



## Summaries of upheld complaints

### **The Magicians, BBC1, 28 January 2012**

#### **Complaint**

A viewer complained that a trick involving tree frogs was adverse to the welfare of the frogs, and possibly dangerous to humans.

#### **Outcome**

The trick involved the frogs disappearing from the magicians' hands and reappearing in their mouths. Although the frogs had been under expert supervision, with steps taken to ensure that they were kept moist and at an appropriate temperature, the RSPCA and the Zoological society of London concurred that the trick involved handling them in an inappropriate and potentially harmful way, and that there was also a health risk to humans.

#### **Further action**

The production team were reminded of the need to avoid putting animals in situations that were potentially harmful to them or to those handling them.

### **Points West, BBC1 (West), 13 February 2012**

#### **Complaint**

In a report of an incident in which a train driver had been forced to stop the train by youths shining a laser pen in his eyes, the reporter referred to "potentially catastrophic" consequences. A viewer complained that this was misleading and alarmist.

#### **Outcome**

The ECU investigation confirmed that there was no serious risk to passengers - in the event of the driver being disabled, a safety device would automatically have brought the train to a halt, with (at worst) some movement of overhead baggage.

#### **Upheld**

#### **Further action**

The editorial team has been made fully aware of the need to take great care when paraphrasing comments, particularly where it could lead to unnecessary anxiety.

### **Newsnight (BBC2), News at 6 & News at Ten (BBC 1), PM (Radio 4) 22 March 2012;**

outlets substantially earlier than **Newsnight**, which affected its right of reply in relation to the two reports (in **PM** and on [bbc.co.uk](http://bbc.co.uk)) which preceded the arrival of its response. In addition, a report provided by **Newsnight** to the BBC News website incorrectly said that A4e had declined to respond, and the follow-up item in 23 March edition of **Newsnight** did not reflect the key point of the A4e response received the previous day.

#### **Partly upheld**

#### **Further action**

The relevant teams have been briefed on the need for clarity on the status and timing of rights of reply when sharing material with other outlets.

### **The Food Inspectors, BBC1, 25 March 2012**

#### **Complaint**

A viewer complained that the programme gave the misleading impression that all cattle infected with TB should be excluded from the human food chain as potentially injurious to health.

#### **Outcome**

The presenter's closing comments did give the impression complained of, and, as there are regulatory provisions which provide for some carcasses of infected cattle to enter the food chain after due inspection, the impression was misleading.

#### **Upheld**

#### **Further action**

The production team has been reminded that their scripts need to be carefully worded, and the programme has now been re-edited to reflect the finding.

### **Midlands Today, BBC1 (West Midlands), 11 April 2012**

#### **Complaint**

In an item in the lunchtime edition arising from a poster campaign by an animal rights group which linked eating meat with early death, the reporter said "*Nutritionists say that a vegan and vegetarian diet is a healthy choice but it does lack essential nutrients only found in meat*". Four viewers complained that this was untrue, in that there are in fact no essential nutrients which are found only in meat.

#### **Outcome**

Although some nutrients found in meat are more difficult to obtain in the requisite quantities in a vegan or vegetarian diet, they are not unique to meat. However, a modified version of the item which made this clear was broadcast in the evening edition, and this sufficed to resolve the issue.

#### **Resolved**

### **The Grand National, BBC1, 14 April 2012**

#### **Complaint**

A listener complained that archive material in a tribute to the late Ginger McCain (the trainer of Red Rum) included an offensive and homophobic phrase.

**Outcome**

The programme-makers had intended to illustrate Mr McCain's reputation as "*a character*" and "*a joker*", but the selection of a clip in which he used the phrase "*poof's paradise*" was not an appropriate illustration in this context.

**Further action**

The programme-makers have been reminded of their duty to exercise caution when considering the use of material that could cause offence to some viewers.

**News (6.00pm), Radio 4, 15 May 2012****Complaint**

An item on Palestinian demonstrations marking Nakba Day referred to "thousands of Palestinians leaving their homes" following the declaration of the State of Israel. Two listeners complained that this gave a misleading impression of the scale of Palestinian displacement and the extent to which it was the result of coercion.

**Outcome**

The ECU took the view that listeners' general understanding of the issues was such that they were unlikely to be misled into thinking that the Palestinian exodus was entirely voluntary, but agreed that "thousands" gave a somewhat misleading impression of its scale.

**Partly upheld****Further action**

The Editor, Radio Newsroom, will brief news teams about the need to give due weight to the events commemorated by Nakba Day in future reports.

**The Kitchen Café, Radio Scotland, 16 May 2012****Complaint**

A listener complained that an item on salmon-farming in Scotland was inaccurate, and provided an uncritical platform for the views of the Scottish Salmon Producers' Organisation.

**Outcome**

The item contained one inaccuracy (about the origins of salmon-farming in Scotland) and one questionable implication (about the cause of sea lice infestation), but these were not such as to affect listeners' understanding of the topic under consideration. However, the item did not reflect the extent to which the issue of salmon-farming's environmental impact remains controversial.

**Upheld****Further action**

The finding was discussed with the programme-makers. An appropriately balanced treatment of the topic was included in a subsequent edition.

**Newsnight, BBC2, 23 May 2012****Complaint**

Shanene Thorpe, who was interviewed for an item in the programme, complained that the item had given an unfair, inaccurate and misleading impression of her and asked for a broadcast correction and apology. 12 other complainants supported her request.

**Outcome**

Having investigated Ms Thorpe's concerns, the ECU concluded that the nature and degree of unfairness to her called for a broadcast apology and correction, in addition to the online apology already posted by the Editor of **Newsnight** which had itself followed a personal apology from him to Ms Thorpe.

**Upheld****Further action**

## **BBC Sport Olympic country profile pages, bbc.co.uk**

### **Complaint**

When first posted, the Palestine page identified East Jerusalem as the capital of Palestine, while the Israel page did not identify the capital at all. Before the matter came to the ECU's attention, the pages had been changed to make clear that Ramallah was the Palestinian seat of government (the aspiration being to have East Jerusalem as the capital of an eventual Palestinian state), and that, while Jerusalem was the Israeli seat of government, most embassies were in Tel Aviv. The revised pages drew complaints from both pro-Israeli and pro-Palestinian readers.

### **Outcome**

Though complainants were able to point to inconsistencies between these and other country profile pages, they arose inevitably from the disputed position of East Jerusalem and the decision of the IOC to admit a Palestinian team. In the view of the ECU, the changes were sufficient to correct the faults in the original versions.

### **Resolved**

## **Newsnight, BBC2, Date withheld**

### **Complaint**

An item in the programme included illustrative footage originally used in report on a similar topic in 2005. The complainant, who had been a minor at the time, featured identifiably in