

Mrs Maxine Slmpson v Motor Cycle News

Clauses noted: 1

Mrs Maxine Simpson, Director of Almax Security Chains Limited, complained to the Press Complaints Commission that two articles headlined "Nine out of ten locks fail MCN test" and "Gone in 37 seconds" published in Motor Cycle News on 19 July 2006 were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Code of Practice.

The complaint was upheld.

The articles tested and rated the durability of a number of heavy duty motorbike locks. The complainant said that the newspaper's presentation of the test – which was carried out by an ex-thief – was misleading: while the text referred to the locks being "attacked with hand tools", it did not make clear that different tools and attack methods were used for each lock. For instance, the complainant claimed that the larger locks – including the Almax Series III – had been breached using a steel anvil, which greatly increased the level of attack. The rating system – which relied heavily on the time taken to breach the locks – was also misleading as a result. The complainant said the misleading impression was augmented by the use of a photograph of the Series III which implied that it had been breached using a sledgehammer on a wooden sleeper.

The newspaper said that the purpose of the test was to recreate as far as possible a real-life situation. The ex-thief was given instructions to breach the chains in the fastest possible time using the hand tools available. The availability of different hand tools was clearly stated in the articles, which deliberately did not go into detail about the specific tools used in order to avoid encouraging criminal activity. The newspaper said that all the chains were tested under the same conditions: with the chain and lock on the bike, with some of the chain on the ground. The handheld anvil was one of the hand tools made available to the ex-thief but was not used to intensify the severity of the attack. The main article outlined that the ratings took "price and usability" into account as well as the time taken to breach the chain. The photograph was simply illustrative of the type of tools used to breach the locks.

Adjudication

While the Commission understood the newspaper's reticence to reveal precisely how each lock was breached for reasons of security, it concluded that the presentation of the test conditions may have misled readers. The reference to "hand tools" was vague, and the article omitted the fact that an anvil was used in some cases and not in others. It would have been appropriate in these circumstances for the newspaper to give the complainant an opportunity to respond as a result of the complaint to the PCC. This had not happened, however, and in the Commission's view, the result was a breach of Clause 1. In addition, the Commission considered that the newspaper could have co-operated more swiftly in dealing with its enquiries.

Adjudication issued 14/12/2006