

**Mr James Marshall v Falkirk Herald**

Clauses noted: 5

Mr James Marshall of Stirling complained to the Press Complaints Commission that an article headlined "Neighbour's blood seeped into my flat", published in the Falkirk Herald on 2 July 2009, intruded into his family's grief in breach of Clause 5 (Intrusion into grief or shock) of the editors' Code of Practice.

The complaint was not upheld.

The article reported that Andrea Fraser of Langlees had complained to her local council about problems with her accommodation - including a bad smell, blood running into her kitchen, and maggots in her home. It was claimed that the problem arose from the fact that the body of the occupant of the upstairs flat - the complainant's son - had lain undiscovered for some time. The report was accompanied by a picture of some maggots in a box and a photograph of Ms Fraser holding a piece of bloodstained kitchen equipment.

The complainant said that this coverage - and particularly the photograph of the blood - was unnecessarily graphic, and had caused distress to the family at a time of grief and shock.

The newspaper said that this was a legitimate news story: Ms Fraser had had difficulty convincing her council that there were serious problems with her accommodation, and the pictures were essential in illustrating the gravity of the problem to readers. They were no different from pictures of accident or murder scenes which - while clearly distressing to the bereaved - were of news value and in the public interest. Yet while these details, and the fact of the death of the complainant's son, were relevant to the story about Ms Fraser's housing difficulties, the paper had taken considerable care not to intrude gratuitously into the grief of the dead man's family. In particular, the identity of the deceased was not revealed.

*Adjudication*

The Commission could understand why the coverage of the story - and the photograph of the blood in particular - would have been upsetting to the family of the dead man. It sympathised with the complainant and the rest of his family.

As the complainant recognised, Ms Fraser had a right to tell her story to the newspaper, and the Commission did not consider that the newspaper had presented her claims in an insensitive manner. It seemed to the Commission that the main issue concerned the photograph of the blood - and, in particular, whether its publication was gratuitous and therefore a breach of the Code.

This involved a delicate balancing act. On the one hand, the Commission could see why the starkness of the picture would undoubtedly have distressed the family. On the other, it was a shocking and accurate reflection of the conditions in which Ms Fraser was living.

On balance, the Commission did not consider that publication of the photograph was gratuitous, as it illustrated the veracity of Ms Fraser's claims about her living conditions in a way that did not revel in the tragedy. Additionally, the newspaper had obviously omitted some details about the death in the coverage as a whole, including the identity of the dead man and information about the scene that greeted the emergency services inside the complainant's son's flat. There was therefore no breach of Clause 5 of the Code, and the complaint was not upheld.

Adjudication issued 24/09/2009