

Adjudication

Complaint by Mr David Edmonston, on behalf of Petrolheads Limited *Look North*, BBC1 Yorkshire, 13 February 2004

Summary: Mr Edmonston complained that this item portrayed his company unfairly and damaged its reputation. He also complained that the programme-makers failed to provide him or his company with an opportunity to respond to the allegations included in the item.

Ofcom considered that the item was not critical of his company and the item's presentation of events did not result in specific unfairness to the company in the programme as broadcast.

In the circumstances of this case, since there was no criticism of the company, Ofcom took the view that it was not necessary to offer the company an opportunity to respond.

1. Introduction

This regional news programme included an item on militant protests against speed cameras. The item referred to threats against a Yorkshire MP over her road safety work which, the programme said, came "just weeks after the head of a Yorkshire road safety campaign had death threats posted on a web site".

The reporter went on to say that "another safety campaigner had death threats against her posted on a motoring website. They were quickly removed but she says it's evidence that the anti-speed camera lobby is becoming more organised and more militant." A page from the PistonHeads.com website accompanied those comments on screen.

Petrolheads Limited ("the Company"), of which Mr Edmonston is a director, operates the PistonHeads.com website ("the Website"). Mr Edmonston complained that the programme was unfair to the Company.

2. Complaint

Mr Edmonston's Case

(a) Mr Edmonston complained that the report contained inaccurate and unchecked material of an incident involving his business. The report stated categorically that death threats had been made on a motorists' website against a road safety campaigner. The intention was clearly to suggest that "death threats" had been made on the Website. This was reported as fact, not as opinion or as an allegation.

It was not the fact that death threats had been made. When BRAKE (the organisation to which the road safety campaigner belonged) alleged the comments made in their forums constituted a death threat, the Company reviewed them. It did not agree that they were death threats, but removed the comments as a gesture of goodwill. The police investigated the allegation at the request of BRAKE and concluded that none of the comments could be construed as threatening. They recognised the comments were silly pub-type banter. Mr Edmonston did not accept the BBC's argument that the reason the police took no action was because they could not issue a formal warning unless a particular individual was named or where threatening comments had been made anonymously in the website's chat room rather than on the website's official pages. In fact, Mary Williams was clearly named in the title of the discussion and the comments were not made anonymously; contact details of those who made the comments were available but the police did not request them.

The portrayal of the Company in the programme was unfair and damaged its reputation.

(b) Mr Edmonston complained that he was not contacted by the programme-makers prior to the making of the programme to comment on the allegations or in order to check the veracity of the news item.

The BBC's Case

(a) The BBC responded that its news report was factually correct and was not unfair to the Company.

The programme-makers received a bundle of printed comments retrieved from the Website, relating to Mary Williams from the road safety organisation, BRAKE. The reporter acknowledged that these had been removed from the Website but this had only been done after Mary Williams had pointed out the offensive and threatening nature of the comments.

The BBC said that the item did not at any point say that the Company endorsed the comments but that they appeared on the Website and were removed when Mary Williams complained about them.

The BBC said the comments retrieved from the Website included "I'm sure Big Dave down the local pub will knock her off for a few bob"; "Thinking about it, he could cut her brake cables (how ironic)" and "I hope she gets run over...". Referring to these as death threats was justified, as both the BBC and Mary Williams considered them to be offensive and threatening. Some of the comments were headed "Gassing Station" which it claimed referred to methods of killing Mary Williams.

The BBC said that the item did not give any details about the Company's line of business; it simply stated facts about the contents of the site. It reflected what had happened on the Company's website in the light of Mary William's concerns.

The BBC said that Mary Williams had told them that the police did take her complaint seriously and said that a formal warning would be issued to the Company to remove the offending material. The BBC initially said that she was later told that the police had no power to issue formal warnings for website content unless a particular individual

was named. Subsequently, the BBC corrected this; the police had told her that they could not issue a formal warning where threatening comments had been made anonymously in the Website's chat room rather than on the website's official pages. The fact that the police took no action did not mean that the remarks themselves were not menacing and threatening. Some of the comments referred to methods of killing Mary Williams and it was not surprising that Mary Williams, the target of these comments, considered them to be death threats.

The BBC said that Mary Williams had told the reporter that other pages on the Website gave details of her previous address. The BBC later clarified this as meaning that other pages on the Website had given details of the town where she previously lived. Although full details of her address were not given, Mary Williams considered that naming the town, together with press cuttings included, could have led to her address being discovered.

(b) The BBC said that, as it was a fact, not a matter for debate, that offensive and threatening remarks had appeared on the Website, it was not necessary to ask Mr Edmonston to comment. The item was not unfair to Mr Edmonston or the Company.

Decision

a) Ofcom considered that it was reasonable for the item to describe the comments posted on the Website as death threats. In reaching this conclusion Ofcom took into account the offensive and threatening nature of the comments, which included a number of proposed scenarios for Mary Williams' death, and the fact that Mary Williams felt sufficiently threatened by the comments to contact the police.

In any event, Ofcom took the view that the item was in no way critical of the Company and the item's presentation of events did not result in specific unfairness to the Company in the programme as broadcast. In reaching this conclusion Ofcom took into account the fact that the report stated that the threats were "posted" on the website and quickly removed. In Ofcom's view, this indicated that a third party was responsible for the comments and not the Company. The item made clear that the Company had acted quickly to remove the comments and the item in no way implied that the Company endorsed the comments.

b) Where a programme alleges wrongdoing or contains a damaging critique of an individual or organisation, those criticised should normally be given an appropriate and timely opportunity to respond to or comment on the arguments and evidence contained within that programme. In this case, as stated above, we took the view that the item was not critical of the Company and in those circumstances it was not incumbent on the programme-makers, in the interest of fairness, to provide the Company with an opportunity to respond.

The complaint is not upheld.

4 May 2005

Executive Fairness Group