

**Coimisiún na Meán**  
**Broadcast Complaints Decisions**  
**(Transitional Complaints)**

**January 2024**

# Coimisiún na Meán

## Contents

<a href="#">Purpose</a> .....	4
-------------------------------	---

### Upheld/Upheld in Part by the Commission

<a href="#">C5774: [REDACTED]: TG4: Iniúchadh TG4 – An Craoslach: 8<sup>th</sup> February 2023</a> .....	5
<a href="#">C5796: [REDACTED]: RTÉ One: Advertisement – Eir Gigabit Fibre Broadband: 9<sup>th</sup> March 2023</a> .....	9

### Rejected by the Commission

<a href="#">C5760: [REDACTED]: Newstalk 106 – 108FM: The Pat Kenny Show: 8<sup>th</sup> December 2022</a> .....	14
<a href="#">C5762 &amp; C5767: [REDACTED]: RTÉ One: Nine O’Clock News: 30<sup>th</sup> December 2022 / 11<sup>th</sup> January 2023</a> .....	17
<a href="#">C5771: [REDACTED]: TG4: Road Safety Authority (RSA) Advertisement – “Look Out for Older Pedestrians”: 22<sup>nd</sup> January 2023</a> .....	19
<a href="#">C5772: [REDACTED]: Newstalk 106 – 108FM: The Hard Shoulder: 16<sup>th</sup> January 2023</a> .....	21
<a href="#">C5778: [REDACTED]: KCLR 96FM: KCLR Live: 10<sup>th</sup> February 2023</a> .....	25
<a href="#">C5785: [REDACTED]: RTÉ Radio 1: Drivetime: 25<sup>th</sup> January 2023</a> .....	28
<a href="#">C5786: [REDACTED]: RTÉ Radio 1: Liveline: 13<sup>th</sup> January 2023</a> .....	31
<a href="#">C5788, C5789, C5790, C5791 &amp; C5792: [REDACTED]: LFMF Radio: The Michael Reade Show: 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> January 2023</a> .....	34
<a href="#">C5793: [REDACTED]: RTÉ Radio 1: Morning Ireland: 3<sup>rd</sup> February 2023</a> .....	39
<a href="#">C5794: [REDACTED]: RTÉ One: Six One News: 3<sup>rd</sup> February 2023</a> .....	42
<a href="#">C5795: [REDACTED]: RTÉ Radio 1: The Ray D’Arcy Show: 27<sup>th</sup> January 2023</a> .....	45
<a href="#">C5799: [REDACTED]: RTÉ Radio 1: Liveline: 21<sup>st</sup> February 2023</a> .....	48

# Coimisiún na Meán

<a href="#">C5801: [REDACTED]: RTÉ One: Upfront with Katie Hannon: 6<sup>th</sup> February 2023 .....</a>	<a href="#">51</a>
<a href="#">C5805: [REDACTED]: RTÉ One: The Dry: 1<sup>st</sup> March 2023.....</a>	<a href="#">53</a>
<a href="#">C5816: [REDACTED]: RTÉ One: Nine O'Clock News: 14<sup>th</sup> February 2023.....</a>	<a href="#">56</a>
<a href="#">C5824: [REDACTED]: RTÉ 2FM: The Jennifer Zamparelli Show: 1<sup>st</sup> March 2023.....</a>	<a href="#">59</a>

# Coimisiún na Meán

## Purpose

This document is a publication of broadcasting complaint decisions made by Coimisiún na Meán (“An Coimisiún”) in accordance with its ‘Transitional Complaints Process’. The Transitional Complaints Process is for complaints that were made but not resolved, decided upon or withdrawn by 15<sup>th</sup> March 2023, the date Coimisiún na Meán was established, replacing the Broadcasting Authority of Ireland (BAI). Complaints made on or after 15<sup>th</sup> March 2023 are subject to a new complaint handling process.

The Online Safety and Media Regulation Act 2022 established Coimisiún na Meán and, among other things, amended section 48 of the Broadcasting Act 2009, which provided a right to members of the public to make a complaint about a broadcast if they believed it did not comply with statutory and/or regulatory standards for broadcasts. The 2022 Act provided for significant changes to the complaints process which apply to any complaints made on or after the 15<sup>th</sup> March 2023. It also provided for a ‘Transitional Complaints Process’ for any complaints that were made but not resolved, decided upon or withdrawn by 15<sup>th</sup> March 2023. Under this Transitional Complaints Process, ‘Transitional Complaints’ are processed in accordance with sections 47 and 48 of the Broadcasting Act 2009 as if the amendments to those sections had not come into force, with the Commission having the relevant powers that were given to the Compliance Committee of the BAI.

The Commission prepared and published a [Guide to the Transitional Complaints Process](#) in May 2023, which described the procedures by which ‘transitional complaints’ would be handled. The Commission then processed ‘transitional complaints’ in accordance with those procedures and the decisions made by the Commission on those complaints are published in this document.

During the period August to September 2023, the Commission considered 23 complaints, rejecting 21, upholding 1 and upholding 1 in part.

For information:

- The *Guide to the Transitional Complaints Process* can be found on [www.cnam.ie](http://www.cnam.ie) in [Irish](#) and in [English](#).
- The statutory standards that applied to broadcasts before 15<sup>th</sup> March 2023 are at [Part 3](#) of the Broadcasting Act 2009. The regulatory standards applying to broadcasts are in [BAI codes](#).
- [Section 48](#) of the Broadcasting Act 2009 provided the right to make a complaint and the process for handling complaints. [Section 69](#) of the Online Safety and Media Regulation Act 2022 provides for a ‘transitional’ complaint handling process.

## Upheld/upheld in part by the Commission

<b>Complaint Reference</b>	C5774
<b>Complainant</b>	[REDACTED]
<b>Broadcaster</b>	TG4
<b>Broadcast Name</b>	Iniúchadh TG4 - An Craoslach
<b>Broadcast Date</b>	8 <sup>th</sup> February 2023
<b>Broadcast Time</b>	21:30
<b>Broadcast Description</b>	Factual documentary
<b>Complaint Category/(ies)</b>	Harm & Offence and Privacy
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(b) of the Broadcasting Act 2009</li> <li>• BAI Code of Programme Standards, Principles 3, 6 and 7</li> </ul>
<b>Decision</b>	Complaint upheld, in part
<b>Decision Date</b>	3 <sup>rd</sup> August 2023

### Complaint Summary

The broadcast is a documentary about the community response to the explosion at a shop and petrol station in the village of Creeslough in County Donegal and the impact of that event on the community.

The complaint is that certain aspects of the broadcast were distressing [REDACTED]

The complainant advises that one particular part of the broadcast caused serious distress [REDACTED]. In this part of the broadcast, one interviewee, who had been at the scene of the explosion, said that he heard a little girl [*"cailín beag" in Irish*] talking but he was unable to get to her. [REDACTED]

The complainant also notes the broadcast caused further anguish and distress [REDACTED] by an interviewee's description of the building having collapsed like a pancake, as this information was not known [REDACTED] before the broadcast. The complainant notes that the broadcaster had issued a statement in advance of the broadcast to state that it would not report anything about the victims other than what has already been reported publicly.

## **Broadcaster Response Summary**

The broadcaster explains the decision to broadcast the programme was not taken lightly and the programme was aimed at giving a voice to those who were involved in the immediate aftermath of the explosion at Creeslough, particularly those involved in the rescue of people trapped in the debris.

The broadcaster notes that prior to broadcast, there had been what it regards as ill-informed and unhelpful commentary from certain media outlets who had not sought to review the programme in advance. The broadcaster is of the opinion that this led to a lot of activity on social media and to a lot of distress prior to transmission of the broadcast.

[REDACTED]

The broadcaster is of the opinion that most people viewing the full broadcast would conclude that a sensitive and responsible approach to the subject matter was taken throughout.

The broadcaster notes that audiences were informed prior to broadcast that the programme contained content of a sensitive nature and a graphic was provided at the end of the broadcast to guide viewers who may have been affected by it to a support helpline.

[REDACTED] the broadcaster advises that information in the programme about the cause of the explosion was based solely on Garda press releases. The broadcaster also notes that the programme does not include any examination of, or commentary on, the cause of the explosion.

The broadcaster is satisfied that the broadcast was in the public interest as it was important for the public to understand the wider impact of the tragedy on those in the local community who were directly involved. The broadcaster is satisfied that all contributors and the production company adhered to the principle of telling this story in a respectful and sensitive manner.

## **Decision of the Commission**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission decided to uphold the complaint, in part, for breaching section 48(1)(b) of the Broadcasting Act 2009 and Principle 3 of the BAI Code of Programme Standards. The reasons for this decision are provided below.

# Coimisiún na Meán

The complaint is submitted under the statutory provision which requires broadcasters to ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The complaint is also submitted under Principles 3, 6 and 7 of the BAI Code of Programme Standards. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content. Principle 6 provides for the protection of the public interest, recognising the broadcasts can facilitate audiences in understanding subjects of public importance and inform them in the public interest. Principle 7 requires broadcasters to respect the privacy of the individual and ensure that it is not unreasonably encroached upon either in the means employed to make the programme or in the programme material broadcast.

The broadcast is a human-interest documentary about an explosion at a petrol station and shop in the village of Cresslough, Co. Donegal, and its impact on the witnesses, first responders and wider community. The start of the programme includes a warning that the content is of a sensitive nature and a graphic at the end of the programme provides the address of a webpage offering support and helpline information in relation to this specific event. The first part of the programme focuses on the stories and accounts of the explosion from witnesses and those first at the scene. The programme then covers the actions taken by those at the scene in the hours after the explosion to search and rescue people from the site. Finally, the programme looks at the aftermath and more lasting impact on the individuals involved and the community. In the early part of the programme, one witness interviewed by the presenter describes hearing a little girl trapped in the rubble at the site but being unable to rescue her. Later in the programme, another interviewee describes the building as having collapsed like a pancake.

In relation to protecting audiences from harm, the Code recognises that there are some viewers and listeners who, by virtue of their age, particular circumstances and vulnerability, may be in need of special consideration. Broadcasters are required to take due care when broadcasting programme material containing characters, actions and personal circumstances with which audiences may identify and which can cause distress. The Commission noted the programme did not, at any point, name the girl referred to by the witness or explain whether she survived. [REDACTED]

The broadcaster's submission does not address why the broadcast did not identify the girl referenced by the interviewee or explain that she survived the incident. The Commission noted the programme later told a similar story concerning a boy involved in the incident, but that story included a voiceover clarifying for the audience that the boy had survived. It is unclear why this approach was not taken in relation to the story of the little girl. [REDACTED]

[REDACTED] The broadcaster submits that the broadcast included a prior warning and information for those affected to access help or support. [REDACTED]

# Coimisiún na Meán

[REDACTED]

[REDACTED]

[REDACTED] The Commission believes the actions taken by the broadcaster did not sufficiently demonstrate it took due care when broadcasting programme material which could cause distress, particularly in the context of the scheduling of the broadcast, approximately four months after the incident and before the Garda investigation has completed.

In considering the reference in the programme to the building having collapsed like a pancake, the Commission noted this was an observation of one witness to the incident. The Commission considered this a non-expert opinion of one person who was at the scene and that such an opinion could be formed by anyone who saw the media coverage of the incident. The Commission acknowledges that this upset [REDACTED] but believes there is editorial justification for including this witness's account in the context of the subject matter. However, the Commission noted that broadcaster engagement [REDACTED] prior to broadcast could have provided an opportunity to identify and address this issue.

In relation to matters of privacy and the public interest, the Commission noted the Code recognises broadcasters' right to make programmes that may be provocative, deal with sensitive issues or inform people on social and political topics and matters of public importance. In making and broadcasting such programmes, broadcasters must take due care to only encroach on the privacy of individuals where it can be justified by such considerations as the public interest, freedom of expression, the rights of others, the requirements of public order and the common good.

The Commission recognises that the subject matter of the programme is deeply personal to people bereaved by the event in Cresslough, but that it is also a matter of importance to the wider public. The Commission acknowledges the legitimacy of making and broadcasting a programme about the impact of this event on the community in Cresslough. The Commission noted the broadcast did not contain graphic depictions or descriptions of injury or death. The broadcast named the individuals who died in the incident but did not provide accounts of how these deaths occurred [REDACTED]

[REDACTED]

[REDACTED] the Commission considered the broadcast had not unreasonably encroached on a person's privacy.

On this basis, the Commission decided the broadcast breached section 48(1)(b) of the Broadcasting Act 2009 and Principle 3 of the BAI Code of Programme Standards but did not breach Principles 6 and 7 of the same Code. The Commission, therefore, upheld the complaint in part.

# Coimisiún na Meán

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5796</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ One
<b>Broadcast Name</b>	Advertisement – Eir Gigabit Fibre Broadband
<b>Broadcast Date</b>	9 <sup>th</sup> March 2023
<b>Broadcast Time</b>	21:33
<b>Broadcast Description</b>	Advertisement
<b>Complaint Category/(ies)</b>	Commercial Communications
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48 (1)(d) of the Broadcasting Act 2009</li> <li>• BAI General Commercial Communications Code, Principle 1 and rules 4.1 and 5.4</li> </ul>
<b>Decision</b>	Complaint upheld
<b>Decision Date</b>	28 <sup>th</sup> September 2023

## Complaint Summary

The complaint is about an advertisement for Eir Gigabit Fibre Broadband. The complainant, a competitor company, believes the advertisement is misleading and therefore comes within the definition of a prohibited commercial communication. The complainant also believes that certain comparative claims made in the advertisement are not substantiated. The complaint cites the following examples of claims made in the advertisement:

- Fibre broadband is, “*way better than cable so the internet won’t blip like it did before...*”
- “*It’s a 100% fibre, so no more sharing the line with the neighbours.*”
- “*Mrs. Murphy was on my internet, what is she seeing?*”

The complainant states that the advertisement does not substantiate the claim of cable internet ‘blipping’.

The complainant maintains that it is not true to state that a neighbour might be able to see any activity on another neighbours’ network and such a claim may mislead the audience to believe that a network other than Gigabit Fibre enables this practice and that it can only be resolved by the installation of Gigabit Fibre. The complainant believes the implication that an individual can view the internet activity of their neighbour is distasteful, given people’s sensitivity to privacy, and the advertisement fails to protect the interests of the audience in this regard.

The complainant believes the advertisement gives a misleading impression of cable broadband and its performance and would raise misplaced concerns in the minds of the audience regarding the privacy of cable network.

## Broadcaster Response Summary

The broadcaster believes the advertisement does not breach the relevant provisions of the General Commercial Communications Code.

# Coimisiún na Meán

The broadcaster maintains that any comparisons in the advertisement were of the advertiser's fibre product with its own cable network. In this regard, the broadcaster notes the advertisement states that Eir's fibre broadband is "our best ever broadband", which is referring to Eir's own services.

The broadcaster states that the product within the advertisement is described as 100% fibre, which under ASAI guidelines refers to full fibre connection to the home (FTTH), and this is compared with Eir's own fibre to the cabinet (FTTC), where the bandwidth can be shared amongst users. The broadcaster advises that Eir's FTTC uses copper cable as part of the delivery to a home, offering speeds of up to 100Mb.

The broadcaster notes that its internal clearance committee reviewed this advertisement for compliance and suitability prior to broadcast. The broadcaster advises that this committee received substantiation from the advertiser covering the product, the differentiators between copper and fibre, the product speeds, reliability, the market share, pricing and other information. The broadcaster also notes that additional details were provided on-screen for the viewers.

## **Advertiser Response Summary**

The advertiser is of the opinion that this advertisement did not breach any of the relevant sections of the Code.

The advertiser maintains that it is a "technological fact" that fibre technology is superior to cable technology for the delivery of broadband services. The broadcaster states that it is a known "industry fact" that fibre is a more reliable service than cable because data is transmitted using light rather than electricity and is therefore less susceptible to damage from weather events and electromagnetic interference.

The advertiser notes that with cable broadband customers share their physical cable which can generate congestion at peak times. The advertiser states that the product it is advertising gives customers a dedicated fibre optic cable from the distribution point to their home, which means the line is not shared.

The advertiser notes that [REDACTED], the complainant, has published comments in relation to changing its network to full fibre using terms such as "upgrade" and "accelerating the evolution" of the network. The advertiser believes these illustrate how the complainant is also aware of fibre broadband being superior to cable broadband.

The advertiser refutes the claim that the advertisement suggests individuals can see the internet activity of their neighbours. The advertiser notes that this advertisement campaign has run in various formats since 2019, with this one running since October 2022, and there have been no consumer complaints on this issue. The advertiser believes this indicates consumers fully understand what is being advertised. The advertiser states it firmly believes it has substantiated the main elements of this campaign in line with ASAI Guidelines.

# Coimisiún na Meán

## Additional information from Broadcaster

The broadcaster provided the following additional information in relation to the substantiation of claims in the advertisement.

### Claim 1

*“...so the Internet won’t blip if your Mam’s on a video call, your brother’s gaming, you’re streaming”.*

The broadcaster advises that the claim fibre broadband won’t “blip” like cable is substantiated as follows:

*“Fibre is more reliable; it’s made from glass NOT copper. Fibre-optic technology uses small, flexible strands of glass to transmit the information as light. Other broadband technology such as cable is made of copper, aluminium and plastic and is designed to conduct electricity. This copper wiring is more susceptible to environmental conditions—like storms or electrical interference—than fibre-optic technology. This makes fibre a more reliable option.”*

### Claim 2

*“It’s 100% fibre so no more sharing a line with the neighbours...”.*

The broadcaster advises this claim is substantiated as follows:

*“All the FTTH is 100% fibre and goes straight to the customer’s home, so there is no sharing with a neighbour.”*

The broadcaster advises that other claims made in the advertisement in relation to “our” “fastest”/ “strongest”/ “most reliable”/ “best ever” broadband are claims made in respect of Eir’s own services.

## Decision of the Commission

Having considered the advertisement and the submissions from the complainant, the broadcaster and the advertiser and having had regard to the relevant legislation and Code, the Commission decided to uphold the complaint. The reasons for this decision are provided below.

The complaint is submitted under Principle 1 and rules 4.1 and 5.4 of the General Commercial Communications Code. Principle 1 requires commercial communications to be prepared with a sense of responsibility both to the individual and to society and to be legal, honest, decent, truthful and protect the interests of the audience. This Principle provides that commercial communications must not mislead the public, either directly or indirectly. Rule 4.1 prohibits surreptitious, subliminal and misleading commercial communications. Rule 5.4 provides that comparative commercial communications containing direct or implied comparisons with other products or services are permissible provided they objectively compare products or services meeting the same needs or intended for the same purpose and points of comparison must be based on facts that can be substantiated.

The broadcast is an advertisement for Eir’s broadband service, Gigabit Fibre Broadband, and is approximately 30 seconds duration. The advertisement opens with a scene in a house in which a man is installing broadband. A young girl in the house approaches him to ask, “*What’s that?*”. The man is

# Coimisiún na Meán

startled by her and then responds, “*Eir Gigabit Broadband*”. The girl says, “*What’s a giggly-bit?*”. The man smiles at the mispronunciation of ‘gigabit’ and says, “*It’s our best ever broadband. It’s way better than cable, so the internet won’t blip like it did before when your mam is on a video call and your brother is gaming and...*”. The girl interrupts, “*Yeah, but how though?*”. The installer says, “*Oh, it’s a hundred percent fibre so no more sharing the line with the neighbours*”. The girl says, “*Mrs. Murphy was on my internet. What is she seeing?*”. The man raises his eyebrows, and the girl raises her eyebrows. The voiceover says, “*Sign up to Eir Gigabit Fibre Broadband today. Our strongest, fastest, most reliable broadband*”.

The Commission first considered whether the advertisement could be deemed a comparative commercial communication, that is, whether it contained explicit or implicit identification of a competitor or products or services offered by a competitor. In this case, the Commission considered whether the advertisement compared Eir’s own broadband services or compared the advertised service with a competitor’s service(s). In this regard, the Commission did not agree with the broadcaster’s view that the phrase “*it’s way better than cable*” compared Eir Gigabit Fibre to Eir’s FTTC service. The Commission noted the terms ‘cable’ and ‘cable broadband’ are commonly used to refer to broadband services provided over a cable TV network but are not commonly used to refer to FTTC services. The Commission also noted that the advertiser’s own submission used the terms “cable” and “cable broadband” to refer to broadband provided over a cable TV network. As [REDACTED] is the only provider of broadband services over a cable TV network in Ireland, the Commission considered the advertisement compared Eir Gigabit Fibre Broadband to [REDACTED] cable broadband. The Commission thus deemed the advertisement to be a comparative commercial communication.

The Commission then considered whether the following points of comparison between Eir Gigabit Fibre Broadband and cable broadband are based on facts that can be substantiated:

- Eir Gigabit Fibre Broadband is “*way better than cable*”,
- With Eir Gigabit Fibre Broadband, the internet won’t “*blip*” like it does with cable broadband when other people in the household are simultaneously using the broadband service, and
- Eir Gigabit Fibre Broadband is “*a hundred percent fibre so no more sharing the line with the neighbours*”.

The Commission noted the case made by the broadcaster and advertiser that fibre technology is superior to cable technology for the delivery of broadband because it is less susceptible to damage from environmental conditions. The Commission also noted that fibre broadband service provides uncontended bandwidth between the customer premises and the local exchange whereas cable TV broadband is contended in the “last mile”. The Commission considered that this claim would be understood as relating to the technology rather than being a specific comparison between the customer experience of Eir Fibre vs [REDACTED] cable broadband. On this basis, the Commission found there is sufficient substantiation for the claim that the technology used in the advertised service is “*way better than cable*”.

# Coimisiún na Meán

In relation to the second point of comparison, the Commission considered that the claim would be interpreted as a claim that blipping is more common on [REDACTED] cable broadband service than on Eir Gigabit Fibre Broadband. However, the Commission considered that substantiating that the technology could be more susceptible to 'blipping' did not constitute substantiation for the claim that customers of [REDACTED] cable broadband would commonly experience "blipping". On this basis, the Commission found this point of comparison in the advertisement is not based on substantiated facts and, therefore, the advertisement contravenes rule 5.4 of the General Commercial Communications Code.

On the third point of comparison, the Commission noted the explanation provided that Eir Gigabit Fibre Broadband is provided to the customer on a dedicated fibre optic cable from the distribution point to the home, whereas with cable broadband, the physical line is shared. However, the Commission understands that Eir fibre uses passive optical network technology in which parts of the physical local fibre network are indeed shared between customers, even though the final drop is dedicated to a single customer even though the bandwidth is not contended. The Commission considered in context that the claim would be more likely to be interpreted as relating to bandwidth than the physical line and, on that basis, found there was sufficient substantiation for point of comparison that Eir Gigabit Fibre Broadband is "*a hundred percent fibre so no more sharing the line with the neighbours*".

The Commission lastly considered whether the girl's comment and question in the advertisement, "*Mrs. Murphy was on my internet. What is she seeing?*", is misleading. The Commission understood this to be a comedic play on the concern people have about their internet activity being visible to others and on the girl's lack of knowledge about how broadband works, alluded to earlier in the advertisement when she asks, "*What's a giggly-bit?*" However, the Commission noted the girl's concern about her neighbour seeing her internet activity is not contradicted in the advertisement and the mutual raising of eyebrows by the installer and the girl suggests the installer is reinforcing this concern. In this context, the Commission did not construe this element of the advertisement as a child-like, non-technical and comedic way of describing contended broadband. Rather, the Commission was of the view that the advertisement references and reinforces a misconceived fear that some people may have about contended broadband, without in any way suggesting that the fear is misplaced. Moreover, the Commission considered that the advertisement implies there is no need to have a similar fear about Eir Gigabit Fibre Broadband. However, as parts of the physical fibre in the local network are shared, there is a similar, albeit misplaced, basis for fearing that a neighbour might see what a family is viewing. For these reasons, the Commission found the advertisement to be misleading, thereby contravening Principle 1 and rule 4.1 of the General Commercial Communications Code.

The Commission decided the advertisement breached Principle 1, rule 4.1 and rule 5.4 of the BAI General Communications Code. The Commission, therefore, upheld the complaint.

## Rejected by the Commission

<b>Complaint Reference</b>	C5760
<b>Complainant</b>	[REDACTED]
<b>Broadcaster</b>	Newstalk 106 – 108FM
<b>Broadcast Name</b>	The Pat Kenny Show
<b>Broadcast Date</b>	8 <sup>th</sup> December 2022
<b>Broadcast Time</b>	09:00 – 12:00
<b>Broadcast Description</b>	Current affairs programme broadcast each weekday morning
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.17, 4.18, 4.19, 4.20 and 4.22</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	3 <sup>rd</sup> August 2023

### Complaint Summary

The complaint concerns an interview with a regular contributor to the programme which featured some discussion about Covid-19 vaccines.

During the broadcast, the contributor said, *“the booster gives a consistently strong response across everybody’s group.”* The complainant believes this comment ought to have been challenged by the presenter as it gave the false impression that everyone receiving a Covid-19 vaccine displays the same immune response and, therefore, has the same level of protection against Covid-19.

The complainant notes that Covid-19 vaccines do not induce a consistent immune response across all individuals and those who are immunocompromised should be made aware of this and the need to take other precautions, such as mask wearing in crowded, unventilated places, or try different medication should they contract Covid-19.

The complainant believes the contributor’s comment misinformed people, especially people who are immunocompromised, in relation to how vulnerable and unprotected they may be if they contract Covid-19 or the flu.

### Broadcaster Response Summary

The broadcaster notes that this interview took place while the contributor was in Japan attending an immunology conference.

The broadcaster believes the comment in question was accurate and supported by data and, as such, does not believe the broadcast was in breach of the relevant statute or regulatory standards. The broadcaster notes that the interviewee did not claim that the Covid-19 vaccine gives everyone complete

immunity or the same level of immunity to all people and groups, but rather that people who are fully vaccinated, boosted, and have had Covid-19 are well protected.

The broadcaster is of the view that when the contributor said, *"the booster gives a consistently strong response across everybody's group"*, he was referring to different age cohorts and how the booster gives additional protection from serious illness across all age groups. The broadcaster maintains that the expression *"consistently strong response"* meant there was a significant improvement against serious illness and death in each age group but did not mean that the level of protection was the same across each demographic.

The broadcaster noted the contributor also used phrases such as, *"if you are in that situation"*, *"it's variable"*, *"you might"*, and *"I might"* for example, which indicate that people may have different circumstances in relation to immunity and protection.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission decided to reject the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is also submitted under rules 4.17, 4.18, 4.19, 4.20 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is presented with due accuracy, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. A significant mistake shall be acknowledged and rectified as speedily as possible. The Code prohibits the presenter from expressing his or her own view on matters that are of public controversy such that a partisan position is advocated. A presenter of a current affairs programme shall ensure that the audience has access to a wide variety of views and shall not express his or her own view on matters of public controversy or current public debate such that a partisan position is advocated.

The Commission considers that rule 4.18 is not applicable to this complaint because the rule allows for fairness, objectivity and impartiality to be achieved across two or more related broadcasts and this complaint relates to one broadcast only.

The Commission noted the interviewee is a regular contributor to the programme, offering expert opinion on matters of medical science and public health. In this interview of approximately 7.5 minutes duration, the interviewee was speaking from an immunology conference in Japan, commenting on Japan's lower death rates from Covid-19 when compared with other countries, such as Ireland and the US, and the possible reasons for this. In discussing whether the world may be "free" of Covid-19, the interviewee commented that data presented at the conference was *"very compelling"* that people who have been

# Coimisiún na Meán

vaccinated, boosted and infected by Covid-19 have “at least six months strong protection against getting infected and certainly against severe disease”. The presenter asked about people possibly choosing to become infected with Covid-19 rather than be vaccinated, where they believe the symptoms of a particular variant may be mild. The interview responded, elaborating on his previous point, as follows:

*“Yeah, that’s a mistake, Pat, there’s no doubt that if you’re unvaccinated, any variant might make you very, very sick. You know, so even though Omicron was slightly milder, you might pick up a huge dose of it by bad luck, you know, and that high dose can make you very, very sick. If you’re vaccinated, that will protect you, you see. And the second thing that is very clear now, is that vaccination gives a more consistent response across the population. You can’t depend on infection alone because it’s very variable. You might have a mild infection. I might have a stronger one. You mightn’t be protected from infection, and I might, you know. Where, if we’re both vaccinated, that’s gives a consistent, sort of strong response. So, the advice remains, get the vaccine. It’s your best bet, really, to protect you. So, this notion of getting infected and that working on its own...it can work on some people of course, but the risk is, you won’t have a strong enough response from the natural infection, whereas you will have a strong response with a vaccine. So, the advice remains, get boosted...because the booster will give a consistent response in everybody. Especially if your older...if you’re over fifty and you’re in certain categories, get the booster, because you get a consistently strong response. And all the data, I mean, amazing Pat, there is hundreds of thousands of people have been assessed now and as one of the callers was mentioning this here...we’ve never seen so much science on a vaccine before, ever. You know, the number of people being analysed. And all that data supports what I said, the vaccine gives this fantastically consistent response across everybody.”*

The Commission understands the interviewee’s use of the phrase “consistent response” in the interview as relating to the increased protection people have from Covid-19 and its symptoms by a combination of taking vaccines, boosters and having been infected in comparison to relying on infection alone. The Commission did not understand the interviewee to mean that every person taking a Covid-19 vaccine or booster experiences the same level of immune protection from it.

The Commission notes the interview did not include any discussion about immunocompromised people or any additional measures such people should or should not take against Covid-19. The Commission did not believe the broadcast would have misinformed or misled immunocompromised people about the effectiveness of vaccines or any precautionary measures they ought to take.

Taking the interview in whole and in context, the Commission is of the opinion that there were no significant mistakes in the broadcast or any infringement of the requirement for due accuracy or the requirement not to mislead the audience. As such, there is no obligation on the presenter to address or challenge the interviewee’s comments.

The Commission is of the opinion the broadcast did not infringe the statutory or regulatory standards in the manner specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5762 &amp; C5767</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ One
<b>Broadcast Name</b>	Nine O'Clock News
<b>Broadcast Date</b>	30 <sup>th</sup> December 2022 & 11 <sup>th</sup> January 2023
<b>Broadcast Time</b>	21:00
<b>Broadcast Description</b>	News programme broadcast each evening
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rule 4.2</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	3 <sup>rd</sup> August 2023

<b>Complaint Summary</b>
<p>The complaint is about different sets of figures related to overcrowding in hospitals reported in two separate news broadcasts.</p> <p>The news report on 30<sup>th</sup> December of approximately 2 minutes duration reported on overcrowding in hospitals and the increase in costs of antigen tests. This item reported figures from the Health Service Executive (HSE) showing the number of patients on trolleys waiting for a hospital bed was over 108% higher than the same day last year. The item also reported that the Irish Midwives and Nurses Organisation (IMNO) had <i>“put the number waiting around the country at 570”</i>.</p> <p>The news item on 11<sup>th</sup> January was approximately 18 seconds duration. The news presenter reported that the INMO had published a figure of 528 patients on emergency departments or on wards waiting admission to hospital.</p> <p>The complainant believes this raises the question of which figures are accurate and why the HSE figures were not reported in the second news report. The complainant believes the absence of any reporting of the HSE statistics, and the failure to highlight the difference between the HSE and INMO figures, was not fair or impartial and was an expression of the broadcasters' own views.</p>

<b>Broadcaster Response Summary</b>
<p>The broadcaster believes both broadcasts were fully compliant with all the statutory and regulatory standards.</p> <p>The broadcaster acknowledges that the HSE and INMO differs in how they count the number of patients waiting on trolleys and explains that the difference is that the broadcaster often gives more prominence to the INMO figure, because it believes they are more reflective of the scale of over-crowding at a given time. The broadcaster advises that it consistently uses the same figures in headlines and reports to</p>

compare like-with-like to avoid confusion for audiences by reporting HSE figures one day and INMO figures the next.

The broadcaster believes it would be impractical to mention both sets of figures and explain them in every report.

## **Decision of the Commission**

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion that there are insufficient grounds to uphold the complaint. The Commission decided to reject the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring all news to be reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is also submitted under rule 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, which requires the broadcaster to comply with the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Commission notes the broadcaster's explanation in its submission that the HSE and INMO figures on overcrowding in hospitals differ because the HSE counts only the patients on hospital trolleys or extra beds placed in an inappropriate space in a hospital ward whereas the INMO counts patients placed on wards, corridors, chairs or elsewhere waiting for admission for a bed. The broadcaster advised that it generally relies on the INMO figures in its reporting because it believes they better reflect the scale of overcrowding in hospitals. The broadcaster also advised that reports occasionally include an explanation of the difference between the two sets of figures but that it is not practical to include in every report.

The Commission notes the news reports cited figures from the HSE and INMO as evidence of overcrowding in hospitals, which was the featured news story. Neither set of figures contradicts the fact of overcrowding in hospitals. The Commission is of the opinion that both sources are credible, and it is legitimate to report on either or both sources as long as they are correctly attributed. The Commission is satisfied the figures in both reports were accurately reported and attributed.

The Commission recognises it may be helpful for audiences to have an explanation of the difference between the two sets of figures, but it is not an automatic requirement of the statute or Code in order to present the news story objectively and impartially. The Commission also considers that it may not always be possible to include such explanations when a news report is of short duration, such as the report broadcast on 11<sup>th</sup> January. The Commission is of the opinion that audiences would not have been misled in any way by the broadcasts not including an explanation of the difference between HSE and INMO figures.

The Commission is of the opinion that neither broadcast infringed the statutory requirements for objectivity and impartiality or the principles of the Code, in the manner specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	C5771
<b>Complainant</b>	
<b>Broadcaster</b>	TG4
<b>Broadcast Name</b>	Road Safety Authority (RSA) Advertisement - 'Look Out for Older Pedestrians'
<b>Broadcast Date</b>	22 <sup>nd</sup> January 2023
<b>Broadcast Time</b>	16:00
<b>Broadcast Description</b>	RSA Advert
<b>Complaint Category/(ies)</b>	Commercial Communications
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(d) of the Broadcasting Act 2009</li> <li>• BAI General Commercial Communications Code, Principle 1.</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	17 <sup>th</sup> August 2023

## Complaint Summary

The complaint is about a Road Safety Authority (RSA) advertisement, which featured an older person crossing the road while the voiceover states “*too many older pedestrians are being killed on our roads*”. The complainant believes the advertisement was flawed because, in the complainant’s view, too many younger pedestrians are also killed on our roads, and this is not mentioned in the advertisement. The complainant believes the advertisement may give the impression that killing a certain number of older pedestrians is acceptable.

## Broadcaster Response Summary

The broadcaster notes that the RSA targets advertising messages at different age groups and this advertisement was aimed at older audiences but formed part of an overall strategy aimed at all age groups.

The broadcaster does not agree that the advertisement gives the impression that killing a certain number of older pedestrians is acceptable. The broadcaster believes the advertisement is legal, honest, decent, and truthful and protects the interests of the audience, as required by Principle 1 of the General Commercial Communications Code. The broadcaster is of the opinion that the advertisement was not in breach of the Code.

## Advertiser Response Summary

The advertiser advises that this campaign on behalf of the RSA is aimed at raising awareness of the increased risk older pedestrians face on our roads. The advertiser states that its data shows that “those aged 65+ are dying on the roads in greater numbers than younger adults, however neither older pedestrians nor drivers are aware that older pedestrians are at increased risk on the roads”. The advertiser rejects the view that the advertisement gives the impression that killing a certain number of older pedestrians is acceptable.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion that there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under Principle 1 of the General Commercial Communications Code, which requires commercial communications to be prepared with a sense of responsibility both to the individual and to society and to be legal, honest, decent, truthful and protect the interests of the audience.

The Commission noted that the advert is part of an RSA pedestrians' safety campaign aimed at 15-34 year-olds to encourage motorists to be aware of older pedestrians. The advert is approximately 30 seconds in duration and features an active, older woman as she goes for a walk and her interactions with the road users she meets. The advertisement shows two young drivers, one of whom appears not to see the woman at first, but then becomes aware of her and raises a hand in acknowledgement. The voiceover says, "*Too many older pedestrians are being killed on our roads. When we look out for each other, we keep each other safe. Please look out for older pedestrians on the road*".

The Commission considered the advertisement was intended to raise awareness among younger drivers of the need to be aware of and take care around older pedestrians to reduce the risk of road accidents. The Commission believes that focusing on a particular group of road users in this way did not suggest or imply that other road users are not deserving of consideration or care by drivers. The Commission notes that there is nothing in the content that could be construed as advocating or even suggesting to the audience that killing a certain number of older pedestrians is acceptable. The Commission found no evidence in the content of anything illegal, dishonest, indecent or untruthful.

The Commission decided the advertisement did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5772</b>
<b>Complainant</b>	
<b>Broadcaster</b>	Newstalk 106 -108FM
<b>Broadcast Name</b>	The Hard Shoulder
<b>Broadcast Date</b>	16 <sup>th</sup> January 2023
<b>Broadcast Time</b>	16:00
<b>Broadcast Description</b>	Current affairs interview on refugees and the housing crisis
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.17, 4.19, 4.20, 4.21, 4.22, 4.23 and 4.24.</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision date</b>	3 <sup>rd</sup> August 2023

<b>Complaint Summary</b>
<p>The complaint is about an interview with the Minister for Community Development, Integration and Charities, Joe O’ Brien, TD, regarding protests outside buildings where refugees and asylum seekers are being housed.</p> <p>The complainant believes the broadcast infringed several standards, expressing the following views:</p> <ul style="list-style-type: none"> <li>• The interviewee's reference to some protestors having “legitimate gripes” illustrates that the concerns of protestors are an irritation to the State.</li> <li>• The content was not presented with due accuracy because the broadcast did not explain that there were protests in Dublin other than those outside buildings where asylum seekers are housed, and it did not explain the reasons for people protesting.</li> <li>• Views and facts in the broadcast were misrepresented and misleading and the presenter's failures to be sensitive to the impact of language and tone led to a misunderstanding of the matters covered. The complainant believes protestors were depicted as mindless mobs in the broadcast and the presenter referred to protestors as racists.</li> <li>• The presenter expressed his own views on matters of public controversy/public debate when referring to the protesters, stating, “...it does seem like elements of the right or far right are just simply racist in Ireland if you could describe them that way because that’s what they are. I mean if they walk and talk like a racist let’s call them racist...”. Later in the discussion the presenter also stated “some of them are racist, aren’t they? Would you agree?” The minister responded, “yes, no doubt...”.</li> <li>• The broadcast did not facilitate a range of views because it did not allow for working class people to advocate for themselves.</li> <li>• The broadcast included a significant mistake by the presenter calling protestors “far right racists”. The complainant disputes this characterisation, believing herself and other protestors to be</li> </ul>

people who have conservative views. The complainant believes calling people ‘racists’ shows the contempt politicians, and the media have for the public.

## **Broadcaster Response Summary**

The broadcaster does not believe the broadcast infringed any of the identified statutory and regulatory standards.

The broadcaster noted this was a political interview with the Minister on the attempts to integrate refugees and asylum seekers into Ireland, the pathway to citizenship and other related matters. The broadcaster notes the Minister’s comments in relation to protestors arose in the course of this broader discussion.

The broadcaster further notes that the presenter referenced the high number of refugees in Ireland and discussed the response that “Ireland is full”. This prompted a brief response from the Minister where he made reference to the recent protests that took place outside the centres where asylum seekers and refugees were housed. The Minister then commented on how some of the protestors may be legitimately angry about other things that have nothing to do with the people in the buildings and that there are better ways for protestors to show dissatisfaction at the political system. The broadcaster maintains the segment did not go into detail about the location of the protests, due to the very minor part that the topic played in the overall discussion.

In relation to the references to “racists” in the interview, the broadcaster notes the presenter was referring to comments made by the Garda Commissioner about a far-right element involved in protests and he also asked the interviewee whether some protestors were racist. The broadcaster maintains the presenter did not express a personal opinion but rather posed a question to the Minister, which is entirely different to calling all protestors racist. The broadcaster is satisfied this distinction would have been clear to listeners.

## **Decision of the Commission**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission decided to reject the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster’s own views.

The complaint is submitted under rules 4.1, 4.2, 4.17, 4.19, 4.20, 4.21, 4.22, 4.23 and 4.24 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rules 4.1 and 4.2 require compliance with the above-mentioned statute and the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Current affairs content shall be presented with due accuracy, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading and a

# Coimisiún na Meán

significant mistake should be acknowledged and rectified as speedily as possible. A presenter of a current affairs programme shall ensure that the audience has access to a wide variety of views and shall not express his or her own view on matters of public controversy or current public debate such that a partisan position is advocated.

The Commission is of the view that rule 4.21 is not applicable to this broadcast because it pertains to presenters of news programmes and this broadcast is a current affairs programme. Similarly, rule 4.24 pertains to 'personal view' or 'authored' programmes and the Commission is of the view that this is not such a programme.

The Commission noted the interview was a broadcast discussion of matters related to asylum seekers and refugees and their pathways to citizenship. During the interview, the presenter questioned the Minister on the number of people entering Ireland and put to him that some people were concerned that "Ireland is full", which may be interpreted as Ireland not having sufficient resources to accommodate extra people. The Minister outlined the government's role in seeking alternative ways to house asylum seekers and refugees. The Minister acknowledged that people had valid concerns about immigration, which he described as "legitimate gripes", but expressed a view that there were better ways to protest than outside asylum seeker/refugee accommodation.

The Commission noted the complainant disagrees with the Minister's characterisation of people's concerns as "gripes" and believes this reflects a disregard for the right to protest. The Commission noted that the Minister's views and the language used to express them are his own and the broadcaster is entitled to broadcast them. The Commission was of the view that providing the views of an elected representative on matters of public policy under his/her remit is an important part of a broadcaster's role in a democratic society. While members of the public may disagree with the views expressed, in this particular case, there was no evidence of any infringement of statutory or regulatory standards in broadcasting the Minister's views.

In considering due accuracy, the Commission accepted the broadcast did not specifically mention protests other than those outside of asylum seeker accommodation, however, the complaint did not set out sufficient grounds as to how omitting that information affected accuracy in the broadcast. The Commission found no evidence of the broadcast contravening the requirement for due accuracy.

In considering the range of views in the broadcast, the Commission had regard to the format of the programme, which was not a panel discussion or debate, but an interview with an elected representative who was speaking to matters under his remit as a Minister of State for Community Development, Integration and Charities. Given this format, the presenter has a role to question and challenge the Minister in order to provide a range of views to the audience. The Commission is of the view the presenter's line of questioning in relation to the protests, the reasons why people were protesting and whether there are racist people involved in the protests was in keeping with this role.

In considering whether there was a significant mistake or whether presenter advocated a partisan position, the Commission was of the opinion the complainant incorrectly interpreted the presenter's

# Coimisiún na Meán

comments as calling all protestors far right racists. The Commission noted the presenter commented that it seemed like “elements of the right or far right” are racist and the presenter put it to the Minister that “some” of the protestors are racist and invited his views on that. The Commission found no example of the presenter describing all protestors as racist. In the context of the subject matter discussed and the information on this issue in the public domain, the Commission is of the opinion that the presenter’s line of commentary/questions is editorially justified. The Commission found no evidence in the broadcast of a significant mistake or of the presenter advocating a partisan view, in the manner specified in the complaint.

The Commission is of the opinion that the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5778</b>
<b>Complainant</b>	
<b>Broadcaster</b>	KCLR 96FM
<b>Broadcast Name</b>	KCLR Live
<b>Broadcast Date</b>	10 <sup>th</sup> February 2023
<b>Broadcast Time</b>	11:00
<b>Broadcast Description</b>	Current affairs programme
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.8, 4.17, 4.19, 4.21 and 4.22.</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	3 <sup>rd</sup> August 2023

<b>Complaint Summary</b>
<p>The complaint is about an interview with an activist who was discussing the current situation in Ireland in relation to refugees and asylum seekers, and a solidarity rally being organised in Kilkenny.</p> <p>The complainant claims that this rally was organised as a counter protest to one that he had organised for the same day, at a similar time and location, and that by failing to provide details about his protest, the broadcast did not reflect the views of the absent party, was unfair and lacked objectivity and impartiality.</p> <p>The complainant maintains that the interviewee was allowed to discuss the topic of refugees and asylum seekers without being challenged by the presenter. The complainant believes the broadcaster did not ensure due accuracy in the broadcast when the interviewee stated: “<i>we know that diverse societies do better</i>” but no evidence was provided to support this view.</p> <p>The complainant maintains that the view and facts were misrepresented when the presenter asked, “<i>how do we reassure people and get behind all the mistruths that are out there about refugees. Things like, for instance, their concerns about vetting, and the claims that are constantly being made that spread so much fear and paranoia in our communities</i>”. The complainant maintains that by labelling something as a mistruth with no verifiable evidence the presenter rendered views and facts in a misleading way. The complainant believes that the presenter purposely put forward leading questions, such that a partisan position was taken. The complainant claims the presenter expressed her own views with a leading question about businesses profiting from refugee housing, stating that, “<i>the government and government policy has allowed this to happen</i>” while her guest agreed with her, saying “<i>Eimear you’ve said it for me, you know, it has been allowed to happen</i>”.</p> <p>The complainant believes the broadcast was biased towards one set of ideas and did not offer any counter viewpoints to those put forward by the interviewee.</p>

## **Broadcaster Response Summary**

The broadcaster is of the view that this interview was fair, objective and impartial.

The broadcaster maintains it had no knowledge of the demonstration organised by the complainant on the same day as the solidarity march and, as such, did not include this information in the broadcast nor had it the opportunity to invite the complainant on as a contributor to the programme.

The broadcaster notes the context of the item was about refugees being the subject of hate speech and aggressive demonstrations. The broadcaster is of the opinion that balance, in this context, does not require it to represent people whose views are aggressive and who seek to create public resentment and negativity towards vulnerable groups.

The broadcaster is satisfied the interview was fair and balanced and believes the presenter was careful to express the view that people had fears about the recent increase in immigration which needed to be addressed and that the situation was not without its serious problems.

The broadcaster believes it was entirely reasonable for the interviewee to express the wish to show solidarity with people in Kilkenny who, she said, were in fear because of recent events, which were intimidatory.

## **Decision of the Commission**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission decided to reject the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint was also submitted under rules 4.8, 4.17, 4.19, 4.21 and 4.22 the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code provides that news and current affairs content shall be presented with due accuracy, having regard to the circumstances and facts known at the time. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. The Code provides that current affairs presenters have a role in ensuring the audience has access to a wide variety of views on a subject. Presenters shall not express his or her own views on matters of public controversy or current public debate such that a partisan position is advocated.

The Commission is of the view that rules 4.8 and 4.21 are not applicable to this complaint. Rule 4.8 places responsibility on a broadcaster to fairly reflect, as far as practicable, the views of any person or organisation who has declined to participate in a programme. There is no evidence in the complaint of a person or organisation having refused to participate in the programme. Rule 4.21 pertains to the role of presenters and reporters in news programmes. This is not applicable to this broadcast because it is a current affairs programme.

# Coimisiún na Meán

The broadcast is an interview with a person who is an academic, researcher and community development activist about issues related to refugees and asylum seekers, including government policy, housing and accommodation, hate speech, protests and counter-protests. The broadcast did not include an interview with any person involved in organising protests against refugee/asylum seeker accommodation.

The Commission noted that a broadcaster's decision not to cover a particular event or news story is not de facto evidence of a lack of fairness, objectivity and impartiality and it is not always the case that the omission of a viewpoint/perspective in relation to a particular issue will automatically result in unfairness. The Commission also observed that achieving fairness does not require an 'artificial balance' of equal airtime to different views and, in some cases, providing such an artificial balance could result in unfairness. The Commission noted the interview included some discussion about the reasons why people are joining protests against refugee/asylum seeker accommodation and some of the key concerns they have. The Commission is of the opinion that the presenter played a role in providing the audience with different views on this subject by asking questions related to legitimate concerns people have about housing and the impact of asylum seeker accommodation on the local community.

During the broadcast, the interviewee expressed a view that diverse societies do better, which the complainant believes is inaccurate and ought to have been challenged by the presenter. The Commission noted the discussion was not a debate about the positive or negative effects of diversity on society but was more specifically about matters related to accommodation for refugee/asylum seekers. The Commission believed the audience would have understood this as an expression of the interviewee's own view within the context of the overall discussion. The Commission found insufficient grounds in the complaint to find the broadcaster did not ensure due accuracy in the broadcast.

In the interview, the presenter asked the interviewee how to reassure people in the context of "all the mistruths" about refugees and claims that "spread so much fear and paranoia" in communities. The Commission understood this reference to "mistruths" as a general reference to disinformation and misinformation circulating in relation to refugees, which had been the subject of much public debate. The Commission noted the term "mistruths" was not used to refer to any specific piece of information. The Commission is satisfied there was no misrepresentation of views or facts in this regard.

The presenter put to the interviewee that government policy had allowed private businesses to profit from asylum seeker/refugee accommodation. The Commission considered that this is a legitimate question in the context of this subject matter and where it is public knowledge that private businesses are operating such accommodation. The Commission did not consider that this line of questioning constituted advocacy of a partisan position.

Having considered the programme in whole and in context, the Commission is of the opinion the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5785</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ Radio 1
<b>Broadcast Name</b>	Drivetime
<b>Broadcast Date</b>	25th January 2023
<b>Broadcast Time</b>	16.30
<b>Broadcast Description</b>	Current affairs programme broadcast weekday afternoons
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2 and 4.3</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	17 <sup>th</sup> August 2023

## Complaint Summary

The complaint is about an interview with a UCC Emeritus Professor of History and a Ukrainian MP in the context of a new development in the war in Ukraine of the German government confirming it would be supplying Leopard tanks to Ukraine.

The complainant believes that the manner in which the interview with the professor was conducted did not meet the statutory and regulatory standards of fairness, objectivity and impartiality. The complainant maintains that the presenter continuously interrupted the interviewee and did not provide adequate opportunity for the interviewee to express his opinion. The complainant believes the presenter's behaviour was loudish, bullying and even threatening. The complainant believes the presenter continuously interjected with his own views.

## Broadcaster Response Summary

The broadcaster believes the interview was fair and fully compliant with all the broadcaster's statutory and regulatory obligations.

The broadcaster advises that the professor was selected for interview because he had written an opinion piece in a national newspaper ('West risks war with Russia over escalating military aid', 25<sup>th</sup> January) and the news story in question related to Germany supplying tanks to Ukraine. The broadcaster notes that a Ukrainian MP was also interviewed in the broadcast, stating that "it was important to get a diversity of views on the issue".

The broadcaster notes that the professor outlined his concerns about extra weaponry being supplied to Ukraine and clearly expressed his view that the war should be ended in an effort to limit territorial losses for Ukraine.

# Coimisiún na Meán

The broadcaster believes it is a core part of the presenter's role to probe, challenge and play 'devil's advocate' with interviewees so as to elicit key points. The broadcaster believes the interviewee was treated with dignity and respect and was given ample time to explain his views.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion that there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is submitted under rules 4.1, 4.2 and 4.3 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rules 4.1 and 4.2 require compliance with the above-mentioned statute and the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Rule 4.3 requires broadcasters to deal fairly with contributors to current affairs content or with persons or organisation referred to in that content.

The broadcast was an interview with UCC Emeritus Professor of History, discussing the war in Ukraine and was approximately 8 minutes duration. During the interview, the presenter asked the interviewee if he thought it was the correct decision for the US and Germany to send tanks to Ukraine and the interviewee responded to say that the question needed to be asked, "*is it going to make any fundamental difference to the strategic situation in Ukraine? And the answer to that question I fear is no*". He expressed a view that this would "*prolong the war*", and cause damage and suffering to the people of Ukraine. The presenter then asked, "*Sorry, what is the alternative then, what is the alternative?*" When responding to this question, the interviewee referred to the conflict as America's "*proxy war with Russia*", and the presenter interjected, "*Sorry, hang on a second, what do you mean, it was Russia that started the war, unprovoked?*". The interviewee responded, "*Absolutely*", and as he elaborated on his point, the presenter again challenged him, asking if he thought it was "*reasonable for them to defend themselves with whatever weaponry they can get their hands on and isn't it also reasonable for the West to supply them with weapons in that situation?*" The contributor again responded, "*Absolutely*", but expressed a view that the conflict is heading "*towards Ukraine's military defeat*". The presenter asked, "*Says who?*". The interviewee continued to explain his views and the presenter again challenged him saying, "*Sorry, in who's opinion?*" The interviewee then asked not to be interrupted and to be allowed to make his points when asked a question. The presenter outlined that he had to challenge opinions and commented that the contributor had previously been wrong in his views, referencing a published article by the contributor.

The Commission recognises the presenter plays a critical role in challenging the views of guests and contributors to provide the audience with a range of views on a subject. This may include rigorous and/or challenging questioning in the context of an interview but does not necessarily constitute unfairness. The Commission is of the opinion that the presenter was robust in challenging the views of the interviewee,

# Coimisiún na Meán

but the line of questioning was editorially justified, the questions were directed to the contributor's area of knowledge and expertise, and the contributor had adequate time to express his views and respond to questions.

In considering the tone and language for evidence of bullying, loutish or threatening behaviour, the Commission noted the presenter did not raise his voice, use coarse language, use personal insults, or imply any type of threat to the interviewee. The presenter used terms such as, "*with respect to you*", "*let's say you're right*" and "*could you clarify*". The Commission was of the view that the presenter's behaviour was robust but in line with what audiences would expect from this type of current affairs broadcast.

Having considered the presenter's questioning, interview style and behaviour as appropriate and consistent with audience expectations of the programme, the Commission was not of the opinion the presenter had expressed his own views such that a partisan position was advocated.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5786</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ Radio 1
<b>Broadcast Name</b>	Liveline
<b>Broadcast Date</b>	13th January 2023
<b>Broadcast Time</b>	13:45
<b>Broadcast Description</b>	Weekday caller driven programme covering a variety of topics
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2 and 4.3</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	17 <sup>th</sup> August 2023

## Complaint Summary

The complaint is about the manner in which the presenter handled an exchange with a caller to the programme about protests in East Wall, Dublin in relation to housing immigrants.

The complainant believes the presenter's behaviour, attitude and demeanour towards the caller did not demonstrate fairness, objectivity or impartiality or meet the requirement that current affairs be presented without expression of the broadcaster's own views. The complainant maintains that the presenter's handling of the situation prevented the complainant, as a listener, from properly hearing the contributor's views and thus being informed of the merits or otherwise of those views.

The complainant notes when the presenter invited the caller's views, the presenter interjected immediately stating "go, get the abuse out of the way, off you go". The caller queried "where's the abuse" and the presenter again interjected with "off you go, off you go...I've been told to give you a right of reply. Four minutes, off you go just don't libel anybody". The complainant believes the presenter's interruption was persistent and biased, that it was without any basis in the exchange up to that point, and that it was designed to antagonise and unsettle the contributor.

The complainant maintains that the presenter made his personal distaste of the caller clear to listeners and effectively created a negative view of the caller in the minds of the audience.

The complainant claims the presenter's treatment of the contributor led to the complainant feeling personally mistreated, believing that listeners are entitled to experience a broadcast which is presented in a fair, objective and impartial manner and without any expression of the broadcaster's own views.

## Broadcaster Response Summary

The broadcaster believes there was no infringement of any statutory or regulatory provision in this programme.

# Coimisiún na Meán

The broadcaster notes the caller referred to was one of eleven callers to the programme discussing protests in relation to housing immigrants in East Wall and Ballymun. The broadcaster believes there was a wide range of views on the subject and the presenter challenged and teased out points made by the callers.

One discussion point in the broadcast was that protesters should not target locations where people are being housed but rather should protest outside Dáil Eireann. It was in that context the presenter referred to one of the organisers of the East Wall protest having previously stood for election, receiving 217 votes. One of the organisers of the East Wall protests contacted the programme and sought a right to respond on the matters raised on the basis that the presenter was referring to him. The presenter asked the caller to confirm if he had stood for election and received just over 200 votes and if he was one of the leaders of the East Wall protest. The broadcaster believes it was legitimate for the presenter to robustly question the caller and seek a response on his electoral record in the context of being an organiser of the protest. The caller did not answer these questions and terminated the call.

The broadcaster notes the caller in question has taken part in discussions on *Liveline* in the past and is familiar with the format and the presenter's style.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion that there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is submitted under rules 4.1, 4.2 and 4.3 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rules 4.1 and 4.2 require compliance with the above-mentioned statute and the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Rule 4.3 requires broadcasters to deal fairly with contributors to current affairs content or with persons or organisations referred to in that content.

The broadcast complained of was a short segment of approximately one minute fifteen seconds duration involving one caller's contribution to a discussion about protests in relation to housing immigrants in East Wall and Ballymun. This caller was one of eleven people who contributed to the discussion on this topic.

The Commission noted the context in which this caller was invited on air. The caller believed he had been referenced indirectly twice during the broadcast as one of the leaders of a protest in East Wall and as someone who had stood for election. When introducing the caller, the presenter clarified that this was the person referenced earlier in the broadcast and asked the caller not to libel anyone.

# Coimisiún na Meán

The Commission considered that the presenter's introduction of the caller indicated he was concerned about, and was trying to guard against, the caller making comments that may be defamatory, harmful and/or unduly offensive. The Commission was of the view that the editorial decision to allow this caller live on-air meant the presenter was in a position of having to balance giving the caller an opportunity to comment while also trying to ensure the broadcast complied with editorial and statutory and regulatory standards. The Commission considered that this situation gave rise to the presenter's comments to the caller appearing to be disrespectful and unfair.

The Commission recognised that the audience for and callers to this programme are familiar with its style and approach, as these are long-established. The presenter's sometimes acerbic manner with callers is also well-established with the programme's listeners. The Commission noted the caller was given time to voice his views but made the choice to terminate the call rather than provide a response. In this context, the Commission considered the broadcast just met the requirement to deal fairly with contributors. However, the Commission also considered the broadcaster might have explored alternative methods of achieving fairness while also addressing the risk that a person could express views that could be defamatory and/or infringe statutory or regulatory standards in relation to harm and offence.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected this complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5788, C5789, C5790, C5791 &amp; C5792</b>
<b>Complainant</b>	██████████
<b>Broadcaster</b>	LMFM Radio
<b>Broadcast Name</b>	The Michael Reade Show
<b>Broadcast Date</b>	11 <sup>th</sup> , 12 <sup>th</sup> , 13 <sup>th</sup> , 16 <sup>th</sup> and 18 <sup>th</sup> January 2023
<b>Broadcast Time</b>	09:00
<b>Broadcast Description</b>	Current affairs programme broadcast each weekday morning
<b>Complaint Category/(ies)</b>	Fairness, Objectivity & Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.18 and 4.22.</li> </ul>
<b>Decision</b>	Complaints rejected
<b>Decision Date</b>	28 <sup>th</sup> September 2023

<b>Complaint Summary</b>
<p>The complaints are about a discussion over five related broadcasts regarding protests about immigration.</p> <p>The complainant maintains the five broadcasts were not presented in an objective or impartial manner. The complainant claims that those who oppose immigration were vilified by the presenter as “Nazi”, “fascist” and “racist”. The complainant believes the broadcast contained inferences to the Irish Freedom Party and the broadcast did not provide the Party with an opportunity to respond or provide a summation of its immigration policy.</p> <p>The complainant believes the presenter failed to ensure the audience had a wide variety of views on the subject matter and expressed his own views on the subject such that a partisan position was advocated. The complainant cited examples of what he believes are biased comments made by the presenter and some of his contributors over the five broadcasts, a sample of which is provided below.</p> <p><b>11<sup>th</sup> January</b> – During an interview with a representative of the advocacy group, Movement of Asylum Seekers (MASI), the presenter stated, “...<i>a sinister right-wing movement has been spreading lies and hatred on the internet about refugees...most people resist their vile slogans such as 'Ireland for the Irish' or '#Ireland is Full...'.</i>”</p> <p><b>12<sup>th</sup> January</b> – During an interview with a Sinn Féin politician on housing refugees seeking international protection in Termonfeckin, the presenter referred to a small number of locals concerned about this, stating, “...<i>racist right-wing groups, some of whom are ambitious politicians...</i>”.</p> <p><b>13<sup>th</sup> January</b> – During an interview with a guest, the presenter referenced anti-immigration protest groups, stating, “...<i>one of these groups had invited one of these known Nazis who tried to overthrow the German government. That person is now in jail; they were in Dublin not so long ago addressing a meeting of one of those groups</i>”. The guest spoke about the complainant, stating, “...<i>Nigel Farage, ██████████ (good buddies), ██████████ trying to recreate Brexit here, daft idea, but there you go. Steve</i>”</p>

# Coimisiún na Meán

*Bannon, they are all tied together. They are all funded from the same pool, they're all drawing from the same well of hatred, division and destruction...".*

**16<sup>th</sup> January** – The complainant believes the presenter was referencing ██████ the Irish Freedom Party when commenting, *"people who hate other people simply because of the colour of their skin, their religion, their ethnicity or because they were born in a different country. Not only have they got that hatred themselves, but they are inciting hatred in others, that would seem pretty evil to me".*

**18<sup>th</sup> January** – During an interview with a TD, the presenter stated, *"a lot of us know the people who are driving this rhetoric for a very long time, and they have spent years stirring up hatred in many different ways. They are very sinister characters; I'm not sure any decent minded person would want to be associated with them...sorry to hear of the abuse you have been subjected to."*

The complainant claims the Irish Freedom Party was lied about and vilified during these broadcasts. The complainant states that the Irish Freedom Party is a registered political party in the State and is not fascist, racist or Nazi. The complainant states that the Party does not take or receive money from Russia or Steve Bannon or firebomb immigrant centres.

The complainant maintains the Irish Freedom Party was both explicitly and implicitly referenced over the five broadcasts but was not invited onto any of the programmes to state their policies.

## **Broadcaster Response Summary**

The broadcaster does not believe the broadcasts infringed the statutory and regulatory requirements in relation to fairness, objectivity and impartiality in current affairs.

The broadcaster believes the coverage over the five days looked at both sides on the impact of immigration, in the context of the war in Ukraine. The broadcaster maintains the broadcasts referred to by the complainant were not about refugees *per se*, but about intimidating and frightening protests outside certain properties. The broadcaster also maintains that the organisers of the protest made spurious and false claims about innocent and displaced people.

The broadcaster believes their programmes were factually accurate and in the public interest.

## **Decision of the Commission**

Having considered the broadcasts and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion there are insufficient grounds to uphold the complaints. The Commission rejected the complaints. The reasons for this decision are provided below.

The complaints are submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

# Coimisiún na Meán

The complaints are also submitted under rules 4.1, 4.2, 4.3, 4.18 and 4.22 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rules 4.1 and 4.2 require compliance with the above-mentioned statute and the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. Rule 4.3 requires a broadcaster to deal fairly with contributors to current affairs content or with persons or organisations referred to in that context. Rule 4.18 requires that two or more related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time and such links are made clear to the audience. Rule 4.22 recognises the important role of the presenter to ensure the audience has access to a wide variety of views on a subject. Rule 4.22 also provides that a presenter and/or reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

The broadcasts, over a five-day period, were about the issues faced by immigrants from Ukraine and others seeking international protection. The programmes included discussion about anti-racist incidents and the spreading of hatred by some right-wing groups, in particular, about the housing of over 40 men in Termonfeckin.

The Commission was satisfied these are related broadcasts and could be considered as a whole, per rule 4.18.

The Commission noted the focus of the discussions was made clear to audiences at the outset of the first broadcast, when the presenter stated:

*“The war in Ukraine has resulted in about 75k refugees arriving to this country in addition to the many thousands of others coming here from elsewhere seeking international protection. Accommodation is not the only challenge, but it is the biggest challenge as most people in this country put their shoulder to the wheel hoping to do whatever possible to give sanctuary to so many people in this their time of need. Unfortunately, and embarrassingly, a sinister right-wing movement has been spreading lies and hatred on the internet about refugees. Most people dismiss their vile slogans such as ‘Ireland for the Irish’ or the latest ‘#Ireland is Full’. Most people acknowledge it’s just right-wing propaganda. Disturbingly though there has been some protests in some communities where refugees and asylum seekers have been housed...”*

The presenter interviewed a range of contributors over the five broadcasts including, refugees seeking asylum, government representatives and people from organisations helping refugees secure accommodation and support. The interviews explored some of the reasons for the increased anti-immigration rhetoric and its impact on refugees and asylum seekers. The interviews also considered the reasons why some people are protesting about immigration and asylum seekers.

The Commission noted the cautious approach taken by the broadcaster to the range of contributors invited to speak on-air. The presenter explained to the audience the care being taken by the broadcaster to not have views expressed live on-air that could be discriminatory or likely to incite to hatred against persons or groups in society. The Commission noted, in this context, the presenter took on the role of

# Coimisiún na Meán

expressing the views and concerns of those protesting by asking probing questions and challenging the views of the interviewees. The Commission also noted the editorial angle on the subject was clearly not a debate on the policy positions of political parties on immigration or asylum seekers. In this context, the Commission considered the requirements of fairness, objectivity and impartiality did not require contributions from political parties explaining their policy positions on this subject. Considering the broadcasts in whole and in context, the Commission was satisfied the presenter had not expressed his own views such that a partisan position was adopted. The Commission was also of the opinion the range of views in the programmes were appropriate to the subject matter under discussion.

Over the five broadcasts, the Commission noted one reference to the complainant in the following exchange:

*Presenter: "You are drawing parallels between what you have seen has happened in the United States with the rise of the right-wing and what is beginning to happen here now."*

*Contributor: "Yes because it is not an isolated rise. These people work together, they are funded together, they are part of the same movement, the global far-right. The people in Ireland were meeting with the people that were just arrested in Germany for far-right activities".*

*Presenter: "One of these groups had invited one of these known Nazis who tried to overthrow the German government, that person is now in jail, they were in Dublin not so long ago addressing a meeting of one of those groups".*

*Contributor: "Nigel Farage, ██████████, good buddies. ██████████ trying to re-create Brexit here, daft idea, but there you go, Steve Bannon, they are all tied together, they are all funded from the same pool, they are drawing from the same well of hatred, division and destruction".*

The Commission understood the contributor as expressing an opinion that right-wing groups in Ireland behind some of the anti-immigration and anti-refugee protests are connected to a global far-right movement, in terms of ideology, financing and strategy. The Commission understood the mention of a "known Nazi" as referring to a person invited to speak in Ireland and not to the complainant or the Irish Freedom Party. The contributor said Nigel Farage and the complainant were "good buddies", which the Commission understood to reference their previous working relationship. The contributor suggested Nigel Farage, the complainant and Steve Bannon were "all tied together", in that they are "all funded from the same pool", which the Commission took to mean as being part of a general global far-right movement. The broadcast did not include any claim that the complainant was funded by Russia or Steve Bannon. The Commission noted there were many references across the five broadcasts to unnamed groups and movements spreading lies and hatred to foment protests against immigrants and refugees and, aside from this exchange, there were no other references to the complainant or the Irish Freedom Party in the five broadcasts.

The Commission considered the contributor expressed her opinion about the broader forces behind immigration protests in Ireland and made a passing reference to some public, political figures on the political far right. The Commission found insufficient grounds in the complaint to support the assertion the broadcast contained lies about the complainant or The Irish Freedom Party. The Commission considered the above exchange comprised a very small part of a much wider discussion across the five broadcasts, which was not about the complainant, The Irish Freedom Party or party-political positions on immigration. Considering the broadcasts in whole and in context, the Commission was of the opinion the requirement to deal fairly with people and organisations referenced in the broadcast did not require [REDACTED] or representatives of The Irish Freedom Party to be invited on air to explain their positions or policies on immigration.

The Commission is of the view that there is a strong public interest in covering this story and that the presenter dealt with the interviewees in a careful and considered manner. The Commission was of the view that the complainant and the Irish Freedom Party were dealt with fairly in the broadcasts. Taking the broadcasts as a whole and considering the subject matter of the broadcasts, the Commission was of the opinion there were insufficient grounds to find the broadcasts had breached the requirements of fairness, objectivity and impartiality.

The Commission decided the broadcasts did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaints.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5793</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ Radio 1
<b>Broadcast Name</b>	Morning Ireland
<b>Broadcast Date</b>	3 <sup>rd</sup> February 2023
<b>Broadcast Time</b>	07:00
<b>Broadcast Description</b>	News and current affairs broadcast each weekday morning
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality Harm and Offence
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.2</li> <li>• Section 48(1)(b) of the Broadcasting Act 2009</li> <li>• BAI Code of Programme Standards, Principles 3, 5 and 6</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	17 <sup>th</sup> August 2023

<b>Complaint Summary</b>
<p>The complaint is about a broadcast item covering the release of a report from the Irish Network Against Racism (INAR), which found there had been an increase in anti-racist incidents in Ireland. The broadcast included the views of two women who had taken part in a recent protest against housing immigrants seeking international protections at Columb Barracks in Mullingar.</p> <p>The complainant states the women used language such as “<i>why are 120 men coming into that barracks</i>” and “<i>I don’t want strangers around my children</i>” and expressed views that housing these people at this site should not be allowed. The complainant claims no context was given to these comments.</p> <p>The complainant believes that highlighting the immigrants as being male is in line with right-wing propaganda that these people are not genuine refugees and that they pose a threat to women and girls.</p> <p>The complainant believes that the views expressed in the broadcast will cause division and unnecessary worry in the community and may put the immigrants in question in danger because of the broadcast’s influence on public discourse and the perception of immigrants.</p> <p>The complainant is of the view that the broadcast should have highlighted Ireland’s obligation, under the Geneva Convention, to source accommodation for people seeking international protection.</p>

## Broadcaster Response Summary

The broadcaster believes the broadcast did not breach any of the statutory or regulatory provisions and was fully compliant with the broadcaster's obligations.

The broadcaster maintains that the complaint relies on the vox pop of two women, in isolation from the totality of the broadcast, and that the complainant is incorrect in stating that no context was given to the women's comments.

The broadcaster notes that the item was introduced as a report on the increasing incidents of racist reports monitored by the Irish Network Against Racism (INAR) and that the following context was provided to listeners:

- The reporter noted a doubling of daily contacts to INAR regarding racist incidents;
- The Director of INAR commented that people in immigration centres are the direct targets of hatred, but that people from minority communities are also being targeted;
- The Director of INAR also expressed a view that much of the public protests on this issue was driven by people's concerns over cuts in public services and the cost of living and that these concerns are being manipulated by certain people;
- The item referenced the Minister for Justice as having acknowledged the right to protest but that people should not allow their concerns to be exploited; and
- The item included comments from the Minister of State for Integration explaining the circumstances of those fleeing from parts of Africa.

The broadcaster maintains that all the above context was provided to listeners prior to the vox pop of the two women's views and, in addition, the reporter stated that there was "*no evidence*" the men coming into the barracks posing any threat.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Commission formed the opinion that there are insufficient grounds to uphold the complaint. The Commission rejected this complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is submitted under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rules 4.1 and 4.2 require compliance with the above-mentioned statute and the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The complaint is also submitted under Principles 3, 5 and 6 of the BAI Code of Programme Standards. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content. Principle 5 provides that the manner in which persons and groups in society are represented

# Coimisiún na Meán

shall be appropriate and justifiable and shall not prejudice respect for human dignity. This principle also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society. Principle 6 provides for the protection of the public interest, recognising that broadcasts can facilitate audiences in understanding subjects of public importance and inform them in the public interest.

The broadcast was an item covering a report from the Irish Network Against Racism (INAR), which found there had been an increase in anti-racist incidents in Ireland. The broadcast included the views of two women, presented via vox pop, who had taken part in a recent protest against housing immigrants seeking international protections at Columb Barracks in Mullingar.

The Commission is of the view that the comments made by two protestors could be considered divisive and as spreading fear and anxiety about a vulnerable group of people in society. However, the Commission is of the opinion these comments were clearly and appropriately contextualised in the broadcast. The focus of the news story was clearly indicated at the beginning of the broadcast, which was the increase in anti-racist incidents in Ireland. The interview that followed explored the reasons for this increase and considered the people who are being targeted and the impact of racist incidents on victims. The interview also included some discussion on the reasons why some people are getting involved in protests about immigration and asylum seekers and how their concerns about housing and cuts to public services are being manipulated by certain people. Directly before the protestors' comments were aired, the correspondent stated, "*It's important to say that there's no evidence that these men coming into the Barrack pose any threat*". The Commission considered that the inclusion of protestors' comments provided the audience with a sense of the sentiments felt by the protestors and their reasons for protesting, which is necessary for public understanding and debate on this issue. The Commission considered the comments to be appropriately contextualised so the audience would understand they were not being endorsed, supported or condoned in the broadcast.

The Commission noted that broadcasters must be free to make programmes that may be provocative or deal with sensitive issues. This may involve programme material that encourages and facilitates debate and understanding of social and political topics and matters of public importance. However, in making such programmes, broadcasters must take due care to ensure that audiences are not exposed to harmful content, and they must not broadcast material involving threatening, abusive or insulting images or sounds with the intent or likelihood of stirring up hatred against persons or groups in society.

The Commission is of the opinion there is a strong public interest in covering this story and that the broadcast dealt with provocative views in a careful and considered manner. The Commission does not believe the content was harmful or incited hatred. The Commission considered there was no evidence in the broadcast of a lack of fairness, objectivity or impartiality or of an expression of the broadcaster's own views.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5794</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ One
<b>Broadcast Name</b>	Six One News
<b>Broadcast Date</b>	3 <sup>rd</sup> February 2023
<b>Broadcast Time</b>	18:00
<b>Broadcast Description</b>	News
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality Harm and Offence
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.2</li> <li>• Section 48(1)(b) of the Broadcasting Act 2009 BAI Code of Programme Standards, Principles 3, 5 and 6</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	17 <sup>th</sup> August 2023

## Complaint Summary

The complaint is about a news item reporting an increase in anti-racist incidents at places where people seeking international protections are housed in Ireland. The broadcast included the views of two women who had taken part in a recent protest against housing immigrants at Columb Barracks in Mullingar.

The complainant states the women used language such as “*why are 120 men coming into that barracks*” and “*I don’t want strangers around my children*” and expressed views that housing these people at this site should not be allowed. The complainant claims no context was given to these comments.

The complainant believes that highlighting the immigrants as being male is in line with right-wing propaganda that these people are not genuine refugees and that they pose a threat to women and girls.

The complainant believes that the views expressed in the broadcast will cause division and unnecessary worry in the community and may put the immigrants in question in danger because of the broadcast’s influence on public discourse and the perception of immigrants.

The complainant is of the view the broadcast should have highlighted Ireland’s obligation, under the Geneva Convention, to source accommodation for people seeking international protection.

## Broadcaster Response Summary

The broadcaster believes the broadcast did not breach any of the statutory or regulatory provisions and was fully compliant with the broadcaster’s obligations.

The broadcaster notes that the broadcast item is a shorter version of a report that was the subject of another complaint (ref: C5793). The broadcaster advises that its response to this other complaint can be taken as its response to this complaint. The broadcaster's response is summarised as follows:

*The broadcaster maintains that the complaint relies on the vox pop of two women, in isolation from the totality of the broadcast, and that the complainant is incorrect in stating that no context was given to the women's comments.*

*The broadcaster notes that the item was introduced as a report on the increasing incidents of racist reports monitored by the Irish Network Against Racism (INAR) and that the following context was provided to listeners:*

- *The reporter noted a doubling of daily contacts to INAR regarding racist incidents;*
- *The Director of INAR commented people in immigration centres are the direct targets of hatred, but that people from minority communities are also being targeted;*
- *The Director of INAR also expressed a view that much of the public protests on this issue were driven by people's concerns over cuts in public services and the cost of living and that these concerns are being manipulated by certain people;*
- *The item referenced the Minister for Justice having acknowledged the right to protest but that people should not allow their concerns to be exploited; and*
- *The item included comments from the Minister of State for Integration explaining the circumstances of those fleeing from parts of Africa.*

The broadcaster maintains that the above context was provided to listeners prior to the vox pop of the two women's views and, in addition, the reporter stated that there was "no evidence" the men coming into the barracks posing any threat.

## **Decision of the Commission**

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Commission formed the opinion that there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring news to be reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is submitted under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rules 4.1 and 4.2 require compliance with the above-mentioned statute and the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The complaint is also submitted under Principles 3, 5 and 6 of the BAI Code of Programme Standards. Principle 3 requires broadcasters to take due care to ensure audiences are not exposed to harmful content. Principle 5 provides that the manner in which persons and groups in society are represented

# Coimisiún na Meán

shall be appropriate and justifiable and not prejudice respect for human dignity. This principle also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society. Principle 6 provides for the protection of the public interest, recognising that broadcasts can facilitate audiences in understanding subjects of public importance and inform them in the public interest.

The broadcast was about concerns raised by locals over the proposed use of an army barracks in Mullingar to house 120 men seeking international protection. The report highlighted an increase in anti-social behaviour outside premises used to house migrants. The report included comments from a Maynooth University professor on the difficulties facing people with the increased cost of living and from Minister, Joe O'Brien TD, on engaging with communities when housing migrants in their area. The broadcast included the views of two women, presented via vox pop, who had taken part in the recent protest against housing immigrants at the Columb Barracks in Mullingar.

The Commission is of the view that the comments made by two protestors could be considered divisive and as spreading fear and anxiety about a vulnerable group of people in society. However, the Commission is of the opinion these comments were clearly and appropriately contextualised in the broadcast. The focus of the news story was clearly indicated at the beginning of the broadcast, which was the increase in anti-racist incidents in Ireland. The contributions that followed explored the reasons for this increase and considered the people who are being targeted and the impact of racist incidents on victims. The contributors also explored the reasons why some people are getting involved in protests about immigration and asylum seekers and how their concerns about housing and cuts to public services are being manipulated by certain people. Directly before the protestors' comments were aired, the correspondent stated, "*It's important to say that there's no evidence that these men coming into the Barrack pose any threat*". The Commission was of the view that the inclusion of protestors' comments provided the audience with a sense of the sentiments felt by the protestors and their reasons for protesting, which is necessary for public understanding and debate on this issue. The Commission considered the comments to be appropriately contextualised so the audience would understand they were not being endorsed, supported or condoned by the broadcast.

The Commission noted that broadcasters must be free to make programmes that may be provocative or deal with sensitive issues. This may involve programme material that encourages and facilitates debate and understanding of social and political topics and matters of public importance. However, in making such programmes, broadcasters must take due care to ensure that audiences are not exposed to harmful content and they must not broadcast material involving threatening, abusive or insulting images or sounds with the intent or likelihood of stirring up hatred against persons or groups in society.

The Commission was of the view that there is a strong public interest in covering this story and that the broadcast dealt with provocative views in a careful and considered manner. The Commission did not believe the content was harmful or incited hatred. The Commission considered there was no evidence in the broadcast of a lack of objectivity or impartiality or of an expression of the broadcaster's own views. The Commission was of the opinion that the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5795</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ Radio 1
<b>Broadcast Name</b>	The Ray D'Arcy Show
<b>Broadcast Date</b>	27 <sup>th</sup> January 2023
<b>Broadcast Time</b>	15:00
<b>Broadcast Description</b>	Weekday light entertainment programme
<b>Complaint Category/(ies)</b>	Harm and Offence
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(b) of the Broadcasting Act 2009</li> <li>• BAI Code of Programme Standards, Principle 5</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	28 <sup>th</sup> September 2023

## Complaint Summary

The complaint is about a comment made by an interviewee and repeated by the presenter during a conversation about St. Brigid. The context of the interview was a documentary due to air on the eve of St. Brigid's Day called '*Finding Brigid*', which looked at the life of the real St. Brigid.

The complainant believes the broadcast did not meet the statutory and regulatory requirements in relation to harm and offence. The presenter posed the question as to why St. Brigid, rather than St. Patrick, wasn't the Patron Saint of Ireland. One of the contributors replied that St. Patrick had a penis, which was then repeated by the presenter. The complainant found this to be extremely offensive to her religious beliefs and is of the view the broadcast failed to show due respect for religious views, as required under the Code.

## Broadcaster Response Summary

The broadcaster does not believe the broadcast infringed the statutory or regulatory standards in relation to harm and offence.

The broadcaster notes this was a wide-ranging and informative discussion on the life and times of St. Brigid and the upcoming documentary '*Finding Brigid*'. During the discussion, the presenter asked why St. Patrick and not St. Brigid is Ireland's patron saint and one interviewee replied, "politics", while the other interviewee said it was because he had a penis. The latter comment was repeated by the presenter. The reply reflected the interviewee's view that St. Patrick was chosen to be Ireland's patron saint because he was male, which was reflective of the treatment of women at that time.

The broadcaster maintains that the interview was respectful and informative and the word 'penis' was not used in an offensive manner nor was it disrespectful of religious beliefs.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision which requires broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The complaint is submitted under Principle 5 of the BAI Code of Programme Standards, which requires the representation of persons and groups in society to be appropriate and justifiable and not prejudice respect for human dignity. Broadcasters are required to show due respect for religious views, images, practices and beliefs in programme material, but this is not intended to prevent the critical scrutiny of religion.

The broadcast was a discussion about the life of St. Brigid with two interviewees involved in a documentary on the subject, entitled '*Finding Brigid*'. The discussion lasted approximately 20 minutes and covered the life and times of the woman, Brigid, and those who study and worship her. Towards the end of the item, the presenter asked, "*Why isn't she our patron saint? Why did Patrick get the gig?*". One interviewee responded, "*Politics, money, power and influence, misogyny...patriarchy*" and the other interviewee said, "*Why did he get the main gig...because of his penis Ray, because of his penis*". The presenter responded, "*What...cause he had a penis, ok, thanks for that*" and the conversation moved on. The Commission understood the comments of the second interviewee to mean that she believed St. Patrick became the patron saint of Ireland because he was male, and St. Brigid was not chosen because she was female.

The Commission noted the Code of Programme Standards provides that broadcasters must be free to broadcast a diverse range of programming that caters to a diverse audience and, in so doing, there will be programming that causes offence to some members of the audience. The Code thus recognises that there can be no guarantee that programme material will be free from offence and there is no right not to be offended. However, broadcasters can assist the audience in making informed choices about what they watch or listen to by providing prior information or warnings and by scheduling programming according to audience expectations of that type of content or of a particular channel or service.

The Commission recognised that some people may consider the opinion to have been crassly expressed, however, the Commission considered the language itself was not coarse. The Commission was also of the view that the comment was an opinion about sexism in society at the time as reflected in choosing a male saint over a female saint, and it did not disparage religious views, images, practices and beliefs.

In considering the context of the broadcast, the Commission noted the programme is aimed at an adult audience and is scheduled at a time when children are not likely to be listening. The Commission considered that the nature of the comment would not be out of keeping with audience expectations of

# Coimisiún na Meán

this programme, particularly as it was made by a well-known actor and television presenter known for frank and comedic expression of views. Considering the broadcast in whole and in context, the Commission was of the opinion the programme would not have caused widespread offence or undue offence such that it contravened the statutory and regulatory standards in relation to offence.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5799</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ Radio 1
<b>Broadcast Name</b>	Liveline
<b>Broadcast Date</b>	21 <sup>st</sup> February 2023
<b>Broadcast Time</b>	13:45
<b>Broadcast Description</b>	Live phone in programme covering diverse topics
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality Harm and Offence
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.2</li> <li>• Section 48(1)(b) of the Broadcasting Act 2009 BAI Code of Programme Standards, Principle 5</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	28 <sup>th</sup> September 2023

<b>Complaint Summary</b>
<p>The complaint is about a discussion on a government decision to introduce targeted payment measures to assist those most in financial need.</p> <p>The complainant believes the presenter's attitude and tone towards social welfare recipients did not demonstrate fairness, objectivity or impartiality or meet the requirement that current affairs be presented without expression of the broadcaster's own views. The complainant maintains the presenter made several statements about people who receive social welfare payments and referred to them as a homogenous group, without reference to the diversity of people in receipt of those payments, including people with disabilities who rely on this support.</p> <p>The complainant believes the broadcast lacked an appropriate range of views and a certain perspective was allowed to dominate the conversation. In this regard, the complainant noted the presenter referenced comments made by a Councillor that portrayed social welfare recipients in a negative light. Those comments were about people working long hours and yet not able to pay their mortgage, while paying and supporting people in council houses who do not work and receive social welfare payments. The complainant claims the presenter's comments towards people who receive social welfare support could be viewed as encouraging or provoking listeners to hold similar discriminatory views. The complainant believes that by pointing to people who were offered social housing and refused it, the presenter conveyed a personal view and made it clear to listeners of his distaste for those in receipt of social welfare.</p>

# Coimisiún na Meán

## Broadcaster Response Summary

The broadcaster believes there was no infringement of any statutory or regulatory standards in this programme.

The broadcaster believes the presenter's style is long-established and known to audiences, as is the format and style of the programme. The broadcaster notes the role of the presenter in this caller-driven programme is to facilitate discussion among callers, challenge views expressed and play devil's advocate, where necessary.

The broadcaster believes the complainant provided isolated quotes from the presenter which failed to illustrate the range of views expressed by callers. The broadcaster points to one of the callers, a social welfare recipient, who robustly challenged the views expressed by another caller to the programme, saying, *"My point is that you had a gentleman on earlier that said that the social welfare recipients were going on holidays and the money wouldn't be used to pay their bill" and "I just felt I needed to say that I haven't been on a holiday in years, and I pay my bills and this extra money is going to come in really useful to make sure that I have coal and gas and fuel for the fire and food on the table. I'm of an age where my kids are grown up and I'm lucky enough to have my own house and car and I'm able to budget everything around that. But I don't get €260 a week, I get €220, so I don't know where he was coming from that he could live on it and I'd love to see him, a medical card is no good to you unless you're sick, you know"*. The conversation continued and the presenter responded to the caller, *"That's why we need people like you to tell us the nuance of it and how do you manage then on that amount"*? The broadcaster believes the presenter acted fairly during this exchange, allowing the caller to express opinions and to challenge some of the comments made by others earlier in the programme.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Codes, the Commission formed the opinion there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is submitted under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rules 4.1 and 4.2 require compliance with the above-mentioned statute and the principles of: fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The complaint is also submitted under the statutory provision which requires broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

# Coimisiún na Meán

The complaint is submitted under Principle 5 of the BAI Code of Programme Standards, which provides that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. Principle 5 also provides that programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society.

The broadcast was a discussion on the upcoming cost-of-living package from the Government targeting people on social welfare, in receipt of means tested payments and/or in receipt of children's allowance. The broadcast was approximately one hour fourteen minutes duration and had several contributions from members of the public giving their views on this matter.

The Commission noted the discussion focused heavily on the 'squeezed middle', with many callers to the programme voicing concerns about the effect of cost-of-living increases on them. Several callers commented on having to work long hours but finding it hard to cope with the cost of living, despite having two incomes. Some callers expressed resentment at paying tax to fund the targeted measures they wouldn't personally benefit from. However, the Commission was of the view that most callers directed their anger at the Government in relation to its policy of targeted payments rather than at people receiving social welfare or other benefits. The Commission noted one of the contributors said she was in receipt of social welfare payments and she challenged comments made by other callers and was given time to make her points and respond to the presenter's questions.

The Commission considered the presenter, at times, appeared to direct the discussion to more adversarial territory between the so-called 'squeezed middle' and people in receipt of benefits. The Commission was of the view that it was mainly callers to the programme who offered counterpoints and reasoned arguments to ensure a range of views on the subject was provided. The Commission noted the nature and style of the presenter is a key factor in what engages audiences and draws them into consideration and debate on matters of public controversy. The Commission noted this presenter's style is well known and is used to elicit engagement from listeners to the programme. Considering the broadcast in whole and in context, the Commission was of the opinion that the audience had been provided with a range of views on the subject and the presenter, while facilitating robust views, had also sufficiently challenged contributors to ensure the subject matter was treated fairly and impartially.

The Commission noted that while some callers expressed negative views of people in receipt of benefits, the presenter challenged those views and provided time for other views, which were more focused on actions the Government could take to help other people through the cost-of-living increases. The Commission did not believe the broadcast, as a whole, stigmatised, supported or condoned discrimination against people in receipt of benefits.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5801</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ One
<b>Broadcast Name</b>	Upfront with Katie Hannon
<b>Broadcast Date</b>	6 <sup>th</sup> February 2023
<b>Broadcast Time</b>	22:30
<b>Broadcast Description</b>	Current affairs
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.17</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	28 <sup>th</sup> September 2023

## Complaint Summary

The complaint is about the use of the term “dangerous dog breeds” during a discussion on whether ownership of dogs on the restricted dog breeds list should be banned. The item was prompted by an article in the Irish Independent newspaper on the low number of fines issued to dog owners over the past four years under the Control of Dog Regulations.

The complainant believes the use of the term “dangerous dog breeds” instead of “restricted dog breeds” by the presenter and contributors to the broadcast was not accurate and did not meet the requirements of fairness, objectivity and impartiality. The complainant maintains there are no “dangerous” dog breeds but that certain breeds have additional restrictions placed on them while out in public. The complainant believes that referring to certain dog breeds as dangerous misleads the public in their perception of some breeds and creates unnecessary fear. The complainant also maintains the broadcaster was aware of the correct term to use, having introduced the item with reference to “restricted” breeds of dogs.

## Broadcaster Response Summary

The broadcaster believes the segment was fair and fully compliant with all the broadcaster’s statutory and regulatory obligations.

The broadcaster believes it is editorially justified, in the context of the discussion in this broadcast, to use the phrase “dangerous dog breeds” when referring to a list of restricted dog breeds under *The Control of Dogs Regulations 1998*. The broadcaster notes there are additional rules that apply to owners of dogs on the restricted list, owing to those dogs being viewed as more of a threat or “danger” to the public. The broadcaster also notes that the Taoiseach used the phrase “dangerous breeds” when referring to an attack by one of the dog breeds on the list on a young boy last year.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring the broadcast treatment of current affairs to be fair to all interests concerned and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The complaint is submitted under rules 4.1 and 4.17 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rule 4.1 requires compliance with the above-mentioned statute. Rule 4.17 requires that current affairs content is presented with due accuracy, having regard to the circumstances and facts known at the time.

The broadcast was a panel discussion on restricted dog breeds, which arose from an article in a national newspaper about the low number of fines that had been issued to dog owners under the *Control of Dog Regulations*. The discussion in the broadcast was approximately 10 minutes and 30 seconds duration and centered on whether there should be a ban on restricted dog breeds as listed in that Regulation.

The presenter outlined that dogs on the restricted list must be muzzled in public, held on a short leash and controlled by a person of at least 16 years of age. An audience member used the term 'dangerous dog breeds' when she asked, "*I would just like to ask the panel do they think that dangerous dog breeds should be banned?*" The presenter gave context to this question and used the term 'restricted dog breeds', but then asked the panel, "*Do we need an outright ban on dangerous dog breeds?*" The Commission noted that the panel members used the term 'dangerous' rather than 'restricted' dog breeds. However, the Commission noted the panel discussion on the subject was reasoned and fair, with contributors expressing views that dogs are not necessarily dangerous because of their breed. Contributors acknowledged that any dog breed can be dangerous, and this can be down to many factors, including not taking responsibility for a dog's behaviour, particularly around children. Towards the end of the broadcast, the presenter asked for a show of hands on banning dangerous dog breeds and the majority were opposed to banning ownership of restricted dog breeds. Having regard to the treatment of the subject matter as a whole, the Commission was of the opinion that the use of the term 'dangerous dog breeds' in the broadcast would not have misled the audience on the subject or created unnecessary fear of certain dog breeds.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5805</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ One
<b>Broadcast Name</b>	The Dry
<b>Broadcast Date</b>	1 <sup>st</sup> March 2023
<b>Broadcast Time</b>	21:35
<b>Broadcast Description</b>	Drama series
<b>Complaint Category/(ies)</b>	Harm and Offence
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(b) of the Broadcasting Act 2009</li> <li>• BAI Code of Programme Standards, Principles 1 and 5</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	28 <sup>th</sup> September 2023

## Complaint Summary

The complaint is about the use of coarse and offensive language in the drama programme.

The complainant believes the broadcast did not meet the statutory and regulatory requirements for harm and offence, citing the repeated use of the phrase, “*fucking Jesus*”, which the complainant believes was crude, blasphemous and offensive to him as a Christian.

## Broadcaster Response Summary

The broadcaster does not believe the broadcast breached the statutory or regulatory requirements in relation to harm and offence.

The broadcaster acknowledges the language used may be offensive to some but believes it would not cause widespread offence because of the context in which it was used.

The broadcaster notes that this is a work of fiction and includes language which is likely to be used by the characters in the drama and would be in line with audience expectations for the programme. The broadcaster notes the broadcast was aired at 9.35pm, an adult viewing time. The broadcaster further notes that the broadcast carried an advisory warning for the audience that it contained “*fairly colourful language and was intended for a mature audience*”.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this advice are provided below.

# Coimisiún na Meán

The complaint is submitted under the statutory provision which requires that broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The complaint is submitted under Principles 1 and 5 of the BAI Code of Programme Standards. Principle 1 requires broadcasters take general community standards into account when making programmes, which may include attitudes to specific language terms, the use of violent imagery and sexual content. Principle 5 requires broadcasters to show due respect for religious views, images, practices and beliefs in programme material, while recognising that this should not prevent critical scrutiny of religion.

The Commission noted the Code of Programme Standards provides that broadcasters must be free to broadcast a diverse range of programming that caters to a diverse audience and, in so doing, there will be programming that causes offence to some members of the audience. The Code thus recognises that there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters can assist the audience in making informed choices about what they watch or listen to by providing prior information or warnings and by scheduling programming according to audience expectations of that type of content or of a particular channel or service. However, there may be times when programme material causes undue offence, which is material that, taking into account contextual factors such as editorial justification and public interest, could still be regarded as having crossed a line that has resulted in the viewer or listener being unduly offended.

The broadcast was the first episode of an Irish comedy-drama series and the language complained of is in the opening scene, which is approximately one minute and thirty seconds duration. In this scene, the central character, Shiv, is sitting at a table in an airport bar across from a man at another table who is drinking beer. Shiv notices him drinking and starts a conversation. The scene shows Shiv misguidedly attempting to help a stranger she perceives as having a drinking problem and she is rudely rebuffed with coarse language. This flusters her and causes her to raise her voice and express a strong view about not caring about Jesus, using the coarse language which had been used by the stranger. She is overheard by many people sitting around her and, as she becomes aware of that fact, she is embarrassed and rushes off. Shiv's misguided intervention and subsequent embarrassment are intended for comic effect.

The Commission considers the use of coarse language as central to the scene in that it would not work without the language and, therefore, there was editorial justification for using it. However, the Commission noted the specific language complained of was a coarse sexual term juxtaposed with a Christian deity and this type of language is considered to carry a higher risk of causing offence than those terms used on their own. The language featured in the opening scene of the first episode of the series and, therefore, audience expectations of the content are not yet firmly established. However, the Commission noted the programme was scheduled after 9pm, when a mainly adult audience would be expected, and displayed the classification, *MA*, which indicates the programme is intended for a mature audience. The broadcaster also advised viewer discretion with a warning broadcast at the start of the programme, noting the nature of the content and that it contained "*some fairly colourful language*". Taking the broadcast in whole and in context, the Commission was of the opinion the programme may

# Coimisiún na Meán

offend some but would not cause widespread or undue offence such that it would be contrary to the Code.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5816</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ One
<b>Broadcast Name</b>	Nine O'Clock News
<b>Broadcast Date</b>	14 <sup>th</sup> February 2023
<b>Broadcast Time</b>	9:00pm
<b>Broadcast Description</b>	News
<b>Complaint Category/(ies)</b>	Fairness, Objectivity and Impartiality
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.17 and 4.19</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	28 <sup>th</sup> September 2023

## Complaint Summary

The complaint is about a report on wind energy broadcast on the Nine O'Clock News which announced that 4 out of 5 people support wind farms, according to a survey by Wind Energy Ireland.

The complainant believes the report was biased, based on the following:

- The poll cited in the report was produced by the association that benefits most from wind energy, therefore, it was not independent and was an advertisement.
- The report gave a misleading and inaccurate impression that wind energy could replace fossil fuel electricity produced at power plants. The complainant believes this view should have been balanced by stating that some conventional generation is required.

The report was misleading in suggesting that wind can reduce the price of electricity in the retail market. The complainant maintains the price of wind generated electricity is set at the price for whichever fossil fuel is currently commanding the highest price.

## Broadcaster Response Summary

The broadcaster believes the report was fully compliant with all the relevant statutory and the regulatory standards.

The broadcaster notes this was a report on the findings of a survey by Wind Energy Ireland which showed public support for windfarms had increased, with 4 in 5 people in support. The report informed viewers that 45% of those surveyed cited cheaper electricity as the main benefit. The broadcaster maintains that this report informed viewers that the survey was conducted for Wind Energy Ireland and was clearly not an advertisement for wind farms.

The broadcaster notes the report cited that wind turbines "*could potentially produce 60% more electricity*" without any emissions. The report did not state it would replace the existing policy of burning fossil fuels

# Coimisiún na Meán

at the Edenderry Power Plant only the potential savings and the reduction in tonnes of climate change and greenhouse gases. The broadcaster acknowledged that a representative from Bord na Móna referred to the cost of burning imported fossil fuels as €1m per hour and the solution was to have more onshore wind.

The broadcaster refers to the environmental correspondent's closing comment, *“Onshore wind farms will save more greenhouse gas emissions than any other technology in our climate action plan. But they also save us money. It is estimated that we would have had to burn €2 billion more worth of gas last year to generate the electricity that was produced by on shore wind farms, so it’s hardly any wonder that support for the industry is growing.”*

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

The complaint is submitted under the statutory provision requiring broadcasters to ensure that all news broadcast is reported and presented in an objective and impartial manner and without any expression of the broadcaster’s own views.

The complaint is submitted under rules 4.17 and 4.19 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Rule 4.17 requires that news and current affairs content is presented with due accuracy, having regard to the circumstances and facts known at the time. Rule 4.19 requires that views and facts shall not be misrepresented or presented in such a way as to render them misleading.

The broadcast was a two-minute news report on increased public support for wind energy and the reasons for that, in the context of a Wind Energy Ireland survey of public attitudes. The news presenter introduced the report by citing the survey findings that public support for wind farms had increased to *“record levels”*, with *“four in five now in favour”* and that *“45% of those surveyed cited cheaper electricity as the number one benefit”*. The report began with shots from Edenderry powerplant and a reporter voiceover commenting on the *“energy transformation”* happening in Ireland’s electricity sector as illustrated by the increasing number of wind turbines visible from this plant. The reporter commented that wind turbines could produce more electricity than the peat-burning power plant. A representative of Bord na Móna commented that Ireland is *“spending a million euros an hour on imported fossil fuels”* and he suggested more onshore wind energy as a solution. The reporter voiceover commented on national plans for offshore wind energy by 2030, noting that Wind Energy Ireland considered *“the planning system and electricity grid need major resources for that to happen”*. From the Edenderry Power Complex, the reporter stated, *“Onshore wind farms will save more greenhouse gas emissions than any other technology in our Climate Action Plan, but they also save us money. It’s estimated that we would have had to burn two billion euro more worth of gas last year to generate the electricity that was produced by onshore wind farms, so it’s hardly any wonder that support for the industry is growing”*.

# Coimisiún na Meán

The Commission was advised that Wind Energy Ireland is the representative body for the Irish wind industry, which promotes wind energy and, among other things, carries out and commissions research to influence Government policy on renewable energy. The Commission considered the research findings were correctly attributed in the report and provided context for the report's focus on why public support for wind energy is increasing. The Commission was of the opinion that citing this organisation's public attitudes to research was not contrary to the requirements of objectivity and impartiality and did not constitute an "advertisement" for that organisation or its views.

The Commission considered that the report mainly focused on the increasing use of onshore wind energy to replace energy generated by imported fossil fuels. The report noted that onshore wind energy is cheaper to produce and more environmentally friendly than energy generated from imported fossil fuels. The report cited these as the likely reasons why public support for onshore wind energy was increasing, as found in the Wind Energy Ireland survey. The Commission noted the report did not cover or comment on the use of some conventional energy generation in wind energy or the price-setting of wind energy. However, the Commission noted that not all aspects of a story can be covered in a news report and choosing to focus on a particular story angle is not in itself evidence of a lack of objectivity and impartiality. The Commission considered the item did not mislead the audience on the elements of the subject matter that were covered in the report.

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.

# Coimisiún na Meán

<b>Complaint Reference</b>	<b>C5824</b>
<b>Complainant</b>	
<b>Broadcaster</b>	RTÉ 2FM
<b>Broadcast Name</b>	The Jennifer Zamparelli Show
<b>Broadcast Date</b>	1 <sup>st</sup> March 2023
<b>Broadcast Time</b>	09:00 – 12:00
<b>Broadcast Description</b>	Light entertainment
<b>Complaint Category/(ies)</b>	Harm and Offence
<b>Relevant Statute and/or Code(s)</b>	<ul style="list-style-type: none"> <li>• Section 48(1)(a) of the Broadcasting Act 2009</li> <li>• BAI Code of Programme Standards, Principle 1</li> </ul>
<b>Decision</b>	Complaint rejected
<b>Decision Date</b>	28 <sup>th</sup> September 2023

## Complaint Summary

The broadcast was a programme segment discussing showering habits, in the context of a TikTok trend, *#showertalk*, which has over 5 billion views. The complaint is about coarse language used by the presenters when discussing the topic.

The complainant claims that the terms, “*shaving his balls in the shower*” and “*up his hole*”, were offensive and not in line with what audiences expect from this broadcaster. The complainant states these phrases were repeated by the presenters. The complainant believes this language is inappropriate content for the audience as it airs in the morning.

## Broadcaster Response Summary

The broadcaster does not believe there was any infringement of the statutory or regulatory standards as outlined by the complainant.

The broadcaster maintains all three presenters featured are regular contributors and would never knowingly cause harm or offence.

The broadcaster advises that the comments complained of were part of a wider discussion about the popular TikTok phenomenon relating to shower habits. The language the complainant objected to was intended to be light-hearted and jovial and was not intended to be offensive. The broadcaster noted this broadcast is scheduled after the school day has begun, when school children are not likely to be listening.

The broadcaster advised that the concerns expressed by the complainant have been shared with the on-air and editorial programme teams.

## Decision of the Commission

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Commission formed the opinion there are insufficient grounds to uphold the complaint. The Commission rejected the complaint. The reasons for this decision are provided below.

# Coimisiún na Meán

The complaint is submitted under the statutory provision which requires that broadcasters ensure they do not broadcast anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as tending to undermine the authority of the State.

The complaint is submitted under Principle 1 of the BAI Code of Programme Standards, which requires broadcasters take general community standards into account when making programmes, which may include attitudes to specific language terms, the use of violent imagery and sexual content.

The broadcast was a discussion on showering habits and was approximately five minutes thirty seconds duration. The prompt for the discussion was a TikTok trend, *#showertalk*, in which people reveal unusual things they do in the shower, such as eating an orange, watering house plants, brushing teeth and drinking beer. During the discussion, one contributor expressed surprise and disgust at seeing a man with a toothbrush and razor in communal showers in a gym. There followed some light chat about the acceptability or otherwise of shaving in public showers, during which the presenter said, *"he's only shaving his balls...leave him alone. You're giving lads who want to shave their balls a hard time"*. The discussion then called back to a previous item on the programme about disliking late night singsongs. The presenter read a comment from a listener on this topic, *"Are you for real? You want to get rid of the singsong at 3am? Ah here, are yis up your own holes?"*.

The Commission noted the Code of Programme Standards provides that broadcasters must be free to broadcast a diverse range of programming that caters to a diverse audience and, in so doing, there will be programming that causes offence to some members of the audience. The Code thus recognises that there can be no guarantee that programme material will be free from offence and there is no right not to be offended. Broadcasters can assist the audience in making informed choices about what they watch or listen to by providing prior information or warnings and by scheduling programming according to audience expectations of that type of content or of a particular channel or service. However, there may be times when programme material causes undue offence, which is material that, taking into account contextual factors such as editorial justification and public interest, could still be regarded as having crossed a line that has resulted in the viewer or listener being unduly offended.

The Commission recognised some of the language used in the broadcast was coarse and had the potential to offend some listeners. In considering whether the content was unduly offensive, the Commission considered a range of contextual factors, which included the scheduling of the programme, the target audience, the expectations of the audience and the broadcast service. The Commission noted the programme is aimed at a young adult audience and is scheduled at a time when children would not generally be listening. The programme is carried on a broadcasting service aimed at a younger adult audience, which at times includes lightly comic and irreverent material. The Commission considered the topic, the nature of the discussion and the frank language to be in keeping with the programme and the presenter's style and audience expectations of same. Considering the broadcast in whole and in context, the Commission was of the opinion the content would not have caused widespread offence and was not unduly offensive.

# Coimisiún na Meán

The Commission decided the broadcast did not infringe the statutory or regulatory standards as specified in the complaint. On this basis, the Commission rejected the complaint.