

Dannii Minogue and PCC

MS Dannii Minogue complained to the Press Complaints Commission through Hackford Jones PR that an article headlined "X Factor Dannii is pregnant", published in the Daily Record on 9 January 2010, intruded into her private life in breach of Clause 3 (Privacy) of the Editors' Code of Practice.

The complaint was upheld. The article reported that Ms Minogue was expecting a baby with her boyfriend, Kris Smith. The complainant's representative said that she had not yet had her 12-week scan at the time of publication, and the newspaper had known this. Nonetheless, it had gone ahead to publish the story which represented a gross intrusion into her private life.

The newspaper said that it was aware of the general "first scan" rule in regard to pregnancy. However, the news of the pregnancy had been in the public domain before publication, appearing on the Faded Youth blog and on the Sydney Morning Herald website the previous day. In those circumstances, the news had already ceased to be private. The newspaper argued that information is either "in" or "not in" the public domain; it cannot be partially in the public domain. Nonetheless, the newspaper was happy to publish an apology to the complainant, as a gesture of goodwill.

Adjudication

The Commission's case law on this matter is absolutely clear: "As a matter of common sense newspapers and magazines should not reveal news of an individual's pregnancy without consent before the 12-week scan, unless the information is known to such an extent that it would be perverse not to refer to it". This is because this scan can reveal complications relating to the health of the baby and the viability of the pregnancy.

For the newspaper to justify publication on this occasion, it would have to argue that the references in the Sydney Morning Herald and online - which were, in any event, speculative - did not "refer" to the pregnancy. This was manifestly an untenable argument and was rejected by the Commission. The Code specifically requires the Commission to have regard to the "extent" to which the information has previously appeared. This was no more than common sense: otherwise, any reference online would represent automatic justification for a newspaper to publish otherwise intrusive material.

On this occasion, the Commission considered that the article constituted a regrettable lapse in editorial judgement at the newspaper. It had no hesitation in upholding the complaint.

V-sign Louis is cleared

TELLY watch dogs Ofcom yesterday rejected complaints over the V-sign Louis Walsh flashed at X Factor viewers who booed his act, Tedward.

Ofcom received 279 complaints about Louis's gesture, but ruled that it was "fleeting and unclear" and "would not have upset most people".



THE game was a star-spotter's paradise, with Hilary Swank, Jamie Foxx, Harry Connick Jr, Ashton Kutcher and Demi Moore in the stands. Also there were Jennifer Lopez and hubby Marc Anthony, part-owners of the Miami Dolphins NFL team.

Touchdown

BIG MATCH: Game was a classic but Brad and Angelina only had eyes for each other

SOPPY BOWL

Brad and Angelina's big game love-fest



HERO: Brees with trophy

IF Brad Pitt and Angelina Jolie wanted to convince the world that they're not about to split, they couldn't have picked a more public place to do it.

The megastar couple looked more like love-struck teenagers than warring Hollywood giants as they cheered the New Orleans Saints to victory in the Super Bowl.

Brad stroked Angelina's back and nuzzled her neck as they chatted to pals in the stands. And

By Danielle Gusmaroli
reporters@dailyrecord.co.uk

as star quarterback Drew Brees led the Saints to a shock triumph over the Indianapolis Colts, "Brangelina" held hands and gazed lovingly into each other's eyes.

Rumours have been rife in Hollywood for weeks that Brad, 46, and Angelina, 34, are to separate. But one onlooker at Sunday night's game in Miami said: "Split? It looked more like a date."

Brad and Angelina took in the

game - or at least some of it - with son Maddox, eight.

It was the couple's first public appearance together since the split rumours surfaced.

Brad and Angelina are to sue a downmarket Sunday tabloid which claimed they were dividing their assets and agreeing custody of their six children.

Their lawyers, Schillings, said the claims were "false and intrusive".

THE WHO were cheered to the rafters after their half-time show at Land Shark Stadium despite the pre-game protests over Pete Townshend's 2003 child pornography arrest. Campaigners had slated the NFL for booking the band.

REALITY TV star Kim Kardashian invaded the pitch after the game ... to plant a big kiss on boyfriend Reggie Bush, one of the top stars on the winning Saints team.

SAINTS STUN COLTS - PAGE 45