

broadcasting  
standards  
*commission*

*the* **bulletin**

**No15**

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As an independent organisation representing the interests of the consumer, the Broadcasting Standards Commission considers the portrayal of violence, sexual conduct and matters of taste and decency in television and radio programmes and advertisements. It also provides redress for people who believe they have been unfairly treated or subjected to unwarranted infringement of privacy.

### **Complaints about standards and fairness**

To consider and adjudicate on complaints the Commission has the power to:

- require recordings of broadcast material;
- call for written statements;
- hold hearings about the detail of what has been broadcast.

All the Commission's decisions are reported in this regular bulletin.

The Commission can also require broadcasters to publish summaries of its decisions either on-air or in a newspaper or magazine and report on any action they might have taken as a result.

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#### *The Commissioners*

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# fairness

Complaints about fairness (unjust or unfair treatment or the unwarranted infringement of privacy) can only be made by those people directly affected by the broadcast. In considering the facts of the case, the Commission always studies written exchanges of evidence and usually holds a hearing with both the complainant and the broadcasters present.

**Copies of full adjudications on all the following complaints - whether upheld or not - are available from The Broadcasting Standards Commission, 7 The Sanctuary, London SW1P 3JS. Please enclose a stamped addressed envelope.**

## Upheld complaints

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### Thursday Night Live

Carlton Television, 30 October 1997

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The Commission has upheld a complaint from Mr Brian Villalobos on behalf of Mr Art Blajos of unjust or unfair treatment in Thursday Night Live, broadcast by Carlton Television. Mr Blajos, an evangelist with Victory Outreach, a Christian ministry based in California with a branch in London, was invited by Carlton to fly over from the USA to take part in an edition of Thursday Night Live. Before his conversion to Christianity, Mr Blajos had been involved in the Mexican mafia. Mr Blajos had thought that this was an invitation to speak about his conversion in the context of a programme about evangelical churches and their influence, when in fact the programme was about press criticism of Victory Outreach and some sects and cults in the UK.

The Commission found that Carlton misrepresented the subject-matter of the programme when inviting Mr Blajos to participate, and did not indicate that they intended to raise press criticism of Victory Outreach London until a few hours before the live transmission and that this was unfair.

Although Mr Blajos was treated fairly in the interview itself, the Commission found that a question to the audience on whether they would trust Mr Blajos with their child was unfair in that he was given no specific opportunity to respond.

The Commission also found that Mr Blajos was unfairly associated with a number of cults named in the programme.

Accordingly, the complaint was upheld.

*Upheld*

### South Today

BBC1, 2 April 1998

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The Commission has upheld a complaint of unfairness by Mr Bill Green about BBC1 South's regional news programme South Today. The item reported that one of Britain's leading yachtsmen, who was preparing for an international single-handed yacht race, had chosen to have his boat built in France.

Mr Green, of Green Marine (Lymington) Ltd, a Hampshire boat builder, was interviewed for the item. He complained that the interview had been edited so as to give the false impression that he agreed with a comment that British boat-builders were technically inferior to the French yards.

The Commission noted that the BBC accepted that the editing of the interview might have led to confusion as to the type of boat being built in France. It also noted that the BBC offered Mr Green the opportunity to participate in another item to remove any possible misunderstandings, but that he felt unable to accept the offer.

The Commission considered that greater care should have been taken when editing Mr Green's interview. It was not clear which type of boat was being discussed and, as a result, the Commission found that viewers may have gained the false impression that Mr Green believed British boat-builders were technologically inferior to the French yards. This was unfair.

Accordingly, the complaint was upheld.

*Upheld*

### **The Underworld: The Krays**

BBC1, 2 March 1994

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The Commission has upheld a complaint from Mr Jeremiah Callaghan of unjust or unfair treatment and unwarranted infringement of privacy in *The Underworld: The Krays* broadcast by BBC1.

The programme alleged that Mr Callaghan was present at and implicated in the murder of Frank Mitchell in 1966. The BBC relied on the evidence of Mr Albert Donoghue, which they said was supported by consistent “gossip and rumour” in gangland and by former police officers.

Mr Donoghue, as the sole prosecution witness, had named Mr Callaghan at the murder trial, although Mr Callaghan was not a defendant. The trial judge had directed the jury to find the defendants not guilty on the grounds that there was no corroborating evidence.

The Commission found that the BBC did not give sufficient weight to the judge’s directions about the lack of corroborating evidence and that it was unfair to accuse Mr Callaghan on the basis of Mr Donoghue’s story.

The Commission did not consider rumour and gossip or police opinion sufficient sources of corroboration, nor did it consider Mr Callaghan’s admitted criminal associations and violent past as evidence that he participated in Mitchell’s murder.

The Commission also found that the programme-makers did not make adequate efforts to contact Mr Callaghan, with the result that he was given no opportunity to put his side of the story before such grave accusations were broadcast, and that this too was unfair.

The Commission found that broadcasting a photograph of Mr Callaghan and naming him in connection with the murder amounted, in the circumstances, to an unwarranted infringement of his privacy.

Accordingly, the complaint was upheld.

*Upheld*

### **The Truth About Women**

ITV, 29 January 1998

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The Commission has upheld a complaint of unfairness from Ms Tanya Smart and Mr Jon Walter about an edition of *The Truth about Women*, commissioned by Meridian and broadcast on ITV.

The programme looked at a number of issues affecting women in the nineties. Ms Smart and Mr Walter were interviewed about their views on active childbirth. They complained that they had been misled about the programme and their views had not been properly represented.

The Commission found that the programme-makers had given Ms Smart and Mr Walter the impression that this would be a sympathetic, serious and balanced discussion about active childbirth. In fact, the programme had been commissioned as a “glossy and glamorous look” at issues facing women, featuring many celebrities, chosen because they could be relied on for “good copy”. Brief extracts from Ms Smart’s and Mr Walter’s interviews were shown, together with video footage of Ms Smart in labour. These were intercut with celebrities’ quips and slighting comments about active birth. Given the intimate content of Ms Smart and Mr Walter’s contribution, the Commission found serious unfairness in the failure of the broadcasters adequately to describe the format of the programme to them.

The Commission found further unfairness in that the programme ought to have mentioned that Ms Smart had already had a child without pain relief; it ought to have made it clear that this time she had been in labour for approximately 24 hours before medical complications required her to move to hospital; it made active childbirth appear outside the mainstream of medical practice and more of Mr Walter’s contribution to the interviews ought to have been shown.

Accordingly, the complaint was upheld.

*Upheld*

**West Eye View**

HTV, 21 August 1997

The Commission has upheld a complaint of unfairness and unwarranted infringement of privacy by International Business Systems (IBS) and Mr Jerry and Mrs Mandy Scriven about HTV's current affairs programme West Eye View. The programme, which featured the IBS partnership and its partners Mr and Mrs Scriven, looked at network selling.

The Commission considered that HTV's failure to provide details of allegations until a short time before the broadcast deprived IBS of the opportunity to respond fully. While the use of interviews with former distributors was not unfair in itself, the Commission considered IBS should have been given longer to respond to 18 month-old criticisms. The Commission also considered that the impression was given that IBS was directly responsible for advice which critical interviewees blamed for the failure of their businesses. This was unfair.

Although HTV was justified in considering the adequacy of the warnings given about the risks of distributorship, the Commission found that undue emphasis was placed on verbal advice with little mention of written warnings. It also found that the programme may have given the impression that IBS was secretive. In these respects also, the programme was unfair.

The Commission considered that the filming and broadcast of the footage of the Scrivens' house, together with the identification of the village in which they lived, was an infringement of their privacy. It did not find that the story warranted this infringement. The filming and use of a shot of the inside of IBS's business premises was a technical infringement of the partnership's privacy, which was also not warranted.

Accordingly, the complaint was upheld.

*Upheld*

**West Eye View**

HTV, 21 August 1997

The Commission has upheld in part a complaint of unfairness by Amway (UK) Limited and Amway Corporation (Amway) about HTV's current affairs programme West Eye View. The programme looked at network selling.

While the Commission noted that Amway's participation, with contributions from successful distributors, substantially reduced the impact of the criticisms by unsuccessful distributors, it found that the overall message of the programme was unfairly pre-determined. The Commission found that HTV did not give Amway sufficient time and information to allow the company to investigate and answer the specific criticisms. This was unfair.

Although the Commission considered that Amway's representative presented the company's position well, it found that HTV did not reflect in any detail her points about refunds available and warnings given to distributors about the need for hard work. While accepting that HTV had no obligation to use Amway's statement about litigation with Mr James Dyson verbatim, it found that HTV's paraphrase appreciably changed its meaning and that reference to the case was irrelevant. In these respects, the programme was unfair to Amway.

The Commission considered that Amway was given a fair opportunity to respond fully to general allegations. The omission of any reference to legislative safeguards did not result in unfairness. Nor did the Commission find unfairness in the use of interviews recorded 18 months before the completion of the programme, since the interviewees were clearly former distributors. In these respects, the Commission did not find that the programme was unfair.

Accordingly, the complaint was upheld in part.

*Upheld in part*

### **Hillsborough**

Granada Television, 5 December 1996 and 24 February 1998

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The Commission has upheld a complaint from Dr D N Slater about the programme Hillsborough, broadcast on Granada Television. The programme examined the disaster that occurred on 15 April 1989 at the FA Cup semi-final soccer match between Liverpool and Nottingham Forest at Hillsborough Stadium. The programme included Dr Slater, a pathologist, giving evidence at the Coroner's Inquest which had followed the disaster and of his telephone conversation with a police constable who had been involved in the tragedy. Dr Slater complained that he had been unjustly or unfairly treated in the programme.

The Commission recognised that this was an important programme of high quality which had been extensively researched.

However, it considered that viewers were likely to have formed the erroneous impression that Dr Slater had, in some way, improperly influenced the police constable causing him to alter his earlier statement to the police. Since the effect of that alteration was a principal element in the sense of unfairness felt by the families and one of the major themes of the programme, the Commission found that it was unfair to Dr Slater.

Furthermore, in the Commission's view the portrayal of Dr Slater giving evidence to the Inquest had been verbally correct but had been undermined by the programme's editing and presentation, and by comments made in subsequent scenes. Inadvertently, this was likely to have given viewers the inaccurate impression that Dr Slater had not given proper guidance to the Inquest and had been suggesting that the victims had not suffered pain or discomfort. The Commission found that this was unfair to Dr Slater.

Accordingly, the complaint was upheld.

*Upheld*

### **Here and Now**

BBC1, 30 October 1996

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The Commission has partly upheld a complaint from Mr Roger Cook and the National Office of Animal Health of unjust or unfair treatment in an edition of Here & Now.

The programme included an item about Organophosphates (OPs) and reported on concerns about the use of OPs in a range of products including flea treatments and sheep dips. This was followed by an interview with Mr Roger Cook, the Director of the National Office of Animal Health, the representative body for the UK animal medicine industry.

Mr Cook complained that the programme misrepresented the extent of his role within the British pharmaceutical and chemical industry. He also complained that the BBC, by using his comments about flea treatments for pets in the context of a separate class of product, that of sheep dips, presented him as giving inaccurate information which was potentially damaging to his professional reputation.

The Commission found that there was a misunderstanding between Mr Cook and the BBC as to how his contribution would be used in the programme. While Mr Cook represents only UK manufacturers of animal medicines, the BBC treated him as a spokesman for all the UK producers of OP-related products. In this respect the Commission found that, although the BBC could have taken greater care in how they used his contribution, the result was not materially unfair to Mr Cook.

However, the Commission found that the BBC's use of Mr Cook's remarks about flea treatments for pets in relation to sheep dips was misleading and that, although there was no intention on the part of the BBC to misrepresent his comments, this was unfair to Mr Cook.

Accordingly, the complaint was upheld in part.

*Upheld in part*

**Watchdog Healthcheck**

BBC1, 19 January 1998

The Commission has upheld in part a complaint from Mr Adam Jackson, an iridologist, about Watchdog Healthcheck.

Mr Jackson complained that the nature of the programme had not been sufficiently explained to him, that his skills were judged on examinations where he had a shorter time than usual to carry out his diagnosis, that facts about his qualifications and fees had been manipulated, and that his diagnoses were unjustly criticised without an opportunity to respond directly.

In partly upholding the complaint, the Commission noted a misunderstanding between the BBC and Mr Jackson about the nature and purpose of the programme, and considered that it would have been helpful if the BBC had made these clearer to him. The Commission acknowledged that he had consented to carrying out examinations in a shorter time than usual, but on the understanding that he would only offer a brief overview. It considered that it was unfair not to have made this clear in the programme. The Commission also found that the programme's statement that he "had no medical qualifications" without mentioning his other qualifications and considerable experience was unfair to him. The Commission accepted that the programme-makers attempted to balance the item by including favourable and unfavourable comment about Mr Jackson, but found that he ought to have been allowed an opportunity to respond to the programme's criticisms.

Accordingly, the complaint was upheld in part.

*Upheld in part*

**Central News East**

Central TV, 2 February 1998

The Commission has upheld in part a complaint from Circus King about an item in Central News East. The item included film taken as part of a report by an animal welfare group, Animal Defenders, which alleged cruel treatment of circus animals. Circus King complained that the item was unfair in that it gave a false impression of the conditions in which the circus kept its ponies and that it was deliberately cruel to its elephants. Circus King also complained that its privacy had been unwarrantably infringed in that a woman planted as a "mole" in its employment by Animal Defenders had taken misleading pictures of the circus animals and these had been broadcast.

The Commission found that the programme was not unfair in the way in which it depicted how ponies were kept at the circus. However, the Commission considered that the item gave the false impression that Circus King was deliberately cruel to its elephants and that it had declined to answer Animal Defenders' charges, whereas in fact it had not had the opportunity to do so in the programme. In these respects there was unfairness to Circus King.

However, the Commission concluded that, despite the finding of unfairness, there were reasonable grounds for concern about the welfare of circus animals and that the infringement of Circus King's privacy by the secret filming of the animals and the broadcasting of parts of this report was warranted. Therefore the complaint of unwarranted infringement of privacy was not upheld.

Accordingly, the complaint was upheld in part.

*Upheld in part*

## Not Upheld complaints

<i>Broadcast</i>	<i>Programme</i>	<i>Date of complaint/Complainant</i>	<i>Nature of complaint</i>
27.11.97 Channel 4	<b>Dispatches: The Builders' Club</b>	20.02.98 National House-Building Council Ltd (NHBC)	Unfair or unjust treatment
05.02.98 BBC1	<b>Newsround</b>	19.12.98 Circus King	Unfair or unjust treatment

# standards

Complaints about standards (violence, sex, or issues of taste and decency such as bad language or the treatment of disasters) can be made by anyone who has seen or heard the broadcast. In reaching a decision to uphold or not uphold a complaint, the code and research into public attitudes are considered alongside the material and its context. In certain circumstances the Commission may also hold a hearing. Standards complaints are considered by a Standards Panel in the first instance, and can be referred to the Standards Committee.

## Upheld complaints

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### **The Jerry Springer Show**

ITV, 15 May 1998, 1330-1415

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#### *The Complaint*

A viewer complained about the inappropriate scheduling of scenes of violence.

#### *The Broadcaster's Statement*

London Weekend Television said they did not think the intermittent instances of violence were particularly graphic, intense or prolonged. The programme's host made frequent attempts to mollify the participants and security staff attempted to intervene sufficiently quickly to prevent significant contact between the parties. While clearly the participants were loud and hot-tempered to the point of physical confrontation, nothing in the programme promoted or endorsed their behaviour. However, LWT would not have broadcast the programme at this time outside school term time.

#### *The BSC's Finding*

The Standards Committee viewed the programme and noted scenes of verbal abuse and physical violence. It considered this particular programme had contained scenes of unacceptable physical violence that challenged daytime scheduling conventions. The complaint was upheld.

*Upheld*

CN 679

### **Jerry Springer Uncut**

Living, 23 April 1998, 1810-1900

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#### *The Complaint*

A viewer complained that this programme contained scenes of unacceptable violence for a programme broadcast before the Watershed.

#### *The Broadcaster's Statement*

Flextech said that the Jerry Springer show was an integral element of the Living schedule and had become one of the most popular programmes on the channel. It would have been improbable for viewers generally to have been unaware of the nature and likely content of the programme.

The broadcaster went on to say that they adhered to accepted means of measurement used to determine whether a programme was suitable for broadcast when children may be watching. The series as whole consistently remained at a level well below that deemed to be unacceptable for children viewing.

#### *The BSC's Finding*

The Standards Committee viewed the programme and noted scenes of verbal and physical abuse. While the Committee understands that subscribers to cable and satellite have different expectations of these services, it considered the programme contained scenes of unacceptable physical violence for broadcast at that time as it was in breach of general audience expectations of pre-Watershed programming. The complaint was upheld.

*Upheld*

CN 609

**TV Offal**

Channel 4, 12 June 1998, 2300-2330

*The Complaint*

A viewer complained about sexual content.

*The Broadcaster's Statement*

Channel 4 Television said that the complaint related to a recording of a telephone conversation between the programme's presenter and Mary Whitehouse. The programme was the fourth in a six-part series in which the well-known television critic, Victor Lewis-Smith, critically examined various aspects of television programmes and the culture and values of the television production industry generally.

With regard to the recorded telephone conversation, Channel 4 said that the presenter had identified himself as speaking on behalf of Channel 4 and had sought Mrs Whitehouse's consent to recording the call for inclusion in a satirical Channel 4 programme. He had told Mrs Whitehouse that he would be calling himself Frank Gism from Face magazine and she had given her consent and said she was familiar with Victor Lewis-Smith's reviews.

Channel 4 said that Mrs Whitehouse had been made aware of the item's satirical and sexual nature. The sound-effects had been added during the editing process and had not been played down the telephone line to Mrs Whitehouse and also the telephone conversation had not ended as abruptly as it had been made to appear on the programme for comic effect.

*The BSC's Finding*

A Standards Panel watched the programme, noting it was preceded by a clear warning about content and that it had been broadcast late at night, well after the Watershed. However, the Panel considered that the use of language of a sexual nature in the context of what appeared to be a hoax call had exceeded acceptable boundaries. The complaint was upheld.

*Upheld*

CN 879

**Taggart**

ITV, 1 March 1998, 2000-2200

*The Complaint*

Four viewers complained about various aspects of this police drama. All questioned whether the depiction of bullying was too graphic and frightening for a pre-Watershed transmission: one also mentioned a sexual relationship between a sixth-former and a teacher's wife and another that the programme might encourage paedophiles.

*The Broadcaster's Statement*

Scottish Television said that the drama, set in a boarding school somewhere in Scotland, had been intended to make a statement about society's concern with bullying and victimisation. The fact that people in authority in the school were turning a blind eye to unacceptable patterns of behaviour gave rise to the questions posed at the end of the drama by the former victim herself: who was the guiltier, the perpetrators or those who let it happen and did nothing to stop it?

The broadcaster went on to say that they were acutely aware of the limitations on what could be shown in a pre-Watershed slot. They had attempted to depict the events as carefully and as discreetly as possible, while not diminishing the horror. For example, while boot polish was shown being heated over a fire, the scene ended with the victim's anticipation of what was going to happen. The torture itself was never shown.

The part of the story which concerned the boy and the older woman was about a battered wife looking for comfort and solace. The tone of the encounter was one of tenderness and sympathy. At no time was there a hint of salaciousness or seduction, and no explicit sexual activity was shown.

*The BSC's Finding*

A Standards Panel watched the episode, noting the aspects complained of. It took the view that the theme of bullying had a place in a drama series dealing with crime and its consequences. It considered that the programme was unlikely to have encouraged paedophiles and that the sexual encounter between the sixth former and the teacher's wife had been handled discreetly. However, the scene illustrating the method of bullying, transmitted just before the Watershed, was frightening and menacing in its tone, and lengthy in its duration. The panel concluded that it had exceeded acceptable boundaries for a drama broadcast before 9pm. That aspect of the complaints was therefore upheld.

*Upheld in part*

CN 331.4

### **The Jerry Springer Show**

ITV, 30 March 1998, 27 April 1998 and  
10 June 1998, 1330-1415

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#### *The Complaint*

One viewer complained about the first of these programmes, objecting to the behaviour of a young woman who appeared to be affected by drugs. The second programme drew four complaints which concerned the ridiculing of people who had chosen to retain their virginity and inappropriate sexual content. The third programme attracted one complaint objecting to sleazy content. All three programmes were felt to have been inappropriately scheduled.

#### *The Broadcaster's Statement*

London Weekend Television said the ITV Network Centre had decided, consistent with episode suitability, to schedule the Jerry Springer Show in daytime. This was in light of the series' domestic and world-wide success as well as its encouraging presence (i.e. indicating likely public and regulatory acceptance) at all times of the day in the schedules of 'Living' over the last couple of years. The Controller of Network Daytime viewed many episodes to identify those considered appropriate. Those titles were then viewed by the head of compliance who occasionally rejected, and sometimes edited. In all deliberations there was an acute consciousness of when school holidays took place. A careful distinction was made between programmes appropriate for broadcast when large numbers of children were available to view and those acceptable during school hours within term time. The episodes complained of fell into the latter category. Factors relevant to the acceptability of episodes included: the topic; the detail involved in its discussion; physical violence; and swearing unbleeped by the producers.

The first episode complained of was called 'My Kid's Friends are Destroying Her'. It featured a teenage girl and contained a sad account of her relationship with her family, particularly her mother. All swearing was bleeped and both Springer and members of the audience rebuked the girl for the way she spoke to her mother. Springer was consistently sensitive to the pain and issues the discussion raised. He was also constructive, giving a final, even-handed assessment of what he described as a painful subject. Notwithstanding the American setting, this seemed to be a topic which would not be alien to many families in Britain.

The second episode was called 'I'm Proud To Be a Virgin'. It featured three segments, the first two dealing with a man and a woman who were virgins and unperturbed by this, and the third featured a man who was being badgered by his friend to lose his virginity. The show decided to offer him a selection of women ostensibly to choose from. Unbeknownst to the friend, his own sister was one of those on offer. Inevitably the man chose her but again his real attitude to his virginity remained unchanged. Springer was careful to emphasise that no-one was really suggesting that the two should have sex together.

Springer's attitude throughout, and particularly in his 'final thought' was sensible and responsible. He stressed that those without sexual experience should not feel pressured into activities they felt unready for. Both episodes seemed to LWT to be, within the context of an American daytime talk-show, dealing with serious issues and adopting an underlying moral attitude most would endorse. Neither contained language nor details unacceptable for daytime showing during term time.

#### *The BSC's Finding*

The full Commission considered the three programmes. Whilst acknowledging the style of the series, it considered that the young woman who was interviewed in the programme on 30 March appeared insufficiently lucid to be in control of her situation. Whilst the series depended on people willing to discuss intimate details of their lives in public, it seemed to the Commission that this interview had been exploitative. The programme broadcast on 27 April featured interviewees willing to discuss their virginity. Whilst there was some sexual detail, the Commission considered that, on balance, the content had not exceeded that acceptable for broadcast at that time to an audience familiar with the nature of the series. Similarly, the Commission considered that the programme broadcast on 10 June was unlikely to have exceeded the expectations of the audience. The complaint about the programme on 30 March was upheld. Those concerning the remaining programmes were not upheld.

*Upheld in part*

CN 474/593.4/743

**Chris Evans Breakfast Show**

Virgin Radio, 23 & 25 June 1998, 0700-1000

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*The Complaint*

Four listeners complained about an inappropriate sexual discussion. Another complained about bad language.

*The Broadcaster's Statement*

Virgin Radio conceded that segments of the programme were risqué and possibly not to everyone's taste, although no obscene or explicit language was used. But the broadcaster believed that the content would not have exceeded the expectations of the vast majority of the audience, who were familiar with the well-established style of Chris Evans.

*The BSC's Finding*

A Standards Panel listened to the programme, noting the items complained of. It took account of the established format of the programme and its customary content, and considered that the language was unlikely to have caused offence to the majority of the audience. This aspect of the complaints was not upheld. However, the Panel took the view that the sexual discussion had exceeded acceptable boundaries. This aspect of the complaints was upheld.

*Upheld in part*

CN 834.3/847.2

**Advertisement for Lucozade**

ITV, Various Dates and Times

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*The Complaint*

A viewer complained about the use of bad language.

*The Broadcaster's Statement*

The BACC explained that when the advertisement was originally approved the almost inaudible inclusion of the word 'bollocks' was not noticed. After viewers complained the advertisement was re-assessed and immediately revised to remove the offending word.

*The BSC's Finding*

A Standards Panel viewed the advertisement and acknowledged the action taken by the BACC. It took the view that the use of the word 'bollocks', although partially obscured, had been unacceptable. The complaint was upheld.

*Upheld*

CN 942

## Close Relations

17, 24, 31 May and 7 June 1998, 2110-2220  
and 2120-2210

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### *The Complaint*

The Commission received 28 complaints about this series. Most were concerned with the portrayal of heterosexual and lesbian sexual activity and a scene depicting troilism. Bad language, the moral safety of a child actress, the portrayal of illegal drug taking and a lewd joke were also complained of.

### *The Broadcaster's Statement*

The BBC said that the series, a dramatisation of a Deborah Moggach novel, told the story of a few weeks in the lives of the Hammond family, in the course of which the couple and their three daughters experienced an unprecedented level of emotional upset and instability. Established relationships disintegrated and their successors (in most cases) proved no more durable. Far from encouraging adultery or experimentation, the BBC said that the drama showed the consequences of embarking on such involvements to be almost entirely negative. The father experienced only a brief period of happiness after leaving his wife before his second, fatal, heart attack. Maddie's flirtation with lesbianism led to her being shamelessly exploited. Prue's problematic relationship with Stephen was finally destroyed by her experiment with troilism, and the philandering Robert ended up losing both his wife and his long-standing girlfriend. It was only Dorothy - throughout the representative of traditional values - who, dumped by her husband on Christmas Eve, found a new relationship which was fulfilling and potentially durable.

The BBC maintained that the sexual element was crucial to most of the involvements depicted, and the scenes of sexual activity marked significant stages in their advance or decline. In the BBC's judgement, the depiction of sexual behaviour was rarely explicit and did not cross the boundary between dramatic relevance and gratuitousness; and in most cases was relatively brief.

The BBC said the language used was no stronger than was necessary to give authentic expression to the strength of the emotions they were experiencing. The actress who played Erin's daughter, Allegra, was properly supervised at all times. Robert's 'lewd joke' illustrated how he exploited his wife's skill as hostess of his imposing country house and yet cared nothing for her feelings.

Billings in 'Radio Times' and on-air warnings informed viewers of the series' style and content.

### *The BSC's Finding*

The full Commission viewed the drama noting the complainants' concerns and the broadcaster's statement. It accepted the BBC's statement that the child actress was properly supervised and took the view that the restrained use of bad language was unlikely to have caused widespread offence. It also considered that the lewd joke and the presentation of illegal drug taking did not exceed acceptable limits for a post-Watershed drama series. In considering the complaints about the sexual scenes the Commission observed that the majority of these were not unduly explicit and were integral to the unfolding drama. None of these complaints were upheld. However, it considered the sexual scenes involving Prue, her lover and his wife were treated voyeuristically and that the depiction of troilism went beyond acceptable limits. The complaints about the sexual scenes in this particular episode were upheld.

*Upheld in part*

CN 667.11/691.4/723.4/739.9

# Not Upheld complaints

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## Cape Fear

BBC 1, 8 May 1998, 2250-0050

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### *The Complaint*

A viewer complained about the explicit portrayal of violence.

### *The Broadcaster's Statement*

The BBC explained that this was the third showing of Martin Scorsese's acclaimed film. It was characterised by a steady and continuous increase in tension throughout; the overall atmosphere being one of menace rather than violence. The suspense was heightened by the occasional physical outburst that revealed what the main character was capable of and the threat he posed. Each of the scenes was edited to ensure that the emphasis remained on elements crucial to the plot.

The BBC went on to say that the film was scheduled to begin almost two hours after the Watershed and had been preceded by an announcement concerning the nature of its content.

### *The BSC's Finding*

A Standards Panel viewed the film. It considered that although it may not have had universal appeal, the portrayal of violence was in keeping with the macabre tenor of the film. In the context of a well-known film, broadcast after the Watershed, the Panel took the view that the portrayal of violence would have been unlikely to have caused offence to the majority of the audience. The complaint was not upheld.

*Not upheld*

CN 645

## My Wonderful Life

ITV, 22 May 1998, 2000-2030

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### *The Complaint*

A viewer complained about sexual content inappropriate for the time of broadcast.

### *The Broadcaster's Statement*

Granada Television said that this highly successful comedy was now in its second series. Sexual relationships were often key to comedy dramas transmitted both before and after the Watershed and viewers were familiar with this being addressed. However, Granada Television always carefully considered the content of programmes of this kind and was clear that, during family viewing time, the sexual nature of any relationship should be clear only by implication. There was no representation of sex or nudity and it did not consider that what was said was too explicit.

### *The BSC's Finding*

A Standards Panel watched this episode of the comedy series. It acknowledged the conventions of the series and considered a scene of two characters dressing, following a presumed sexual encounter, was unlikely to have exceeded the expectations of many among the audience. In considering a scene set in a bath, it had reservations about the necessity of the degree of sexual language, albeit relatively mild, in a programme broadcast at that time. On balance, however, the Panel took the view that the content had not exceeded acceptable boundaries. The complaint was not upheld.

*Not upheld*

CN 692

## Have I Got Old News For You

BBC2, 13 July 1998, 2200-2230

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### *The Complaint*

Two viewers complained about different aspects of this programme. One objected to anti-French comments made by a comedian, the other to the use of bad language.

### *The Broadcaster's Statement*

The BBC said that there had been no intention to incite racial violence. The comedian had expressed a personal prejudice which drew as many jeers as laughs. When France was mentioned again in the final round another guest had taken the opportunity to condemn the comedian's "appalling jokes".

### *The BSC's Finding*

A Standards Panel viewed this repeat of the well-established satirical news quiz. It took the view that nothing had been said which strayed beyond the normal robust style of the programme, broadcast after the Watershed on a minority channel. The complaints were not upheld.

*Not upheld*

CN 948.2

### Children's Hospital

BBC1, 12 May 1998, 2000-2030

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#### *The Complaint*

A viewer complained that no warning was given at the start of this programme about the very distressing content shown.

#### *The Broadcaster's Statement*

The BBC explained that this was the thirty-first episode of forty filmed at Alder Hey children's hospital in Liverpool. On this occasion, the Radio Times had drawn attention to "the heart-breaking dilemma of parents with a chronically ill daughter" and there was a pre-transmission announcement which spoke of parents being seen to make "the most difficult decision of their lives". The broadcaster believed that proper efforts were therefore made to make the audience aware of the serious nature of the content. Regular viewers would have known that stories were followed up and this edition featured updates on the cases of two patients featured the previous week.

The BBC went on to say that the filming of a young girl with leukaemia was undertaken with the full co-operation at all times of the hospital staff and the child's family. The programme was shown before transmission to all involved, including the young girl, and sequences had been removed in order to avoid adding to the family's distress. The family, the team and the hospital professionals were all keen for the child's case to be included for two reasons: the need to give a proper impression of the work of such a hospital and the need to make clear the unpredictability of illness. The broadcaster regretted any distress caused by the footage but believed transmitting it was in the public interest and that the sequences included were legitimate in the context of a topical medical programme.

#### *The BSC's Finding*

A Standards Panel watched the programme. It took the view that, whilst some scenes were distressing, the subject was handled responsibly and an accurate depiction of hospital life had been portrayed. The Panel noted the programme was part of a long running series and believed that the majority of viewers would have been aware of its format. It considered the pre-transmission announcement had been adequate to alert viewers to the programme's content. In conclusion, the Panel believed that the programme did not breach the boundaries of acceptability. The complaint was not upheld.

*Not upheld*

CN 652

### Cradle to Grave: The Drop Dead Show

Channel 4, 2 July 1998, 2100-2200

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#### *The Complaint*

Eight viewers complained about the use of bad language and general bad taste.

#### *The Broadcaster's Statement*

Channel 4 Television stated that the underlying aim of "The Drop Dead Show" was to present important advice on broad aspects of lifestyle and the medical implications in terms of life expectancy and mortality, within a programme format which would appeal to a viewing audience who might otherwise not watch a more orthodox medical or health documentary programme. The innovative and experimental approach was consistent with the statutory programming remit as a minority broadcaster and was especially validated by the substantial medical research underpinning the programme and the participation of various health professionals.

The broadcaster went on to state that the programme set out to discuss the serious subject of bowel cancer whereby a consultant bowel surgeon appeared on stage and explained that bowel cancer is, to a very significant degree, preventable and treatable providing it is diagnosed early enough. The consultant was asked to comment upon the medical implications of the appearance of stools in three photographs. Audience participants were invited onto the stage with the consultant before taking part in the light-hearted and discreetly filmed contest to pass a motion.

The broadcaster took the view that, notwithstanding the unorthodox format for a presentation of this nature, the medical context of the item was serious, informative and very clearly presented and its inclusion within the programme was entirely justified. The format of the programme was the result of a conscious decision to reach a particular viewing audience and Channel 4 were satisfied that the medical context and purpose negated the potential for offence.

#### *The BSC's Finding*

The Standards Committee viewed the programme. Although it acknowledged that the nature of the programme may not have had universal appeal, it considered the discussion of health issues was within an educational context and took the view that it was unlikely to have caused offence to the majority of the audience. The complaints were not upheld.

*Not upheld*

CN 860.8

**The Alan Davies Show**

BBC Radio 4, 3 June 1998, 1830-1900

*The Complaint*

A listener complained about the use of bad language.

*The Broadcaster's Statement*

The BBC said that Alan Davies was a well established performer whose distinctive style attracted appreciative audiences. While the dialogue did include some strong language, the terms involved were not among those which cause offence to the majority of viewers and listeners, according to research which the Commission carried out. The BBC explained that the overwhelming majority of listeners to Radio 4 at all times of day were adults and that the show was one of a number of comedy shows which could be heard at that time.

*The BSC's Finding*

A Standards Panel listened to the programme. It considered that within the context of a comedy programme, aimed at an adult audience, on a speech based radio station, the language used was unlikely to have exceeded the expectations of the majority of the audience. The complaint was not upheld.

*Not upheld*

CN 735

**The Big Breakfast**

Channel 4, 7 May 1998, 0700-0900

*The Complaint*

A viewer complained of offensive and insensitive comments at a time when children were likely to have been watching.

*The Broadcaster's Statement*

Channel 4 said the programme, which included the Newspaper Review, had an established reputation for addressing issues in a light-hearted and irreverent fashion. The presenter had reviewed three quirky stories from that morning's newspapers. Comments about football and arthritis were clearly ironic and in keeping with the programme's humorous style. A sexual reference had been brief and sotto voce and likely to have been meaningless to children.

**Advertisement for Lucozade**

ITV, Various Dates and Times.

*The Complaint*

Eighteen viewers complained that the advertisement contained an unacceptable level of nudity and sexual innuendo for broadcast pre-Watershed. One also complained that the advert was offensive to women.

*The Broadcaster's Statement*

The BACC explained that the advertisement was approved with the provision that it should not be shown adjacent to children's programmes.

*The BSC's Finding*

A Standards Panel viewed the advertisement and acknowledged the steps taken by the broadcaster. It considered that although the earthy humour may not have had universal appeal, the levels of nudity and sexual innuendo had not exceeded acceptable limits. Also, the Panel considered that the advertisement's portrayal of women would not have caused widespread offence. The complaints were not upheld.

*Not upheld*

CN 768.18

*The BSC's Finding*

A Standards Panel viewed the programme. It considered that the three comments complained of were in keeping with the established style of the programme and were unlikely to have caused offence to the majority of viewers. It also took the view that most children would not have understood the sexual reference. The complaint was not upheld.

*Not upheld*

CN 631

### **Trail for Omen IV**

ITV, 30 June 1998, 1230pm

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#### *The Complaint*

A viewer complained that this trailer for a post-Watershed film was broadcast during the day and may have frightened children.

#### *The Broadcaster's Statement*

Westcountry Television explained that the trail was broadcast before the lunch-time local and national news on a day when children were at school and when the theme and content of programming, as well as the composition of the audience, was overwhelmingly adult. The broadcaster believed that, whilst Omen IV was properly a post-Watershed film, the trailer did not contain anything which was in itself offensive.

#### *The BSC's Finding*

A Standards Panel watched the trailer. It took the view that the content, which showed some unexplained fear and a distant shot of a man with his clothes ablaze, would not have exceeded the expectations of the majority of the audience. The complaint was not upheld.

*Not upheld*

CN 857

### **Kickboxer III: The Art of War**

ITV, 13 June 1998, 2225-0010

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#### *The Complaint*

Two viewers complained about violence.

#### *The Broadcaster's Statement*

London Weekend Television said the film had been viewed prior to broadcast by ITV's Acquired Viewing Group. The film was broadcast after 22.00 and had been preceded by an unambiguous warning to highlight the violent nature of the film. The BBFC certification for the video release was "18" with no cuts required and after some deliberation it had been decided that cuts would not be necessary for ITV's first transmission.

LWT said that the violent shooting complained about had clearly been used to signal the evil and amoral nature of one of the characters and this had been emphasised by the expression of horror and regret shown by the perpetrator's accomplice.

The climatic scene, in which a young boy appeared to stab the same character, had been dramatically justified

### **The Breakfast Show**

BBC Radio 1, 2 July 1998, 0630-0900

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#### *The Complaint*

A listener complained about offensive remarks.

#### *The Broadcaster's Statement*

The BBC said that the presenter was popular with the Radio 1 audience, the majority of whom enjoyed his exuberant "laddish" humour. He plainly did not take himself too seriously, often making comments which were more mischievous provocation than expressions of actual opinion.

#### *The BSC's Finding*

A Standards Panel listened to the programme. It took account of the established format of the programme and its customary style, and considered that, while it may not have universal appeal, the content was unlikely to have caused offence to the majority of the audience. The complaint was not upheld.

*Not upheld*

CN 889

and non-explicit. The boy had sought revenge against those who had kidnapped his sister and until that scene had not taken part in any violent acts. After the stabbing the boy had been shocked and horrified and the film's main character said to him "Killing somebody never makes you feel good".

#### *The BSC's Finding*

A Standards Panel watched the programme. It noted that the programme had been preceded by a clear and unambiguous warning about violent content and it had been broadcast late at night, well after the Watershed. The Panel considered that, while the film would not have appealed to all tastes, the violence had not exceeded acceptable boundaries. The complaints were not upheld.

*Not upheld*

CN 789

**Strassman**

ITV, 23 May 1998, 2200-2230

*The Complaint*

Two viewers complained about bad language and sexual references.

*The Broadcaster's Statement*

London Weekend Television said this show which featured a ventriloquist and his puppet, was modern and irreverent, contained sexual innuendo and was firmly targeted at an adult audience. Some care had therefore been taken with the press information given to listings magazines and daily newspapers to identify clearly the nature of the programme and to minimise the likelihood of viewers being surprised by the tone or content of the programme. The programme had been transmitted an hour after the Watershed. Although there had been examples of "bad behaviour" from the puppet, the programme had not contained any material which went beyond the boundaries of acceptability for the time of transmission.

*The BSC's Finding*

A Standards Panel viewed the programme. It concluded that the nature of the programme had, on balance, been sufficiently signposted. It took the view that the humour, although graphic, would not have exceeded the expectations of the majority of the audience for a late-night adult comedy programme. The complaints were not upheld.

*Not upheld*

CN 681.2

**Telly Addicts**

BBC1, 6 July 1998, 1900-1930

*The Complaint*

A viewer complained that a montage of excerpts from Sri-Lankan popular television was accompanied by a mocking commentary.

*The Broadcaster's Statement*

The BBC explained that the spoof guide to foreign television was a regular feature of this popular quiz show and a different country was selected each week. Its style - combining footage from programmes with tongue-in-cheek commentary - had been widely used in entertainment programmes and advertisements. The broadcaster believed most viewers would have recognised it as a light-hearted item in which there was no intention to introduce a jingoistic tone nor to be generally offensive.

**EastEnders**

BBC 1, 2 June 1998, 1930-2000

*The Complaint*

Two viewers complained of gratuitous violence in this episode.

*The Broadcaster's Statement*

The BBC said the scene complained of was the culmination of a storyline developed over several episodes concerning a protection racket. EastEnders narratives were underpinned by a clear moral sense, with characters seen to behave badly eventually facing the consequences of their wrongdoing. The programme sought to reflect contemporary themes but the dramatic force was conveyed by the use of lighting, camera angle and focus on the characters faces without the portrayal of actual violence.

*The BSC's Finding*

A Standards Panel viewed the programme. It considered that the scenes portrayed were not too graphic for showing before the Watershed and would not have exceeded audience expectations for a soap opera. The complaints were not upheld.

*Not upheld*

CN 715/777

*The BSC's Findings*

A Standards Panel viewed the item. It took the view that it would not have caused widespread concern and the majority of viewers would have taken it in the spirit in which it was intended. The complaint was not upheld.

*Not upheld*

CN 903

## Complaints concerning standards

The complaints summarised below were not upheld and no statement was required from the broadcaster. Complaints may not be upheld because the content was considered likely to be within the expectations of the audience for the type of programme; or the programme was appropriately labelled or scheduled, or the content was deemed acceptable within the context in which it was broadcast.

CN 642 1 complaint	<b>The Jerry Springer Show</b> inappropriate scheduling	ITV	5.5.98	1330-1415	Sex
CN 661 1 complaint	<b>Bobby McVay</b> profanity	Touch Radio	15.5.98	1000-1300	Taste
CN 720 1 complaint	<b>Panorama</b> treatment of bereaved	BBC1	1.6.98	2200-2240	Taste
CN 736.3 3 complaints	<b>The Ruth Rendell Mysteries: Going Wrong</b> sexual activity	ITV	2.6.98	2100-2200	Sex
CN 773 1 complaint	<b>Ian Collins</b> cruelty to animals	Talk Radio	11.6.98	0100-0500	Violence
CN 795.2 2 complaints	<b>Bramwell</b> scheduling of sexual material	ITV	18.6.98	2000-2200	Sex
CN 806 1 complaint	<b>Goodness Gracious Me</b> bad language	BBC Radio 4	18.6.98	1830-1900	Taste
CN 825/940 2 complaints	<b>The Crying Game</b> bad language	Channel 4	25.6.98	2200-0005	Taste
CN 826 1 complaint	<b>Advertisement for First Sport</b> glamorised violence	ITV	24.6.98	2100	Violence
CN 829 1 complaint	<b>The Way It Is</b> human suffering	BBC Radio 4	10.6.98	2300-2330	Taste
CN 833 1 complaint	<b>Advertisement for McDonalds</b> racial stereotyping and anti-Semitism.	Talk Radio	June 98		Taste
CN 836 1 complaint	<b>The Jerry Springer Show</b> sexism and partial nudity	ITV	22.6.98	1330-1415	Sex
CN 850 1 complaint	<b>Don't Try This at Home</b> trivialising death and distasteful footage	ITV	20.6.98	1845-1945	Taste
CN 872.2 2 complaints	<b>The Way It Is</b> sexual jokes/mockery of Christianity	BBC Radio 4	1.7.98	2300-2330	Multi
CN 887.2 2 complaints	<b>Hot Property</b> bad taste and nudity	Channel 5	6.7.98	2000-	Multi
CN 893 1 complaint	<b>EastEnders</b> frightened child actor	BBC1	9.7.98	1925-2030	Taste
CN 895.5 5 complaints	<b>Don't Try This at Home</b> cruelty to animals	ITV	4.7.98	1845-1945	Violence
CN 904.2 2 complaints	<b>Fantasy World Cup Live</b> incitement to violence/sexual content	ITV	8.7.98	2240-2315	Multi

CN 905/920 2 complaints	<b>Television Greatest Hits</b> references to abortion	BBC1	13.7.98	1900-1930	Taste
CN 907 1 complaint	<b>Nine O'Clock News</b> violent and distressing scenes	BBC1	9.7.98	2100-2130	Violence
CN 908.3 3 complaint	<b>The Way It Is</b> trivialisation of the death of Princess of Wales	BBC Radio 4	8.7.98	2300-2330	Taste
CN 919 1 complaint	<b>Men Behaving Badly</b> bad taste	BBC1	4.6.98	2130-2200	Taste
CN 921 1 complaint	<b>Far From the Madding Crowd</b> sexual activity	ITV	13.7.98	2100-2200	Sex
CN 925 1 complaint	<b>The Message</b> mockery of Christianity	BBCR4	10.7.98	1630-1700	Taste
CN 1014.2 3 complaints	<b>Advertisement for Peugeot 306</b> inappropriate sexual innuendo	ITV	Various	Various	Sex
CN 941 1 complaint	<b>Love, Pray and Do the Dishes</b> profanity	BBC Radio 4	3.7.98	1130-1204	Taste
CN 947 1 complaint	<b>Designs on Your .... Loo</b> male genitalia	Channel 4	1.7.98	2100	Sex
CN 955.4 4 complaints	<b>Cub Culture</b> inappropriate sexual content	Channel 5	15.7.98	2030-2100	Sex
CN 957 1 complaint	<b>She</b> nudity	Channel 4	18.7.98	1300-1500	Sex
CN 963 1 complaint	<b>Team Knight rider</b> violence and torture	ITV	18.7.98	1725-1815	Violence
CN 966 1 complaint	<b>The New Adventures of Robin Hood</b> inappropriate scene	Channel 5	18.7.98	0930-1030	Taste
CN 974.2 2 complaints	<b>Have I Got News For You</b> bad language/crude humour	BBC2	20.7.98	2100-2130	Taste
CN 985 1 complaint	<b>Not a Lot of People Know That</b> racist joke	BBC1	27.7.98	2300-2330	Taste
CN 993 1 complaint	<b>Ruby</b> salacious content	BBC2	13.7.98	2315-0000	Sex
CN 1000 1 complaint	<b>Summer Rites</b> promotion of homosexuality	Channel 4	27.7.98	1950-2000	Taste
CN 1004 1 complaint	<b>The Chart Show</b> unsuitable video	ITV	25.7.98	1100-1140	Taste
CN 1005 1 complaint	<b>Live Wire</b> bad language	BBC1	25.7.98	2100-2220	Taste
CN 1019 1 complaint	<b>The Bill</b> portrayal of casual sex	ITV	21.7.98	2000-2030	Sex
CN 1030 1 complaint	<b>Top of the Pops</b> sexually suggestive lyrics	BBC1	24.7.98	1930-2000	Sex