

[GB] Ofcom Considers Broadcast of Offensive Material not Justified by its Context

IRIS 2013-10:1/27

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On 7 October 2013, Ofcom's decided that material broadcast on CBS Reality's Caught on Camera programme was offensive and not justified by its context. Ofcom derives its statutory authority to regulate the standards of television pursuant to the Communications Act 2003. One of Ofcom's duties pursuant to section 3(2)(e) of the Communications Act 2003 is to ensure that programmes broadcast on television adequately protect the public from the inclusion of offensive and harmful material.

Rule 2.3 of the Broadcasting Code requires broadcasters to ensure that broadcasted material that may cause offence is justified by the context.

The CBS Reality channel had for several years broadcasted a real-life crime entertainment show called Caught on Camera showing footage of real life situations of people behaving in a criminal manner.

On 22 June 2013 at midnight, CBS Reality broadcast an episode of Caught on Camera and its content included footage of two men fighting in a bridal shop, and another scene depicted a female driver using her car to push another car out of its parking space.

One sequence showed six incidences of violence by a child carer (nanny) towards an eleven-month-old boy.

The footage was preceded by a warning -"In the next video, a parent's worst nightmare- disturbing and graphic footage of a child being severely mistreated".

The images were accompanied by a narration of a dramatic-sounding nature, and melodramatic music. Many of the incidents were repeated several times including in slow motion, as stills, and each incident appearing on the screen simultaneously. Some of the incidences of violence were shown in red.

CBS Chellozone, the Ofcom licensee and owner of the CBS Reality channel, said in response to the allegation that the footage was unjustifiably offensive, that the programme was broadcast at midnight when the expected audience would be all adults. The programme was crime-focussed, and the footage was available on YouTube. A pre-broadcast warning had been aired, and was aired again during the

broadcast. The narrator did explain that the child had no obvious injury, and the nanny had received a prison sentence. Caught on Camera was a format that they had been screening for several years.

Ofcom considered that the nature of showing violence towards a child increased the risk of the material being considered offensive even to an adult audience. It also considered whether the violence was depicted in the context of the overall show and its objectives. Caught on Camera was primarily an entertainment show, and as such the showing of violence towards a child moved away from the audience's expectations for that programme even allowing for the warnings. Repeated showing of the violence, plus the dramatic production values only increased the risk of causing offence. The repeated depiction of the violence and the gulf between the abuse of the child and other incidents being screened in the show exceeded the expectations of the audience, and was not in the context of the show. There was no justification for the repeated showing of the violence towards the child.

Ofcom considered it was insensitive and inappropriate to show such footage in a programme presenting real life crime in a dramatic and entertaining way. Ofcom concluded that there had been a breach of Rule 2.3.

Ofcom's decision concerning Caught on Camera- CBS Reality - Ofcom Broadcast Bulletin Issue 239, page 9

<http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb239/obb239.pdf>

