

taste and decency

4	Screen One: Ghostwatch	BBC1, Saturday 31 October 1992, 9.25-10.15pm
6	Dr David Starkey	Talk Radio UK, Saturday 4 March 1995, 10.00am-1.00pm
6	Scottish News	Scottish Television, 21 February 1995, 10.30-10.40pm
6	Live and Kicking	BBC1, Saturday 24 December 1994, 9.15am-12.30pm
7	Wilt	Channel 4, Tuesday 24 January 1995, 9.00-10.45pm
7	Advertisement for Levi Jeans	ITV & Channel 4, Wednesday 15 February 1995 and Wednesday 1 March 1995, 9.00pm, 9.55pm and 10.40pm
7	Pebble Mill	BBC1, Wednesday 22 February 1995, 12.05-12.55pm
8	Ramblin' Man	Downtown Radio, Tuesday 14 February 1995, 6.30-7.00pm
8	Blue Peter	BBC1, Monday 13 February 1995, 5.10-5.35pm
8	Crown Prosecutor	BBC1, Friday 10 March 1995, 1.50-2.20pm
8	Lunchtime News	ITV, Thursday 23 February 1995, 12.30-12.55pm
8	GMTV	ITV, Wednesday 1 March 1995, 6.00-9.25am
9	Modern Times: Death on Request	BBC2, Wednesday 15 March 1995, 9.00-10.00pm
9	Advertisement for the Royal Insurance Company	ITV and Channel 4, March 1995
9	Advertisement for Boots '17' Cosmetics	ITV, March 1995
9	Barrymore, ITV	Sunday 19 March 1995, 7.30-8.30pm
9	Game On	BBC2, Monday 27 March 1995, 9.30-10.00pm
10	Scotland Today	Scottish Television, Friday 23 September 1994, 6.30pm
10	Caesar the Geezer	Talk Radio UK, Thursday 16 March 1995, 10.00pm-1.00am
10	Today	BBC Radio 4, Thursday 23 March 1995, 6.30-8.40am
10	Waiting for God	BBC2, Thursday 30 March 1995, 7.00-7.30pm
10	Sweeney on Sunday	London Newstalk, Sunday 12 February 1995, 10.00am-noon
11	The Return of Mr Bean (Rpt)	ITV, Wednesday 5 April 1995, 8.00-8.30pm
11	Mark Radcliffe	BBC Radio 1, Thursday 9 March 1995, 10.00pm-midnight
11	Today	BBC Radio 4, Tuesday 28 March 1995, 6.30-9.00am
11	Week Ending (Rpt)	BBC Radio 4, Saturday 4 March 1995, 6.25-6.50pm
11	Naked Video 33½	BBC2, Tuesday 4 April 1995, 9.00-9.30pm
12	The Word	Channel 4, Friday 10 March 1995, 11.05pm-12.05am
12	A Bit of Fry and Laurie	BBC1, Sunday 2 April 1995, 10.00-10.30pm
12	The Sunday Show	BBC2, Sunday 26 March 1995, 12.45-1.30pm
12	Dr David Starkey	Talk Radio UK, Saturday 25 February 1995, 10.00am-1.00pm

Screen One: Ghostwatch

BBC1, Saturday 31 October 1992, 9.25-10.15pm

The Complaint

On 31st October, 1992 (Hallowe'en), BBC1 broadcast between 9.25 pm and 10.15 pm a programme entitled 'Ghostwatch'. The programme portrayed events in a haunted house. Apart from its obvious topicality, the programme made use of well-known television personalities, including two particularly familiar to children. These and other elements in the programme encouraged a number of viewers to believe that it was a factual programme and to allow their children to view. In reality, the contents of the programme were fictitious and, while some viewers quickly recognised its nature, others were understandably slower in realising this and yet others did not realise it at all. Thirty-five viewers complained to the Council in the days immediately after the broadcast about the deception which they

claimed had been practised on the audience by the BBC. The Council took the view in response that the matter of deception was not one which fell within its remit.

In January, 1993, a complaint was made on behalf of two people in Nottingham who believed that their son had been induced to commit suicide as a result of watching the programme. They complained of the deception which, they believed, had misled their son into thinking that the programme contained a factual account of apparently supernatural events.

Although the Broadcasting Act, 1990, provides a limit of two months after transmission for the entertainment of complaints,

the Council decided, as it was entitled to do under the legislation, to waive this limit. However, it reached the same conclusion as it had in response to the earlier complaints: namely, that the complaint fell outside the Council's remit. It replied similarly to a renewal of the parents' complaint shortly afterwards.

In 1994, however, the couple were granted leave to apply for Judicial Review of the Council's decision. The Council, following legal advice, decided that it would entertain the complaint and, with it, the thirty-five other complaints which it had previously not agreed to entertain.

In detailed statements of their complaint, the complainants from Nottingham made the following points:

- (i) No adequate warning was given of the nature of the programme.
- (ii) The level of fear and distress exhibited in the programme was inappropriate so soon after the 9.00pm Watershed.

Two further issues, arising from the programme, but addressing the future, were added by the complainants:

- (iii) Should the broadcasters accompany the showing of reconstruction-type dramas with a continuous warning of their nature?
- (iv) Whether the treatment of paranormal scenes in the manner of a documentary spoof should be broadcast so shortly after the Watershed, if at all.

Section 154 (6) of the Broadcasting Act, 1990, allows the Council, where there is a large number of similar complaints, to treat one as representative of the remainder. The Council is satisfied that the points noted above covered substantially, with one additional matter noted below, all the points made by the remaining complainants.

The Broadcaster's Statement

The BBC made the following statement in response to the complaints:

'Ghostwatch was intended to be a lighthearted and original look at a traditional aspect of Hallowe'en, which those watching would recognise as a dramatic presentation, not a factual one. The ghost story has been part of culture ever since mankind first began to produce works of the imagination, and we do not believe that there should be any restriction either on our coverage of such subjects or on the range of techniques with which they are presented.

Our advance press publicity, the 'Radio Times' billing, and the pre-transmission announcement stated that Ghostwatch was a drama. It was transmitted as part of the Screen One drama strand, and the 'Radio Times' billing also included a cast list, indicating that the "presenters" who were better-known for their work in factual programmes were acting.

Ghostwatch was aimed at an adult audience, hence its transmission after the Watershed, and the details of its presentation which viewers seem to have found most disturbing, such as the injuries suffered by one of the girls and the reference to the killing of a dog, together with the creation of an atmosphere of powerful dramatic tension, did not occur until well after 10.00pm. We believe such treatment would not have been unacceptable in a post-Watershed drama whose purpose was clear.

Had we fully anticipated the reaction of the audience, we would have taken further steps to make it even clearer that the context in which these elements were shown was, indeed, a dramatic rather than a factual one. In recognition of this, we apologised at the time to those viewers who were offended. We would also like to repeat the expression of sympathy offered to the family of Martin Denham both before and after the inquest on their loss.'

The BSC's Finding

In respect of the complaint about the lack of a sufficient indication of the fictitious nature of the programme, the Council considered that, in view of some of the contents of the programme, the BBC had a duty to do more than simply hint at the deception it was practising on the audience. In 'Ghostwatch', there was a deliberate attempt to cultivate a sense of menace. While in a different context this would have been appropriate after the 9.00 pm Watershed, the presence in the programme of presenters familiar from children's programmes, as well as the involvement of children as leading characters in the fiction, took some parents off-guard in deciding whether their children could continue to view. The Council is, therefore, satisfied that the BBC was mistaken in not taking additional steps to alert the audience to what they were about to see. It welcomes the BBC's recognition of this fact in the statement reproduced above. The first complaint listed above is therefore upheld.

In respect of the second complaint, it follows that, in the absence of an adequate warning, the degree of fear and distress shown in the programme was excessive. This included the showing of the scratched faces of children and references to the mutilation of a dog and a corpse, which several other complainants mentioned. The second complaint is, therefore, also upheld.

In treating the further points raised as issues rather than complaints, the Council had regard to the fact that neither the provision of continuous warnings in respect of certain programmes nor a proscription of the treatment of supernatural material at any time is a matter covered by its Code nor prescribed as part of existing practices by the broadcasters. It is not convinced that blanket provisions of that kind are necessarily helpful, depending as they do upon arbitrary decisions rather than on the considered judgements which broadcasters are expected to apply to every programme.