappropriation of money by the directors. Phone in callers to the programme said that Channel S was also involved and referred to Mr Ferdahus.

The story was included again in *Friday Plus* on 6 July 2007, when it was alleged that Channel S and Mr Ferdahus were involved in the collapse of First Solution.

The issue was raised again in the edition of *Friday Plus* broadcast on 13 July 2007, when a meeting of customers who had been affected by the First Solution collapse was referred to. A participant asked why Mr Ferdahus was not present to prove his innocence and it was suggested that “*another television channel*” was filming the event “*like thieves*”, unlike Bangla TV, which was airing the issue “*properly*”. Although Channel S was not named in this programme, it appears that it was the channel being referred to.

- a) Ofcom considered the complaint that Channel S and Mr Ferdahus were unfairly portrayed in the programmes.

In considering this part of the complaint Ofcom took account of Practice 7.9 of Ofcom’s Broadcasting Code (“the Code”), which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

Ofcom noted that on *Friday Plus* on 29 June 2007, a caller to the programme said:

*“I would also like to say that Mahee, chairman of Channel S is also involved in this fraud”.*

Another caller said:

*“Mr Mahmood is thinking that he can continue his fraudulent activities under the shelter of Channel S...”*

On the news report on 1 July 2007, people at a demonstration in Brick Lane, London, were interviewed for the programme. One said:

*“All the corrupted people are the friends of the owner of S Channel. They promote all these corrupted people”.*

Another said:

*“Channel S is a fraud channel, whatever happened till now, Channel S was always behind all these and Mahee of Channel S”.*

Similar comments about a connection between Channel S and the directors of First Solution and the collapse of the company were made by contributors to *Friday Plus* on 6 and 13 July 2007.

In Ofcom’s view whatever the reason for the collapse of First Solution, it was clear that it had a devastating effect on many of the company’s customers. It was legitimate for Bangla TV to cover the story and to allow people affected by it to air their views, including views about Channel S and Mr Ferdahus. However, it was also incumbent on Bangla TV to ensure that it had clear and robust measures in place to ensure that, in doing so, it did not allow unfairness to result to people referred to in the programmes. In Ofcom’s view, Bangla TV did not have such systems in place. It was clear that the programmes included suggestions that the connection between Channel S and Mr Ferdahus and First Solution went beyond the fact that Dr Mahmood was honorary chairman of Channel S and presented some programmes on the channel. The programmes contained clear allegations that Channel S and Mr Ferdahus were directly involved with the collapse of First Solution and were responsible in part for the losses sustained by some of First Solution’s customers. These allegations were broadcast by Bangla TV without an appropriate basis and to permit statements such as those referred to under this decision head to be broadcast was unfair. This was because they were clearly made on the assumption that Channel S and Mr Ferdahus were dishonestly involved in some way in the collapse of First Solution. The presenters did little to moderate effectively the views being expressed about Channel S and Mr Ferdahus and their alleged role in the collapse of First Solution. The allegations continued to be aired over a period of several weeks, without any evidence being presented to justify them.

Furthermore, as set out under head b) of the decision below, Channel S and Mr Ferdahus were not given an appropriate and timely opportunity to respond to the allegation.

Accordingly Ofcom found that that Channel S and Mr Ferdahus were portrayed unfairly in the programmes.

- b) Ofcom next considered the complaint that Channel S and Mr Ferdahus were not given an appropriate and timely opportunity to respond to the allegations made in the programmes.

In considering this part of the complaint Ofcom took account of Practice 7.11 of the Code, which states if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

Ofcom noted Bangla TV's assertion that no such opportunities were required, since no allegations were made about them. However, as set out under decision head a) above, Ofcom took the view that the programmes did include extremely serious allegations of wrong-doing by Channel S and Mr Ferdahus, in connection with the collapse of First Solution. In these circumstances, it was incumbent on Bangla TV to provide Channel S and Mr Ferdahus with an appropriate and timely opportunity to respond to the allegations. The failure of Bangla TV to do so was unfair to Channel S and Mr Ferdahus.

Ofcom therefore found unfairness to Channel S and Mr Ferdahus in this respect.

**Accordingly Ofcom has upheld the complaint of unfair treatment made by Channel S and Mr Ferdahus.**

**Ofcom has directed Bangla TV to broadcast a summary of this finding on a number of occasions and is considering whether further regulatory action is appropriate.**

## **Complaint by Dr Fazal Mahmood, Mr Gulam Robbani Rumi and Mr Shah Hadi made on their behalf by G Adams & Co Solicitors**

*News, Channel S Plus Limited trading as ATN Bangla, 2 July 2007*

*Eyes of ATN, Channel S Plus Limited trading as ATN Bangla, 2 and 9 July 2007*

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**Summary:** Ofcom has upheld this complaint of unfair treatment made by Dr Fazal Mahmood, Mr Gulam Robbani Rumi and Mr Shah Hadi.

Between 2 and 9 July 2007, Channel S Plus Limited trading as ATN Bangla (“ATN Bangla”) broadcast programmes that reported on the collapse of First Solution Money Transfer Ltd (“First Solution”), a money transfer company. The story was featured in a news report on 2 July 2007 and in editions of “Eyes of ATN” on 2 and 9 July 2007. During the programmes, references were made to the affairs of the company and to the company’s directors, Dr Mahmood, Mr Rumi and Mr Hadi.

Dr Mahmood, Mr Rumi and Mr Hadi complained to Ofcom that they were treated unfairly in the programmes as broadcast.

In summary Ofcom found the following:

- ATN Bangla broadcast serious allegations by presenters and contributors of dishonesty or potential criminal behaviour against Dr Mahmood, Mr Rumi and Mr Hadi relating to the collapse of First Solution without an appropriate basis to support those allegations. ATN Bangla did not have systems in place to ensure that no unfairness resulted to the directors as a result of contributions to programmes.
- ATN Bangla did not give the directors of First Solution an appropriate and timely opportunity to respond to the serious allegations made about them in the programmes.

### **Introduction**

Between 2 and 9 July 2007, Channel S Plus Limited trading as ATN Bangla (“ATN Bangla”), which broadcasts to the Bengali community, broadcast programmes during which references were made to problems involving First Solution Money Transfer Ltd (“First Solution”) and criticisms were made of the directors. First Solution was a money transfer company, which had become insolvent, causing extensive financial loss to many people in the Bangladeshi community. The directors of First Solution were Dr Fazal Mahmood, Mr Gulam Robbani Rumi and Mr Shah Hadi. The story was included in a news report on 2 July 2007 and editions of *Eyes of ATN* on 2 and 9 July 2007.

Dr Mahmood, Mr Rumi and Mr Hadi complained to Ofcom that they were treated unfairly in the broadcasts.

### **The Complaint**

#### **Dr Mahmood, Mr Rumi, and Mr Hadi’s case**

By way of background, the complainants said that First Solution operated primarily as a company that dealt with the transfer of money belonging to customers within the Bangladeshi community to recipients in Bangladesh. The company grew rapidly and the directors were not efficient at managing the vast number of transactions processed each day due to the fact that the company did not have adequate technological infrastructure in place. As a result, the company had a cashflow problem, as it was committed to processing transfers but did so without its agents having banked the appropriate amount of money on time. The company therefore made losses as a result of exchange rate fluctuations. The directors recognised that there was a problem and had taken steps to resolve these issues so that the company could move forward. On 25 June 2007, during a live phone in programme on Bangla TV (another channel that also broadcasts to the Bengali community), Mr Suhel Chowdhury, a well known and respected businessman in the Bangladeshi community, stated incorrectly that First Solution had gone bankrupt that afternoon. This was followed by uproar at the office of First Solution and rumours spread about the situation.

In summary, Dr Mahmood, Mr Rumi and Mr Hadi complained that they were treated unfairly in the programmes, in that:

- a) They were portrayed unfairly in that:
  - i) In the news item and editions of *Eyes of ATN* statements were included from Mr George Galloway MP and interviewees alleging that millions of pounds of customers' money had been stolen by the directors of First Solution. The clear message was that the directors had acted dishonestly and embezzled money belonging to others.
  - ii) Unfair and damaging statements were included in the broadcasts suggesting that the directors should be found and punished.
- b) They were not given an appropriate and timely opportunity to respond to the allegations in that:
  - i) The broadcasts included conclusions about the situation before the lawyers and accountants had had an opportunity to consider all the evidence. This was unfair.
  - ii) No one from ATN had contacted the complainants' solicitor to ascertain the correct legal or factual position regarding First Solution.

### **ATN Bangla's case**

By way of background, ATN Bangla said that it was duty bound to broadcast the vulnerability of a myriad of aggrieved people who had lost their hard-earned money due to the complainants' inability to operate their business prudently. ATN Bangla had made an editorial decision to axe what many aggrieved people had said, but felt that it was appropriate to show what their public representative, Mr George Galloway MP, had to say in their defence.

In summary ATN Bangla responded to the complaint of unfairness as follows:

- a) In response to the complaint that the complainants were unfairly portrayed, ATN Bangla said that Mr Galloway had shown a mere luminosity of hope at the end of a dark tunnel. ATN Bangla said that it would be a travesty of justice to drag Mr

Galloway's speech into the complaint, especially when Mr Galloway's comments were against the system, not against the complainants. The latter part of his delivery denoted how international money launderers siphoned millions of pounds due to fine loopholes. ATN Bangla said that Mr Galloway had delivered a speech in the House of Commons on 18 July 2007 that was evidently in relation to the complainants, but ATN Bangla had not broadcast the speech.

- b) In response to the complaint that the complainants were not given an opportunity to respond to the allegations made in the broadcasts, ATN Bangla said that ATN Bangla reporters had exhausted every endeavour to contact both the accountants and the solicitors of the complainants, but they were nowhere to be found at the time.

### **The complainants' comments in response to the broadcaster's statement**

In relation to the complaints of unfair treatment, the complainants said in summary:

- a) The statements complained of within the programmes were not limited to those made by Mr Galloway and challenged the basis of Mr Galloway's speech to Parliament.
- b) As regards an opportunity to respond to the allegations, the complainants said that their solicitor at the time, Mr Gary Adams, said that no attempt whatever was made by ATN Bangla to contact him at the time of the broadcasts. First Solution's accountants, Messrs Gilchris, had also never received any enquiry from ATN Bangla.

### **ATN Bangla's second statement in response to the complaint**

ATN Bangla submitted comments in response to the complainants' comments.

In summary, ATN Bangla said the broadcasts complained of were deemed necessary to ensure "Due Impartiality and Due Accuracy and Due Prominence of Views and Opinions" under section 5 of the Ofcom Broadcasting Code.

### **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

The complaint by Dr Mahmood, Mr Rumi and Mr Hadi was considered by Ofcom's Executive Fairness Group. In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included a recording of the programmes as broadcast, English transcripts and written submissions from the parties.

Ofcom noted the content of the programmes, which is summarised as follows:



*News Item*

On 2 July 2007, ATN Bangla broadcast editions of its news programme during which an item reported that First Solution had gone into liquidation and that hundreds of customers had lost hope of receiving their money. The directors were named in connection with the problems.

*Eyes of ATN*

On 2 July 2007, the programme referred to the collapse of First Solution and alleged that the directors, who were named, had stolen money from customers. The situation was discussed by George Galloway MP and a number of interviewees, who were critical of First Solution and the directors.

On 9 July 2007 the programme discussed the collapse of First Solution again, and during the programme the directors were criticized and accused of stealing money.

- a) Ofcom first considered the complaint that Dr Mahmood, Mr Rumi and Mr Hadi were unfairly portrayed in the broadcasts.

In considering this part of the complaint Ofcom took account of Practice 7.9 of Ofcom's Broadcasting Code ("the Code"), which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

- i) Ofcom first considered the complaint that the programmes unfairly suggested that the directors had acted dishonestly and embezzled money belonging to others. Ofcom noted that in addition to what Mr Galloway had said about the company, a number of other comments were included about the collapse of First Solution in the programmes. For example, on the news item on 2 July 2007, the presenter said:

*"First Solution has gone into liquidation after taking a lot of money from the Bangladeshis living in Britain".*

On the same date, "Tanya" said on *Eyes of ATN*:

*"They have stolen money from people who do hard labour to earn money. I think wherever the public find the directors, the public should do their own justice. I think that would be best. I think if the media wants to bring these people down and do justice the public will support them. I request to all the public if we do not stand united against these thieves then we will not be able to live in this country peacefully because when we go to the banks they will see that we are Bengali and think that we are all frauds".*

Also on the same programme, a contributor, Mr Forid Uddin, said:

*"I feel sad for the people who have had their money stolen by them. Fazal Mahmood, you have property here and you have property in Bangladesh. Sell everything and give the people's money back. If you do not, I can promise you that you will not be able to live in this country, you will not be able to live in Bangladesh, and wherever we find you we will do justice. Do not lie anymore, there are limits to lying. The agents are not to blame because you stole the money so you need to give it back".*

Later on in the programme, Mr Galloway said:

*“We will stand by the people who have been robbed of their hard earned money. This money represents the sweat off the brow of the hardest working people in Britain. It’s the money earned through hard work that these criminals have stolen. I want to know from the police where the money is. Where are the millions of pounds? I’ll tell you where it is. It’s in properties in Dubai; it’s invested in the Arabian Gulf. It’s been sorted away for the benefits of the thieves and if I have to go to Dubai and go knock on the doors where the money is I’ll do it”.*

Towards the end of the programme, the presenter said:

*“First Solution has stolen the money from hard working people”.*

On the *Eyes of ATN* programme on 9 July 2007, “Salik” stated:

*“Our community’s money has been stolen... We should all work together to catch these culprits so they cannot deceive our community anymore. We should all get together with the media to achieve this. They are an international crooks group... ATN is shown worldwide and I am grateful that you are asking me questions. It seems that the other channels only broadcast its support for the people who have stolen the money. They only show part of the piece and do not show any negative things against them. Only what is in support of the thieves they show. Anything said against these thieves, they never show”.*

On the same programme, Mr Mustafizur Rahman stated:

*“First Solution head office has stolen this money and then closed their offices”.*

In Ofcom’s view whatever the reason for the collapse of First Solution, it was clear that it had a devastating effect on many of the company’s customers. It was legitimate for ATN Bangla to cover the story and to allow people affected by it to air their views. However, it was also incumbent on ATN Bangla to ensure that it had clear and robust measures in place to ensure that, in doing so, it did not allow unfairness to result to the directors of First Solution. Ofcom noted that many of the statements made about the directors by presenters and contributors to the programmes were clear allegations of dishonesty. For example, the news presenter said on 2 July 2007 that the company had gone into liquidation *“after taking a lot of money...”*. Furthermore, following this comment, callers to the *Eyes of ATN* programmes aired similar views about the directors of First Solution.

Ofcom took the view that ATN Bangla did not have systems in place to ensure that the directors of First Solution were not treated unfairly in its programmes. The presenter of *Eyes of ATN* did little to moderate effectively the views being expressed about the directors and the serious allegations that were made against them. In Ofcom’s view this represented a serious failure on the part of ATN Bangla to ensure that its broadcasts did not result in unfairness to the Dr Mahmood, Mr Rumi and Mr Hadi.

Furthermore, as set out under head b) of the decision below, the directors of First Solution were not given an appropriate and timely opportunity to respond to the allegation.

In all these circumstances, Ofcom found that the inclusion of these allegations without ATN Bangla properly providing the basis for them was unfair to Dr Mahmood, Mr Rumi and Mr Hadi.

- ii) Ofcom next considered the complaint that the editions of *Eyes of ATN* complained of included unfair and damaging statements suggesting that the directors should be found and punished.

In considering this complaint, Ofcom took into account the references to First Solution and the directors as set out in the summary of the programmes at the beginning of this decision and other comments made during the programmes complained of. As set out under decision head a) i) above, Ofcom takes the view that if contributors are allowed to make statements such as those set out in the summary of the programmes and under decision head a) i) above, the broadcaster must ensure that this is done in such a way as to avoid unfairness.

As set out above, in Ofcom's view the presenters did little to moderate effectively the views being expressed about the directors. An unidentified man said on *Eyes of ATN* on 2 July:

*"They should all be brought here, beaten with shoes and then be hanged. They have sat in the mosque and stolen from people".*

The presenter made no comment in response to this suggestion.

In Ofcom's view, ATN Bangla, through its presenters, made serious allegations about the directors of First Solution and permitted further such allegations by contributors to the programmes to be broadcast during the *Eyes of ATN*. This was done without an appropriate basis for the allegations. To permit statements such as those referred to under this decision head to be broadcast was unfair. This was because they were clearly made on the assumption that the directors were dishonestly involved in some way in the collapse of First Solution. No attempt was made by the presenter to question or moderate such an extreme suggestion by the caller under head ii). In Ofcom's view this represented a failure on the part of ATN Bangla to ensure that its broadcasts did not result in unfairness to the directors of First Solution.

- b) Ofcom next considered the complaint that Dr Mahmood, Mr Rumi and Mr Hadi were not given an appropriate and timely opportunity to respond to the allegations made in the programmes.

In considering this part of the complaint Ofcom took account of Practice 7.11 of the Code, which states if a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

Ofcom has considered the two sub-heads of complaint together as they appear to raise the same issues.

As set out under decision head a) above, Ofcom took the view that many of the allegations made about the directors of First Solution were extremely serious. Serious claims of dishonesty were made about them, both in terms of their handling of First Solution and the ways in which they were alleged to have benefited from their customers' losses. In these circumstances, it was incumbent on ATN Bangla to provide the directors with an appropriate and timely opportunity to respond to the allegations. Ofcom noted ATN Bangla's assertion that such opportunities were offered, but Ofcom has not been provided with copies of any letters or any other communications inviting the directors or their representatives to take part or setting out questions for them to answer. Ofcom is therefore not satisfied that the directors of First Solution were given an appropriate and timely opportunity to respond to the serious allegations made about them.

Ofcom therefore found unfairness to Dr Mahmood, Mr Rumi and Mr Hadi in this respect.

**Accordingly Ofcom has upheld the complaint of unfair treatment in the broadcast from Dr Mahmood, Mr Rumi and Mr Hadi cast of the programme.**

**Ofcom has directed ATN Bangla to broadcast a summary of this finding.**

## Not Upheld

### **Complaint by Miss Tahmina Mahmood on her own behalf and on behalf of Aysha Mahmood, Ishrat Mahmood (a minor), Sanjida Mahmood (a minor) and Ridwan Mahmood (a minor)**

*Friday Plus, Bangla Television, 29 June, 6, 13 and 20 July, 3 and 17 August and 7 September 2007*

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**Summary:** Ofcom has not upheld this complaint of unfair treatment and unwarranted infringement of privacy made by Miss Tahmina Mahmood on her own behalf and on behalf of Mrs Aysha Mahmood, Ishrat Mahmood (a minor), Sanjida Mahmood (a minor) and Ridwan Mahmood (a minor).

During the period from June to September of 2007, Bangla TV, which broadcasts to the UK's Bengali community, broadcast a number of programmes that reported on the collapse of First Solution Money Transfer Limited ("First Solution"), a money transfer company. The story featured in an edition of the phone-in programme, "Bangladesh Protideen", various editions of Bangla TV's daily news programmes and editions of its phone-in programme, "Friday Plus". During the programmes, references were made to the affairs of the company, to the company's directors and to the directors' families.

Miss Mahmood, the daughter of Dr Fazal Mahmood, one of the directors of First Solution, complained that she, her mother and her siblings were treated unfairly in the broadcasts and that their privacy was unwarrantably infringed in the making and the broadcast of the programmes.

In summary Ofcom found the following:

- Whilst the inclusion of comments from callers about punishments that should be meted out to Miss Mahmood, her mother, brother and siblings were unpalatable and offensive to them, no accusations were made about them that resulted in unfairness.
- The filming from the public highway of footage of the family home and car did not amount to an infringement of Miss Mahmood's privacy or that of her mother and siblings in the making of the programmes.
- The broadcast of footage of the family home, filmed from the public highway, did not amount to an infringement of Miss Mahmood's privacy or that of her mother and siblings.
- The broadcast of footage of the family car, the registration number of which was partially obscured, did not amount to an infringement of Miss Mahmood's privacy or that of her mother and siblings.

### **Introduction**

During the period from June to September 2007, Bangla Television ("Bangla TV"), which broadcasts to the Bengali community, included references in *Bangladesh Protideen*, news items and in editions of a current affairs programme, *Friday Plus*, to problems involving First Solution Money Transfer Ltd ("First Solution"). First Solution was a money transfer company, which became insolvent during that period, causing extensive financial loss to many people in the Bangladeshi community. One of the directors of First Solution was Dr Fazal Mahmood who was subjected to criticism in

the programme. During the broadcast of some editions of *Friday Plus*, references were made to his family.

Miss Tahmina Mahmood complained that she, her mother, her sisters and her brother were treated unfairly in the programmes and that their privacy was unwarrantably infringed in both the making and broadcast of the programmes.

## **The Complaint**

### **Miss Mahmood's case**

In summary, Miss Mahmood complained that she, her mother, her brother and her sisters were treated unfairly in the programmes in that:

- a) Miss Mahmood's name was mentioned in the programme on 6 July 2007 by a caller who falsely stated that she had said that her father had properties worth millions. A guest on the same programme said that the directors' children would be classed as thieves for the rest of their lives. Nothing was done by the presenter to stop these statements being made. A guest on the programme on 17 August 2007 said that if he had done what Dr Mahmood had done his children would call him the father of thieves.

In summary, Miss Mahmood complained that her privacy and that of her mother, brother and sisters, was unwarrantably infringed in the making of the programmes in that:

- b) Footage of the family home and car registration was recorded without the consent of the family.

In summary, Miss Mahmood complained that her privacy and that of her mother, brother and sisters, was unwarrantably infringed in the broadcast of the programmes in that:

- c) Footage of the family home was broadcast in the programme on 29 June 2007, zooming into the street name and door number. This was not warranted in relation to a report about the collapse of a business. A document was shown with the family's home address printed on it. This meant that the family could not stay in the house.
- d) Footage zooming in on the registration plate of the family car was included in the programme on 29 June 2007.

By way of background, Miss Mahmood said that Bangla TV had presented incorrect information about the situation with First Solution from the beginning to incite hatred against her father. First Solution had collapsed as a result of a call made to another programme broadcast on Bangla TV. In this call a prominent businessman incorrectly stated that First Solution had gone bankrupt. This was followed by chaos and panic in the Bengali community. Miss Mahmood also said by way of background that criticisms were made of Dr Mahmood without considering what the consequences would be for the family members and that their lives were put in danger as a result of the broadcasts; the family could not stay in the house; and the family could not go out in the car.

### **Bangla TV's case**

Bangla TV responded to the complaint of unfair treatment as follows:

- a) In response to the complaint that Miss Mahmood was named and her family members referred to, Bangla TV said that it was correct that on 29 June 2007 a caller aired on *Friday Plus* had made a reference to setting “*the directors’ mothers and sisters naked on the streets*”. Bangla TV said that, unfortunately, the presenter had been momentarily distracted by messages in her earpiece and was unable to hear the caller’s comments fully. She had been able to ascertain the gist of what was being said and to ensure that the call was cut short so as not to encourage the caller. The presenter quickly moved on to speaking with a guest on the show. It was clear from previous and subsequent comments by the presenter that such actions would not be condoned.

Bangla TV said that it was correct that Miss Mahmood’s name was mentioned by a caller to the programme on 6 July 2007. Immediately after Miss Mahmood’s name was mentioned, the presenter stopped the caller and stated that no information about the director’s children could be discussed on the programme. With reference to the complaint that a caller was allowed to state on the same programme that the directors’ children would be classed as thieves, Bangla TV said that the transcript provided by the complainants was incorrect and that the caller said:

*“Please inform Mr Mahmood, Hadi and Bashon that they and their families are part of our Bengali community. If they live in the community we would not want their children to be identified as the children of thieves”*

Bangla TV said that the presenter stopped the caller from continuing and that the statement was made in the spirit of inclusive cohesion and not out of a desire to ostracise the directors’ children.

Bangla TV said that a comment was made by a guest on the programme on 17 August 2007. The guest said:

*“I feel that if I was in his situation my children would feel ashamed to call me dad. If I was to steal public money like this then my children would call me a father of thieves”*

The guest was not calling anyone the father of thieves, but stating that this was what his own children would call him should he have done something like this. The statement was positive in its intent.

Bangla TV said that Miss Mahmood’s comments were understandably subjective and personal, but that Bangla TV had only presented factual details in relation to First Solution and no reason to incite hatred against Dr Mahmood and his family. Bangla TV said that the presenter specifically stated that no discussion regarding the directors’ children should take place. Some callers did comment on Dr Mahmood’s’ family and his children, however they were reminded and instructed to desist from such comments.

In summary, Bangla TV responded to Miss Mahmood’s complaint that her privacy and that of her mother, sisters and brother was unwarrantably infringed in the making and broadcast of the programmes as follows:

- b) Bangla TV did not specifically respond to the complaint that the recording of footage of the family home and car registration without consent was an

infringement of Miss Mahmood's privacy and that of her mother and siblings in the making of the programme.

- c) In relation to the broadcast of footage of the family home, Bangla TV accepted that footage of the family home was shown in the programme on 29 June 2007. Bangla TV said that the street name was not identified. Bangla TV said that on the same programme a caller said:

*"We have to find out where they are and where they live so we can go to them. Also we need to know where they live in Bangladesh so we can take action there also".*

The presenter replied:

*"We cannot give you any advice like this. It's your opinion".*

This made it clear that Bangla TV and the presenter did not at any stage intentionally disclose the personal information of the director and their families.

Bangla TV also acknowledged that a copy of the Companies House shareholder document was shown on the programme of 29 June 2007. This was displayed only fleetingly and specifically showed the share capital of First Solution and not the personal details of the company directors.

- d) In relation to footage of the registration plate of the family car, Bangla TV said that the car registration was shown but was partially obscured.

#### **Miss Mahmood's comments in response to Bangla TV's statement**

In response to Bangla TV's statement in response to the complaint that Miss Mahmood and her family members were portrayed unfairly, Miss Mahmood said in summary:

- a) Miss Mahmood said that it was highly unlikely that the presenter would be able to remember the exact show, the exact comment and to recall that she was listening to her control room instead of the caller at that point. Even if that was the case, it did not explain all the other instances when callers were abusive.

Miss Mahmood said that in the first few programmes very little attempt was made to stop callers from making offensive comments. Instead they were encouraged, allowed to continue and were even thanked for their comments.

As regards the comment referred to from the programme on 17 August 2007, Miss Mahmood said that the fact was that the guest was calling her father a thief. Neither anyone at Bangla TV nor any of the guests or callers had any proof of this nor would they find such proof. Therefore no one should have been allowed to make these comments as though they were facts, because to do so was likely to and did incite hatred against the directors and in turn made their children victims as well as putting them all in danger. Miss Mahmood did not accept that the statement was positive in its intent. She said that the caller was saying that the children had a thief for a father and that they should be ashamed of him. This was offensive and Miss Mahmood's family found it disturbing that people believed that their father was a thief.

In summary, Miss Mahmood said in response to Bangla TV's statement relating to unwarranted infringement of privacy in the making and broadcast of the programme:



- b) Miss Mahmood made no further comments regarding this head of complaint.
- c) The family home was shown without any permission. Miss Mahmood did not accept that Bangla TV and the presenter did not at any stage intentionally disclose the personal information of the directors and their families. She said that there had been no point in showing the house, house name and a document with household addresses, only then to say that this was not an attempt to intentionally disclose personal information. There was no need to show any of this in relation to the collapse of First Solution.
- d) Miss Mahmood said that the car number plate was not obscured and could be seen very clearly, as the programme makers zoomed right into the number plate. Again Miss Mahmood said that there was no need to show this.

### **Bangla TV's second statement in response to the complaint.**

On 9 May 2008 Bangla TV wrote to Ofcom following the comments from the complainants, but did not respond to the issues set out above

### **Decision**

Ofcom's statutory duties include the application, in the case of all television and radio services, of standards which provide adequate protection to members of the public and all other persons from unfair treatment and unwarranted infringement of privacy in, or in the making of, programmes included in such services.

In carrying out its duties, Ofcom has regard to the need to secure that the application of these standards is in the manner that best guarantees an appropriate level of freedom of expression. Ofcom is also obliged to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed.

The complaint was considered by Ofcom's Executive Fairness Group. In reaching its decision, Ofcom carefully considered all the relevant material provided by both parties. This included recordings of the programmes as broadcast, English transcripts, Bengali transcripts with independent translations of some parts of some of the broadcasts and written submissions from the parties.

Ofcom noted the content of the programmes and summarised it as follows:

On 29 June 2007 Bangla TV broadcast an edition of *Friday Plus* that reported at length on the collapse of First Solution. The presenter, the reporter, and callers into the programme referred to misappropriation of money by the directors. Footage of Dr Mahmood's family home and car was included and a caller said:

*"We should all go to their homes in Bangladesh and set their mothers and sisters naked in the streets".*

On 6 July 2007, Bangla TV broadcast an edition of *Friday Plus* where they reported on First Solution again. It was stated that it had been *"proven that they truly have been running a business to deceive people"*. The programme included criticisms of the company and of the directors and included footage of them but not their home or car. A caller said:

*"I want to say that I have some information that I got from Dr Fazal Mahmood's daughter, Tahmina Mahmood. He has £5million assets. If he sells one or two properties then he will be able to return the money back to the community".*

A guest said that sons of the directors of First Solution would be called thieves.

On 13 July 2007, the story was reported again, with callers telling stories of the money they had lost. Again the programme included criticisms of First Solution and its directors, from presenters, guests and callers. A caller said:

*"Not even his wife would vote for him. She and his children should throw him out of the house".*

On 20 July 2007, the story was reported in similar terms and the directors named. Dr Mahmood called the programme and spoke about the situation from First Solutions' point of view. There was no mention of Dr Mahmood's family. On 3 August 2007 the programme reported briefly on the situation and included criticisms of the company and its directors. Again there was no footage of the family home, nor any mention of the family.

On 17 August 2007, the subject was included briefly, again with criticisms of First Solutions and Dr Mahmood. A guest said:

*"I feel that if I was in his situation my children would feel ashamed to call me dad. If I was to steal public money like this then my children would call me a father of thieves".*

On 7 September 2007, there was an update on the situation, with criticisms of the company included in the programme.

- a) Ofcom first considered the complaint that Miss Mahmood, her mother, her sisters and her brother were portrayed unfairly.

In considering this part of the complaint Ofcom took account of Practice 7.9 of Ofcom's Broadcasting Code ("the Code"), which states that before broadcasting a factual programme, broadcasters should take reasonable care to satisfy themselves that material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation.

Ofcom noted the references to Miss Mahmood, her mother, her brother and sisters as set out in the summary of the programmes at the beginning of this decision. Ofcom also noted that the programmes complained of included allegations about First Solution and the directors of the company. In Ofcom's view, whatever the reason for the collapse of First Solution, it was clear that it had a devastating effect on many of the company's customers. It was legitimate for Bangla TV to cover the story and to allow people affected by it to air their views. However, it was also incumbent on Bangla TV to ensure that it had clear and robust measures in place to ensure that, in doing so, it did not allow unfairness to result to people referred to in its programmes.

In Ofcom's view it was unpalatable and offensive to Miss Mahmood and the minors on whose behalf she has complained for callers to make suggestions about what punishments or retribution they believed should be meted out to members of Dr Mahmood's family, some of whom were minors. Nor did it appear

that Bangla TV had systems in place to ensure that callers did not make such suggestions or that they were moderated or stopped by the presenters. Ofcom appreciated that the inclusion of these comments would have been distressing for Miss Mahmood, her mother, her brother and her sisters. One caller to *Friday Plus* on 6 July 2007 said:

*"I want to say that I have some information that I got from Dr Fazal Mahmood's daughter, Tahmina Mahmood. He has £5million assets. If he sells one or two properties then he will be able to return the money back to the community".*

In this instance, Miss Mahmood was referred to by name and information attributed to her. No suggestion of wrong-doing on her part was made by this caller. Furthermore, Ofcom noted that all other references to Miss Mahmood, her mother, brother and sisters were in the context of callers suggesting how they considered the family should be treated or how the family should feel about Dr Mahmood. While measures should have been in place to ensure such comments were not made, no accusations of wrongdoing or involvement in the collapse of First Solution were made about Miss Mahmood or her mother or siblings.

In these circumstances, Ofcom found no unfairness to Miss Mahmood, her mother, her brother or her sisters.

- b) Ofcom then considered the complaint that the privacy of Miss Mahmood, her mother and her siblings was unwarrantably infringed in the making of the programme as a result of the recording of footage of their home and car registration.

In Ofcom's view, the line to be drawn between the public's right to information and the citizen's right to privacy can sometimes be a fine one. In considering complaints about the unwarranted infringement of privacy both in relation to the making and the broadcast of the programme, Ofcom must consider two distinct questions: First, has there been an infringement of privacy? Secondly, if so, was it warranted? (Rule 8.1 of the Code).

In considering whether the complainants' privacy was infringed in the making of programmes, Ofcom considered whether they had a legitimate expectation of privacy in relation to the recording of footage of their home and car registration. Ofcom noted that the recording of footage of Dr Mahmood's home was conducted from the public highway, did not intrude on the complainants' personal and family life and nothing was filmed that was not visible to anyone who passed the house.

Taking into consideration these factors, it is Ofcom's view that Miss Mahmood, her mother and her siblings did not have a legitimate expectation of privacy in relation to the filming of footage of their home. Given this Ofcom therefore found that their privacy was not infringed in the making of the programmes and it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

- c) Ofcom then considered the complaint that the privacy of Miss Mahmood, her mother and her siblings was unwarrantably infringed in the as a result of the inclusion of footage of their home and address in some of the broadcasts.

In considering whether the complainants' privacy was infringed in the programmes as broadcast, Ofcom considered whether they had a legitimate expectation of privacy in relation to the broadcast of footage of their home. As discussed above Ofcom noted that the footage of the Mahmood family home was filmed from the public highway and that nothing was broadcast that was not visible to anyone who passed the house. Taking into consideration these factors, it is Ofcom's view that Miss Mahmood, her mother and her siblings did not have a legitimate expectation of privacy in relation to the broadcast of the footage of their homes.

Ofcom noted that during the *Friday Plus* programme broadcast on 29 July 2007, footage of a document relating to First Solution was shown on screen. Ofcom also noted that the Miss Mahmood considered that her family's home address was visible. Ofcom took the view that the footage of the documentation was so fleeting and the details so blurred that viewers would not have been able to read any addresses revealed. In these circumstances, no details of the home address were in fact shown. In relation to the address, Ofcom therefore considered that the complainants did not have a legitimate expectation of privacy. Given this, Ofcom found that their privacy was not infringed in the broadcast and it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

Given this Ofcom therefore found that their privacy was not infringed in the broadcasts in this respect and it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

- d) Ofcom then considered the complaint that privacy of Miss Mahmood, her mother and siblings was unwarrantably infringed as a result of the broadcast of footage of the registration plate of their family car.

Ofcom first considered whether Miss Mahmood, her mother and siblings had a legitimate expectation of privacy in relation to the broadcast of footage of the family car. This was the Mahmood's private family car and, in Ofcom's view, the family had a legitimate expectation that footage of the car would not be broadcast. However, Ofcom noted that the registration plate of the car was partially obscured, as it was parked behind a gate which covered some of the letters and numbers of the registration plate, and took the view that the full registration number would not therefore have been revealed to any viewer. In these circumstances, Ofcom considered that there was no infringement of Miss Mahmood's privacy or that of her mother and siblings in relation to the broadcast of the footage of the car registration plate.

Given this, it was not necessary for Ofcom to further consider whether any infringement of privacy was warranted.

Ofcom therefore did not uphold the complaint of unwarranted infringement of privacy in relation to the broadcast of the Mahmood family's car registration plate.

**Accordingly Ofcom has not upheld Miss Mahmood's complaint on her own behalf and on behalf of Aysha Mahmood, Ishrat Mahmood (a minor), Sanjida Mahmood (a minor) and Ridwan Mahmood (a minor) of unfair treatment or unwarranted infringement of privacy in either the making or broadcast of the programme.**

## Other Programmes Not in Breach/Resolved

**5 November to 18 November**

<b>Programme</b>	<b>Trans Date</b>	<b>Channel</b>	<b>Category</b>	<b>No of Complaints</b>
A Place in the Sun: Home or Away	17/10/2008	Channel 4	Crime (incite/encourage)	1
A Touch of Frost	26/10/2008	ITV1	Violence	1
Absolution With Tim Shaw	04/10/2008	Absolute Radio Digital	Generally Accepted Standards	1
Alan Carr's Celebrity Ding Dong	24/10/2008	Channel 4	Generally Accepted Standards	1
Alpha Khabran	20/10/2008	Alpha ETC Punjabi	Generally Accepted Standards	1
America's Newsroom	03/10/2008	Fox News	Commercial References	1
BBC News	07/10/2008	BBC1	Generally Accepted Standards	1
Babestation	25/08/2008	Get Lucky TV	Generally Accepted Standards	1
Born Survivor: Bear Grylls	09/11/2008	Channel 4	Generally Accepted Standards	1
Britain's Best Dish	22/10/2008	ITV1	Generally Accepted Standards	3
Britannia High	01/11/2008	ITV2	Offensive Language	1
Britannia High	26/10/2008	ITV1	Offensive Language	4
Carphone Warehouse sponsorship / The X Factor	08/11/2008	ITV1	Flashing images	1
Casualty	25/10/2008	BBC1	Violence	3
Casualty	25/10/2008	BBC1	Animal Welfare	1
CelebAir	23/10/2008	ITV2	Generally Accepted Standards	1
Channel 4 News	22/08/2008	Channel 4	Inaccuracy/Misleading	1
Channel 4 News	23/10/2008	Channel 4	Inaccuracy/Misleading	1
Channel 4 On Demand services	03/11/2008	Channel 4	Inaccuracy/Misleading	1
Chris Evans	15/09/2008	BBC Radio 2	Offensive Language	1
Chris Moyles Show	27/10/2008	BBC Radio 1	Crime (incite/encourage)	2
Colin Murray	28/10/2008	BBC Radio 1	Offensive Language	1
Competition	n/a	Magic 105.4	Competitions	1
Coronation Street	15/10/2008	ITV1	Generally Accepted Standards	1
Coronation Street	05/11/2008	ITV1	Inaccuracy/Misleading	1
Coronation Street	05/09/2008	ITV1	Offensive Language	1
Crime Scene Academy	11/10/2008	Five	Generally Accepted Standards	1
Dead Set (Trailer)	23/10/2008	Channel 4	Violence	1
Deal or no Deal	27/10/2008	Channel 4	Exorcism/Occult/Paranormal	4
Dispatches: The Hidden World of Lap Dancing	06/10/2008	Channel 4	Sex/Nudity	1
Dispatches: The Jab That Can Stop Cancer	21/07/2008	Channel 4	Inaccuracy/Misleading	1
Dispatches: The Truth About Your Energy Bill	20/10/2008	Channel 4	Generally Accepted Standards	1
Dispatches: The Truth About Your Energy Bill	20/10/2008	Channel 4	Due Impartiality/Bias	1
EU Decide: Tonight	20/10/2008	ITV1	Inaccuracy/Misleading	1

Eastenders	28/08/2008	BBC1	Violence	45
Eastenders	13/11/2007	BBC1	Generally Accepted Standards	1
Embarrassing Teenage Bodies (Trailer)	19/10/2008	Channel 4	Sex/Nudity	5
Extraordinary People: Million Dollar Mind Reader	25/09/2008	Five	Inaccuracy/Misleading	1
Fame Asylum	06/11/2008	Channel 4	Generally Accepted Standards	1
Family Guy	29/10/2008	BBC Three	Offensive Language	1
Fonejacker	28/10/2008	E4	Generally Accepted Standards	1
Fox News	14/10/2008	Fox News	Generally Accepted Standards	1
GMTV	28/10/2008	ITV1	Dangerous Behaviour	1
Generation Sex (Trailer)	22/10/2008	Five	Generally Accepted Standards	1
Geoff Lloyd	04/11/2008	Absolute Radio	Generally Accepted Standards	1
George Lamb	03/09/2008	BBC 6 Music	Generally Accepted Standards	26
Going For Gold	n/a	Five	Competitions	3
Goodfella's Pizza sponsors You've been Framed	25/10/2008	ITV1	Generally Accepted Standards	19
Gordon Ramsay: Cookalong Live	24/10/2008	Channel 4	Religious Offence	1
Gordon's sponsors Gordon Ramsay: Cookalong Live	24/10/2008	Channel 4	Sponsorship	1
Hairspray - the School Musical	10/10/2008	Sky1	Inaccuracy/Misleading	1
Harry Hill's TV Burp	25/10/2008	ITV1	Generally Accepted Standards	2
Have Your Say	29/09/2008	My Channel	Generally Accepted Standards	1
Hollyoaks	23/10/2008	Channel 4	Generally Accepted Standards	1
ITV News	20/10/2008	ITV	Generally Accepted Standards	1
Ken Bruce	17/10/2008	BBC Radio 2	Generally Accepted Standards	1
Little Britain USA	10/10/2008	BBC1	Generally Accepted Standards	1
Loose Women	05/11/2008	ITV1	Dangerous Behaviour	1
Love Contract	29/10/2008	BBC Radio 4	Generally Accepted Standards	1
MTV Europe Music Awards	06/11/2008	MTV One	Inaccuracy/Misleading	1
Meridian Tonight	18/10/2008	ITV1 (Meridian)	Commercial References	1
Miss Naked Beauty	04/11/2008	Channel 4	Offensive Language	1
Most Haunted Live: Village of the Damned	26/10/2008	Living	Generally Accepted Standards	12
Most Haunted Live: Village of the Damned	30/10/2008	Living	Exorcism/Occult/Paranormal	1
Most Haunted Live: Village of the Damned	28/10/2008	Living	Generally Accepted Standards	1
Mum's Gone Gay	17/10/2008	Channel 4	Generally Accepted Standards	1
Natural Born Sellers	09/10/2008	ITV1	Undue Prominence	1

Nick Ferrari	02/10/2008	LBC 97.3	Generally Accepted Standards	1
Peter Kay's Britain's Got the Pop Factor	12/10/2008	Channel 4	Generally Accepted Standards	1
Peter Kay's Britain's Got the Pop Factor (Trailer)	08/10/2008	Channel 4	Unconscious influence/hypnosis/subliminal	1
Porn: A Family Business	04/11/2008	TMF	Sex/Nudity	1
Promo	28/10/2008	Sky News	Offensive Language	3
Real Football Phone-In	03/09/2008	Real Radio Scotland	Generally Accepted Standards	1
Ross Kemp meets the Glue Kids of Kenya	29/09/2008	Sky News	Trails/Promotions	1
Russell Brand's Ponderland	06/11/2008	Channel 4	Offensive Language	1
Ryan and Vicky in the Morning	21/10/2008	Beacon FM	Generally Accepted Standards	1
Sara Cox in for Jo Wiley	27/10/2008	BBC Radio 1	Sex/Nudity	1
Saw	25/10/2008	Channel 4	Violence	1
Scotland Today	07/10/2008	STV	Generally Accepted Standards	1
Seven Days	28/09/2008	Sky News Interactive	Generally Accepted Standards	1
Skins (Trailer)	15/10/2008	E4	Substance Abuse	1
Sky Bet Sponsorship Credit	n/a	Sky Sports	Generally Accepted Standards	1
Sky HD promo	n/a	Sky	Inaccuracy/Misleading	1
Sky News	11/10/2008	Sky News	Due Impartiality/Bias	1
Sky News	12/10/2008	Sky News	Inaccuracy/Misleading	2
Sky News	26/10/2008	Sky News	Generally Accepted Standards	1
Sky News	27/10/2008	Sky News	Generally Accepted Standards	1
Songs of Praise	02/11/2008	BBC1	Sex/Nudity	4
South Africa: Body Parts For Sale	17/10/2008	Channel 4	Generally Accepted Standards	1
South Africa: Body Parts For Sale	17/10/2008	Channel 4	Violence	1
South Park	28/10/2008	Paramount Comedy	Generally Accepted Standards	1
Spongebob Squarepants	13/10/2008	Nickelodeon	Dangerous Behaviour	1
Spooks	27/10/2008	BBC1	Generally Accepted Standards	1
Spy Master	11/10/2008	ITV4	Dangerous Behaviour	1
Street Wars	04/11/2008	Sky 2	Dangerous Behaviour	1
T4	27/09/2008	Channel 4	Sex/Nudity	1
TRG Competition	n/a	Star FM Radio	Competitions	1
Terminator: The Sarah Connor Chronicles (Trailer)	27/10/2008	Virgin 1	Trails/Promotions	1
The Comedy Hour	30/08/2008	BBC Radio 2	Offensive Language	1
The Comedy Hour: Alan Carr's Outings	18/10/2008	BBC Radio 2	Offensive Language	1
The Girl with Two Faces: a BodyShock Special	19/10/2008	Channel 4	Generally Accepted Standards	1
The National Television Awards 2008	29/10/2008	ITV1	Religious Offence	1

The News Quiz	25/10/2008	BBC Radio 4	Generally Accepted Standards	1
The Paul O'Grady Show	24/10/2008	Channel 4	Generally Accepted Standards	4
The Simpsons	16/11/2008	Sky One	Offensive Language	1
The Sports Bar with Andy Goldstein & Perry Groves	18/10/2008	talkSPORT	Generally Accepted Standards	2
The Wright Stuff	25/08/2008	Five	Generally Accepted Standards	1
The Zoo UK	07/11/2008	Sky Three	Offensive Language	1
This Morning	22/10/2008	ITV1	Generally Accepted Standards	2
This Morning	24/10/2008	ITV1	Competitions	1
To Sir With Love: Tonight	09/10/2008	STV	Sex/Nudity	1
Today	04/11/2008	BBC Radio 4	Generally Accepted Standards	1
Toolan in the Morning	15/10/2008	Key 103	Use of Premium Rate Numbers	1
Touch Me, I'm Karen Taylor	19/10/2008	BBC3	Generally Accepted Standards	1
Under the Influence: Tonight	17/10/2008	ITV1	Dangerous Behaviour	1
Wake Up to Wogan	28/10/2008	BBC Radio 2	Generally Accepted Standards	1
Wales Tonight	02/11/2007	ITV Wales	Due impartiality/ Bias	2
Weakest Link	27/10/2008	BBC1	Generally Accepted Standards	2
Wire in the Blood	17/10/2008	ITV1	Generally Accepted Standards	1
Wired	20/10/2008	ITV1	Generally Accepted Standards	1