

# **Radio Authority**

## **Quarterly Complaints Bulletin:**

### **April – June 2001**

#### **Introduction**

The Radio Authority's Quarterly Complaints Bulletin is issued in its entirety on the web and contains a full list of adjudications on programming and advertising complaints considered in last three months.

To complement this, the Programming & Advertising Review is available on the web. However, the Review is also sent to the original recipients of the Bulletin. It highlights issues raised in some of the complaints considered over the past quarter and keeps interested parties up to date with regulatory issues involving content. As a vehicle for issues needing attention, it is essential reading for those concerned with what goes out on air.

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## **How to Complain to the Radio Authority**

Listeners who wish to comment on, or complain about, something they have heard on commercial radio should write to the radio station concerned. Complainants who remain dissatisfied must be promptly told about the Radio Authority's complaints role.

Listeners may also comment or complain to the Radio Authority, which will consider all aspects of programming, advertising and transmission. All complaints must be made in writing, giving precise dates and times of broadcasts concerned. The Authority will investigate, asking the station for copies of relevant tapes. Radio stations must keep recordings of all their broadcasts for forty-two days. After that time there may be no recordings to which to refer, so it may be impossible to pursue complaints about output outside this period.

When a complaint is upheld, the Authority can request a broadcast apology or correction. Under the Authority's powers in section 110 of the Broadcasting Act 1990, it can also impose a penalty which can include a warning, a fine or the shortening or suspension or revocation of a licence.

### **Radio Authority Programming Complaints Summary**

Details of complaints for Q2 2001 (Q2 2000)			
<b>CATEGORY</b>	<b>Considered</b>	<b>No. of complaints about same subject</b>	<b>UPHELD</b>
Accuracy	7 (6)		4 (2)
Balance/Bias/Fairness	10 (7)	3 on one matter	3 (4)
Taste/Decency/Offence	25 (34)	2 on one matter 2 on one matter	6 (9)
Promise of Performance and/or Format	1 (3)		0 (0)
Other	8 (5)	2 on one matter	4 (0)
<b>Totals</b>	<b>51 (55)</b>		<b>17 (15)</b>

### **Radio Authority Advertising Complaints Summary**

Details of complaints for Q2 2001 (Q2 2000)			
<b>CATEGORY</b>	<b>Considered</b>	<b>No. of complaints about same subject</b>	<b>UPHELD</b>
Harmful	3 (4)	3 on one matter	0 (1)
Misleading	12 (22)	2 on one matter 2 on one matter	1 (3)
Offensive	28 (30)	2 on one matter 2 on one matter 12 on one matter	1 (2)
Other	2 (5)		0 (1)
<b>Totals</b>	<b>45 (61)</b>		<b>2 (7)</b>

**Accuracy**  
**Classic FM (National)**

Monday 7 May 2001

*Complaint:*

A listener told us that a concert "was described by the presenter as a live broadcast." He thought this was misleading as he told us he was convinced the programme was not a live performance in the way in which he understood the meaning of the phrase. He asked whether or not it was live, as he told us he could "not abide deception".

*Reply:*

We investigated. The concert took place at the Royal Albert hall on Wednesday 11 April 2001. Classic told us "the title of the concert was Classic FM Live! and this is reflected in our subsequent broadcast of the event. Prior to the concert, we had always referred to the concert on air under this title. This programme was a broadcast of a specially recorded live event, rather than a broadcast of a commercially available CD. At no time was it our intention to mislead our listeners and we will in future be sensitive to this particular listener's viewpoint." As the event was well publicised beforehand, we doubted many listeners would have been misled by the subsequent broadcast.

**NOT UPHELD**

P050/42

(Accuracy)

**Century 105 (North West England)**

Wednesday 11 April 2001, 0930-0945

*Complaint:*

A listener who participated in a station competition complained that it was misleading. The prize was described as a year's free supply of electricity, but he had received a cheque for £250 only. He had queried the amount with the station, but did not think that a satisfactory reply was given.

*Reply:*

We asked the station for their comments and a tape of the item, which confirmed that British Gas were offering to pay a year's gas/electricity supply. The station told us that: "The British Gas competition enabled a total of 4 listeners to win a year's supply of electricity. Each winner was entitled to £250. The four winners were then entered into a final draw and the winner selected out of those names also won a holiday".

We told the station that if the maximum amount was £250 for each prizewinner, then it should have been clearly stated on air. We reminded the station that our Programme Code Rule 9.2 Competition Rules, clearly states that: 'Competitions should be conducted fairly, to rules which are appropriately made known. In particular, prizes should be described accurately'. The station conceded that it had not been made clear on air that there was a ceiling of £250. They told us that it had not been their intention of mislead and they would be contacting all the winners to rectify the matter.

**UPHELD**

P061/42

(Accuracy)

**Ridings FM (Wakefield)**

Monday 16 April 2001, 1810

*Complaint:*

A listener told us that during continuous music he heard two announcements that it was 'Saturday Night on Ridings FM'. He appeared to think he was hearing a repeat. He said "I suppose it's inevitable in this day of technology that profit making organisations will opt for the cheapest option, leaving the poor listener with something little more than supermarket radio. I suppose I could put on a CD and get the same effect, but at least I wouldn't keep being told it is Saturday when it is in fact Monday. Surely they could at least update the programme and use current jingles and trailers rather than something which must have been broadcast sometime previous."

*Reply:*

We investigated. Ridings FM's Director of Programming told us "In fact Ridings FM was presented live until 6pm on Easter Monday, as we completed our All-Time Top 200 Countdown, a chart compiled from listeners' votes. On a normal Monday we would continue our usual live programming after six. However, because it was a Bank Holiday, after the 6pm news we moved into the automated music jam-style oldies sequence known as Ridings Rollercoaster that is usually a popular part of our Saturday evening programming. The link at 6.10pm was the first automated link of the day. Ridings Rollercoaster is an entertaining and well-produced sequence that highlights oldies listeners might not have heard for a while. Each Rollercoaster is put together specifically for the day in question, and different songs and years are highlighted each week. Easter Monday's edition was emphatically not a repeat. Our mistake was that in putting together the edition for Easter Monday we failed to take into account that one part of the Ridings Rollercoaster ident package refers to Saturday night. This is of course unfortunate, and I'm sorry for any confusion caused to the listeners. Next time we will make sure that this is rectified! However, I think you will agree after listening to the minidisc that the programme is - in normal circumstances - a creative music jam sequence that makes no bones about being automated." We accepted that this was not a serious regulatory breach, but was clearly a mistake and something which the company would not normally have allowed to happen. We also accepted that such slips could easily occur. We told the station that there was no suggestion on our part that automation may not be appropriate for such 'specials.' Nevertheless, the listener was clearly annoyed and confused and, on the grounds of accuracy, we had no option but to uphold the complaint.

**UPHELD**

P027/42

(Accuracy)

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**News Direct 97.3 FM (Greater London)**

Sunday 25 February 2001, 0500-0630

*Complaint:*

Radio Authority staff perceived a noticeable change in the output of the station, which carries as part of its remit within the Format the character of service of "a news and information station for Londoners". Concern grew in three areas in particular. Firstly, the technical standard, involving gaps, filler jingles, failing recorded pieces and so on was felt to be unacceptable. Secondly, through the increased reliance on simulcasting ITN's nationally available news, the use of picture-based scripts created both confusion as well as a disregard for the listener, and for quality broadcasting. Thirdly, again through increase reliance on simulcasting, staff felt London stories were being 'relegated' within the output. During our investigation a listener complained about 24-hour-old sports news being broadcast in early bulletins.

*Reply:*

We agreed that the complaint was both valid and important, and felt it should be regarded as part of the general picture. As a consequence of the above matters, the station was issued with a Yellow Card requiring output to be brought into line in terms of Format and quality. A number of meetings with senior staff were held and the Authority subsequently noted a marked improvement in all three areas. Coverage of recent news events such as the Hendon bomb, the May Day protests and train disputes were cited as examples.

Members considered the matter at their meeting on 10 May 2001. The general complaint was upheld but the Yellow Card has now been withdrawn from the station. We will continue to keep a listening brief, particularly concerning the weight of London news.

**UPHELD**

P038/42

(Accuracy)

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**Century 105 (North West England)**

Thursday 3 May 2001

*Complaint:*

A listener said that inaccurate information was given when discussing the Great Train Robbery. The presenter had said that the train driver injured during the robbery had died four years later. The listener said that this was not true, as he had died only two years ago, and implied that the mistake was material to the argument.

*Reply:*

We investigated. The presenter was discussing with his co-host Ronnie Biggs' wish to return home for medical attention. One of the presenters said, in response to those who felt sympathy for Ronnie Biggs, that the train driver wounded during the robbery had been seriously injured and had died some years later. The station acknowledged that an error had been made about the date of the driver's death, but we did not think that this detracted from his main argument that the train robbers were collectively responsible for injuring the driver and blighting his life.

**NOT UPHELD**

P046/42

(Accuracy)

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**Asian Sound Radio (East Lancashire)**

Tuesday 27 March 2001

*Complaint:*

A listener heard a presenter claim that the station broadcasts to the West Yorkshire area, which he found misleading.

*Reply:*

In our investigation we listened to the broadcast, read Asian Sound's comments and visited the station to discuss this and other compliance issues. This was a repeat complaint from the same complainant. A year previously (ref P034/38) we had investigated the issue of coverage claims broadcast by Asian Sound, and were told that the error was due to a presenter who had been given a new time slot. However, subsequent routine monitoring had highlighted a similar error when, at approximately 1215 on 14 September 2001 a presenter had mentioned that a programme could be heard in Bradford and Halifax, outside the station's total survey area. At the time, our expert had been unclear about the presenter's subsequent comments but had deduced that he had probably tried to "gloss over his slip." On balance therefore we concluded there was no regulatory issue involved. However, concerning the latest case, Asian Sound assured us that "the presenter involved has been duly reprimanded and made aware of his mistake". We told the station that a broadcast acknowledgement of the location of callers from areas outside its total survey area was legitimate. However, we believed direct and unqualified claims about coverage of such locations were not, as they could be misleading to potential advertisers. We made it clear that this should be avoided and we warned Asian Sound that regulatory action would be considered should a similar case arise again.

**UPHELD**

P026/42

(Accuracy)  
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## **Balance/Bias/Fairness**

### **Sunrise Radio (Greater London)**

#### *Complaint:*

A local political party was concerned about various news broadcasts concerning the candidacy of Sunrise Radio's Chief Executive, Dr Avtar Lit, in the forthcoming general election. He requested that we investigate possible breaches of Rule 2 (Expression of Opinion by Licensees) of the Radio Authority News and Current Affairs Code.

#### *Reply:*

In our investigation we listened to the news broadcasts and read the comments of Sunrise Radio. We believed that news items broadcast on 20 March 2001, in which Dr Lit discussed his candidacy for the general election, contained his personal political views, in breach of subsection 90(2)(b) of the Broadcasting Act 1990, as enshrined in the above Rule. Subsection 90(2)(b) requires of a national, local, satellite or licensable sound programme service, "that ... there are excluded from its programmes all expressions of the views and opinions of the person providing the service on matters (other than sound broadcasting) which are of political or industrial controversy or relate to current public policy." Dr Lit was deemed to be "the person providing the service." At their meeting on 6 June 2001, Members of the Authority considered the matter and, under their powers of Section 110 of the Broadcasting Act 1990, decided to impose a financial penalty of £10,000, payable to the Treasury. They believed the case raised a serious compliance issue that required Sunrise Radio's urgent attention. We therefore sought assurance from the station that a suitable training programme would be instigated to avoid any recurrence.

**UPHELD**

P002/42

(Balance/Bias/Fairness)

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**Spectrum International Radio (Greater London)**

Tuesday 13 February 2001, 1400

*Complaint:*

A listener complained about Jewish programming on 13, 14 and 15 February 2001. He thought that both presenters had "made mockery and fun of the ultra-orthodox Jews and their lifestyle and opinions." He said he had tried to get onto air to "defend and explain the Orthodox Jewish position" but he was not given the chance. He told us he thought the programme was "unfair, inaccurate, harmful and likely to cause offence."

*Reply:*

We listened to all three programmes. Although he gave us very little specific detail about where in the programmes he felt matters were at fault, it seemed to us that his complaints related to material in the first part of each programme, the discussions and phone ins on news events. In the first programme orthodoxy was not mentioned but there was a discussion about Spectrum's Jewish programme and the presenter expressed a wish that it should not be run by the Jewish establishment as he felt it would lose its independence. In the Wednesday programme, there was considerable discussion about the terrorist bus attack in Israel in which a number of people were killed. The presenter was upbraided, we thought justifiably, by several callers who all felt that he was not expressing sufficient gravitas about the incident. Again, orthodoxy was not mentioned as such. In the Thursday programme there was discussion of the peace process and the various governments of Israel. It seemed to us that in all programmes a full range of views was put and the programmes were therefore balanced.

The complainant was obviously well known to the show and we heard him try to take part in all three programmes but the presenters would not let him on air. However, it was entirely up to the station which callers they allowed to take part. Despite the fact that he did not contribute, it seemed to us that discussion on the shows was balanced, either by guests on the shows or other callers. The Jewish programme was now no longer transmitted on Spectrum.

**NOT UPHELD**

P036/42

(Balance/Bias/Fairness)

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**talkSPORT (National)**

Tuesday 24 April 2001, 1030

*Complaint:*

A listener thought that the presenter was ill informed and alarmist about the foot and mouth epidemic. He also objected to 'relentless' Labour criticism, especially as the date of the General Election was soon to be announced. However, he also told us that he was an infrequent listener to the station.

*Reply:*

We listened to the broadcast, the first part of which dealt with aspects of the foot and mouth issue. The presenter said that he was worried about the burning of carcasses and the effect of emissions. He questioned the need to burn and not bury cattle. He spoke about cancer-causing dioxins to the Campaigns Director for Friends of the Earth, who gave a fuller explanation of the situation. The presenter also took calls from parents who said that their children had been diagnosed and treated for the human form of foot and mouth disease. The presenter remarked that their experiences were at odds with the Government announcement that there had been only one case diagnosed.

We told the complainant that, in general terms, our Code Rules allowed presenters to express their own personal views provided that a fair opportunity for comments was offered. Phone-in programmes, like other areas of the media, were often critical of those in power and this could be the basis for challenging debate, provided that stations were mindful of their responsibilities under the Broadcasting Act and adhered to our Code Rules regarding undue prominence and impartiality. We also explained that our Election-reporting guidelines did not come into effect until the announcement of the dissolution of Parliament for the General Election. We did not think that the broadcast raised any regulatory issues.

**NOT UPHELD**

P029/42

(Balance/Bias/Fairness)

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**London Greek Radio (North London)**

Thursday 24 May 2001, 0900

*Complaint:*

A listener was concerned about the station's election coverage. He asked us to monitor the station during the pre-election period and thought "it appears that the Conservative Party's announcements through the radio are heavily balanced in their favour, compared to other parties, thus influencing the voters." He asked us to listen to recordings of recent news bulletins and in particular the 0900 bulletin on 24 May 2001.

*Reply:*

We investigated. LGR's management told us "In our news reports and in any other feature related to the election, we always follow strictly the principles of objectivity and fair treatment of all sides concerned. On the dates referred to in the complaint, we reported on a meeting on 21.05.01 in Margate [where we understood there was a substantial Greek population] in support of Conservative candidate Roger Gale and on a meeting for Thursday 25.05.01 in Finchley in support of Conservative candidates Sir Sidney Chapman, John Marshall, John Flack, Richard Evans and Nick de Bois. During the previous three weeks we reported on a meeting held in Edmonton in support of Labour candidate Andy Love, on a second meeting in Palmers Green in support of Labour candidates Joan Ryan and Stephen Twigg and on a third one held in Finchley in support of Labour candidates Rudi Vis and Andrew Dismore. Further to that, we are in touch with the headquarters of the three main parties to arrange five minute interviews with their candidates in a number of constituencies more closely related to the Greek Cypriot and Greek communities." This seemed to us to be satisfactory. We asked the listener to give us precise details, with dates and times of transmissions, if he wanted us to take this matter further, but he did not.

**NOT UPHELD**

P066/42

(Balance/Bias/Fairness)

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**talkSPORT (National)**

Wednesday 25 April 2001, 0900

*Complaint:*

A listener complained that a broadcast about the May Day protest was biased and did not give callers an adequate opportunity to put their view. The complainant queried whether presenters had to remain neutral as he thought some of the opening remarks made by a co-presenter were very one sided and antagonistic.

*Reply:*

We listened to the programme and agreed that aspects of the broadcast were biased and unfair. The presenter said in his introduction to the May Day topic, that he wished to make clear the distinction between the civil right to march and protest peacefully and the mindless vandalism that had taken place in the past. He said that he was intolerant of any view that supported violent protest, but not protest per se. However, we agreed that those callers who wished to discuss the right to protest and demonstrate in a peaceful manner were given insufficient time to voice their views and their contributions were curtailed.

We told the complainants that presenters did not have to be 'neutral' and could air their views provided callers were given adequate opportunity to challenge what they heard. On this occasion we did not think that the presenter had allowed a fair hearing to those who wished to disagree with him or question some of the contentious remarks that had been made. The majority of calls taken were in support of the presenter's view, and in particular we noted that one caller was immediately cut off before he had the opportunity to comment on a policeman's suggestion that extreme custody measures be implemented to deal with rioters. In conclusion we thought that the programme fell short of the requirement for fairness and balance, and was in breach of our News and Current Affairs Code Rule 1.4 (c).

**UPHELD**

P040/42

(Balance/Bias/Fairness)

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**Marcher Gold (Wrexham & Chester)**

Friday 27 April 2001, 1040

*Complaint:*

A listener thought that remarks made by a presenter were so politically biased that he thought that it "was just a sustained anti-Labour diatribe".

*Reply:*

We listened to the item in which the presenter spoke about the foot and mouth outbreak and recent reports about a human form of the disease. He then went on to refer to a column in the Sun newspaper which was highly critical of the government's handling of the epidemic and other policies. He read the whole article and endorsed the view taken by the editorial. The broadcast took place before the general election was called and was, therefore, not subject to our guidelines on Election Reporting, but the presenter's comments nevertheless breached the requirements of our News and Current Affairs Code on Undue Prominence and Impartiality - Rule 1.4 ( c ). The station had acknowledged that the presenter's remarks were ill judged and had put into place further re-training so that presenters were aware of what was acceptable.

**UPHELD**

P049/42

(Balance/Bias/Fairness)

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**Sunrise Radio (Greater London)**

Thursday 8 March 2001

*Complaint:*

A Federation of Associations and two listeners believed that news items concerning the organisation's submission of annual returns to a Borough Council and the grant it had received were inaccurate. They claimed that the station had "picked up the story" from a local newspaper "without verifying any details" and they alleged the broadcasts had harmed the Federation and its members. One of the listeners also said the coverage was unfair and offensive.

*Reply:*

We listened to three different versions of the news item, broadcast over the day, and read the station's comments. The station said that, before broadcasting the first item, it had contacted the Leader of the Council, "to check whether the story was true and whether her comments were accurately reported." Sunrise continued, "she agreed the facts were correct and she had made the comments attributed to her" in the local newspaper. The station said that it then telephoned the Federation to check whether the comments of its Joint Secretary had been accurately reported but, as there was no reply, the item was first broadcast at 1000, "without the quotes attributed to him in the paper." It appeared to us that the broadcast was balanced; however, we believed that news broadcasts should not only be balanced, but also be seen to be balanced. Therefore it would have been clearer to listeners if this report had mentioned the Federation's unavailability for comment, especially since, although accurate and, in our view, unlikely to cause offence, the opening sentence about the Federation's submission of false annual returns had a 'sting' that could possibly have implied more than had actually occurred. For these reasons, we instructed Sunrise Radio to be more vigilant in future. The station said that it had contacted the Federation again after the initial broadcast but that its Joint Secretary was still unavailable for comment. The second version of the news item contained authorised comment obtained by Sunrise from the Federation's Solicitor, to whom it had been referred and who was able to clarify the Federation's position. The final version contained both fuller coverage of his comments and an edited interview with the Leader of the Council. We believed therefore that the station's overall coverage was both balanced and adequately verified.

**NOT UPHELD**

P020/42

(Balance/Bias/Fairness)

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**Taste/Decency/Offence****96.4 FM BRMB (Birmingham)**

Monday 12 March 2001, 2320-0040

*Complaint:*

A listener found the broadcast "distasteful" and offensive.

*Reply:*

We investigated and listened to a tape of the item. The presenter spoke to a caller who claimed to be an Asian restaurant worker whose employer (who had been the victim of a racial attack) paid him £100 a week to masturbate into customers' food. The discussion was then opened up to listeners, all of whom condemned the caller's actions and tried to dissuade him from doing what he did. Some callers wanted to talk about racism, but the presenter insisted the issue was not racism but harmful behaviour. At one point, it was suggested this might be an urban myth and the presenter mentioned a recent television programme that had included a similar story, but the caller maintained he was genuine. At times the discussion lost direction and serious points that might have been made were lost; a more considered approach to production might have remedied this. Despite the late night slot and its established reputation for sensationalism, we agreed that the programme had contained material which breached the requirements of the Broadcasting Act 1990 which requires that "nothing shall be included in programmes which offends against good taste or decency or is likely to be offensive to public feeling". BRMB agreed and told us that steps had been taken to prevent a recurrence; since the complaint had been received, the presenter had moved to another station within the group. However, we told the station's senior management that we regarded the broadcast and another mentioned in this bulletin (P075/42) to be particularly worrying and warned against any similar repetition.

**UPHELD**

P043/42

(Taste/Decency/Offence)  
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**Century Radio (North East)**

Saturday 14 April 2001, 1130

*Complaint:*

A listener was offended by a call to the station from another listener who described a supposedly true story about an army exercise in which an attempt was made to catch and kill a wild boar.

*Reply:*

The broadcast was as the complainant described and formed part of an item in which callers were asked to ring the station with their funniest 'animal' stories. A caller talked about how his army group had tried to kill a wild boar, unsuccessfully, by pouring petrol on it. We asked the station to respond to the complainant's objections about its inclusion in a weekly round up of calls and they said they wished to apologise to the complainant for her upset, as it was not their intention deliberately to offend - "With a high speech content there will always be the 'other side of the coin' or someone taking offence at some comment made".

We told the complainant that we appreciated that she found the anecdote, irrespective of whether it was a tall story, offensive. Humour was subjective and it was sometimes difficult to gauge what items caused serious offence. On balance we thought that the lack of correspondence both to us and the station was some indication that the majority of listeners were not upset by what they heard. Nevertheless, we were sorry that the complainant had been disturbed by the item.

**NOT UPHELD**

P042/42

(Taste/Decency/Offence)

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**Radio XL 1296 AM (Birmingham)**

Friday 16 February 2001, 1100

*Complaint:*

A listener complained that she found the presenter's comments offensive and unfounded. She said that she "resented that a presenter should comment on a community station about participation by the listening public." She said that when she called the station, the management had seemed unconcerned and claimed it was an internal matter. She told them she would contact the Radio Authority.

*Reply:*

We put this complaint to Radio XL who told us that what was broadcast appeared to relate to a dispute between two of their presenters. The station gave us full details of the dispute, which was not a matter for the Radio Authority. Radio XL told us they "had seven calls in minutes which includes this lady" whom they alleged was "a good friend of (one of the presenters)". They said the complainant had been "very rude to our receptionist" when told the station manager was in a meeting. A director had later spoken to her "and she was also rude to him." Eventually the station manager told her there could be no explanation on the telephone and "until she sent a letter of complaint to the station the matter will remain internal; she had then said 'I am going to write to the Radio Authority.'" We told her we were unable to comment on who was rude to whom, as there was no evidence to support the complainant's claims or Radio XL's, and in any case the matter was outside our remit.

Our expert translated as follows: 'I could not come in one day because of illness.....I am extremely grateful to (female presenter), who left her own important work to stand in for two hours on my programme. I am extremely grateful to (producer), who from the beginning to the end and even further produced my programme with all the news. I would like (female presenter) to have her programmes produced by the sponsors - the sponsors will do that anyway - but she should have them produced by them so that we hear some new voices in the programme. Over the last five years, having heard the same voices, I have become fed up'. Our expert said "There seems nothing offensive in the remarks made by the presenter (who) says nothing about 'participation by the listening public', which seems to be the main point of the complaint". All of this confirmed to us that this was an internal matter in which the Radio Authority had no remit. We agreed that presenter disputes should not generally be brought to air but none of our rules had been broken here and this was therefore wholly a matter for Radio XL.

**NOT UPHeld**

P037/42

(Taste/Decency/Offence)  
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**Century 105 (North West England)**

Thursday 17 May 2001, 0845

*Complaint:*

A complainant thought that certain items broadcast during the breakfast show were tasteless, blasphemous and disturbing.

*Reply:*

We listened to the two items that the complainant detailed. One was a song called 'Dear Penis' and the other was a spoof entitled 'The Psychic Nun'. The station told us that both features were popular and they had received requests from listeners to repeat the items. They said: "The Breakfast Show has a slightly more edgier feel to it, but it is not a deliberate attempt to offend any of our listeners". We told the complainant that although there was not an official watershed on commercial radio, we advised stations to exercise responsible judgements when deciding on items or features that may be unsuitable for younger listeners. We knew from recent research findings into attitudes about taste and decency issues, that parents in particular were concerned about what their children heard during breakfast and drivetime sequences. On balance we agreed that it was ill judged to schedule these items during the peak breakfast period, and we reminded the station to be careful in the future.

**UPHELD**

P060/42

(Taste/Decency/Offence)

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**Century 105 (North West England)**

Friday 18 May 2001, 1735

*Complaint:*

A listener thought that a sketch was sexually explicit and therefore unsuitable for family listening. He also thought that this type of broadcast illustrated a general decline in broadcasting standards. He gave other examples to support his view but these were outside our remit, as they referred to broadcasts on BBC Radio 1 and 2.

*Reply:*

We listened to the sketch, which relied on double entendres for its humour value. The station told us: "Des' Dedications is a comedy slot that is played out each weekday. It is seen as a fun element within the drive-time show and is purely innuendo. It is how the listener interprets the meaning of these sketches. It is not our intention to deliberately upset or offend our listeners in any way."

We told the complainant that we expected stations not broadcast features covering sexually explicit themes or topics during programmes specifically directed at a young audience, or at a time when substantial numbers of young listeners were likely to be listening. We noted that the item was broadcast outside the 'school run' period and when research showed that the station's child audience was negligible. We did not think, therefore, that the item was unsuitable for broadcast at that time.

**NOT UPHELD**

P067/42

(Taste/Decency/Offence)

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**96.9 Viking FM (Humberside)**

Monday 19 March 2001, 0845

*Complaint:*

A complainant told us that the four "Breakfast Show" presenters performed a slot where they asked members of the public questions: "The question was 'Which football team does Emile Hesky play for?' to which (one of the presenters) said 'Liverpool'. (One of the other presenters) replied clearly 'Scouse Scum' ... I feel a station should not be allowed to express personal prejudice ... it could be seen that the station condones racist views".

*Reply:*

We listened to the broadcast and asked Viking FM for comments. The station's Programme Director told us that "The comment was a throwaway remark, in the context of a group conversation on the subject of football teams. It was not intended to be maliciously prejudiced and was certainly not intended to be racist, just a little dig at a football team that the speaker was not a fan of. We deeply regret any discomfort this may have caused..." This appeared to us to be correct - the remark did not sound malicious at all, especially as at the time all the presenters were laughing and joking about a variety of subjects, and it was clearly just light-heartedly aimed at the football team (and not the team members nor Liverpoolians in general). For an apology to have been offered, or for any of the other presenters to comment on it, would have turned the remark, which we agreed was throwaway, into something potentially offensive when it was not meant as such. Whilst we could find no grounds to uphold the complaint, we passed the complainant's comments to the station's senior management so that they could take them into account for future broadcasts.

**NOT UPHELD**

P021/42

(Taste/Decency/Offence)

**Virgin 1215 (National)**

Thursday 19 April 2001, 0815

*Complaint:*

A listener objected to a feature with a studio guest during which the breakfast team discussed "shagging", whom the guest "would shag" and the size of his "genitalia", compared with other celebrities. She found the discussion "incredibly offensive" particularly during the "Easter holidays" when "children are listening". The complainant also pointed out that immediately after this discussion the presenter had directly addressed younger listeners.

*Reply:*

The Broadcasting Act 1990, Section 90(1)(a) requires that the Authority do all that it can to ensure that "nothing shall be included in programmes which offends against good taste or decency... or is likely to be offensive to public feeling". We told the complainant that we expected features covering sexually explicit themes or topics would not be broadcast on programmes specifically directed at a young audience or at a time when substantial numbers of young people were likely to be listening. We recognised that the presenter was well established and well-known for his irreverent and laddish humour and that he broadcast on a station targeted at 25-44 year olds. However, we appreciated that younger listeners did hear the programme and on this occasion were also asked to contribute. We therefore agreed with the complainant that the feature contained adult humour that had exceeded the boundaries of acceptability at breakfast time. We were pleased to note that Virgin's senior management had taken steps to avoid a recurrence by addressing the points with the presenter before adjudication.

**UPHELD**

P028/42

(Taste/Decency/Offence)

**Virgin 1215 (National)**

Monday 2 April 2001, 0745-0820

*Complaint:*

A listener objected to the bleeping of a word in the punchline of a comedy sketch. He suspected that bad language was used, which he thought had been "antagonistic, aggressive and wholly inappropriate language for this time of day".

*Reply:*

We told the complainant that we expected stations to avoid using excessive bad language particularly in programmes aimed at young listeners or at a time they were likely to be listening. The comedy sketch featured the co-presenter's new telephone system and included a bleeped word in the punchline. On this occasion the bleeped out word, as is customary in comedy, was used to accentuate the punchline. Such humour invariably pushes at the boundaries of taste, but we did not agree that it was antagonistic or aggressive. We noted that the complainant felt the bleeping was "very limited" and we were sorry that he was offended. That this was a difficult area had been drawn to our attention in recent research conducted jointly by us and the Broadcasting Standards Commission. However, we did not think this item was likely to have offended most listeners. Nevertheless, the complainant had highlighted an important issue about the use of the bleeping technique generally and one that we would continue to monitor. In the meantime, we reminded Virgin that extra care should be taken when using the technique during peak listening times, such as at breakfast.

**NOT UPHELD**

P016/42

(Taste/Decency/Offence)

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**96.9 Viking FM (Humberside)**

Saturday 2 June 2001, 0930

*Complaint:*

A complainant told us that he did not like the sexual related chat and swearing that he claimed he had heard, "the idea (of a competition) was not to tell people where (one of the presenters) was heading on a train ... (the presenter) then decided to tell everyone ... at which point the researcher said 'why do I bloody bother with this', at which point (the presenter) responded 'I am going to get my arsed kicked for that' and laughed. Another example was on a part of the show called 'Grass Your Mates Up' and (the presenter) called a woman about an embarrassing moment ... and said 'So you fell arse over tit ... he repeated the comment three times ... he then said 'So you're going to kick your husband's arse for this then' and she replied 'yes the little shit'..."

*Reply:*

We listened to the broadcast and asked Viking FM for comments. The station's Programme Director told us "It is never our intention to offend or alienate our audience. We are working hard to really connect and grow loyalty with a very (mixed and haphazard) youth audience, to be real people and communicate like real people ... and to build exciting, compelling, 'must listen to' features that are not bland and drive passion in our audience ... bad language is not something we want to be part of our output". According to research conducted by the Broadcasting Standards Commission in 2000, the words 'bloody', 'arse', and 'tit', used in a suitable context and not aggressively, were not considered particularly offensive to most listeners. The breakfast show piece appeared to us to be very light-hearted. As for the 'Grass Your Mates Up' feature, the presenter made it quite clear that the story was about cross-dressing and was humorous. The 'arse over tit' phrase was used twice and we did not hear the presenter say 'So you're going to kick your husbands arse for this then' nor the woman say 'yes, the little shit'. We were sorry that the complainant had been upset by the two broadcasts but we doubted that most listeners would be. However, we reminded Viking FM's senior management that they must exercise care with the use of language. We told the station that we would prefer that these words were not used at time when younger listeners may have tuned in.

**NOT UPHeld**

P079/42

(Taste/Decency/Offence)

.....

**Century 106 (East Midlands)**

Wednesday 21 March 2001, 0805

*Complaint:*

A listener complained that a presenter had used the words 'bloody' and 'crap' at breakfast time, which he thought was unacceptable. The complainant also alleged that the presenter had referred to Germans as 'wankers' and he objected as this was a racist remark.

*Reply:*

We listened to the breakfast show and noted that the presenter had used the words 'bloody' and 'crap'. The station said that they considered these words to be 'borderline', but had reminded presenters to be careful about using any terms or phrases that could be considered offensive. We told the complainant that we knew from research available to us, that these words were deemed 'quite mild' by the majority of those canvassed. Nevertheless, we were sorry that he was offended.

Elsewhere in the programme, the presenter had referred to a newly appointed German government minister whose name was spelt 'Wanka' and said it was an unfortunate name from our perspective. He then joked about him being pictured with other political figures, including William Hague and about what the caption might say. Although the intention was to elicit humour from the Minister's name, we thought that it was unlikely to be construed as racist.

**NOT UPHeld**

P008/42

(Taste/Decency/Offence)

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**Wave 105 FM (Solent Area)**

Wednesday 21 March 2001, 1224-1226

*Complaint:*

A listener thought that a joke concerning the actress Martine McCutcheon was crude and offensive.

*Reply:*

We listened to a tape of the item. The presenter told a joke about the actress failing to comprehend what had been said to her at an imaginary dinner party and misunderstanding the word 'Count', as in 'Do you know I am a European Count?' The joke followed on from a discussion about the actress appearing in 'My Fair Lady' and having to undertake elocution lessons before taking on the role. It relied on a play on words for its humour, but we thought the presenter had not used bad language. We told the complainant that we were sorry if he was offended by the item, but that we did not feel that the broadcast would have offended the majority of listeners.

**NOT UPHeld**

P009/42

(Taste/Decency/Offence)

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**LBC 1152 AM (Greater London)**

Thursday 22 March 2001, 1000-1130

*Complaint:*

A blind listener objected that the presenter had advocated that cyclists should be allowed to use pavements.

*Reply:*

We listened to the phone-in programme, which took as one of its themes, 'Are cyclists a law unto themselves?' The presenter, in his usual style, played 'devil's advocate' for much of the debate, but clearly felt that cyclists were singled out for unfair criticism. He agreed with a caller that roads were dangerous for cyclists and asked whether it was right to say that pavements should only be used by pedestrians. He did not advocate that cyclists should simply use pavements with no regard for pedestrians, but suggested that there should be more cycle lanes. A number of callers challenged some of what the presenter had said and they were given adequate time to articulate their views. Consequently a broad range of views was heard and the debate was lively and generally well informed. While we understood the complainant's point, we thought the phone-in was well balanced.

**NOT UPHELD**

P004/42

(Taste/Decency/Offence)  
.....**Real Radio (South Wales Regional)**

Tuesday 23 January 2001, 1130

*Complaint:*

A listener was concerned that the presenter, during the course of his phone-in programme, had made sexist, homophobic and racist remarks. He gave examples to illustrate his concerns.

*Reply:*

We investigated. The programme was promoted as a frank and forthright talk programme and the presenter was deliberately provocative in an effort to stimulate debate. We noted that two female callers were given the opportunity to take issue with the presenter about his use of certain words, which they thought were sexist and derogatory. The first caller discussed the word 'dyke' and the negative stereotypical image of lesbian women that it may conjure up. We did not think that the tone of the conversation was offensive but was generally good-natured, with adequate time being given for the caller to put her view. The presenter told the second caller that he had succeeded in prompting her to call the programme to air her views, which was the purpose of his role. It was then disappointing to hear him dismiss her contribution with an unnecessary derogatory remark. We heard the presenter talk to a father of a young gay man and this was handled in a sensitive manner; we did not hear any homophobic remarks. We did hear the presenter comment on asylum seekers, directly after a news item on the subject. We knew that this was an emotive subject, which generates strong feelings. It was obviously a valid subject to discuss on a phone-in programme but presenters needed to deal with the issue in an even-handed and responsible manner. On this occasion the presenter took a particular stance and made further contentious comments later in the programme; whilst we did not think that he had intended to promote racist views, we did believe that his comments should not have gone unchallenged.

**PARTIALLY UPHELD**

P068/42

(Taste/Decency/Offence)  
.....

**Essex FM (Southend & Chelmsford)**

Friday 23 March 2001, 0825

*Complaint:*

A listener was offended by a 'skit' about the foot and mouth epidemic.

*Reply:*

We listened to the item, which was as the complainant had described. With the benefit of hindsight, we thought that aspects of the item were misjudged given the seriousness of the epidemic, and the station in part had agreed. In their response to us the Programme Controller said: "On this occasion, I have pointed out to the presenter that the current epidemic is of major concern to those personally affected. If there was any distress caused to anyone, he is obviously apologetic, as he does not at any time set out to hurt or turn anyone away from his programme".

The item was presented in a 'tongue in cheek' manner by a presenter who was well known for his irreverent humour, and neither the station nor we received any other complaints about the item. On balance we thought that the majority of listeners were unlikely to have been offended by what they heard but we noted the action taken by the station.

**NOT UPHELD**

P003/42

(Taste/Decency/Offence)

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**Sunshine 855 (Ludlow)**

Wednesday 24 January 2001, 0830

*Complaint:*

A listener told us that the newsreader had stumbled during a story, then said "Bollocks" and then failed to present the news. He thought that the station "attracted a huge audience throughout breakfast time, including children, and such language is intolerable." He claimed that the news was pre-recorded the day before "so there was no excuse." He also told us "this is not the first time that there has been no news on Sunshine 855 as when the newsreader is on holiday there is no cover."

*Reply:*

We investigated. Sunshine's Operations Manager said: "Our regular news reader was off ill and I was deputising. It is our practice to record all news bulletins onto our computer playout system as the early morning shift includes the downloading of several other programme features such as Sport and the compilation of other material for morning broadcast. On this occasion, I fluffed some words whilst recording the piece, made the exclamation, and then proceeded to 'record over' the 'cut' on the computer. Unfortunately, I made a keyboard error and failed to 'wipe' the first take. At 0730 the news bulletin played was the correct one. However at 0830 the computer played the 'failed cut'. The presenter also failed to notice that the 0830 bulletin, according to the computer was only 18 seconds long, an error about which we had words internally!! As for the assertion that the news is pre-recorded the day before broadcast, I believe some years ago it was the practice to pre-record the 0730 bulletin for use Tuesday to Friday mornings the night before. That was stopped when the company was taken-over. Now, each of the six bulletins are 'pre-recorded' about twenty minutes before transmission." It seemed to us that this was a genuine mistake, which the company had taken steps to avoid in future. Sunshine's Format required "There will be local news bulletins at least at breakfast, early afternoon and drive-time weekdays." We had no evidence to suggest there were no local bulletins when the newsreader was on holiday.

**NOT UPHELD**

P034/42

(Taste/Decency/Offence)

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**Galaxy 102 (Manchester)**

Tuesday 27 March 2001, 0830-1000

*Complaint:*

A listener was concerned about comments made during the breakfast show when the presenter took a telephone call from a listener who mentioned that she had five children, three of whom were "half-caste". The presenter then corrected the caller by saying that the PC term is "mixed race" rather than "half caste".

*Reply:*

We listened carefully to the feature, during which the presenter adopted spoof characteristics of a scallywag. The caller, 'Claudine' responded in a similar manner and referred to her "half caste" children which prompted the presenter to point out that she should refer to these as "mixed race". The tone of the entire conversation was humorous and we did not believe that the presenter or anyone else involved had intended to cause offence. Although we did not uphold the complaint we reminded Galaxy's management of the need to exercise care to avoid causing offence.

**NOT UPHELD**

P013/42

(Taste/Decency/Offence)

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**96.4 FM BRMB (Birmingham)**

Tuesday 27 March 2001, 0810

*Complaint:*

A listener said that comments made by the presenter about the reception of Channel 5 and ON Digital in rural areas were inaccurate. He also felt that "the general tone of the item was quite hostile towards the EU as an organisation, but in particular to French nationals". He also questioned whether such comments "in the run up to a national election" were in contravention of the Radio Authority's Code Rules on accuracy and impartiality.

*Reply:*

We listened to a tape of the items. The presenter was well-known for his light-hearted and sometimes irreverent comment. We noted that on this occasion he talked about getting Sky Digital at his house. We did not hear him say all the comments that the complainant thought he had, although he did say that "because of EEC regulations we can't have ON Digital at our house" and that this was "because of the French". He also said that "the French have a thing about the English language". We agreed that all broadcasts should be duly accurate and that news must be presented with due accuracy and imparitality. However, we took into account this was an established popular entertainment programme that relied to some extent on the sort of exaggerated observational comedy used by, for example, Frank Skinner and Jasper Carrot. We did not share the complainant's view that the general tone of the item was hostile and noted that the broadcast took place well before the election was called. We did not feel we should intervene on this occasion, but we passed his comments to BRMB for noting.

**NOT UPHELD**

P017/42

(Taste/Decency/Offence)

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**Scot FM (Central Scotland)**

Monday 30 April 2001, 0830

*Complaint:*

A listener complained that a 'windup call' had contained unacceptable language; despite the fact that it was beeped out he claimed it was clear what had been said.

*Reply:*

We listened to the item. The presenter's pose as a bogus official had prompted an abusive response from the 'victim'. Although words were beeped out, it was clear the word 'shit' and 'bastard' had been said on more than one occasion and that the presenter had also used bad language. We thought that the item was ill-judged at breakfast; our Programme Code requires that stations should be mindful of taste and decency issues at this time. We were also aware from recent research (which we had conducted jointly with the Broadcasting Standards Commission) that the blanking out of words was felt by listeners to draw more attention to the fact that bad language had been used. Furthermore, swearing was believed to be unacceptable, particularly during daytime when children were listening, by 84% of those canvassed.

We had considered a similar complaint on Scot FM earlier in the year but had not upheld it because the language was not so explicit, nor had the presenter used it, and the item was broadcast when the child audience was negligible. However, this time we felt that the item was handled awkwardly and we thought listeners would find it offensive. We reminded the station of the need to be vigilant about such matters.

**UPHELD**

P058/42

(Taste/Decency/Offence)

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**Xfm (Greater London)**

Saturday 7 April 2001, 0000

*Complaint:*

A listener complained that a late night programme had contained some records with offensive lyrics.

*Reply:*

We listened to the programme, a late night 'Hip Hop' specialist show, and asked the station for their comments. They told us "Hip Hop or Rap music is a very expressive art form and the wide spectrum of styles and sub-genres means that to broadcast a show reflecting these must be carefully produced and monitored. Due to the sheer complexity of lyrical content in Rap records it is very difficult to monitor every single word, but great efforts are taken when artists release records, to release promotional copies of singles containing edited versions....Inevitably some of the lyrics of some of the songs have the potential to cause offence to a small minority of the audience not interested in the music or culture of hip hop".

We told the complainant that matters of taste and decency were sometimes difficult and we had taken into account the time, in this case midnight-2am, and context of the broadcast. Whilst we understood that the complainant had been offended, we did not think that this specialist show would have caused offence in general to its small niche audience. However, the station also told us that it was "more than happy" to broadcast an 'advisory' statement at the start and during the show to warn new listeners that there may be lyrical content that might offend some.

**NOT UPHELD**

P024/42

(Taste/Decency/Offence)

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**Heart 106.2 (Greater London)**

Tuesday 9 January 2001, 1230

*Complaint:*

Two Chinese listeners were concerned about the presenter's use of the word 'chinky' which they told us was "racist" and which they found offensive. One told us she had emailed the presenter who had suggested the word was slang but she did not agree.

*Reply:*

We investigated and listened to the item. During a countdown list the presenter said "15 days to Chinese New Year, if you need a good excuse to have a nice 'chinky' meal, excellent stuff". Heart FM's Programme Director told us that the presenter had explained to two people who emailed him after he had made the comment that he had meant no offence and that the Chinese at his local takeaway always referred to Chinese takeaway as a "chinky". From his tone of voice and the other words he used in the broadcast, we very much doubted that he meant the term to be offensive. Nevertheless, we did not condone racism and we were sorry that the listeners were upset by it. Now that the presenter knew that some Chinese found the word offensive, we expected he would not use the term again, even if he and his local Chinese takeaway regarded it as slang.

**RESOLVED**

P035/42

(Taste/Decency/Offence)

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**96.4 FM BRMB (Birmingham)**

Wednesday 9 May 2001

*Complaint:*

A listener was offended by the late night broadcast, which she felt was unacceptable at any time of day.

*Reply:*

We investigated. The presenter spoke to a caller who had written to him claiming she was concerned about her boyfriend's recent behaviour. The discussion was then opened up to listeners who began to speculate, along with the presenter, about the boyfriend's sexual behaviour and practices and about the reason that he was now on holiday in San Francisco with a male friend. It appeared to us that the programme veered towards emphasising and describing the sexual practices at the expense of the original caller who, as the likely explanation for her fiancé's behaviour was made clear to her, became more and more distraught. Despite the late night slot and its established reputation for discussing sensationalist topics, we agreed that the programme had contained material which breached the requirements of the Broadcasting Act 1990 which requires that "nothing shall be included in programmes which offends against good taste or decency or is likely to be offensive to public feeling". Additionally, our Programme Code requires that: "allusion to sexual behaviour must be ...presented with tact and discretion. Smut and crudity must be avoided." BRMB agreed and told us that steps had been taken to prevent a recurrence; since the complaint had been received, the presenter had moved to another station within the group. However, we told the station's senior management that we regarded the broadcast and another mentioned in this bulletin (P043/42) to be particularly worrying and warned against any similar repetition.

**UPHELD**

P075/42

(Taste/Decency/Offence)

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**96.3 Aire FM (Leeds)**

Monday 5 March 2001, 1630

*Complaint:*

A listener told us that "the presenter of the 'drive-time' programme said that all the members of the new Hearsay pop group were good looking "except for Danny...who would not look out of place on 'Planet of the Apes'." He "perceived this to be a racist remark. ... If, as it seemed to me, the presenter was alluding to the colour of his skin and to other racial characteristics such as the shape of his face, and perhaps hinting at an 'Out of Africa' theme, the remark is also racist." He quoted the MacPherson Report.

*Reply:*

We investigated. The station's Programme Director told us "Having listened, I would like to reassure you that it was not our intention to cause any offence. The presenter (tells us) that the comment about the member of the 'Popstars' band Hearsay was in reference to him displaying a permanent 'gurn like' smile on his face and did not relate to either the colour of his skin or his 'actual' facial characteristics. Radio Aire is a multi-racial company broadcasting to a cosmopolitan city. It does not employ anyone with racist views and does not reflect such views in its output. To again quote the Macpherson Report in response to the listener's comments, racism is 'conduct or words or practices which disadvantage or advantage people because of their colour, culture, or ethnic origin'. Since no inference to Danny's race was intended in this context, it is hard to see how this jibe can be perceived as racist." We agreed.

**NOT UPHELD**

P039/42

(Taste/Decency/Offence)

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**Promise of Performance**

**Choice FM (Brixton)**

*Complaint:*

A listener was concerned that the 'African Beats' programme had been rescheduled from a Sunday afternoon to a late-night slot.

*Reply:*

We told the complainant that Choice FM's Format required the station to play "a proportion of... African music" but that the scheduling of this was a matter for the station to decide.

**NOT UPHELD**

P015/42

(Promise of Performance)

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**Other****96.4 FM BRMB (Birmingham)**

Tuesday 20 March 2001, 2200

*Complaint:*

A police representative was concerned by the repetition of a broadcast of "a distressed woman's attempt to take her own life", originally aired in January 2001. She claimed police resources "were ... diverted from other work" during the repeat broadcast because it led listeners to report the incident to the police, thinking it was live.

*Reply:*

We listened to the second broadcast and read the station's comments. The station said that the presenter was not a trained counsellor and that his "priority was to keep the caller talking in order to prevent the woman jumping off the bridge." This appeared evident from the recording. BRMB had apologised to the police for not reporting the incident at the time of the original broadcast. We believed it was irresponsible of the station not to have contacted the police and BRMB told us that the programme's production team was now aware of the need "to be as proactive as possible with any future incidents of this nature." In the second broadcast, the repeated section of the original conversation between the presenter and the distressed caller lasted approximately 15 minutes. BRMB thought the presenter's opening comments clearly indicated that the broadcast was a repeat. Before the conversation, and as an introduction, listeners were asked: "Where were you when this happened?" While this appeared to set the perspective of the broadcast, we believed that the length of the recorded segment that followed, and its established potential to cause problems for the local police, necessitated a fuller explanation at the outset. After the recorded segment the presenter said: "Find out tomorrow what happens to Michelle on the second and final part of her call. Let me tell you at this stage, the police end up being called to the scene." Although this indicated that the broadcast was recorded, it appeared that "Find out tomorrow what happens to Michelle" was taken out of context and misinterpreted to mean that the presenter had decided to continue his conversation with the caller off air. We believed this highlighted the need for absolute clarity in such situations, as it confirmed that by this time the listener was already under the impression that the broadcast was live. While we did not uphold the complaint, we were concerned by the outcome of the broadcasts and we reminded BRMB of the requirements of Rule 2 Accuracy and Misleadingness of our Programme Code. Although the second broadcast was a repeat rather than a reconstruction, our expectations concerned the spirit as well as the letter of Rule 2.4, which requires that "the use of reconstructions is legitimate so long as reality is not distorted."

**NOT UPHELD**

P005/42

(Other)  
.....

**Galaxy 102 (Manchester)**

Friday 20 April 2001, 1205

*Complaint:*

A listener complained that a conversation she had with a presenter was edited and broadcast later without her consent. She had telephoned to take part in a competition, but was told by the presenter that the final competition round had been played earlier in the show. She then had a conversation with the presenter and was not aware that it would be broadcast later in the programme. She said that the item had caused her considerable embarrassment.

*Reply:*

We listened to the broadcast, which was as the complainant had described. We also asked the station for their response. They told us: "The conversation with the complainant was edited to remove the references made to the competition and broadcast as a normal request call with a 'shout' going out to her daughter. Although we acknowledge that we did not specifically ask her permission to broadcast the conversation, the presenter believed that the consent was implied due to the nature of the call and the context of the show in which calls were being taken". We told the complainant that our Programme Code (Rule 3.3 Telephone Interviewees and Participants) makes clear that callers must give prior consent for their conversations to be broadcast and we warned Galaxy 102 against repetition.

**UPHELD**

P045/42

(Other)

**Hallam FM (South Yorkshire)**

Sunday 27 May 2001, 1600

*Complaint:*

The complainant told us that one of the prizes offered included a Janet Jackson CD, which had "obscene" language on it. "There was no age exemption in respect of entry ... nor was there any warning as to the material content of the prize offered". He also claimed that, when commenting on the last Ronan Keating single, the presenter told listeners that the promotional video differed in this country from the one shown in America, "the British version included the singer on a motorcycle wearing suitable protective clothing ... (the presenter said that) the inclusion of protective clothing was not 'having fun'. This comment gives the wrong impression to the young audience..."

*Reply:*

We listened to the broadcast and asked Hallam FM and The Pepsi Chart production team (via Hallam FM) for comments. The Pepsi Chart Producer told us "The prize was not the latest Janet Jackson CD but a copy of the latest Smash Hits album which included her latest single and which we believe is completely free of any offensive material and suitable for young persons. We accept that (the presenter's) off the cuff live comment (on the second complaint) could have been interpreted in the way the listener suggests. (The presenter) has since been warned of the potential dangers that might arise from such a remark". Hallam FM's Programme Director added that the second part of the Smash Hits CD competition was to see Janet Jackson in concert in Paris, but not to have her CD. This appeared to us to be correct. With regard to the second complaint, whilst we understood the point that the complainant was making, it seemed to us that the presenter's remark was flippant, with no serious intention. However, we told Hallam FM and The Pepsi Chart producers that the complainant's view must be taken into account for future broadcasts; we would not want the presenter to repeat the error, however innocent.

**NOT UPHELD**

P076/42

(Other)

**Vibe FM (East of England)**

Friday 4 May 2001, 0930

*Complaint:*

A listener told us that she telephoned the station with the intention of making a request. She said the male presenter had answered the phone and pretended to be someone else and she was continually told that she "was being put through to someone else" on each occasion the presenters pretended to be other people. What she had intended to be a short call from her mobile phone, turned out to be a lengthy call. She was unaware that her conversation was being recorded and had not given permission for it to be broadcast. She was further annoyed that part of her conversation was played on numerous other occasions throughout the weekend in a trail for the show. She told us that the item had caused her considerable embarrassment.

*Reply:*

We listened to the broadcast, which was as the complainant had described. We also asked the station for their response and programme management told us that: "The Vibe fm breakfast show 'Blonde on Blonde' is a fun show and this style of bounce around with callers has been used on many occasions before. However it is clear that the complainant is not happy and for that I apologise on behalf of the Vibe fm breakfast show presenters and in future more care will be taken when playing out telephone calls from listeners".

We told the complainant that our Programme Code (Rule 3.3 Telephone Interviewees and Participants) makes clear that callers must give prior consent for their conversations to be broadcast.

**UPHELD**

P059/42

(Other)

.....

**Isle of Wight Radio (Isle of Wight)**

Friday 23 March 2001, 1200

*Complaint:*

Two listeners were concerned by the station's coverage of a "money scam", as highlighted in articles from local newspapers. One listener believed that two callers to the programme were allowed to promote pyramid schemes, one of whom "was allowed to advertise which pyramid group she was with and gave her phone number live on air." The other listener believed that the presenter had promoted the schemes.

*Reply:*

We listened to a recording of the programme and read the comments of Isle of Wight Radio. The station told us that it had obtained assurance concerning the legality of the pyramid schemes discussed in the programme from both Trading Standards and the Department of Trade and Industry, adding that participation in such schemes was "the most talked about subject on the island." We understood the complainants' objection to coverage, one of whom believed it was harmful and likely to "cause a lot of hardship to many families", but we also recognised the validity of reasoned debate for such a high profile topic. Isle of Wight Radio confirmed that the issue had been raised a number of times, which had culminated in the dedicated phone in. At the beginning of the programme the presenter had clearly invited all views and expressed his neutral stance. Many different views were then aired by a wide variety of callers. A caller from Bath (outside the station's coverage area) had obviously supported the scheme in which his partner participated, and the station agreed that "in retrospect it does appear that he is deliberately promoting the scheme." However, we believed that his comments were acceptable in the context of the programme and would have been unlikely to "persuade more to join", as one complainant had suggested.

One caller was able to broadcast her phone number. It seemed to us that she had already alerted the presenter to a potential problem when she twice named the pyramid group in which she participated. Section 2 Rule 1 of our Advertising and Sponsorship Code says: "Licensees must ensure that the distinction between advertising and programming is not blurred and that listeners are not confused between the two." We believed that this section of the broadcast had breached this Rule, and that the presenter had had the opportunity to intervene to prevent the breach and should have done so. This was highlighted not only by his admission on air that he was reading a letter when the caller had broadcast her telephone number, but also by the concern of a later caller about the lack of use of the publicised delay mechanism that had been at his disposal. We recognised the presenter had acted promptly and thoroughly after the phone number had been broadcast but we instructed the station to be more vigilant in future.

**PARTIALLY UPHELD**

P030/42

(Other)

.....

**Radio City 96.7 (Liverpool)**

Monday 9 April 2001, 1220

*Complaint:*

The complainant told us that the presenter had received an email about his show from a listener. "He phoned the gentleman's home, then his business and confronted him on air. Then he gave out repeatedly the man's phone number and his business name and urged the listeners to phone this man and block his phone lines to his business, and he belittled the man and his company live on air".

*Reply:*

We listened to the broadcast and asked Radio City for comments. The station's Programme Director told us that, "(The presenter) has been with us since January 2001 and brought with him a unique style of broadcasting. Radio City has long been a supporter of character radio, which offers much more than bland presentation ... (The presenter) invites listeners to take part in the show via phone, fax or email on the understanding that they are likely to be read out and commented on. As part of his act, he quite often confronts critics and pokes fun at them. This is purely done as part of the character behind the microphone ... In this case, we apologise if the listener has taken the comments to heart ... The only phone number given out was in the public domain - his work number. At no time did (the presenter) ever give out a home number..." This appeared to us to be correct, and we added that the man concerned seemed perfectly aware that his phone number was being aired as he had commented "no-one has called me yet", and he did not sound at all belittled but he seemed to give as good as he got. Also, we did not hear the presenter at any point ask listeners to block the man's phone lines; in actual fact we heard the presenter say "Be nice when calling (him - to express views on the topic concerned)". We did not receive any other complaints on this matter, nor did we hear from the man concerned.

**NOT UPHELD**

P022/42

(Other)

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## Harmful

**Heart 106.2, Virgin 1215, talkSPORT (Greater London, National, National)**

RACC Clearance

*Advertiser:* **Pepperami**

*Complaint:*

Three listeners felt the commercial was in "very poor taste" and one thought that children not as "bright" as her own son might imitate the scenario.

*Reply:*

We investigated. The commercial began with an animal, voiced by an Ade Edmonson sound-a-like, asking "Ever done the hokey kokey? Ever done it with a blender?" In our opinion the overall creative treatment used was typical of the established cartoon style of the Pepperami series of commercials, which relies on exaggerated caricatures and unrealistic behaviour. The character's tone of voice seemed to us to highlight this approach from the beginning. We agreed that commercials should not encourage or condone behaviour which was harmful or prejudicial to health and safety, and acknowledged that the scenario might not appeal to some listeners. On balance, we felt that the content and style of the advertisement was clearly intended to be light-hearted and, as such, unlikely to offend or be taken seriously by most listeners. Nevertheless, we understood the complainants' concerns and passed them on to Heart, Virgin, TalkSPORT and the RACC to consider for any future campaigns.

**NOT UPHELD**

A020/42

(Harmful)

.....

## Misleading

**Classic FM (National)**

RACC Clearance

*Advertiser:* **European Airways**

*Complaint:*

A listener thought the claim that London City Airport was the "only London airport in Central London" was misleading as he told us it was "situated about 40 minutes drive of Central London."

*Reply:*

We investigated. The RACC told us that London City Airport, unlike the other airports serving London, had an 0207 telephone number and a central London postcode. They pointed out that Heathrow was in Middlesex, Gatwick in Sussex, Stanstead in Essex and Luton in Bedfordshire. We were inclined to accept their argument, as we doubted that many listeners would be misled by the advertisement.

**NOT UPHELD**

A047/42

(Misleading)

.....

**Xfm (Greater London)**

RACC Clearance

*Advertiser:* **British Telecom**

*Complaint:*

A listener felt that the reference to "free internet access" with a Genie mobile phone was misleading because it implied unrestricted access to the internet, rather than to WAP compatible web pages.

*Reply:*

The RACC supplied a script of the advertisement which actually referred to "mobile internet access" not free access. The RACC told us that they were aware of the more limited internet access available on mobile phones and that all scripts approved by them do not suggest otherwise. They believed that the phrase "mobile internet access" and the inclusion of Genie's website address, which contained more information, was sufficient to alert listeners to this. However, we agreed with the complainant that the ad could lead some listeners to conclude that the phone provided unrestricted web access.

**UPHELD**

A024/42

(Misleading)

**95.8 Capital FM, Xfm (Greater London, Greater London)**

RACC Clearance

*Advertiser:* **Cineworld**

*Complaint:*

A competitor questioned the accuracy of the advertiser's claim to be "...the fastest-growing multiplex cinema chain in the UK".

*Reply:*

Prior to broadcast, the advertiser had supplied the RACC with information from AC Nielsen and Dodona Research 2001 to substantiate the claim. The information showed that Cine UK were expected to open more screens in 2001 than competitors and that projected figures for 2002 followed the same trend. Figures were also provided that showed Cine UK had recorded the highest box office share increase (i.e. total ticket sales) between the periods 1/1/99-1/12/99 and 1/1/00; and that so far this year in comparison to last year, Cine UK's box office share had increased at a greater rate than competitors. We were satisfied with the substantiation provided by Cine UK in support of their claim and did not therefore feel that it was misleading or inaccurate.

**NOT UPHELD**

A033/42

(Misleading)

**Classic FM (National)**

RACC Clearance

*Advertiser:* **DHSS***Complaint:*

A listener was concerned that the advertisement "clearly misleads as it denotes only people native to these shores commit benefit fraud." He also thought that "as we are supposed to be an integrated society, surely some ethnic accents should have been included."

*Reply:*

We listened to the advertisement. We agreed that, although there were several regional accents and one from Scotland, none sounded ethnic. However, we did not think this meant necessarily that none of those featured was from an ethnic group, nor that the advertisement was misleading or racist. Nevertheless, we asked that his comments be passed to the advertiser and his agency for future reference.

**NOT UPHELD**

A048/42

(Misleading)

**KL.FM 96.7 (Kings Lynn)**

Station Clearance

*Advertiser:* **Peter Field***Complaint:*

The complainant told us correctly that the advertisement for Peter Field's new golf shop stated that the golf shop at Middleton Hall Golf Club had closed down, when this was not the case.

*Reply:*

The station's Managing Director told us that the commercial had been written in conjunction with the advertiser and as soon as KLFM received the initial complaint, they had contacted him and modified the advertisement. The revised copy was on air within an hour of the complaint being received and the Head of Sales at the station had subsequently visited the Middleton Shop and apologised on behalf of the station.

**RESOLVED**

A001/42

(Misleading)

**Classic Gold 792/828 (Luton / Bedford)**

Station Clearance

*Advertiser:* **Pictons Solicitors**

*Complaint:*

A listener complained that the advertisement was "grossly misleading to the ordinary man in the street ... because it gives the impression that if one suffers injury in an accident at work then one is automatically entitled to seek compensation from the employer. This is not the case..."

*Reply:*

We listened to the advertisement, and asked the station for comments. They told us that, "the words in the commercial are 'If you think you have a legal situation, speak to Pictons'. One is not automatically entitled to compensation as suggested in the complaint; the commercial merely suggests that if you have a situation in the workplace, you may be entitled to a claim. Of course you are not guaranteed anything, and Pictons will advise further once they know the situation. The commercial targets people who think they may be entitled to a claim". This appeared to us to be correct; the actual wording of the relevant part of the advertisement was "If you think you've got a legal matter on your hands, speak to Pictons". At no point did the advertisement guarantee compensation, it merely suggested that it would be worth those who believed they might have a claim getting some advice from a solicitor.

**NOT UPHELD**

A018/42

(Misleading)

.....

**Heart 106.2, Magic 105.4 FM (Greater London, Greater London)**

RACC Clearance

*Advertiser:* **Saga Insurance**

*Complaint:*

A listener was concerned that the claim to offer lower cost insurance for drivers aged over 50 was misleading. The complainant had discovered that if the policy included children or drivers over 50 with only a provisional licence, the premium was increased.

*Reply:*

The scripts for these commercials contained no reference to insuring other drivers on one policy. We believed that the vast majority of drivers would know that the inclusion of other people in a policy, particularly those who might represent a higher risk to the insurer, was likely to incur a higher premium.

**NOT UPHELD**

A029/42

(Misleading)

.....

**Classic FM (National)**

RACC Clearance

*Advertiser:* **The Times***Complaint:*

A listener was concerned that the line 'The new 12 page Sports Daily, only with The Times' was misleading because The Daily Telegraph also had a daily 12 page sports section; he thought the claim was untrue and should be withdrawn.

*Reply:*

We investigated. The RACC told us "The word 'only' in this context was used to explain that the editorial was not available anywhere else, other than in The Times. The advertiser has been made aware of the complainant's opinion." While we understood the complainant's point, and we agreed that it would have been better strictly speaking had the line not been used, we doubted readers would be materially confused or misled by what seemed to us to be typical newspaper advertising puffery.

**NOT UPHELD**

A037/42

(Misleading)

**LBC 1152 AM (Greater London)**

RACC Clearance

*Advertiser:* **TV Licensing Dept***Complaint:*

A listener thought that an advertisement for BBC TV licensing was misleading. The complainant said that it was not made clear who was eligible to renew their licence at the old rate.

*Reply:*

We requested a copy of the script, which clearly stated that if your licence expired at the end of March, "you can beat the five pound increase if you renew in March". The complainant was unable to take advantage of the offer, as his licence did not expire until the end of May nor did he wish to transfer payment to a direct debit system, but this was outside our remit.

**OUTSIDE REMIT**

A008/42

(Misleading)

**Sunrise FM (Bradford)**

Station Clearance

*Advertiser:* **Yorkshire Poultry***Complaint:*

A listener believed an advertisement that promoted Halal chickens was misleading, as it referred to procedural aspects of the birds' slaughter that he claimed were untrue.

*Reply:*

In our investigation we listened to the advertisement and read both a verified English translation and the comments of Sunrise FM. We also noted we had received a similar complaint from the complainant's address in July 2000 (A038/39). We contacted West Yorkshire Trading Standards Service, which had been approached concerning the matter. They told us that their investigation was ongoing but they currently had no evidence to suggest the advertiser had contravened either the Food Safety Act or the Trade Descriptions Act. While the procedural concerns were largely outside our remit, the advertisement could have been misleading if contradictory evidence had been found. We asked West Yorkshire Trading Standards Service therefore to contact us if their findings changed. Until such time, we would remain satisfied that the advertisement was acceptable for broadcast.

**NOT UPHELD**

A036/42

(Misleading)

## Offensive

### Galaxy 101 (Severn Estuary)

RACC Clearance

*Advertiser:* **Kox Xok**

*Complaint:*

A listener found an advertisement for a new condom, "sexually offensive and unsuitable for the time of transmission." He told us his 11 year old daughter had been listening at the time and he was concerned by both the product name, pronounced 'cock sock', and the way it was voiced in the advertisement, which he thought sounded like 'cock suck'.

*Reply:*

We listened to the advertisement and read the script and the RACC's comments. Before broadcast, the advertiser's agency had contacted us, as the RACC had originally rejected the script because of the product name; we believed that listeners would not necessarily find this offensive but that any advertisement would require careful consideration by individual stations and need to be sensitively scheduled. The RACC had approved the script on this basis and stipulated broadcast on Galaxy 101 only, with scheduling advice. As a dance/soul station, with specific appeal to listeners in their 20s, we did not believe that the late evening broadcast of an advertisement for this product was unreasonable or likely to offend most listeners. RAJAR figures suggested that only 1% of 4-14 year olds in the area were likely to have been listening to Galaxy 101 at the time of the broadcast. We acknowledged that the promotion of safe sex, through condom advertisements, outweighed arguments here that very young listeners might hear them.

However, we were concerned by the treatment given to the advertisement after the script had been approved. We were particularly concerned that the style of presentation had not been fully explained in the script, and about the length of time it took to identify the nature of the product advertised. We also agreed that the name sounded like "cock suck" in the advertisement because of the relaxed manner in which it was voiced over slow music. We believed this treatment rendered the advertisement unacceptable and we instructed that it should not be played again without amendment.

**PARTIALLY UPHELD**

A023/42

(Offensive)

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**Classic FM (National)**

RACC Clearance

*Advertiser:* **Hannibal**

*Complaint:*

Two listeners objected to the line "He likes the taste of human flesh", which they thought was not acceptable between classical music tracks and at a time of day when children might have heard it. One also thought it was "an unnecessary, offensive intrusion" and the other that it was "offensive and in very bad taste."

*Reply:*

We investigated, listened to the advertisement and sought Classic FM's views. The scripts were cleared for broadcast with scheduling advice to avoid times when young children might be listening, and recent research showed that Classic FM's child audience was negligible between 0930 and 1000 on Thursdays, when both heard the commercial. We believed the advertisement was acceptable for transmission with careful scheduling on many radio services under the Radio Authority Advertising and Sponsorship Code rules. However, we entirely understood how it might have upset and offended listeners who heard it in between the context of soothing music on a 'relaxing' service like Classic FM. Classic FM's management agreed and told us they had last transmitted the advertisement to which both objected on 18 March a couple of days after they had first heard it. We understood that there was an alternative version without this line. The issues raised would form part of a dialogue we were currently having about unsuitable scheduling of difficult advertisements and alternative versions which may be used instead at any time.

**RESOLVED**

A002/42

(Offensive)

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**LBC 1152 AM (Greater London)**

RACC Clearance

*Advertiser:* **British Hernia Centre**

*Complaint:*

A listener thought that an advertisement for the British Hernia Centre was distasteful and sexually suggestive. She told us a woman had said 'Take your clothes off' and then remarked about the man's 'bulge'.

*Reply:*

We listened to the advertisement which detailed the effects of hernia in a light-hearted way. It used humour to convey how simple and convenient the surgery was and how quickly the patient could recover. This was the only complaint we had received about the commercial and we did not think that the majority of listeners would have been offended by its tone. Nevertheless, we understood the complainant's view that a sexually suggestive approach was inappropriate and we told her that we would pass her comments to the Radio Advertising Clearance Centre, who in turn would alert the advertiser.

**NOT UPHOLD**

A028/42

(Offensive)

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**Virgin 1215 (National)**

RACC Clearance

*Advertiser:* **Virgin Trains**

*Complaint:*

A dentist objected to the content and style of the advertisement, which he felt was derogatory towards dentists and insinuated they were uncaring towards patients.

*Reply:*

We listened to a recording of the advertisement and studied the script. The scenario involved a dentist cancelling all his appointments to deal with an infrequent patient with poor teeth. It ended with the tagline "Virgin Trains...are right back to business as usual, with our normal timetable. That means everyone else can be too - including dentists". We felt that the overall creative treatment was intended to be light-hearted and we did not agree that it portrayed dentists in a derogatory or an uncaring manner. Nevertheless, we passed the complainant's comments on to Virgin and the RACC to consider for any future similar campaign.

**NOT UPHELD**

A045/42

(Offensive)

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**talkSPORT (National)**

RACC Clearance

*Advertiser:* **AAP**

*Complaint:*

A listener was concerned about the advertisement's "insensitivity towards certain ethnic groups" which he felt played on "the tradition of Kamikaze pilots, whereby each member of the group of supposedly stupid 'foreigners' holds an armed grenade" and "are tickled under their armpits until they transfer their mortgage into the safe hands of AAP.." The complainant said that he was "so shocked by its content I wonder if it is in fact a spoof, intended to provoke people like myself into complaining".

*Reply:*

We had received a previous complaint about this advertisement, which was published in an earlier Bulletin. The RACC told us "the script was clearly a spoof of Japanese endurance game shows..(and).. was clearly light-hearted and humorous....." The RACC also said that they were always sensitive to the potential problems of the use of stereotyped 'foreign' accents in radio advertisements and did not feel that this script was likely to cause offence. As the advertisement was clearly a spoof and the complainant had acknowledged this, we felt once again that intervention would not be justified.

**NOT UPHELD**

A031/42

(Offensive)

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**Magic 105.4 FM (Greater London)**

RACC Clearance

*Advertiser:* **Assertahome.com**

*Complaint:*

A complainant told us that the advertisement contained "hurtful and offensive remarks" about ginger haired people, "creating negative images in my opinion akin to racism".

*Reply:*

We asked Magic for a tape of the advertisement, and the RACC for a copy of the script and their comments. The RACC told us that "We did not consider the mild jokes about non-disfiguring and non-disabling characteristics would cause offence. The phrase 'ginger-haired' was used in a light-hearted context and although we are sensitive to cruel jokes about physical characteristics we did not feel that this phrase in this particular context would cause offence". This appeared to us to be the case; standards of taste are subjective and individual reactions could differ considerably. Whilst we were sorry that the complainant did not find the advertisement humorous as intended, and was offended by it, we doubted that most listeners would have been.

**NOT UPHELD**  
(Offensive)

A017/42

**95.8 Capital FM (Greater London)**

RACC Clearance

*Advertiser:* **Batchelors Cup a Soup**

*Complaint:*

A man who was recently widowed was upset by dialogue that asked whether a male character's wife was dead.

*Reply:*

We listened to the commercial. The scenario involved a house husband and a workman with a male chauvanist attitude. We felt that the overall content and style was intended to be light-hearted by emphasising the ignorance of the male chauvanist caricature. Given the circumstances in which the listener heard the commercial, we were sympathetic to his distress. On balance, we felt it was unlikely to have offended most listeners and noted that this was a national campaign that had attracted only one other complaint. However, humour is a subjective area and we passed the complainant's comments on to Capital and the RACC to consider for any future similar campaigns.

**NOT UPHELD**  
(Offensive)

A012/42

**Magic 105.4 FM (Greater London)**

RACC Clearance

*Advertiser:* **BT Cellnet**

*Complaint:*

A listener objected to the content and style of the advertisement, which she felt was derogatory towards women, sexist and offensive.

*Reply:*

We listened to the advertisement and studied the script. The scenarios portrayed were intended to show the range of situations where business users benefitted from BT Cellnet. They ranged from off-shore drilling to traffic jams, the Far East and restaurants. We understood the complainant's concern over the choice of situations for the female characters, which were not particularly challenging. However, we did not agree that the women were "portrayed as insignificant in comparison" to the male characters or that the creative treatment was derogatory towards women. On balance, we did not believe that the advertisement was likely to cause serious offence or was likely to offend most listeners. We noted that the campaign was a national one and so far this was the only complaint we had received. Nevertheless, we passed the complainant's comments on to Magic, to the RACC and to the advertising agency for consideration in any future similar campaign.

**NOT UPHELD**

A038/42

(Offensive)

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**Jazz FM 102.2, Classic FM, Classic Gold Amber (Suffolk)  
(Greater London, National, Ipswich & Bury St Edmunds)**

RACC Clearance

*Advertiser:* **COI Business Link**

*Complaint:*

Ten listeners to Classic FM, one Jazz FM, and one Classic Gold Amber listener complained about this advertisement which featured a woman apparently in childbirth expounding the advantages of relocation to her husband between groans of birth pain. Listeners were variously offended, upset and distressed by it, thought it degraded women, was crude, undignified, intrusive, reminded them of a painful time, did not think it was suitable for children to hear and/or did not think it sat well on a service like Classic FM. Most of the complainants were so upset by the advertisement that they could not name the product.

*Reply:*

We investigated and listened to the advertisement in isolation. The woman's cries were loud and strong but they appeared to us to be in parody of childbirth rather than real, albeit a rather lengthy parody for a short advertisement. On balance, we believed the advertisement was acceptable for transmission with careful scheduling on most radio services. However, we entirely understood how it might have upset and offended listeners who heard it unexpectedly and frequently in between the context of soothing music on a 'relaxing' service like Classic FM. Classic FM's management agreed. They told us "We have been very concerned by the number of complaints that we have received for this advertisement. We spoke to the agency concerned (who) replaced the advertisement with an alternative piece of copy from the same campaign that has not caused offence. We did not believe that it broke ...the rules ...of the Radio Authority's codes. However, a section of our audience did find it offensive. For this reason, we were concerned enough to act. It is certainly never our intention to upset our listeners and we are sorry to those whom the advertisement has offended. We hope that our actions will show them how important their views are to us." Classic Gold Amber's management also withdrew the advertisement for similar reasons. However, Jazz FM's management believed it was acceptable in the context of most of their output. We told the complainants that the issues they had raised would form part of a dialogue we were currently having with stations about the scheduling context of radio advertisements and alternative versions of difficult advertisements which were suitable for scheduling at any time.

**RESOLVED**

A005/42

(Offensive)

**Century 105 (North West England)**

Station Clearance

*Advertiser:* **Campbells Caravans**

*Complaint:*

A listener thought that a commercial for Campbell's Caravans was racist and offensive to the Scots. The complainant thought that the use of a heavy Scottish accent was deliberately making fun of the Scots and was therefore offensive.

*Reply:*

In light of the complainant's comments, we carefully studied a copy of the script and listened to a recording of the commercial. Although the voice used was heavily accentuated, there was nothing in the copy to suggest that any malice or stereotypical trait against the Scots was intended. We told the complainant that we did not think that the treatment employed in this advertisement had breached our Advertising and Sponsorship Code.

**NOT UPHELD**

A044/42

(Offensive)

**Rock FM, The Bay (Preston and Blackpool, Morecambe Bay)**

RACC Clearance

*Advertiser:* **COI Benefits Agency**

*Complaint:*

The complainant found it "deeply offensive that the impression being given is that the majority of, if not all, benefit claimants are committing fraud ... in more than one instance the phrase 'everybody does it' is used ... I feel (this) has resulted in a misinformed perception in the general public".

*Reply:*

We listened to the advertisement. The RACC told us, "(we) do not feel that the scripts imply that everyone on benefits is fraudulent. Both scripts reflect the true situation, that a large number of people do commit fraud. We do not feel that any public ignorance, as described by the complainant, is a result of misleading advertisements ... no script in the radio campaign included the words 'everybody does it'..." This appeared to us to be correct, and we noted the substantiation provided by the advertiser. According to a review of claims in 1998, at least £2 billion a year was lost through benefit fraud and there were strong indications that it could have been as much as £5 billion a year. The advertiser told us, "The estimated figure has not changed significantly since 1998, and is still likely to be billions as opposed to millions". The advertisement used the softer line "People who commit benefit fraud are getting away with millions of pounds of your money"; at no point did we hear the line 'everybody does it'.

**NOT UPHELD**  
(Offensive)

A050/42

**Virgin 1215 (National)**

RACC Clearance

*Advertiser:* **Inland Revenue**

*Complaint:*

A listener was concerned about an advertisement for the Inland Revenue which she felt depicted nut allergy sufferers in a poor light. She told us that this was a serious issue and should not be "something to snigger at".

*Reply:*

We investigated and listened to the advertisement, in which various customers asked very obvious questions about the contents of their food. One customer asked whether an item had nuts in it and was told "It is a pecan pie, sir." There was no evidence to suggest that the customer was a nut allergy sufferer or that the waitress was ridiculing him, and we thought that most listeners would not be concerned about this aspect of the advertisement in the way that this complainant was. We therefore did not feel we had grounds to intervene. Nevertheless, we asked that the complainant's views be passed to the advertiser and the agency, so that they may be aware of such matters in future. We had received a similar complaint in the previous quarter (Ref: A044/41a)

**NOT UPHELD**  
(Offensive)

A009/42

**2-Ten FM (Reading, Basingstoke & Andover)**

RACC Clearance

*Advertiser:* **News of The World**

*Complaint:*

A complainant alleged that the advertisement was "disgustingly sensationalist and sought to improve sales by publicising details of (a television personality's) sex life in a sombre manner ... I am disgusted to have heard such an item on radio which directly preceded an advert for a kid's adventure playground".

*Reply:*

We listened to the advertisement. The RACC told us "...we felt that it would not offend the majority of listeners as it reflected the headline story of a freely available newspaper and in no way did we find it overly sensationalist. With regards to the time it was heard, we did not feel that the advert called for scheduling action". This appeared to us to be acceptable and we also thought that the advertisement's sombre tone seemed to remove the advertisement from sensationalism.

**NOT UPHELD**

A046/42

(Offensive)

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**Classic FM (National)**

RACC Clearance

*Advertiser:* **Spontex**

*Complaint:*

A complainant found the advertisement "tasteless in the extreme as it focuses on pain of bereavement." She thought this was wrong as the advertisement could be "heard repeatedly".

*Reply:*

We investigated and listened to the advertisement, which featured a cleaner who had dusted inside an urn. The RACC told us that they did not believe that most listeners would find the advertisement difficult, but that they had asked for a line in the script to be changed from 'that was my husband' to 'that was my Simon' to "avoid mentioning a specific relationship to the woman". We agree that this was sensible. We entirely understood the complainant's point and particularly that frequent repetition could make a problem out of an otherwise acceptable script. Matters of good taste such as this one were by their nature subjective and we believed this one was borderline. For the moment, as this was the only complaint we had received on this matter, we proposed not to uphold the complaint or subsequently ask that the advertisement be withdrawn. However, we asked the RACC to keep a close ear on scenarios like this one. We told the complainant that we were talking generally to Classic FM about the suitability of some advertisements for Classic's audience, and her complaint would inform this discussion.

**NOT UPHELD**

A035/42

(Offensive)

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**Classic FM (National)**

RACC Clearance

*Advertiser:* **Stroke Association**

*Complaint:*

A listener told us that "the advertisement gives a graphic account of what happens to the human body during a stroke. My father died of a stroke four years ago and I do not like to be reminded on an hourly basis as to the method of his death. Whilst I am sympathetic to the Association's cause and objectives, I think that they need not be so dramatic in the way that their ad is constructed. I have spoken to their press agent "Sue" and asked for the ad to be removed. I request that you also ask them."

*Reply:*

We investigated and listened to the advertisement. The RACC told us that while they sympathised with the complainant's view, they did not believe when they cleared the advertisement that it would offend the majority of listeners and considered that the treatment was reasonably restrained. Nevertheless, we asked both Classic FM and the advertiser for their comments. The agency said "This is a relatively small campaign. There were only two occasions when it ran repeatedly over consecutive hours and the frequency was only four spots in five hours. So only someone listening to the radio solidly for five hours on these two occasions would have been exposed to this level of frequency. As to the content, we need to put this in context. The Stroke Association is dedicated to dealing with all aspects of stroke, not least of which is prevention. Sadly, there is widespread ignorance of the condition - accompanied by a fair degree of complacency. As a result, stroke is the UK's third biggest killer and single biggest cause of disability. 100,000 people every year suffer a stroke. Our commercial was created to draw attention to the potential dangers of the condition, but with the single objective of alerting potential sufferers to the dangers and encouraging them to take action. Certainly, we chose a dramatic way to do this, but in our judgement not unreasonably or irresponsibly. (The last time we ran this campaign, The Stroke Association received dozens of phone calls from people requesting help or more information and it is not unreasonable to submit that lives were saved as a result.) That said, both we as the advertising agency and The Stroke Association regret causing the complainant any distress and hope that he might receive some comfort in the thought that this very campaign may prevent other people falling victim of the disease which, sadly, claimed his father."

Classic FM's Managing Editor wrote: "I have listened carefully to this advertisement and have given it detailed consideration in the light of the comments made by the complainant. At no time would Classic FM wish to cause distress to its listeners, however I feel that this advertisement tackles a difficult subject in an informative and dramatic way. The Stroke Association exists both to support those who have suffered from strokes and to educate the wider public about the issues surrounding the illness. Although this is a hard-hitting advertisement, I feel that it falls within the boundaries of acceptability for broadcast to the Classic FM audience."

We appreciated that sometimes difficult judgements had to be made between possibly upsetting a few and potentially saving lives. This advertisement was dramatic but not gratuitous. We were very sorry that hearing the advertisement had distressed the complainant but could find no regulatory reason to intervene.

**NOT UPHELD**

A019/42

(Offensive)

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## Programming Complaints Against Restricted Service Licensees

### **Taste/Decency/Offence**

#### **Bassetlaw Hospital Radio (Worksop)**

Sunday 6 May 2001, 1420

##### *Complaint:*

Two listeners were concerned that a presenter had referred to the gel in a face mask as looking like bull's semen. One who was listening with his young children, asked us to investigate as he told us it was not the first time he felt the station had overstepped the mark on matters of taste and decency. He also stated he had had occasion to complain personally a few months ago and was dissatisfied with his treatment. The other said her mother and her friends were "thoroughly disgusted" by what they heard. She told us she "wouldn't expect to hear this on Radio One."

##### *Reply:*

We investigated and listened to a tape of the item. The Programme Director told us "We have a strict complaints procedure to which all our presenters must adhere. No complaint was received at all and certainly nobody would put the phone down on anybody. We are a Hospital Radio Station serving only the grounds of Bassetlaw District Hospital. Anybody outside the grounds listening is not our target audience and would be listening to a service aimed only at the Hospital, yet again the phrase used by our presenter is a common medical phrase used in the hospital. I have listened to the link and believe that it is in no way, shape or form a vulgarity to be taken so harshly. (Such) terminology is most commonly used by professional newscasters around the country day in day out. The presenter was giving an off the cuff remark which was not dwelled upon, nor was any local offensive term given or was it used in a lewd form. We are sorry if this remark caused any offence as this was not intended."

We noted that the remark was made in passing and was not dwelt upon. We received one other complaint about it, and we were sorry that the listeners were upset about it, but we did not believe it was unacceptable, nor that many listeners would have been offended by it.

**NOT UPHELD**  
(Taste/Decency/Offence)

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## **Findings by the Broadcasting Standards Commission**

*The Broadcasting Standards Commission is a separate body from the Radio Authority, established by statute to explore matters of taste and decency, fairness and privacy in UK broadcasting through complaints and research. Primarily, its role is to provide redress for people who believe they have been unfairly treated or subjected to unwarranted infringement of privacy. The BSC announced the following findings about Independent Radio programmes and about radio advertising matters in this reporting quarter.*

The BSC announced 17 Findings about commercial radio programmes. The Radio Authority has not intervened further with regard to these complaints.

The BSC upheld the following 4 complaints: Whitchurch FM (Unfair treatment of a local Councillor); Century 105 (offensive prank telephone calls); Virgin 105.8 (sexual content at breakfast time); Virgin 105.8 (swearing in song lyrics).

The following 8 complaints were resolved: 97.6 Chiltern FM (swearing); Century 105 (sexual content); talkSPORT (racist content); Piccadilly Key 103 (sexual content at breakfast time); 95.8 Capital FM (sexual content at breakfast time); TFM (sexual references at breakfast time); Radio City 96.7 (offensive parody of a nursery rhyme); 96.4 FM BRMB (sexual content in a trailer).

The following 5 complaints were not upheld: Century 105 (racist content); 2-Ten FM (inappropriate content at breakfast time); 96.4 FM BRMB (explicit sexual discussion); LBC 1152 AM (offensive comments); Metro Radio (sexual content).

### **Broadcasting Standards Commission and Radio Authority: Memorandum of Understanding**

An agreed Memorandum of Understanding between the BSC and the RA sets out how complaints will be dealt with. It seeks to avoid, wherever possible, double jeopardy for both complainants and licencees, and to share information about complaints relating to matters of standards.

Complaints about fairness and privacy will continue to be dealt with by the Commission. Matters relating to standards which have licensing implications will continue to be dealt with by the Radio Authority. Other complaints which fall within the jurisdiction of both bodies will be dealt with by whichever first receives the complaint, but the Authority and the Commission will keep each other informed throughout the consideration of the complaint and of the potential outcome. Each body will take formal account of the adjudications of the other in its decisions.

The Radio Authority and the Broadcasting Standards Commission have also agreed to work together on audience research projects relating to standards issues in radio and other issues relating to audience expectations, building on their current joint consultation on taste and decency issues in commercial radio programmes.

**END**