[GB] BBC Breaches Offensive Language Rules

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Ofcom has a statutory duty pursuant to the Communications Act 2003 to set standards for broadcast content as appear to it best calculated to secure the standards objectives, one of which is that "persons under the age of eighteen are protected". This is also reflected in Ofcom's Broadcasting Code. As such, the early morning broadcast on BBC's Radio 1's breakfast show of a song that included in the lyrics the word "fuck" was in breach of the Code, as children were most likely to be listening at that time.

BBC Radio 1's show "Breakfast with Nick Grimshaw" played at about 7:55 a.m. a session recording of the Foo Fighters' new song "Something From Nothing", that had been part of a session recorded for the BBC and first broadcast the previous evening at about 8 p.m. on Radio 1's Zane Lowe show on 5 November 2014.

The lyrics to one song included the word "fuck" and the song was played during the Zane Lowe show. His normal producer and assistant producer were not available that evening and a substitute team responsible for checking the output did not pick up immediately on the fact that the song included an offensive word. Normally, a session track is listened to and checked for compliance purposes by both the live session staff and then again by the production team responsible for the first broadcast, i.e. Zane Lowe's production team. The members of his substitute team had each assumed the other had checked the song and it was duly uploaded on to the Radio 1 Music Store without any annotation warning of the offending word.

During the Zane Lowe live play of the Foo Fighter's song, the use of the offending word was noticed and an apology was issued, whilst during the second play the word was faded out. A warning was placed on the iPlayer (BBC's online catch-up service) version of the Zane Lowe show and a general warning was issued to all Radio 1 production staff, warning them of the offensive language in the track. Despite this, the usual producer was unaware that an unannotated version of the song had been placed on Radio 1's Music Store.

The unannotated version was played the next day during Nick Grimshaw's breakfast show. During the play, the production staff were busy discussing other items on the show and only after the airing was it noticed the Foo Fighter song had included the offensive word. An apology was immediately issued at 8:04 a.m.

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The BBC conducted an internal inquiry to see why such a breakdown in its vetting procedures had occurred. The BBC said the incident was unprecedented and as a consequence stressed compliance procedures at Radio 1's monthly all-staff meeting, as well as discussing the issue with the staff involved.

Ofcom gave regard to its Communications Act 2003 duty to protect the interests of children and also the application of Rule 1.14 of the Ofcom Broadcasting Code, which states that the most offensive language must not be broadcast on radio when children are particularly likely to be listening.

Ofcom considered that playing a song at about 7:55 a.m. meant it was most likely to be heard by children. Whilst Ofcom recognised the steps taken by the BBC to apologise and undertake an enquiry to ascertain why the offensive word had been inappropriately broadcast at a time likely to be heard by children, nevertheless, the BBC was held liable for the breach.

Ofcom Broadcast Bulletin, "The Radio 1 Breakfast Show with Nick Grimshaw", Issue 272, 2 February 2015, 5-7

http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb272/Issue272.pdf

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