[GB] Digital “golden oldies” television channel is found to have breached rule against broadcasting offensive language

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On 19 February 2018, Ofcom issued a notable decision on the inclusion of racially offensive language in classic drama series. This adjudication concerns a broadcast by the Licensee, Talking Pictures TV Ltd, an entertainment channel which broadcasts classic films and archive programmes. It is said that the family-run digital channel is watched by two million people a week. The programme complained about - by just one complainant - was an episode of A Family At War, a British period drama series made between 1970 and 1972, about the experiences of a family from Liverpool during the Second World War. The episode in question, ‘Hazard’, was produced in 1971 and showed one of the main characters serving in the British army in Egypt in 1942, focusing on his encounter with another soldier.

The nub of the complaint was the broadcasting of “offensive language”, namely, the word “wog” which, at the time, was taken to mean “works on government service’ and was not considered a racial slur. Ofcom considered that this raised potential issues under Rule 2.3 of the Broadcasting Code, which states, “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context”. Rule 2.3 of the Code implements Ofcom’s duty under Section 319 of the Communications Act 2003, namely that “generally accepted standards are applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material”.

The Licensee argued that it believed that the inclusion of the potentially offensive racist language in this episode was justified by the context - “being ‘honest to the realities of the war time period… shocking as that may be, and broadcast within the constraints and conventions of the time’”. Further, the Licensee scheduled the programme at a later time than other episodes and decided not to issue pre-broadcast warnings because it “felt the programme contained strong contextual justification and would be clearly understood by our viewers”.

Finally, the Licensee stated that it had suspended any further broadcast of this episode. It also said that it had contracted a third-party expert to conduct a review of “all content containing racial language” to complement its existing

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compliance system.

Ofcom decided that the use of the offending term was, on the basis of research, highly objectionable (the word “wog” is considered by audiences to be a derogatory term for black people and to be among the “strongest language” and “highly unacceptable without strong contextualisation”), and thus, requires strong contextualisation to justify it being broadcast. The Licensee argued that its use by the character was to show he was flawed and that it was not condoned by others, although this was contested by Ofcom; it also thought that the scheduling before the 21:00 “watershed” and the lack of any warning counted against the Licensee.

Ofcom acknowledged the steps taken by the Licensee to improve its compliance in this area. However, it was Ofcom’s view that the broadcast of this offensive language exceeded generally accepted standards and it has asked the Licensee to attend a meeting to discuss its approach. By way of further context, it may be worth noting that Talking Pictures was previously found in breach of the Code for the broadcast of racially offensive language without sufficient contextual justification on 9 January 2017 and 8 January 2018 (for material broadcast on 24 August 2016 and 13 September 2017 respectively).

Ofcom’s Broadcast and On Demand Bulletin, Issue 348, 19 February 2018, p. 7

https://www.ofcom.org.uk/__data/assets/pdf_file/0016/111292/Broadcast-and-On-Demand-Bulletin-348.pdf

Ofcom’s Broadcast and On Demand Bulletin, Issue 320, 9 January 2017

https://www.ofcom.org.uk/__data/assets/pdf_file/0033/96558/Issue-320-of-Ofcoms-Broadcast-andOn-Demand-Bulletin.pdf

Ofcom’s Broadcast and On Demand Bulletin, Issue 345, 8 January 2018

https://www.ofcom.org.uk/__data/assets/pdf_file/0020/109235/issue-345-broadcast-on-demandbulletin.pdf

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