[GB] Ofcom determines Glastonbury Festival’s Worthy FM 87.7 to have breached the Broadcasting Code for radio play of songs containing offensive language

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Ofcom has determined that Glastonbury Festival's onsite radio station Worthy FM 87.7 (Worthy FM) breached Rules 1.14, 1.16 and 2.3 of the Broadcasting Code by playing records that contained offensive language, at a time likely to be heard by children, even if relatively low in numbers. Worthy FM is a radio station that plays music during the duration of the Glastonbury music festival. The main audience are festival goers but the programming is transmitted in the county of Somerset where Glastonbury is located.

Worthy FM has a Restricted Service Licence (RSL) granted by Ofcom and the licensee is Joanne Schofield.

At 18:41 on 23 June 2022, Worthy FM played a song called 'Miss Understood' by rap artist Little Simz who was performing at the music festival the next day. The version of the song played included the words ‘fucked’ and ‘niggas’. Another song played, 'DNA' by Kendrick Lamar, also appeared to contain offensive language.

Ofcom had to consider whether three rules of the Broadcasting Code had been breached namely Rule 1.14: “The most offensive language must not be broadcast [...] when children are particularly likely to be listening (in the case of radio) [...]”; Rule 1.16: “Offensive language must not be broadcast [...] when children are particularly likely to be listening (in the case of radio), unless it is justified by the context [...]”; and finally, Rule 2.3: “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to, offensive language.[...] Appropriate information should also be broadcast where it would assist in avoiding or minimising offence”.

In its defence, Worthy FM informed Ofcom that its playlist policy was only to play artists who had previously appeared at Glastonbury Festival or who were performing at the current festival. Only clean or ‘dipped’ versions of songs were played on the radio.

The radio station’s playout computer had two sections. The first section comprised songs suitable for broadcast, and the second compilations of songs whose lyrics could not be broadcast in their current form. Worthy FM informed

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Ofcom that on 23 June 2022 the presenters had had a busy day with interviews and were keen to play Little Simz. Inadvertently a song had been selected from the wrong playlist. Following the incident, it introduced procedures to avoid such an error reoccurring; for instance presenters do not have access to unsuitable versions of any song and are only able to play songs that are compliant with regulations.

Ofcom took account of Rules 1.14, 1.16 and 2.3 and of the broadcaster's freedom of expression pursuant to Article 10 of the European Convention on Human Rights.

Ofcom considered its own research into public attitudes towards offensive language on TV and radio. The word 'fuck' was considered very offensive. The term 'niggas' was considered by some black members of the public as a term of endearment amongst friends. However, the term had to be considered in the light of its context and racist connotations. The word 'nigger' was considered by the public as one of the most offensive words.

Although Worthy FM argued that the majority of the audience were festival goers and would be used to, or expect, the use of offensive language during performances on stage, Ofcom considered the radio station's audience would have a different expectation. Worthy FM was played to an audience beyond the festival and, given the time of the broadcast, children would be listening even if they formed a minority of the audience. Ofcom noted that Worthy FM had not apologised on air for the use of the offensive language. For the purposes of the context of the broadcast, Ofcom considered that allowing the broadcast of offensive language had not been justified given the time of broadcast and that children were particularly likely to have been listening. Ofcom took into consideration the fact that the offensive language had been played inadvertently, and the subsequent steps taken by Worthy FM to avoid a future breach, but, nevertheless, the regulator determined there had been a breach of the Rules.

Glastonbury Festival 2022

https://www.ofcom.org.uk/__data/assets/pdf_file/0024/238146/Glastonbury-Festival-2022.pdf

The Ofcom Broadcasting Code

https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code

Ofcom Broadcast and On Demand Bulletin, Issue 464, 19 December 2022

https://www.ofcom.org.uk/__data/assets/pdf_file/0023/249701/Standards-Decision-Get-Your-Glasto-On,-Worthy-87.7-FM.pdf

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