

David and Victoria Beckham v Sunday Mirror

Clauses noted: 1

David and Victoria Beckham complained to the Press Complaints Commission through solicitors that an article in the Sunday Mirror dated 16 November 2003 headlined "All over" contained a large number of inaccuracies in breach of Clause 1 (Accuracy) of the Code.

For the reasons set out below, the Commission declined to proceed with the matter.

The complaint arose out of an article about the marriage of David and Victoria Beckham. It was headlined "World Exclusive" and "All over", and covered almost the entire front page and the whole of pages 2-5 inside.

The five pages had sub-headlines in large letters such as, "Posh in threat to end the marriage. She tells Becks to quit Spain or else," "Romance in ruins" and "She's so mad." The article purported to describe the marital difficulties of the couple in considerable detail and suggested that the marriage was on the brink of breakdown

The solicitors complained that the allegations of marital breakdown in the article were false. They alleged that there were sixteen different inaccurate statements in the article, and asked for an urgent adjudication on the complaint in order to prevent the general public from being misled about the state of the marriage. They said that the enormous amount of space given by the Sunday Mirror to the matter had led to the allegations being repeated by other newspapers and magazines, copies of which they enclosed. They also made submissions about the role of the Commission and the significance of evidence given by its chairman to a Commons Committee which, they said, would require the newspaper to publish any apology or adverse adjudication on the front page with due prominence.

In subsequent correspondence the solicitors referred to the Beckhams' denials of the allegations. They also enclosed the transcript of a television interview with Victoria Beckham in which she further denied the claims. They maintained that the substance of the article had come to the attention of millions of people and that only a front page retraction would provide an adequate remedy.

The editor of the newspaper replied saying she was extremely concerned to read of the Beckhams' reaction to the article. She reserved her position about any response to the detail of the complaint, but said she was keen to resolve the matter and would be happy to publish a retraction and an apology with due prominence in a positive article about the Beckhams. This would be placed on an early news page, perhaps page 4 or 6, and would include statements to the effect that the marriage was not in trouble, that there was no ultimatum from Victoria or talk of a trial separation, and that there had been no argument about the children's schools or where they should live.

When this offer was rejected she dealt with the sixteen substantive complaints. She pointed out that the complaints fell into three separate categories: first, that Victoria Beckham had threatened to end the marriage unless David Beckham returned to London; second, that there had been a row over the children's schooling; and third, that there had been a row over Victoria's relationship with a named person. She said that the Sunday Mirror article was based both on information that was already in the public domain without having attracted any formal complaint from the Beckhams, and new information which came from sources that had been reliable in the past. Under Clause 15 of the Code the newspaper was entitled to withhold the names of its informants. The newspaper had no reason to doubt the truth of the information supplied but it was prepared to accept the Beckhams' denials in order to reach an amicable settlement.

The editor also enclosed a number of recent, lengthy newspaper articles which had made similar

allegations as the Sunday Mirror but which had not resulted in complaints to the Commission. Some of these articles went back as far as September 2003, some two months before the Sunday Mirror article appeared, and were based on the separate inquiries of the newspapers concerned. She said it was important for the Commission to take this context into account and argued that the offer that she had made was proportional.

The solicitors again rejected the offer but indicated that their clients would be interested in seeing the sort of article which the newspaper was prepared to write. The newspaper responded by providing a draft apology to be published on page 2 under the heading "David and Victoria Beckham". The complainants rejected this offer and submitted their own wording for an apology, which they insisted should appear on the front page along with their photographs.

Adjudication

In dealing with complaints about accuracy, there will be rare occasions where the Commission is not in a position to make a finding; for example, because of a conflict, or lack, of evidence. The Commission does not of course have legal powers of cross-examination or subpoena and it takes a flexible and commonsensical approach in trying to resolve complaints. It has consistently underlined, for instance, that if the accuracy of an article is challenged, editors cannot rely on Clause 15 of the Code – which relates to the protection of confidential sources – as a 'trump card' to justify the publication of material. They must either provide on-the-record corroborative evidence or, in the absence of such evidence, offer the complainant an opportunity to reply. However, if such an offer is rejected, it can be difficult for the Commission to make a finding concerning the accuracy of the original article where no corroborative material exists to support the information from confidential sources – even if the story is true. In such circumstances, it follows that it may also not be possible for the Commission to judge whether any proposed offer is a proportionate remedy – because the Commission cannot be certain whether or not the material under complaint was inaccurate or not.

Turning to the details of this complaint, it is important to understand that this complaint was made only under Clause 1 of the Code (Accuracy). No complaint was made in relation to Clause 3 of the Code (Privacy). The Commission was confined to making a decision about whether any of the sixteen items could be shown to be inaccurate. In considering whether it could make a finding in this case, the Commission took a number of factors into account.

The Commission noted that the sixteen individual complaints fell into two distinct groups. In the first, there were those items which were of a factual nature, relating to statements the Beckhams were alleged to have made to each other. In the second, there were those complaints about the conclusions that the newspaper had drawn from the alleged facts it had published about the marriage.

Regarding the first group, the Commission noted that the newspaper had, as it was entitled, relied on unnamed sources who could not be produced as witnesses. However, it had also provided evidence that stories about the Beckhams' marriage had been circulating for at least two months before they complained to the Commission. Indeed, similar stories, apparently based on different sources to those of the Sunday Mirror, were still being published after the date of the article under complaint. Despite this, the Commission has received no formal complaint about any of these other articles.

As to the second group of complaints, the Commission took the view that the newspaper was reasonably entitled to draw its own conclusions from the information that it had received and which it believed to be reliable. This was in line with Commission policy in other cases.

Given the fact that the newspaper could not provide corroborative evidence to support its claims, it was right for it to provide an opportunity to the complainants to dispute the allegations. The newspaper offered either a positive story on an early news page – which would amount to an

apology and retraction of the claims – or a statement of the Beckhams' position and apology on page 2 of the newspaper. The newspaper believed that its offer, in all the circumstances, was proportionate. The complainants, through their solicitors, took the view that they were at least entitled to an extensive front page apology.

The Commission regretted that it was not possible to reconcile the two positions and to negotiate an amicable resolution to this complaint. However, neither was it possible for the Commission to make a finding regarding the facts of the matter. The newspaper had two confidential sources for its claims – and had also pointed to allegations that had appeared elsewhere – while the complainants had simply denied the claims, although they also had the means to do so publicly on television and in other newspapers. With the evidence before it, the Commission was not in a position to decide whether the references to the state of the Beckhams' marriage at that time were accurate. It followed that it could not therefore reasonably come to a conclusion about whether or not the newspaper's offer was a proportionate remedy to the complaint. In this very unusual situation, the Commission reluctantly came to the view that there was no satisfactory way of proceeding with the complaint and that it should cease to deal with it.

However, although the Commission could not come to a decision under the Code, it expected the newspaper to stand by its final offer to publish a statement on page 2 of the newspaper. To do so would be within the spirit of conciliation that self-regulation encourages.

Adjudication issued 2004