[GB] Local TV twice breached Ofcom’s Rule 9.5 by giving undue prominence to commercial businesses without editorial justifcation

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That’s Manchester is a local television service serving the city of Manchester and its surrounding area, however, it was held to have breached Ofcom’s Rule 9.5 by giving undue prominence to a product, service or trademark during two news reports.

The first report concerned an initiative by the Greater Manchester Chamber of Commerce to encourage small businesses in the area to adopt their own website. The Greater Manchester Chamber of Commerce was working in conjunction with a digital marketing service called UENI. The That’s Manchester newsreader, in their introduction, referred to the pairing between UENI and the Chamber of Commerce; this was reiterated in the main report, including UENI’s logo being shown. There was an interview with a representative of UENI who spoke about the virtues of businesses being online, as well as mentioning their offer to build websites free of charge before 31 August 2018 and giving their website address.

The second news report concerned the first British Muslim woman to reach the North Pole as part of an all-female expedition. During the report, it was mentioned that the expedition had been sponsored by a local food company, Summit to Eat, and the company’s logo and headquarters were shown. The reporter said: “Summit to Eat is a range of freeze-dried meals that are made here in Preston...they are high in calories, so it’s great for an expedition such as the Euro-Arabian expedition....”

There were shots including close-ups of the products as well as an explanation of why Summit to Eat had been chosen as the sponsor.

Rule 9.5 of the Ofcom’s Code of Conduct rules states: “ No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:

- the presence of, or reference to, a product, service or trademark in programming where there is no editorial justification;

- the manner in which a product, service, or trade mark appears or is referred to in programming.”

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That's Manchester argued that in the case of each report there was no prior agreement, third party influence or payment to mention or describe the companies. The references were made in the context of each story and resulted from decisions taken by the journalists. The news provider said that they had since reminded their journalistic staff: "about the importance of minimising the risk of (inadvertent) undue prominence."

The Ofcom rules were established to help create a distinction between editorial content and advertising. Rule 9.5 does not prevent references to products or services in programmes but they must not be given undue prominence. Factors such as audience expectation and the suitability of the commercial reference were amongst the factors to be taken into account when considering any potential breach. The context of the references in relation to the story would also be considered. Audiences expected broadcasters to maintain the highest standards of editorial independence and to be free of any commercial influence.

Regarding the first story, Ofcom considered that there was reasonable editorial justification for mentioning UENI, given their collaboration with the Greater Manchester Chamber of Commerce to make Manchester "a world-leading digital city region." However, the interview with UENI's spokesperson occupied half the report; the newscaster's opening remarks portrayed the company favourably by describing them as "small business champions"; whilst throughout the report UENI led the narrative about small businesses needing to develop their online presence. Furthermore, the data used was solely UENI's and no other person was interviewed.

Ofcom decided that the level of prominence afforded to UENI in the report was not justified by the editorial context and, therefore, there had been a breach of Rule 9.5.

Regarding the second report, whilst Ofcom appreciated that the expedition team had been sponsored by a local business, giving regional interest, the amount of focus given to the company in the report detracted from the main focus of the report, namely the endeavour of a local woman to reach the North Pole. The sponsor's details were a secondary or incidental criteria to the main story. The Summit to Eat company occupied a quarter of the story, including a prominent display of their logo. The variety of products were clearly shown and some of the comments from the company's spokesperson were akin to being promotional.

Ofcom considered that the level of prominence given to Summit to Eat was not justified by the editorial context of the news. Even though no money had been paid to the broadcaster, it was important that news programmes avoided giving the impression that they were under any kind of commercial influence, so that audiences are reassured of the programme's editorial independence. As such, there had been a breach of Rule 9.5.

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