[GB] Decision in “The Great Global Warming Swindle” Case

IRIS 2008-8:1/25

Tony Prosser
University of Bristol Law School

Ofcom, the UK communications regulator, has considered a large number of complaints about lack of factual accuracy and lack of impartiality in relation to “The Great Global Warming Swindle”, a programme broadcast by Channel 4 which sought to challenge the theory that human activity is the major cause of climate change and global warming. In a separate investigation, it considered complaints of unfairness by scientists referred to or contributing to the programme and by the Intergovernmental Panel on Climate Change.

In the first case, the allegation was that the programme presented facts in a misleading way and omitted facts, issues or alternative views in breach of the requirement in the Broadcasting Code that that factual material “must not materially mislead the audience.” Ofcom’s guidance restricts this to material which does so in a way which causes harm or offence. Ofcom noted that it was not a fact-finding tribunal, but considered four aspects of the programme; the use of graphs in a misleading way, the “distortion” of the science of climate modelling, the argument that the theory of man-made global warming is promoted as a means to reverse economic growth by environmentalists and exaggeration of the credibility of contributors; it also considered omissions from the programme. Ofcom considered that it is reasonable for programme makers to assume a basic understanding of mainstream global warming theory on the part of viewers and that the programme was clearly trailed so there would be an expectation of controversial content. Against this background, none of the alleged inaccuracies or omissions would be materially misleading so as to cause harm and offence. It was important, in line with freedom of expression, that broadcasters were able to challenge current orthodoxy.

The Code requires that due impartiality is observed on matters relating to current public policy and that an appropriately wide range of significant views is included. This requirement did not apply to most of the material in the programme, but did do so in relation to the discussion of policies alleged to result from mainstream global warming theory. Here no wide range of views had been included, as programmes presenting other opinions were not sufficiently timely or linked to the programme in question.

Ofcom’s Fairness Committee upheld a complaint of unfair treatment made by the former Government Chief Scientific Advisor in that views had been attributed to

© European Audiovisual Observatory (Council of Europe) 2026

him which were distorted and which called into question his credibility as a scientist; he had been given no opportunity to respond as the Code requires. It also upheld in part a complaint by the Intergovernmental Panel of Climate Change about allegations made in the programme, notably that its conclusions were "politically driven". Once more there had been unfairness as no adequate opportunity had been given to the Panel to respond. Finally, the Committee also upheld in part a complaint by a scientist who had participated in the programme that he had not been warned that it was a polemic and that the impression had been given that he agreed with its premise. Channel 4 was required to broadcast a summary of the adjudications in the fairness cases, but no other penalty was imposed.

Ofcom, Broadcast Bulletin 114, 21 July 2008

http://www.ofcom.org.uk/tv/obb/prog_cb/obb114/issue114.pdf

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026