
THE PRESS STANDARDS BOARD OF FINANCE LIMITED

Editors' Code of Practice Committee

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Agenda

For meeting at the Newspaper Society,
74-76 Great Russell Street, Bloomsbury, London
Thursday, 29 September, 2005 at 10.30am

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1. Apologies
 2. Minutes of 10 February, 2005 (circulated)
 3. Business arising, if not dealt with below.
 - Transgender discrimination
 - The Editors' Codebook
 - Editorial co-operation note
 - Financial guidance note
 4. Television Without Frontiers
 5. Viral advertising
 6. Representation from the PCC Charter Compliance Panel
 7. Representations from the industry (*Trinity Mirror letter attached*)
 8. Representations from the public
 9. Annual Code review : Committee members' suggestions?
 10. Other business
 11. Next meeting
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4. Television Without Frontiers: The European Union directive on Television Without Frontiers sets out proposals to regulate moving and radio images on the web, bringing them into line with radio and TV broadcasting. This could have serious implications for the press. Publishers increasingly use audio-visual material in their online publications, including live or recorded TV feeds.

The question arises as to whether such publications would, if the EU proposals are implemented, fall under (stricter) broadcasting codes – which, for instance, cover taste and decency issues - or would be retained within the Editors' Code of Practice. The EU proposals on TWF also include:

- A statutory right of reply to inaccuracies,
- Controls over distribution so as not to impair the development of children, and also
- Rules to prevent incitement to hatred on the grounds of sex, racial or ethnic origin, religion or belief, age or sexual orientation.

This is clearly an industry issue and is currently out to consultation. There will be strong objections to the proposals, not least as the rapidly changing nature of the web market means they are likely to be out of date by the time of implementation. But the committee should be aware that there might come a time when the Code might need to be altered to help stress the need for press industry self-regulation of online material.

5. Viral advertising: The Advertising Standards Authority is considering amending the Code of Advertising Practice to specifically catch 'viral advertising'. This a growing medium where advertisers "seed" the market on the web using jokes, humorous video, and other web-friendly devices and then rely on users to distribute their message via email networks.

However, print media representatives on the advertising bodies fear these proposals could catch editorial material, including promotional information that uses published editorial matter. The ASA denies this is its intention, but has not so far accepted the suggestion that there should be an exemption for *all editorial material*. The ASA, in a meeting with the Code Committee Secretary, said its jurisdiction already meant that a four-sheet poster ad that, for example, featured the front page of a newspaper, could be unacceptable if the subject editorial breached CAP's taste and decency rules.

The CAP committee meets on the same day as the Code committee meeting, but the Secretary will update on progress.

6. Representation on the Code from the PCC Charter Compliance Panel:

Clause 5: Intrusion into Grief

The Charter Compliance Panel, which audits the way the PCC handles complaints, believes Clause 5 could be misleading. The final sentence emphasising that "*this should not restrict the right to report legal proceedings, such as inquests*" could, says the panel, suggest to potential complainants that the PCC could not deal with complaints about insensitive reports of inquests.

7. Representations on the Code from the industry:

7.1 From Ms Sly Bailey, Trinity Mirror (see letter attached)

Clause 3: Privacy

Trinity Mirror has returned to its suggestion considered by the Committee in September 2004. Essentially it is that the Privacy clause should include a paragraph setting out explicitly that the complainant could compromise the right of privacy by having publicly discussed similar matters, or having failed to complain about previous publication.

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Trinity Mirror suggests two advantages:

- That, as the Code is recognised in law for the purposes of the Human Rights Act, the change would oblige judges to take its provisions into account when hearing privacy cases.
- That the rule would also be fairer to complainants because it would clarify the issues that the PCC would take into account when assessing the case.

Suggestion: That a new clause 3(iii) should say:

Privacy is a right which can be compromised. The PCC will take into account the extent to which similar matters have been publicly discussed by the complainant or have been published before without complaint.

7.2 From Mr Tom Welsh, Editor, Media Lawyer

Clause 11: Jigsaw identification

Mr Welsh suggests the Code does not tackle jigsaw identification of adult victims of sex offences, who are not covered by the provisions of Clause 7. Thus, if a boss is accused of assaulting his secretary, one paper could name the boss, but not identify the victim or the work relationship, while another could report that an unnamed boss was jailed for sexually assaulting his unnamed secretary on the top of the London Eye. Mr Welsh cites the case of a story in the London *Evening Standard* and the *Sun* which covered a rape in one way while the *Hendon Times*, which had been running the story for some time, covered it the other. The victim was effectively identified.

Suggestion: *Clause 11 should be amended to avoid jigsaw-publication*

8. Representations from members of the public

8.1 From [redacted]

Clause 1 Accuracy and Clause 6 Children

[redacted] complained to the PCC after a photograph of his eight-year-old twin daughters, taken at random in the street without consent, were used to illustrate an *Observer* magazine article on the state of society. The caption - alluding to a point made in the text - referred to a widespread fear of paedophilia. While the twins were not named, The *Observer* accepted that the caption was inappropriate, said there was no intention to link the children to paedophilia and offered to apologise. The PCC said that it would have been commonsense for parental consent to have been obtained, but found there was no breach, because the pictures had not been intrusive and the subject matter had not involved their welfare. It said the apology was appropriate in the circumstances.

[redacted] believes that if such a blatant error does not constitute a breach, the Code itself is inadequate in protecting children. "It cannot be acceptable to include a picture clearly identifying two young girls going about their private business [redacted] together with a caption making reference to a paedophile, within an article where the closest content was a question raised by a woman [redacted] as to whether the photographer was a sex pest."

Suggestion: the Code is changed in two ways:

- ACCURACY The clause should be amended to ensure that photographs AND any accompanying caption within an article are wholly relevant to that article.
- CHILDREN 6 ii) be simplified to read: "A child under 16 must not be interviewed or photographed unless a custodial parent or similarly responsible adult consents". The Public Interest over-ride would remain to allow coverage where absolutely necessary.

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8.2 From []

Clause 5: Intrusion into Grief or Shock

[] complained to the PCC that an article in *Red* magazine entitled *What You Learn When Your Best Friend Is Dying* intruded into grief. The writer - while claiming to be a friend of a cancer victim - had not told her close family or other friends [] (Biddolph) of the intention to publish the piece. It had caused widespread distress.

[] suggested this breached the rule that inquiries should be made with sympathy and discretion and publication handled sensitively. However, the PCC ruled there was no breach as publication had not been insensitive and the Code did not oblige the writer to make inquiries. [] says this means the Code is misleading and should be changed.

Suggestion: Clause 5 should be revised to read:

In cases involving grief or shock, enquiries and approaches, if made, must be carried out with sympathy and discretion etc...

8.3 From []

Westminster Advocacy Service for Senior Citizens

Clause 12: Discrimination

[] says that while ageism is becoming as reprehensible as racism or sexism, discrimination on the grounds of age is not covered in the Code. She feels it should be, especially as the Government is introducing legislation to prevent discrimination in training and employment on age grounds.

Suggestion: Clause 12 should be altered to include age as one of the classes of discrimination specifically outlawed.

GENERAL:

8.4 From [] and (separately) []

[] has renewed her appeal to the Committee to include guidelines on suitable covers for Lads Mags, to prevent exposing children and young adults to explicit pictures involving bondage, sado masochism and female humiliation in shop displays and elsewhere. She sent a photograph of her three-year-old son at eye-level with shop displays advertising such magazines, cited a Daily Mail feature entitled *The Disturbing World Of Lads' Mags*, and said the Advertising Standards Authority had described these publications as soft porn. She said the campaign against such covers had persuaded Tesco and W.H.Smith to take action, but believes the Code should cover this area with suitable guidelines, rather than censorship.

[] writes along similar lines, but stresses her particular concern that boys as young as 16 are being targeted by magazines such as *Zoo* and *Nuts*.

Suggestion: *The Code should introduce guidelines on magazine covers suitable for display.*

8.5 From []

[] complained that a local newspaper, which arranged a meeting with him to organise a story and photograph, first did not turn up, and then failed to honour a promise to run the story the next week. He complained to the PCC that this caused him distress, expense and was racially discriminatory, but was told the case fell outside the Code.

Implied suggestion: *The Code should cover unnecessary inconvenience caused by newspapers to contacts.*

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LATE ADDITIONAL SUGGESTION

8.6 From the Equality and Diversity Forum

The forum is concerned that press reporting can - unintentionally - heighten community tensions and make sensitive issues more difficult to resolve. It suggests there is a direct link between press reporting and an increase in hostility and overt acts of violence against those it seeks to protect from discrimination. The forum says the current Code has not prevented inaccurate, misleading, distorted or pejorative or prejudicial references to individuals in the case of gipsies, Muslims, and refugees. The forum requests a meeting to discuss it.

Suggestion: The Code should cover inflammatory reporting.