

[GB] Ofcom Sanctions Broadcaster for Breaching Advertising Rules

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The Ofcom Content Sanctions Committee recently fined Channel 4 GBP 5.000 and ordered it to broadcast Ofcom's findings in a form and at a time to be determined by Ofcom.

According to the Communications Act 2003, fines may not exceed 5% of “qualifying revenue” and the money is forwarded to the Treasury.

The specific issue was “giving undue prominence to a commercial product” in breach of 8.4 (former ITC Programme Code) - now Section 10.4 of the Broadcast Code.

During May 2004, a videotape item and discussion was broadcast on “the Richard and Judy Show” concerning the dangers of excessive caffeine intake. In July 2004, a correction and apology regarding that item was broadcast, which focused largely on the “caffeine energy drink” Red Bull.

Four viewers complained that the “apology” seemed like an advertisement for the drink and also it contained “expert” and celebrity endorsements. The second item, it was alleged, gave the impression that the programme had come under “external commercial influence”, giving the drink undue prominence and endorsements.

The Committee decided that the breach was sufficiently serious to warrant the imposition of a sanction - even though the breach was admitted by Channel 4.

There had been previous breaches of the Code in the same show, though then no sanction was imposed.

However, on this occasion, the Committee took the view that there had been “uncharacteristically poor judgement resulting in what appeared to be, at the very least, a loss of editorial control”.

Ofcom Content Sanctions Committee Decision, August 2005

http://www.ofcom.org.uk/tv/obb/ocsc_adjud/channel4.pdf

The Ofcom Broadcasting Code(effective 25 July 2005), available at:

<http://www.ofcom.org.uk/tv/ifi/codes/bcode/commercial/?a=87101>

