[GB] Ofcom decision on inappropriate clips from films in news programming

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On 8 May 2017, Ofcom determined that “ITV News” was in breach of Rule 1.3 of Ofcom’s Broadcasting Code by showing a graphic clip from a well-known film as part of its obituary of actor John Hurt during their morning bulletin (when children were likely to form part of the audience). Notably, the decision resulted in ITV amending its Compliance Manual, and provides guidance on news programming content pre-watershed. “ITV News” is produced for the ITV network by ITN (Independent Television News), which also ensures compliance with Ofcom’s rules relating to news broadcasts. On the morning of 28 January 2017, ITV transmitted a children’s show called “Scrambled!” as part of its public service broadcasting remit for children. Straight after the programme there was a trailer for “Scrambled!”, plus advertisements for toys. The next transmission was “ITV News”, and as part of the bulletin it included an obituary of actor John Hurt, whose major film work included the movie “Alien”. The clip shown was of John Hurt playing Kane in “Alien” just as an alien brutally erupts from his stomach (leaving a gaping, bleeding hole), just before Hurt’s character dies.

Under Ofcom Rule 1.3, “Children must ... be protected by appropriate scheduling from material that is unsuitable for them”. Appropriate scheduling is determined by a number of factors, including the nature of the content, the time of broadcast, and likely audience expectations.

ITN acknowledged that the “Alien” clip had been shown in “error” but in “good faith”. The news provider also said that children do not usually take an interest in news bulletins, although viewer monitoring showed the children’s audience (aged four to fifteen) for that bulletin was about 19%. ITN, as part of its response to Ofcom, said that the clip had not been shown in subsequent pre-watershed bulletins. Moreover, ITN has improved its Compliance Manual, which now includes a specific reference to “the need to take care when using images or clips from dramas and films in pre-watershed reports, such as obituaries”.

Ofcom took account of the broadcaster’s right to freedom of expression under Article 10 of the European Convention on Human Rights (“ECHR”). However, the regulator considered that the clip had not been shown at an appropriate time of day, when there was likely to be a broad audience range (including children). Ofcom considered that parents and carers were unlikely to have expected material of this nature (albeit shown only briefly) to be broadcast on ITV before

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the watershed and immediately after children's programming had finished. Ofcom also considered that some children would have been viewing unsupervised. Furthermore, Ofcom noted that "Alien" is a very well-known science fiction horror film that was awarded a "15" certificate by the British Board of Film Classification (BBFC) and that the sequence shown - edited down from the full scene - is notorious for the graphic and shocking way in which the character, Kane, dies. Whilst Ofcom acknowledged ITN's admission of the error and their apology - as well as the subsequent amendment to its Compliance Manual in respect of the handling of film clips used in obituaries during pre-watershed bulletins - there was nevertheless a breach of Rule 1.3.

Ofcom, Broadcast and On Demand Bulletin, Issue 328, 8 May 2017, p. 4

https://www.ofcom.org.uk/__data/assets/pdf_file/0016/101662/Issue-328-of-Ofcoms-Broadcast-and-On-Demand-Bulletin.pdf

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