[GB] “Celebrity Big Brother” in Breach of Broadcasting Code

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Tony Prosser
University of Bristol Law School

Ofcom, the UK communications regulator, has decided that the fifth series of “Celebrity Big Brother”, produced by Brighter Pictures (part of Endemol) and broadcast by Channel Four, was in breach of the Broadcasting Code. The Code requires that broadcasters, who are required by the Communications Act 2003 to apply “generally accepted standards”, must ensure that material which may cause offence is justified by the context, and that children must be protected from unsuitable material by means of appropriate scheduling.

Ofcom had received 44,500 complaints about comments made about, and alleged bullying of, the Indian actress Shilpa Shetty by three of her housemates. These concerned a number of different incidents. In relation to some of these Ofcom found there to be no breach of the Code, but in three cases Channel Four had failed to handle the material appropriately so as to protect members of the public from offensive material. These three incidents concerned remarks showing racial stereotyping about cooking in India, the comment “Fuck off home” made to the actress, and a reference to her as “Shilpa Poppadom”.

Channel Four had submitted that the incidents had been responsibly handled, appropriately scheduled and justified by the context, being within the expectations of the Big Brother audience. It also took the view that important freedom of expression issues were at stake, and that the debate stimulated by the comments had been of “undeniable public value”.

Ofcom recognised that the Code does not prohibit the broadcast of potentially offensive or harmful material; the question was whether the material had been appropriately handled by Channel Four. Ofcom examined untransmitted footage, recorded before the broadcast of the incidents, which had been logged as “racist” by the producer. Channel Four was not aware of this because of a breakdown in communications with the producer. Ofcom found that there had been a serious breakdown in Channel Four’s compliance procedures for the series so that the broadcaster was not fully aware of events in the Big Brother House and so could not handle potentially offensive material through its editorial mechanisms. If Channel Four had seen the untransmitted material it would have handled the unfolding situation in the House very differently to ensure compliance with the Code. The broadcaster had also failed to take account of the cumulative effects of

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the events in the house where the alleged racist bullying made otherwise borderline comments much more offensive.

Ofcom thus concluded that the breaches of the Code showed a serious failure to apply generally accepted standards, justifying the application of a statutory sanction. A fine was not imposed as Channel Four had acted promptly when it became aware of the untransmitted material and had undertaken a full review of its compliance programme; moreover, the failure represented a serious error of judgment rather than deliberate, reckless or grossly negligent action. Channel Four was thus required to broadcast a statement of Ofcom's findings in a form determined by the regulator at the start of the first programme of the new series of "Big Brother", at the start of the re-versioned programme the following morning and at the start of the first eviction show, thereby reaching the highest number of viewers.

Ofcom Content Sanctions Committee, "Consideration of Sanction Against Channel Four Television Corporation in Respect of its Service Channel 4"

http://www.ofcom.org.uk/tv/obb/ocsc_adjud/channel4_cbb/channel4_cbb.pdf

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