

Ms Sue Thompson and Ms Elizabeth Duff v FHM

Clauses noted: 1, 5

Ms Sue Thompson and Ms Elizabeth Duff complained to the Press Complaints Commission that an article headlined "Death Mountain", published in FHM in its July 2003 edition, was inaccurate in breach of Clause 1 (Accuracy) and intruded into their grief and shock in breach of Clause 5 (Intrusion into grief and shock) of the Code.

Following an offer of remedial action from the editor, the Commission considered that no further action would be necessary under the terms of the Code.

The article was a series of vignettes on various unsuccessful attempts to climb Mount Everest written to mark the 50th anniversary of Sir Edmund Hillary's successful ascent. The complainants, who each lost their partners to the mountain seven years ago, contended that the texts concerning their loved ones were inaccurate and misleading. Ms Thompson said that the description of her partner, Dr Bruce Herrod, as a "careless climber" was substantially inaccurate since he had, by all accounts, taken all proper precautions. She also said that no-one knew for sure how exactly her partner had died – it was believed that this had occurred due to a skull fracture but there was little or no evidence of this. Ms Duff stated that the cause of death of her husband, Mr Mal Duff, was not established either, since this was not a legal requirement in Nepal. She said that it may have been a heart attack or an aneurysm. Ms Duff was appalled at the denigration of her husband in the article, an attitude backed up by Ms Thompson. Both complainants indicated that the article was gratuitously distasteful and ridiculed the deaths of those closest to them.

The magazine suggested that the article was intended to highlight the fact that the mountain was highly dangerous and to dissuade readers, who were of the demographic which might be tempted to climb Everest, from attempting to climb ill-prepared. The circumstances of the cases were disputed and no certain inaccuracies had been established by the complainants. It had taken care not to publish inaccurate material and there were no concluded findings one way or another. In any case, "spontaneous and sincere" private letters of apology had already been sent to the complainants in addition to a donation to the Mount Everest Foundation.

The complainants rejected any notion that the article was a fundamentally serious feature - it was intended to ridicule the unfortunate. Any serious feature would have concentrated on such topics as the physical effects of the lack of oxygen intake. The specific backgrounds to the individual cases highlighted were not examined in any detail and the article was insensitive and offensive, causing both complainants to relive the grief they experienced at the time. Both complainants disputed the accuracy claims by the magazine and pointed to various sources to back them up. A public apology restoring the dignity of their partners was demanded.

In the interests of resolving the matter, an offer to publish a correction and apology was made by the magazine and, after consultation with the complainants, a further offer was made addressing their concerns.

Whilst one of the complainants accepted the proposed offer, the other, having taken into account the grief and upset the article had caused, did not consider it to be acceptable. The magazine had not apologised for the "odious innuendo". Both complainants therefore agreed that the matter be put before the Commission and that the article had caused an extreme amount of distress.

Adjudication

The Commission firstly wished to express its sympathy to the complainants who were obviously extremely distressed by the publication of the article. It could only come to a decision under the

terms of the Code of the Practice, however, and matters of taste and offensiveness did not fall under the remit of the Code.

It was the role of the Commission to determine whether the remedial action offered by the newspaper was sufficient under the terms of the Code. It noted that the magazine had apologised privately to the complainants and recognised that the tone of the article was not sympathetic. The magazine had also agreed to publish a correction – which responded to the inaccuracies indicated by the complainants – and apologise publicly to the friends and family of all those featured for any distress the article had caused. The Commission considered that such a wording addressed the nature of the complainants' concerns adequately – regarding the issues which fell under the terms of the Code – and represented sufficient remedial action on behalf of the magazine. It was therefore satisfied that no further action in regard to this complaint was required under the terms of the Code.

Adjudication issued 2003