



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

November 2019



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BAI Complaints Handling Process

Under the Broadcasting Act 2009, viewers and listeners to Irish radio and television services can complain about broadcasting content which they believe is not in keeping with broadcasting codes and rules. When making a complaint, the relevant programme or commercial communication should be identified, including the date of broadcast and time. The complainant should explain what it is about the broadcast that has led them to make a complaint. It is important to set out clearly the grounds of the complaint and why the programme material or commercial content does not comply with the BAI's Broadcasting Codes. A copy of the codes may be found on the BAI's website: www.bai.ie, by emailing info@bai.ie or by phoning the BAI on 01 644 1200.

In line with the complaint process, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner detailed in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster has available on its website. If a viewer or listener is not satisfied with the response from the broadcaster or if the broadcaster does not respond within the timeframe provided for in their Code of Practice (usually 21 days), then the viewer or listener can refer the complaint to the BAI for consideration.

In assessing complaint referrals, the BAI will have regard to the relevant codes and rules, the written material submitted by the relevant parties, together with the broadcast material. Complaints are assessed at Executive level by the Executive Complaints Forum and/or by the Compliance Committee of the Authority. Further information may be found on the complaints handling section of the BAI's website: www.bai.ie.

The details of the broadcasting complaints decisions reached by the BAI are set out in this document. The decisions deal with the issue of whether a programme or a commercial communication did or did not comply with the relevant legal requirements and the relevant broadcasting codes or rules. The decisions do not constitute endorsement or support for the views of either parties to the complaint nor will they address every aspect of a complaint submission. The BAI will not carry out a separate or independent assessment outside of the matters raised in the complaint.

In total, five complaints were considered and rejected by the Compliance Committee of the BAI at meetings held on 13th August and 11th September 2019. The Executive Complaints Forum considered and rejected four complaints at meetings held on 15th April and 16th October 2019. The Compliance Committee decided not to publish four complaints, further to the provisions of section 48(10) of the Broadcasting Act 2009, which provides for the Committee not to publish complaints in cases where the Committee determines it would be inappropriate. For these four complaints, the Committee considered it inappropriate to publish because the broadcast content was of a sensitive nature and, in one complaint, the matter was of a sensitive and personal nature to the complainant.



Rejected by Compliance Committee

Complaint Reference Number	C5030
Complainant	Mrs. Maureen Sheehan
Station	RTÉ One
Programme Name	Today with Maura and Daithi
Broadcast Date	8 th October 2018
Broadcast Time	15:30
Programme Description	The complaint relates to a lifestyle programme broadcast each weekday afternoon
Complaint Category	Broadcasting Act 2009 – Section 48(1)(d)(commercial communications). The BAI General Commercial Communications Code - Principles 1, Principle 2, Principle 3. Rules 12.1, 12.2, 12.4, 12.5(d), 12.7(g&h) & 13.3(g&i).

The General Commercial Communications Code – Definitions

Appendix Two of the General Commercial Communications Code provides definitions for specific products and services. The definitions which are relevant to this complaint are supplied below:

Medical Treatment or Service:

A medical treatment or service is defined as a treatment or service intended to prevent, cure or alleviate a medical complaint, condition, symptom or disease. This includes, but is not limited to, psychiatry, psychotherapy and counselling.

Medicinal Product:

For the purposes of this Code, a medicinal product is defined further to Directive 2001/83/EC, as amended by Directive 2004/27/EC, as

“any substance or combination of substances presented as having properties for treating or preventing disease in human beings or any substance or combination of substances which may be used in or administered to human beings either with the view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis”.

The definition includes prescription-only medicines and medicinal products available from a pharmacy or shop counter that can be sold only once a Product Authorisation Licence has been granted by the relevant competent authority. It also includes medicinal products that are subject to any other licensing or certification requirements, including homeopathic and traditional herbal medicines. This does not include foods that make health or nutritional claims except those making medicinal claims.



Complaint Summary

The complaint relates to a commercial segment for Boots in which vaccines were discussed. The complaint focuses on four key elements of the broadcast:

- The complainant questions if the vaccines discussed in the broadcaster are prescription-only.
- If the vaccines are prescription only, the complainant questions if the Minister for Health has approved the campaign.
- The complainant does not believe that the commercial arrangement was transparent.
- The complainant does not consider that the information contained in the broadcast was sufficient to meet the requirements of the General Commercial Communications Code¹.

Product/Service being promoted

The complainant states that the Boots segment focuses on vaccines for the flu and pneumococcal vaccines. These are prescription-only medical products which are not permitted for commercial communication. The complainant states that pharmacists can supply the seasonal flu vaccine to the public as part of the National Immunisation Programme and can supply and administer this vaccine to patients as a private service. The pneumococcal vaccine is administered by GPs as part of that programme, but currently pharmacists cannot administer this. Pharmacists may, however, administer this vaccine to patients as a private service outside of the National Immunisation Programme.

Approval from Minister of Health

The complainant acknowledges that the rule pertaining to prescription-only medical products does not apply to commercial communication for vaccination campaigns approved by the Minister for Health. However, the complainant raises a query as to whether Boots received Ministerial approval for advertising the pneumococcal vaccines. If not, then the complainant believes that the commercial segment is not legal.

The complainant further states that legislation under Statutory Instrument No. 449/2015 allows trained pharmacists to supply and administer products listed on the S.I. schedule to their patients. However, the complainant claims that pharmacists have no legal authority to advertise any of these products to the public, unless they have approval from the Minister for Health. The complainant states that the Boots campaign does not qualify for the advertising exemptions that applies to human health or disease awareness campaigns. These campaigns are exempt provided there is no reference to medicinal products.

Commercial arrangement

The segment in question contains product placement, however, the complainant does not feel that this was made clear to audiences. As such, the complainant feels that the segment was not transparent with regard to the fact that it was of a commercial nature.

¹ Principles 1, 2 and 3. Rules 12.1, 12.2, 12.4, 12.5(d), 12.7(g&h) & 13.3(g&i)



Information contained in the broadcast

The complainant is of the view that the contents of the commercial segment did not clearly identify the product as medicinal, nor did the presenters or guest warn the public of the need to always read the package leaflet associated with medicinal products. Further, the pharmacist drew attention to the availability of these vaccines as an in-store service from Boots where they could be prescribed, dispensed and administered to the public. The complainant further states that the pharmacist claimed the flu vaccine is completely safe with only mild side effects and takes only a few seconds to dispense. The complainant claims it was misleading for the pharmacist to inform viewers that it only takes a few seconds to get a vaccine as dispensing and administration of a vaccine should involve a consultation. The complainant is of the view that the segment is potentially harmful.

The complainant is of the view that the advertisement has infringed Principles 1, Principle 2, Principle 3, Rules 12.1, 12.2, 12.4, 12.5(d), 12.7(g&h) and 13.3(g&i) of the General Commercial Communications Code.

Broadcaster Response Summary

The broadcaster does not believe that Section 12 of the Code is applicable as the segment highlighted the availability of a service from pharmacies. The focus was on the provision of advice and information regarding vaccinations and the availability of a service to facilitate this. It did not promote a specific product. While the segment contained product placement, the broadcast states that it is editorially justified given the time of year and the change in weather at the time of broadcast. The broadcaster is of the view that this short discussion with the pharmacist from Boots provided a brief overview of why people, and especially vulnerable adults, should obtain the flu vaccine and in some cases the pneumococcal vaccines at this time of year. The broadcaster further contends that the discussion focussed on giving advice and information on vaccinations and how they can be obtained i.e. by a doctor or a pharmacist. This type of discussion on Today with Maura and Daithí is a well-established one and viewers are aware and would expect this type of interview and style. Overall, it informed viewers that people should be in full health before considering the service and highlighted that there can be side effects. Towards the end of the discussion, viewers were advised to visit the Boots website or to visit the pharmacist to obtain a private consultation for all their health needs.

The broadcaster is of the view that the programme adhered to the requirements set out in the General Commercial Communications Code.

Decision of Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.



The Committee noted that the complaint was made under Principles 1, 2 and 3. Rules 12.1, 12.2, 12.4, 12.5(d), 12.7(g&h) & 13.3(g&i) of the General Commercial Communications Code. The principles require commercial communications to be legal, honest, decent and truthful. Further, commercial communications shall not prejudice respect for human dignity, cause serious or widespread offence, cause harm or encourage harmful behaviour. The nature of commercial communications should be transparent. The Code also sets out specific rules for commercial communications for medicinal products, devices, treatments and services.

The Committee had regard for Statutory Instrument (S.I.) No. 449 of 2015 and noted that pharmacists may administer the influenza vaccination, herpes zoster (shingles) vaccination and pneumococcal polysaccharide vaccination, to specific patients, at the pharmacy, without the need for a prescription, and where the necessary training has been undertaken by the pharmacist. As such, the product was not considered as being prescription-only. Therefore, the requirement regarding the Ministerial approval is not applicable to this broadcast.

While the Committee acknowledged that a vaccine is a product, it considered that the segment was a general conversation about the flu vaccination and the services offered in many pharmacies. In this regard, the Committee determined that the commercial communication was not about a product, as such, Section 12 of the Code is not applicable to this complaint.

It was the view of the Committee that the item was a general discussion about flu and vaccines, which was relevant given the time of year in which the programme was broadcast. Though the Committee noted that the Boots branding was prominent, it considered that the commercial arrangement was clearly identified, and the Boots pharmacist was identified as such. Therefore, audiences were likely to be aware of the nature of the segment.

The segment did not suggest that one's health could be enhanced by availing of the service, however, the item contained several assurances regarding the benefits of vaccines. In considering this item, the Committee was mindful of the entire segment and noted that the presenters did discuss some drawbacks of vaccines and questioned the pharmacist as to limitations and possible side effects. On balance, the Committee did not feel that the broadcast contained an unwarranted or indiscriminate use of words such as "safe", "without risk" or "harmless" or similar in connection with the medical service being discussed.

The Committee found the discussion reasonable and did not consider that it infringed the requirements of the Code and, as such, the complaint was rejected.



Complaint Reference Number	C5031
Complainant	Mrs. Maureen Sheehan
Station	RTÉ Radio One
Programme Name	Boots - Vaccines
Broadcast Date	15 th October 2018
Programme Description	Advertisement for Boots
Complaint Category	Broadcasting Act 2009 – Section 48(1)(d)(commercial communications). The BAI General Commercial Communications Code - Principles 1, Principle 2, Principle 3. Rules 12.1, 12.2, 12.4, 12.5(d), 12.7(g&h) & 13.3(g&i).

The General Commercial Communications Code – Definitions

Appendix Two of the General Commercial Communications Code provides definitions for specific products and services. The definitions which are relevant to this complaint are supplied below:

Medical Treatment or Service:

A medical treatment or service is defined as a treatment or service intended to prevent, cure or alleviate a medical complaint, condition, symptom or disease. This includes, but is not limited to, psychiatry, psychotherapy and counselling.

Medicinal Product:

For the purposes of this Code, a medicinal product is defined further to Directive 2001/83/EC, as amended by Directive 2004/27/EC, as

“any substance or combination of substances presented as having properties for treating or preventing disease in human beings or any substance or combination of substances which may be used in or administered to human beings either with the view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis”.

The definition includes prescription-only medicines and medicinal products available from a pharmacy or shop counter that can be sold only once a Product Authorisation Licence has been granted by the relevant competent authority. It also includes medicinal products that are subject to any other licensing or certification requirements, including homeopathic and traditional herbal medicines. This does not include foods that make health or nutritional claims except those making medicinal claims.



Complaint Summary

The complaint relates to an advertisement for Boots. The complaint focuses on three key elements of the broadcast:

- The complainant questions if the vaccines discussed in the broadcaster are prescription-only.
- If the vaccines are prescription only, the complainant questions if the Minister for Health has approved the campaign.
- The complainant does not consider that the information contained in the broadcast was sufficient to meet the requirements of the General Commercial Communications Code.

Product/Service being advertised

The complainant states that the Boots advertisement for the flu, pneumococcal and shingles vaccines refers to prescription-only medical products, which are not permitted for commercial communication. The complainant states that pharmacists can supply the seasonal flu vaccine to the public as part of the National Immunisation Programme and can supply and administer this vaccine to patients as a private service. The pneumococcal vaccine is administered by GPs as part of that programme, but currently pharmacists cannot administer this. Pharmacists may, however, administer this vaccine to patients as a private service outside of the National Immunisation Programme. The complainant claims that the shingles vaccine is not part of the National Immunisation Programme and may be administered by pharmacists only to patients who require it as a private service.

Approval from Minister of Health

The complainant acknowledges that the rule pertaining to prescription-only medical products does not apply to commercial communication for vaccination campaigns approved by the Minister for Health. However, the complainant raises a query as to whether Boots received Ministerial approval for advertising the shingles and pneumococcal vaccines. If not, then the complainant believes that the advertisement is not compliant with the Code.

The complainant further states that legislation under Statutory Instrument No. 449/2015 allows pharmacists to supply and administer products listed on the S.I. schedule to their patients. However, the complainant claims that pharmacists have no legal authority to advertise any of these products to the public, unless they have approval from the Minister for Health. The complainant states that the Boots campaign does not qualify for the advertising exemptions that applies to human health or disease awareness campaigns. These campaigns are exempt provided there is no reference to medicinal products.

Information contained in advertisement

The complainant is of the view that the contents of the advertisement do not clearly identify the product as medicinal, nor warn the public of the need to always read the package leaflet associated with medicinal products. The complainant is of the view that the advertisement is misleading and potentially harmful.



The complainant believes the advertisement infringes Principles 1, Principle 2, Principle 3, Rules 12.1, 12.2, 12.4, 12.5(d), 12.7(g&h) and 13.3(g&i) of the General Commercial Communications Code.

Broadcaster Response Summary

The broadcaster states that Statutory Instrument 449/2015 sets out in clear terms that pharmacies have legal permission to *“provide for the supply and administration of specified prescription-only medicinal products without a prescription to a person by a pharmacist or by an individual appointed by a listed organisation for the purpose of saving life or reducing severe distress in emergency situations, where that pharmacist or individual has completed an approved course of training regarding the administration of such products and the management of adverse reaction”*.

The broadcaster states that these regulations also provide for the inclusion of additional vaccines, namely Pneumococcal and Zoster Vaccines. Therefore, it is the view of the broadcaster that this constitutes ministerial approval in this context and that the advertisement complies with relevant Irish and European legislation.

The broadcaster does not believe that section 12 of the Code is applicable as the advert is for a service offered with permissions rather than a product. The Boots radio commercial states that it offers vaccinations against flu and pneumococcal diseases, it also states *“we offer shingles vaccinations to help keep you well all year round...pop in and see your local Boots pharmacist to find out which vaccinations are right for you and book your appointment...”*

It is the view of the broadcaster that listeners would understand that Boots is offering a service whereby a member of the public can seek advice and ask questions regarding vaccinations, prior to making an informed decision. The broadcaster is of the view that the advertisement contains sufficient information to allow listeners to be informed regarding the service being offered. The broadcaster does not believe there are grounds to uphold this complaint.

Advertiser Response Summary

The advertiser states that the purpose of the advertisement, which was part of a Winter Wellness campaign, was to raise awareness of flu, pneumococcal and shingles diseases and the respective vaccination services relating to these conditions available in Boots Ireland. As such, the advertiser states that this was considered part of a human health and disease awareness campaign. Further, the advertiser cites Statutory Instrument 449/2015 as facilitating the supply and administration of influenza, pneumococcal polysaccharide and herpes zoster vaccines, without the need for prescription.

The focus of the advertisement is on the vaccination service. The advertiser does not consider section 12 relevant as it does not believe the advertisement refers to a medicinal product. By focusing on the service, the advertisement conveys that the service includes discussing the suitability of the product and any aftercare requirements with the pharmacist. The advertiser states that flu vaccinations services have been available in pharmacies nationwide since 2011/2012.



Boots services are subject to patient eligibility and this is clearly discussed with the patient during consultation, prior to a decision being made. The advertisement advises listeners to speak to a Boots pharmacist for information and advice and does not make inappropriate claims regarding enhancement to health or to the safety of the services offered.

The advertiser states that the Winter Wellness campaign was in compliance with the relevant legislative requirements and does not refer to a medicinal product.

Decision of Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Committee noted that the complaint was made under principles 1, 2 and 3 and rules 12.1, 12.2, 12.4, 12.5(d), 12.7(g&h) & 13.3(g&i) of the General Commercial Communications Code. The principles require commercial communications to be legal, honest, decent and truthful. Further, commercial communications shall not prejudice respect for human dignity, cause serious or widespread offence, cause harm or encourage harmful behaviour. The nature of commercial communications should be transparent. The Code also sets out specific rules for commercial communications for medicinal products, devices, treatments and services.

The Committee had regard for Statutory Instrument (S.I.) No. 449 of 2015 and noted that pharmacists may administer the influenza vaccination, herpes zoster (shingles) vaccination and pneumococcal polysaccharide vaccination, to specific patients at the pharmacy, without the need for a prescription, and where the necessary training has been undertaken by the pharmacist. As such, the product was not considered prescription-only. Therefore, the requirement regarding the Ministerial approval is not applicable to this complaint.

While the Committee acknowledged that a vaccine is a product, they considered that the focus of the advertisement was the service provided by Boots. In this regard, the Committee determined that the advertisement was for a service and not a product and, therefore, section 12 of the Code is not applicable to this complaint.

The Committee did not consider that the advertisement contained content which infringed the principles of the Code. Listeners were advised that the service being advertised was subject to availability and eligibility and were encouraged to ask a Boots pharmacist for details. It was the view of the Committee that the advertisement could not reasonably be considered as suggesting the health of the subject could be enhanced by availing of the service, nor did the advertisement contain unwarranted or indiscriminate use of words such as "safe" or "without risk".

The Committee did not find that the advertisement infringed the requirements of the Code and, as such, the complaint was rejected.



Complaint Reference Number	C5053
Complainant	Ms. Paula Byrne
Station	RTÉ One
Programme Name	Eco Eye
Broadcast Date	5 th February 2019
Broadcast Time	19:00
Programme Description	Eco Eye is a documentary series covering environmental issues impacting Ireland and abroad.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1 and 4.2.

Complaint Summary

The complaint concerns an episode entitled Citizens' Climate which dealt with climate change, Ireland's greenhouse gas emissions and the role of a Citizens' Assembly in Irish climate action. The complaint centres on a segment of the programme which looked at wind energy. The complainant maintains that the programme was not impartial as it presented only a positive view of wind energy and ignored the negative social, environmental and economic impact of wind energy. It is the view of the complainant that wind energy is a subject of public controversy which faces much opposition and, by ignoring opposing views, the broadcast failed to be objective or impartial.

The complainant maintains that the programme failed to provide any information regarding the negative impact of wind energy and states that there is no evidence of the feasibility of the 100% renewable energy, as presented in the programme.

The complainant contends that the programme failed to be fair to all interests concerned and did not comply with the requirement to be objective or impartial.

Broadcaster Response Summary

The broadcaster states that the focus of the episode was Ireland's greenhouse gases, specifically looking at why they are rising and what role the Citizens' Assembly plays. The broadcaster states that the focus of the programme was editorially justified and is of the view that the audience would have understood the wider considerations of the programme. In this regard, the programme was a factual and fair analysis of the issues explored and was properly contextualized for viewers.

The broadcaster disagrees that the focus of the programme was wind energy, as evidenced by the fact that the segment regarding wind energy was only 2.5 minutes in duration. The broadcaster states that the programme was not presented as a detailed examination of wind energy and notes that the omission of a viewpoint or perspective does not automatically result in unfairness, nor is there a requirement to cover every aspect of an item in order to achieve fairness. As it was not addressing the arguments for and against wind energy, there was no requirement to feature proponents of either side. The broadcaster does not believe there is a basis for the claim that the programme was promoting wind energy.



The broadcaster is of the view that the programme is fully compliant with all the relevant legislative and regulatory Codes.

Decision of Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Compliance Committee noted that the complaint was made under Sections 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Committee noted that the complaint centres on a segment of the programme which looked at wind energy and Scotland's use of wind farming in reaching its 2020 emissions targets five years early. The Committee noted that the segment on wind energy was a minor part of the programme which was explored in the context of the steps Scotland have taken in order to reduce CO2 emissions. The broadcaster has editorial freedom to make choices in relation to what issues are covered and, in this regard, the programme examined Ireland's response to climate change and the role of the Citizens' Assembly in reducing carbon emissions.

The Committee noted that the complainant was of the view that the programme failed to adhere to the requirements of the Code as it did not explore any negative or controversial aspects of wind energy, however, the programme was not an exploration of the merits of wind energy. There is no requirement for the broadcaster to explore all possible views or to cover every aspect of an item in order to achieve fairness. The Committee considered the programme in full and determined that the subject matter was treated fairly and presented in an objective manner. The programme did not infringe the Code and, as such, the complaint was rejected.



Complaint Reference Number	C5066
Complainant	Ms. F. Cooney
Station	RTÉ One
Programme Name	Eco Eye
Broadcast Date	5 th February 2019
Broadcast Time	19:00
Programme Description	Eco Eye is a documentary series covering environmental issues impacting Ireland and abroad.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rules 4.1 and 4.2.

Complaint Summary

The complaint concerns an episode entitled Citizens' Climate, which dealt with climate change, Ireland's greenhouse gas emissions and the role of a Citizens' Assembly in Irish climate action. The complaint centres on a segment of the programme which looked at wind energy. The complainant maintains that the programme was not impartial as it presented only a positive view of wind energy and ignored the negative social, environmental and economic impact of wind energy. It is the view of the complainant that wind energy is a subject of public controversy which faces much opposition and, by ignoring opposing views, the broadcast failed to be objective or impartial.

The complainant believes that the programme was made with the assumption that 100% renewable electricity system was feasible and desirable, an assumption which was not analysed or challenged. In the view of the complainant, wind energy was the focus of the programme and it inaccurately implied that wind energy would be central to the 100% renewable future. The programme did not ensure that information regarding wind energy was presented accurately to include its shortcomings and negative impact. The complainant contends that the programme failed to be fair to all interests concerned and did not comply with the requirement to be objective or impartial.

Broadcaster Response Summary

The broadcaster states that the focus of the episode was Ireland's greenhouse gases, specifically looking at why they are rising and what role the Citizens' Assembly plays. The broadcaster states that the focus of the programme was editorially justified and is of the view that the audience would have understood the wider considerations of the programme. In this regard, the programme was a factual and fair analysis of the issues explored and was properly contextualized for viewers.

The broadcaster disagrees that the focus of the programme was wind energy, as evidenced by the fact that the segment regarding wind energy was only 2.5 minutes in duration. The broadcaster states that the programme was not presented as a detailed examination of wind energy and, consequently, there was no assumption about the feasibility or desirability of wind energy, as alleged by the complainant. Further, the short segment related to wind energy was dealt with in context and in a fair, accurate and objective manner.



Regarding Section 4.1 and 4.2 of the Code, the broadcaster states that a decision not to include a particular element is not de facto a lack of fairness, objectivity or impartiality. Further, there is no requirement to create an artificial balance. The programme was not about wind energy and there was no requirement to explore every viewpoint on wind energy. The broadcaster is of the view that there is no basis to uphold this complaint.

Decision of Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Compliance Committee noted that the complaint was made under Sections 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Committee noted that the complaint centres on a segment of the programme which looked at wind energy and Scotland's use of wind farming in reaching its 2020 emissions targets five years early. The Committee noted that the segment on wind energy was a minor part of the programme which was explored in the context of the steps Scotland have taken in order to reduce carbon emissions.

The Committee noted that the complainant was of the view that the programme failed to adhere to the requirements of the Code as it did not explore any negative or controversial aspects of wind energy. There is no requirement for the broadcaster to explore all possible views or to cover every aspect of an item in order to achieve fairness. Further, the broadcaster has editorial freedom to make choices in relation to what issues are covered. This aimed to examine Ireland's response to climate change and the role of the Citizens' Assembly in reducing carbon emissions, it was not an exploration of the merits of wind energy. The BAI has no role in the editorial choices of broadcasters, including decisions regarding which issues are covered in a particular programme.

The Committee considered the programme in full and determined that the subject matter was treated fairly and presented in an objective manner. The programme did not infringe the Code and, as such, the complaint was rejected.



Complaint Reference Number	C5109
Complainant	Mr. Eoin McMahon
Station	RTÉ One
Programme Name	Eco Eye
Broadcast Date	25 th March 2019
Broadcast Time	19:00
Programme Description	Eco Eye is a programme covering environmental matters.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(Fairness, Objectivity & Impartiality in Current Affairs). The BAI Code of Fairness, Objectivity & Impartiality in News & Current Affairs: Rules 4.1 and 4.2.

Complaint Summary

The complainant is of the view that the programme did not treat the subject matter fairly as it failed to be fair to all interests concerned. The complainant believes that the viewpoint of those who dispute the situation with climate change or who question climate catastrophism were not represented or given equal time. The complainant states that the programme failed to explore the fact that wind and solar farms can only produce a limited amount of electricity.

The complainant is of the view that the programme was misleading with regard to electric vehicles and believes that by not exploring this topic fully the programme effectively promoted electric vehicles. Further, the complainant also states that the only gas which can legitimately be called a greenhouse gas is water vapour, therefore, the complainant believes that the presenter incorrectly stated that “carbon dioxide is the main greenhouse gas”.

The complainant maintains that the programme contained inaccuracies and is of the view that the broadcaster failed to explore the available information. The complainant is of the view that the exclusion of relevant facts resulted in the programme not being balanced, objective or impartial.

Broadcaster Response Summary

The broadcaster refutes the allegations that the programme infringed the Code. The broadcaster states that there is no requirement for a broadcaster to address or give equal airtime to all possible opinions on a subject. Principle 6 of the Code of Programme Standards encourages broadcasters to inform audiences of current developments in respect to environmental matters while giving due weight to the balance of contemporary scientific knowledge. The broadcaster states that 197 countries have endorsed the science behind climate change, which is now considered irrefutable. In this regard, the programme adhered to these requirements.

The broadcast states that the presenter’s comment regarding carbon dioxide would be understood in the context of the programme and it would be clear to viewers that she was speaking of the harmful nature of the anthropogenic gas carbon dioxide and its effect on climate. The broadcaster acknowledges that the complainant questions some information contained in the programme and



also that he believes that some key information was excluded. However, the broadcaster does not believe that the complainant supports these elements of his complaint with fact or evidence.

The broadcaster is of the view that the programme was fully compliant with all relevant Codes and legislative provisions.

Decision of Compliance Committee

Having considered the broadcast and the submissions from the complainant and the broadcaster, and also having had regard to the relevant legislation and Code, the Committee decided to reject the complaint. The Committee's findings and reasons for the decision are set out below.

The Compliance Committee noted that the complaint was made under Sections 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views.

The Committee considered the complainant's view that the programme failed to adhere to the requirements of the Code as it did not explore any negative aspects of electric cars or represent the views of those who dispute the science behind climate catastrophism. The Committee noted that the broadcaster has editorial freedom to make choices in relation to what issues are covered and, in this regard, the focus of the programme was electric vehicles and was not a wider discussion on climate change.

It was the view of the Committee that the programme explored the pros and cons of electric vehicles and dealt with the subject matter in a manner which was fair and objective. Further, there is no requirement for the broadcaster to explore all possible views or to cover every aspect of an item in order to achieve fairness. The Committee considered the programme in full in context and determined that the subject matter was treated fairly and presented in an objective manner. The programme did not infringe the Code and, as such, the complaint was rejected.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5213
Complainant	Mr. Neal Cattle
Station	Radio Nova
Programme Name	The Colm & Lucy Breakfast Show
Broadcast Date	1 st October 2019
Broadcast Time	7am – 10am
Programme Description	A light entertainment programme broadcast Monday to Friday
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principles 1 and 4.

Complaint Summary

The complainant claims that a segment on the programme broadcast around 9am contained overtly sexual content and featured a recording of a woman having an orgasm. The complainant believes that children often listen to radio during the day and does not consider the content appropriate for the time of broadcast.

Broadcaster Response Summary

The broadcaster states that this segment is called 'Finish Me Off...funny'. The presenters provide a headline with some words missing and invites listeners to fill in the gap with a funny reply. The broadcaster states that the piece of audio played is from the iconic movie scene from 'When Harry Met Sally', which has a 15 certification. The broadcaster is of the view that the audio was used in a tongue in cheek manner and states that there was no explicit reference made on air. Further, the broadcaster maintains that 9am is a time when most children are in school.

Decision of Executive Complaints Forum

Having considered the broadcast and the submissions from the complainant and the broadcaster and having had regard to the relevant legislation and Code, the Forum decided to reject the complaint. The Forum's views and reasons for the decision are set out below.

The Forum noted that the complaint was made under Principles 1 and 4 of the Code of Programme Standards. The Code requires that broadcasters must take general community standards into account when making programmes. The Code also acknowledges the particular needs of children as audience members.

The Forum noted that the complainant was of the view that the segment in question was unsuitable given the time of broadcast. The Forum had regard to the concerns of the complainant and noted that, while some children could have been listening, the content was not inappropriate given the type of channel and the likely audience expectation. Further, the Forum noted that the segment was light-hearted and was of the view that children were unlikely to understand the meaning of the clip. The Forum did not consider the content to be harmful to children.



Given the type of programme, the channel and the likely audience expectation, the Forum did not find that the programme infringed the Code of Programme Standards. As such, the complaint was rejected.

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