

Ms S Lawson v News Shopper (Lewisham & Greenwich)

Clauses noted: 1, 5, 9

Ms S Lawson of London complained to the Press Complaints Commission that two articles, published in the South London Press and the News Shopper on 3 September 2004 and 8 September 2004 respectively, headlined "Teen runaway's heroin tragedy" and "Heroin causes death of teen" contained inaccuracies in breach of Clause 1 (Accuracy) and intruded into her grief in breach of Clause 5 (Intrusion into grief and shock) of the Code of Practice. The complainant also raised concerns under Clause 3 (Privacy) and Clause 9 (Reporting of crime) of the Code.

The complaints were rejected.

The articles reported the inquest into the death of the complainant's daughter, who died after taking heroin for the first time. The complainant argued that the pieces contained a number of inaccuracies. Firstly, she objected to the characterisation of her daughter as a "runaway", given that she had her own flat at the time of her death. She also said that the articles had overlooked the fact that the toxicology report disproved the allegation, which was made solely by her daughter's former boyfriend, that her daughter smoked crack cocaine. She added that while the coroner found that she had died as a result of non-dependent abuse of drugs, it had been reported simply that she died "due to abuse of drugs". She maintained that the omission of the phrase 'non-dependent' was significant. In support of her complaint, the complainant provided copies of the relevant sections of the court transcript.

The complainant also complained that the inaccurate reports intruded into her grief in breach of Clause 5, and into her privacy in breach of Clause 3. She also thought that by identifying her as a mother of the deceased the newspaper had breached Clause 9.

The newspapers said that the articles were based on the same court agency report, and maintained that the complainant had provided no evidence that their articles had included material inaccuracies. The court heard that the complainant's daughter had run away when she was 16 – the fact that she had a permanent residence at the time of her death did not invalidate the description of her as a "runaway". The allegation of crack cocaine use featured in the evidence given by the deceased's boyfriend. The newspapers asserted that the reported verdict was not significantly inaccurate – the News Shopper contended that its article did not suggest that the deceased was dependent on drugs of any sort, and made clear that it was the first time that she had used heroin.

The newspapers pointed out that Clause 5 of the Code specifically upheld the right to report legal proceedings such as inquests. Since the complainant had given evidence to the inquest, her identification was justified.

Adjudication

The Commission appreciated that the inquest hearing into the loss of her daughter must have been particularly harrowing for the complainant. It understood that in these circumstances it was particularly important for relatives of the deceased to feel that the proceedings had been accurately reported. However, in this case, the Commission was not persuaded that there were any material inaccuracies. In the Commission's opinion, the complainant's objections under Clause 1 related to matters of emphasis or interpretation, rather than significant inaccuracy. In particular, it did not appear to be in dispute that the coroner's court indeed heard that the complainant's daughter had taken crack cocaine. While it was clear that the complainant disputed this, and had pointed to contrary evidence on the matter, the newspapers were entitled to report an allegation, which was distinguished as such and had been made in open court. Moreover, the Commission did not consider that there was anything materially inaccurate about the manner in which the verdict was reported. There was no breach of Clause 1.

Clause 5 of the Code, under which the complainant also complained, requires that publication of stories at times of grief or shock be handled sensitively. It specifically says that the right to report inquests is not to be restricted by this clause. In the Commission's view, there was nothing insensitive about the reports – such as the inclusion of gratuitously gory details or anything that might have ridiculed the manner in which the complainant's daughter died – to suggest that Clause 5 had been breached. Turning to the complaint under Clause 3, the Commission noted that the complainant had given evidence at a public hearing, something that newspapers were entitled to report. Given that the complainant's involvement in the matter had been put into the public domain in this way, the Commission could not conclude that there was anything in the references to her that breached Clause 3.

Finally, the Commission noted that the complainant had complained under Clause 9. However, it pointed out that this clause is concerned with the identification of the relatives of those accused of crime, rather than with the identification of relatives of the deceased. There was no breach of the Code on this point.

Relevant rulings

Tolkien v Sunday Mercury, 2003

Shubik v Wood & Vale, 2004

Adjudication issued 2005