

Kate Moss v Sunday Mirror

Clauses noted: 1

Kate Moss complained to the Press Complaints Commission through Harbottle & Lewis solicitors that an article published in the Sunday Mirror on 22 October 2006 headlined "Kate IS having a baby" was inaccurate in breach of Clause 1 (Accuracy) of the Code of Practice.

Following an offer of remedial action from the newspaper, no further action was required.

The article reported the claim by the uncle of the complainant's partner, Pete Doherty, that the complainant was pregnant with Doherty's baby. The front page banner, which referred the reader to an article on page 3, was subtitled "Pete's uncle confirms it". The page 3 article was headlined "Babyprambles: Pete & Kate can't wait for 1st tot, says uncle".

The complainant's solicitor made clear that the allegation was entirely untrue: Ms Moss was not pregnant. He said that the newspaper had failed to take care to check the claim properly, as it had not contacted the complainant's legal or public relations representative before publication. Although the newspaper was informed of the story's inaccuracy late on the Saturday evening, further editions containing the article were published, and the item appeared on the newspaper's website, without amendment or qualification of the claim.

The newspaper said that it had previously been informed by a confidential source that the complainant was pregnant. It did not, however, publish the information at that stage as it was uncorroborated, but later considered the uncle's statement that the complainant was pregnant to be "on-the-record" confirmation that enabled it to publish. It did not put the story to the complainant as it did not believe – following previous experience – that she could necessarily be relied on to give the full picture about the matter. However, it accepted that the claim had not proved to be accurate, and offered to publish an item making this clear in the following edition of the newspaper on page 2.

The complainant's solicitor argued that the newspaper should apologise to the complainant, and that the apology should be published on the front page, where the original banner headline appeared. The newspaper, he said, had appeared to take the information provided by Mr Doherty's uncle and publish it without taking any steps to verify its accuracy. No attempt was made to talk to anyone with real knowledge of the matter. When the newspaper was notified of the complaint, it took nearly five days before making a response. It should have acted immediately as soon as the complainant made it unequivocally clear that she was not pregnant.

Adjudication

The Commission noted that the coverage – both the banner headline on the front page and the main item inside the newspaper – did not make the unqualified claim that the complainant was pregnant. Both items made clear that the claim had come from the uncle of Pete Doherty. This was an important distinction, and it was not in dispute that the uncle had made the claim. The newspaper had made clear that the article was based upon information from a specific source.

The Code does not require newspapers to contact the subjects of articles in all cases before publication, although failure to do so may on some occasions constitute a lack of care under Clause 1. In this case, the paper had a named source who was close to the complainant's partner. There was no apparent reason to doubt what he was saying. In these circumstances, failure to contact the complainant was not itself a breach of the Code.

That said, for whatever reason the story turned out not to be true. It was essential in these circumstances for the correct position to be recorded. The newspaper offered to publish the

complainant's denial that she was pregnant in its next edition. This seemed to the Commission to be a prompt response to the complaint.

However, the wording and suggested location of the statement was also a matter of dispute. The complainant considered that the newspaper should publish an apology on the front-page, whereas the newspaper was willing to publish the item on page 2. The Commission was invited to adjudicate on this part of the dispute. Dealing first with whether the statement should have included an apology, it did not consider that this was necessary given the circumstances of the case, in which it had reported the claims of someone with a close connection to the couple, and made the provenance of the information clear.

The Commission then considered the issue of prominence. The Code requires any correction to be published 'with due prominence', and the Commission may have regard to a number of factors when interpreting this requirement – including where the offending material was published, the scale and seriousness of the inaccuracies, and the speed of response from the newspaper. In this case, the information appeared on page 1 and 3, although the main article itself was on page 3. The newspaper had offered to publish its correction the following week on page 2. The Commission considered that such an early news page, so soon after the article appeared, constituted due prominence in accordance with the terms of the Code.

The Commission therefore decided that the newspaper's offer was, in all the circumstances, an appropriate remedy to the complaint and considered that no further action would be required.

Adjudication issued 14/12/2006