

**Broadcasting Authority of Ireland**

**Broadcasting Complaints Decisions**

**January 2020**

**Date**

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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,](http://www.bai.ie/) by emailing [info@bai.ie](mailto:info@bai.ie) or by phoning the BAI on 01-6441200.

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.](http://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, thirteen complaints were considered and rejected by the Compliance Committee of the BAI at its meeting on 9th October 2019. In addition, nine complaints were considered and rejected by the Executive Complaints Forum at its meeting on 18th November 2019. Four of those complaints are taken together in the published decisions below.

**Rejected by Compliance Committee**

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| **Complaint Reference Number** | **C5111** |
| **Complainant** | Mr. Robert Cox on behalf of Irish Mail on Sunday |
| **Station** | RTÉ Radio One |
| **Programme Name** | The Marian Finucane Show |
| **Broadcast Date** | 24th March 2019 |
| **Broadcast Time** | 11:00 |
| **Programme Description** | The Marian Finucane Show is a mix of news, current affairs, interviews and panel discussions. |
| **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 - Rule 4.2, 4.3, 4.17 & 4.19. |

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| **Complaint Summary** |
| The complainant believes that comments made by a panellist regarding an investigative story featured in the Irish Mail on Sunday infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs.  The report related to a woman who was allegedly abused by a bishop and the complainant states that the story was only published after an in-depth investigation was undertaken. While discussing the report, Patsy McGarry, Religious Affairs correspondent with The Irish Times, made comments which raised questions regarding elements of the story and stated that “there are holes in this”.  The complainant maintains that these comments were damaging to the reputation of the newspaper and the journalist as it may cast doubts over the accuracy of the story featured. The complainant is of the view that the programme was unfair, inaccurate and misleading to listeners. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the newspaper review is a robust analysis of content in the paper. The panellist’s remark that “there are holes in this” does not amount to Mr. McGarry saying the story is not true. The broadcaster is of the view that Mr. McGarry’s comment regarding people rarely making false allegations is indicative of him saying there is substance to the story. Further, the presenter supported the view that few people make false allegations. The broadcaster believes that the comment was akin to Mr. McGarry saying that there are gaps in the account given, as opposed to gaps in the story.  The broadcaster states that Mr. McGarry did not make any assertion that the journalist had been duped or had not carried out appropriate checks, nor did he cast any doubts on her reporting.  Discussion and analysis of newspapers is an integral part of the programme and occurs regularly. The broadcaster is of the view that the programme was fully compliant with the requirements of the Code. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 4.2, 4.3, 4.17 and 4.19 of the Code of Fairness, Objectivity and lmpartiality 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. News and current affairs content should be presented with due accuracy and views or facts should not be misrepresented or presented in a manner which renders them misleading.    The Committee had regard to the complainant’s view that the comments made during the newspaper review were damaging to the author of the article in question and to the reputation of the newspaper. The Committee noted that during the discussion some elements of the story were questioned, however, it was the view of the Committee that these comments were not directed towards the article in the newspaper per se, rather it was a wider discussion regarding the background of the matter.    The Committee noted that the newspaper review is a recurring segment and regular listeners would expect robust commentary on a range of topics. The Committee noted that the comment of particular concern to the complainant was made by a contributor who has some background knowledge regarding the matter. The Committee considered that it was clear to listeners that Mr. McGarry was giving a personal view based on his knowledge and experience and in this regard, the Committee did not consider that the segment was misleading to listeners.    The Committee noted that the commentary was robust, however, the language and tone used by the presenter and panellists were tempered and the topic was discussed in a sensitive manner. The Committee acknowledged that the comments were open to interpretation, however, the Committee considered that the discussion was of a broad nature and did not call into question the work of the journalist or newspaper in the manner described by the complainant. On balance, the Committee was of the view that the subject matter was treated in a manner which was fair, objective and impartial. As such, the complaint was rejected. |

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| **Complaint Reference Number** | **C5152** |
| **Complainant** | Mr. Éamonn Geoghegan on behalf of An Lucht Feachana |
| **Station** | RTÉ Two and RTÉ Two + 1 |
| **Programme Name** | McDonald’s Advertisement |
| **Broadcast Date** | 1st June 2019 |
| **Broadcast Time** | 13:15 (approx.) |
| **Programme Description** | An advertisement for McDonald’s broadcast after an episode of Home and Away and before the Women’s World Cup. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI Children’s Commercial Communications Code - Rule 6. 3, 11.4, 11.5, 11.7, 11.8 and 14.2. |

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| **Complaint Summary** |
| The complainant maintains that the McDonald’s advertisement was aired during children’s programming on RTÉ Two and RTÉ Two +1. The complainant is of the view that the onscreen message was not clear for children to read.  The complainant states that the advertisement is for High Fat Sugar Salt (HFSS) foods and features licensed characters for the film The Secret Life of Pets. The complainant does not believe that the broadcast included any clear acoustic or visual message stating that these products should be eaten in moderation and as part of a balanced diet.  The complainant is of the view that the inclusion of characters from a children’s film blurred the distinction between advertising and programme content. |

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| **Broadcaster Response Summary** |
| The broadcaster states that this advert was for the McDonald’s Happy Meal Chicken Wrap and showed the Happy Meal grilled chicken wrap, organic milk and an apple and grape bag. The broadcaster states that none of these products are HFSS and, therefore, can run on RTÉ TV without restriction. Further, as these are not HFSS products, the commercial may contain film characters.  The broadcaster does not deem these to be fast food/confectionary. The broadcaster states that its copy clearance committee approved the commercial and found it did not infringe any Codes. |

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| **Advertiser Response Summary** |
| The advertiser maintains that McDonald’s does not consider the Happy Meal to be an advertisement for HFSS food products. The majority of the products in the Happy Meal range are non-HFSS – 17 of the 22 items are non-HFSS. The advertiser states that the food products shown in the advert were the Happy Meal grilled chicken wrap, milk, the apple and grape bag, all of which are non-HFSS products.  The advertiser states that the Children’s Commercial Communication Code requires a message about consuming fast food in moderation where the advert is for fast food products. However, the products shown in the advert were not fast food within the meaning of the Code i.e. they do not have “the recognised character of fast food” required. Nonetheless, a visual message about consumption in moderation as part of a balanced diet was included in the Happy Meal advert. Given that this message went beyond the requirements, the advertiser states that it did not infringe the Code.  The advertiser also states that the advertisement featured licensed characters from the film The Secret Life of Pets 2 and the McDonald’s equity brand character Happy. The advertisement did not feature an excerpt from a children’s programme and the characters featured were not “programme characters” as described in the Code. The advertiser does not consider that there was an unclear distinction between the advertisement and programme content. The advertiser therefore believes the advert did not infringe the Code. |

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| **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 is made under rules 6.3, 11.4, 11.5, 11.7, 11.8 and 14.2[[1]](#footnote-1) of the Children’s Commercial Communications Code. The Code requires children’s commercial communications to ensure that on-screen messages are clear, adhere to the requirements set out for HFSS food products or services, and comply with fast food and confectionary rules.    The Committee noted that some products found in a Happy Meal are HFSS foods. However, the Committee considered the content of the advertisement and noted that none of the items featured in the broadcast are HFSS foods. As such, the Committee did not consider that Section 11 of the Code applied to the commercial communication.    The Committee was of the view that the advertisement is for a fast food product and, as such, requires an acoustic or visual message stating it ‘should be eaten in moderation and as part of a balanced diet’. The Committee noted that this message was visible on screen and was satisfied that it was displayed clearly and of a sufficient length for children to read.    The Committee did not consider that the commercial communication infringed the Code in the manner outlined by the complainant. Accordingly, the Committee rejected the complaint. |

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| **Complaint Reference Number** | **C5153** |
| **Complainant** | Mr. Éamonn Geoghegan on behalf of An Lucht Feachana |
| **Station** | RTÉ Two |
| **Programme Name** | McDonald’s Advertisement |
| **Broadcast Date** | 2nd June 2019 |
| **Broadcast Time** | 13:47 (approx.) |
| **Programme Description** | An advertisement for McDonald’s broadcast before School of Rock TV series |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI Children’s Commercial Communications Code - Rule 6. 3, 11.4, 11.5, 11.7, 11.8 and 14.2. |

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| **Complaint Summary** |
| The complainant maintains that the McDonald’s advertisement was aired during children’s programming on RTÉ Two. The complainant is of the view that the onscreen message was not clear for children to read.  The complainant states that the advertisement is for High Fat Sugar Salt (HFSS) foods and features licensed characters for the film The Secret Life of Pets. The complainant does not believe that the broadcast included any clear acoustic or visual message stating that these products should be eaten in moderation and as part of a balanced diet.  The complainant is of the view that the inclusion of characters from a children’s film blurred the distinction between advertising and programme content. |

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| **Broadcaster Response Summary** |
| The broadcaster states that this advert was for the McDonald’s Happy Meal Chicken Wrap and showed the Happy Meal grilled chicken wrap, organic milk and an apple and grape bag. The broadcaster states that none of these products are HFSS and, therefore, can run on RTÉ TV without restriction. Further, as these are not HFSS products, the commercial may contain film characters.  The broadcaster does not deem these to be fast food/confectionary. The broadcaster states that its copy clearance committee approved the commercial and found it did not infringe any Codes. |

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| **Advertiser Response Summary** |
| The advertiser maintains that McDonald’s does not consider the Happy Meal to be an advertisement for HFSS food products. The majority of the products in the Happy Meal range are non-HFSS – 17 of the 22 items are non-HFSS. The advertiser states that the food products shown in the advert were the Happy Meal grilled chicken wrap, milk, the apple and grape bag, all of which are non-HFSS products.  The advertiser states that the Children’s Commercial Communication Code requires a message about consuming fast food in moderation where the advert is for fast food products. However, the products shown in the advert were not “fast food” within the meaning of the Code i.e. they do not have “the recognised character of fast food” required. Nonetheless, a visual message about consumption in moderation as part of a balanced diet was included in the Happy Meal advert. Given that this message went beyond the requirements, the advertiser states that it did not infringe the Code.  The advertiser also states that the advertisement featured licensed characters from the film The Secret Life of Pets 2 and the McDonald’s equity brand character Happy. The advertisement did not feature an excerpt from a children’s programme and the characters featured were not “programme characters” as described in the Code. The advertiser does not consider that there was an unclear distinction between the advertisement and programme content. The advertiser therefore believes the advert did not infringe the Code. |

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| **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 is made under rules 6.3, 11.4, 11.5, 11.7, 11.8 and 14.2[[2]](#footnote-2) of the Children’s Commercial Communications Code. The Code requires children’s commercial communications to ensure that on-screen messages are clear, adhere to the requirements set out for HFSS food products or services, and comply with fast food and confectionary rules.    The Committee noted that some products found in a Happy Meal are HFSS foods. However, the Committee considered the content of the advertisement and noted that none of the items featured in the broadcast are HFSS foods. As such, the Committee did not consider that Section 11 of the Code applied to the commercial communication.    The Committee was of the view that the advertisement is for a fast food product and, as such, requires an acoustic or visual message stating it ‘should be eaten in moderation and as part of a balanced diet’. The Committee noted that this message was visible on screen and was satisfied that it was displayed clearly and of a sufficient length for children to read.    The Committee did not consider that the commercial communication infringed the Code in the manner outlined by the complainant.  Accordingly, the Committee rejected the complaint. |

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| **Complaint Reference Number** | **C5169** |
| **Complainant** | Mr. Éamonn Geoghegan on behalf of An Lucht Feachana |
| **Station** | RTÉ Two +1 |
| **Programme Name** | McDonald’s Advertisement |
| **Broadcast Date** | 1st June 2019 |
| **Broadcast Time** | 13:47 (approx.) |
| **Programme Description** | An advertisement for McDonald’s broadcast after the Women’s World Cup and before the film RV. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI Children’s Commercial Communications Code - Rule 6. 3, 11.4, 11.5, 11.7, 11.8 and 14.2. |

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| **Complaint Summary** |
| The complainant maintains that the McDonald’s advertisement was aired during children’s programming on RTÉ Two +1. The complainant is of the view that the onscreen message was not clear for children to read.  The complainant states that the advertisement is for High Fat Sugar Salt (HFSS) foods and features licensed characters for the film The Secret Life of Pets. The complainant does not believe that the broadcast included any clear acoustic or visual message stating that these products should be eaten in moderation and as part of a balanced diet.  The complainant is of the view that the inclusion of characters from a children’s film blurred the distinction between advertising and programme content. |

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| **Broadcaster Response Summary** |
| The broadcaster states that this advert was for the McDonald’s Happy Meal Chicken Wrap and showed the Happy Meal grilled chicken wrap, organic milk and an apple and grape bag. The broadcaster states that none of these products are HFSS and, therefore, can run on RTÉ TV without restriction. Further, as these are not HFSS products, the commercial may contain film characters.  The broadcaster does not deem these to be fast food/confectionary. The broadcaster states that its copy clearance committee approved the commercial and found it did not infringe any Codes. |

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| **Advertiser Response Summary** |
| The advertiser maintains that McDonald’s does not consider the Happy Meal to be an advertisement for HFSS food products. The majority of the products in the Happy Meal range are non-HFSS – 17 of the 22 items are non-HFSS. The advertiser states that the food products shown in the advert were the Happy Meal grilled chicken wrap, milk, the apple and grape bag, all of which are non-HFSS products.  The advertiser states that the Children’s Commercial Communication Code requires a message about consuming fast food in moderation where the advert is for fast food products. However, the products shown in the advert were not “fast food” within the meaning of the Code i.e. they do not have “the recognised character of fast food” required. Nonetheless, a visual message about consumption in moderation as part of a balanced diet was included in the Happy Meal advert. Given that this message went beyond the requirements, the advertiser states that it did not infringe the Code.  The advertiser also states that the advertisement featured licensed characters from the film The Secret Life of Pets 2 and the McDonald’s equity brand character Happy. The advertisement did not feature an excerpt from a children’s programme and the characters featured were not “programme characters” as described in the Code. The advertiser does not consider that there was an unclear distinction between the advertisement and programme content. The advertiser therefore believes the advert did not infringe the Code. |

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| **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 is made under rules 6.3, 11.4, 11.5, 11.7, 11.8 and 14.2[[3]](#footnote-3) of the Children’s Commercial Communications Code. The Code requires children’s commercial communications to ensure that on-screen messages are clear, adhere to the requirements set out for HFSS food products or services, and comply with fast food and confectionary rules.    The Committee noted that some products found in a Happy Meal are HFSS foods. However, the Committee considered the content of the advertisement and noted that none of the items featured in the broadcast are HFSS foods. As such, the Committee did not consider that Section 11 of the Code applied to the commercial communication.    The Committee was of the view that the advertisement is for a fast food product and, as such, requires an acoustic or visual message stating it ‘should be eaten in moderation and as part of a balanced diet’. The Committee noted that this message was visible on screen and was satisfied that it was displayed clearly and of a sufficient length for children to read.    The Committee did not consider that the commercial communication infringed the Code in the manner outlined by the complainant. Accordingly, the Committee rejected the complaint. |

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| **Complaint Reference Number** | **C5138** |
| **Complainant** | Mr. Ciarán Magill |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and constituted an attack on the Irish greyhound industry.  The complainant states that the programme was based on a report which was commissioned by the Irish Greyhound Board (IGB). The complainant believes that the report was inaccurate and states that it was disregarded by the IGB. The complainant claims that the programme contained several inaccuracies, including accusations regarding the number of greyhounds culled each year, the racing lifetime of greyhounds, the use of the performance-enhancing drug Erythropoietin (EPO) and the number of countries which still support greyhound racing. Further, the complainant does not believe that the views provided by all contributors were impartial.  The complainant states that the inclusion of false information and the use of staged and outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter.  It is the view of the complainant that the broadcaster also participated in the suffering of greyhounds by allowing it to continue in order to make the programme. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. Further, the reporter, by stating this was “typical”, made it clear that the figure quoted was an average.  **Knackeries footage** – the broadcaster states that a camera was placed in a knackery for 12 days, it was only after the camera was retrieved and the footage was checked that the programme team became aware that four dogs had been brought to the knackery and killed. The broadcaster states that the matter was reported to the Department of Agriculture.  **Footage of abuses/cruelty** – the broadcaster states that historical footage was identified as such. The footage was used in the context of the programme and demonstrated that Irish greyhounds are being exported to Asia. However, the broadcaster considers that the footage was presented fairly.  The broadcaster states that, following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 lmpartiality 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 complainant cited many elements of the programme which, in his view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers    The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5139** |
| **Complainant** | Mrs. Linda Campbell |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and did not show any appositive aspects of the racing industry.  The complainant claims that the programme contained several inaccuracies, including accusations regarding the number of greyhounds which are unaccounted for and the use of the performance-enhancing drug Erythropoietin (EPO). Further, the complainant does not believe that the views provided by all contributors were impartial or accurate.  The complainant believes the programme was incorrect when it stated that the IGB declined an interview, as the IGB agreed to a live interview so it could not be misquoted or edited.    The complainant states that the inclusion of false information and the use of staged and outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter.  It is the view of the complainant that the broadcaster also participated in the suffering of greyhounds by allowing it to continue in order to make the programme. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. Further, the reporter, by stating this was “typical”, made it clear that the figure quoted was an average.  **Knackeries footage** – the broadcaster states that a camera was placed in a knackery for 12 days, it was only after the camera was retrieved and the footage was checked that the programme team became aware that four dogs had been brought to the knackery and killed. The broadcaster states that the matter was reported to the Department of Agriculture.  **Footage of abuses/cruelty** – the broadcaster states that historical footage was identified as such. The footage was used in the context of the programme and demonstrated that Irish greyhounds are being exported to Asia. However, the broadcaster considers that the footage was presented fairly.  The broadcaster states that, following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 lmpartiality 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 complainant cited many elements of the programme which, in her view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers    The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5141** |
| **Complainant** | Mr. Eoghan Curtin |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |
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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and constituted an attack on the Irish greyhound industry.  The complainant claims that the programme contained several inaccuracies, including accusations regarding the number of greyhounds culled each year, the racing lifetime of greyhounds and the use of the performance-enhancing drug Erythropoietin (EPO). Further, the complainant is of the view that anti-racing comments were made throughout and were not challenged, including a reference to the greyhound community being evil.  The complainant also considers that the use of footage from the Longford greyhound track was used under false pretences and does not believe that the people in the footage were aware of the subject matter.  The complainant states that the inclusion of false information, along with the failure to mention any positive aspects of racing or of the work of the work of the Irish Greyhound Board (IGB), resulted in a programme which was misleading, one-sided and unfair to those involved in greyhound racing. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. Further, the reporter, by stating this was “typical”, made it clear that the figure quoted was an average.  The broadcaster states that there was no reference to the greyhound community being pure evil, as stated by the complainant. A contributor used the word evil to describe the practices in China, but this was clearly not used in an Irish context. With regard to the footage from the Longford track, the broadcaster states that the footage was from a public event and was appropriate to use. Further, the broadcaster states that anyone who contacted the programme team was informed of the topic being explored.  The broadcaster states that, following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 lmpartiality 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 complainant cited many elements of the programme which, in his view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers.  The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5143** |
| **Complainant** | Ms. Martina Ryan |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and constituted an attack on the Irish greyhound industry.  The complainant states that the programme contained several inaccuracies, including accusations regarding the use of the performance-enhancing drug Erythropoietin (EPO). The complainant is also of the view that the reference to “illegal coursing” on Whiddy Island was incorrect. Further, the complainant does not believe that the views provided by all contributors were impartial or accurate.  The complainant states that the inclusion of false information and the use of outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. Further, the reporter, by stating this was “typical”, made it clear that the figure quoted was an average.  **Knackeries footage** – the broadcaster states that a camera was placed in a knackery for 12 days, it was only after the camera was retrieved and the footage was checked that the programme team became aware that four dogs had been brought to the knackery and killed. The broadcaster states that the matter was reported to the Department of Agriculture.  **Footage of abuses/cruelty** – the broadcaster states that historical footage was identified as such. The footage was used in the context of the programme and demonstrated that Irish greyhounds are being exported to Asia. However, the broadcaster considers that the footage was presented fairly.  **Whiddy Island** –the broadcaster stands over the reporting in relation to Whiddy Island and states that all concerned were provided an opportunity to respond.  The broadcaster states that, following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 lmpartiality 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 complainant cited many elements of the programme which, in her view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage, including the item regarding Whiddy Island, were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers.  The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5165** |
| **Complainant** | Ms. Lindsey Edwards |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and, as it failed to include any positive aspects of greyhound racing, it constituted an attack on the Irish greyhound industry.  The complainant states that the programme contained several inaccuracies, including accusations regarding the number of greyhounds culled each year and the use of the performance-enhancing drug Erythropoietin (EPO). The complainant does not believe that the views provided by some contributors were impartial or accurate.  The complainant believes the programme was incorrect when it stated that the Irish Greyhound Board (IGB) declined an interview, as the IGB agreed to a live interview so it could not be misquoted or edited.  The complainant states that the inclusion of false information and the use of outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter.  It is the view of the complainant that the broadcaster also participated in the suffering of greyhounds by allowing it to continue in order to make the programme. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. Further, the reporter, by stating this was “typical”, made it clear that the figure quoted was an average.  **Knackeries footage** – the broadcaster states that a camera was placed in a knackery for 12 days, it was only after the camera was retrieved and the footage was checked that the programme team became aware that four dogs had been brought to the knackery and killed. The broadcaster states that the matter was reported to the Department of Agriculture.  **Footage of abuses/cruelty** – the broadcaster states that historical footage was identified as such. The footage was used in the context of the programme and demonstrated that Irish greyhounds are being exported to Asia. However, the broadcaster considers that the footage was presented fairly.  **Irish Greyhound Board** – the broadcaster asserts that the IGB was offered an opportunity to be interviewed as part of the programme, but this offer was declined and a live interview was sought. The IGB was informed that a live interview could not be accommodated as the programme was pre-recorded. The IGB was given a range of issues and the responses were reflected in the programme. Further, footage of the CEO of IGB on Claire Byrne Live was included in the programme.  The broadcaster states that, following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 lmpartiality 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 complainant cited many elements of the programme which, in her view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers.    The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The broadcaster also retains editorial control of the format of the programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5186** |
| **Complainant** | Mr. Tom O’Connor |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and did not show any positive aspects of the racing industry.  The complainant claims that the programme contained several inaccuracies, including accusations regarding the number of greyhounds which are unaccounted for and the use of the performance-enhancing drug Erythropoietin (EPO). Further, the complainant does not believe that the view provided by all contributors were impartial or accurate.  The complainant believes the programme was incorrect when it stated that the IGB declined an interview, as the IGB agreed to a live interview so it could not be misquoted or edited.    The complainant states that the inclusion of false information and the use of staged and outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter.  It is the view of the complainant that the broadcaster also participated in the suffering of greyhounds by allowing it to continue in order to make the programme. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. Further, the reporter, by stating this was “typical”, made it clear that the figure quoted was an average.  **Knackeries footage** – the broadcaster states that a camera was placed in a knackery for 12 days, it was only after the camera was retrieved and the footage was checked that the programme team became aware that four dogs had been brought to the knackery and killed. The broadcaster states that the matter was reported to the Department of Agriculture.  **Footage of abuses/cruelty** – the broadcaster states that historical footage was identified as such. The footage was used in the context of the programme and demonstrated that Irish greyhounds are being exported to Asia. However, the broadcaster considers that the footage was presented fairly.  The broadcaster states that, following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 lmpartiality 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 complainant cited many elements of the programme which, in his view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers    The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The broadcaster also retains editorial control of the format of the programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5195** |
| **Complainant** | Mr. Gerard Dollard on behalf of the Irish Greyhound Board |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and constituted an attack on the Irish greyhound industry.  The complainant states that the programme refers extensively to a report which was commissioned by the Irish Greyhound Board (IGB). The complainant believes that the report was inaccurate and states that it was disregarded by the IGB. The complainant claims that the programme contained several inaccuracies, including accusations regarding the number of greyhounds culled each year, the racing lifetime of greyhounds, the use of the performance-enhancing drug Erythropoietin (EPO), the number of countries which still support greyhound racing and industry funding. Further, the complainant does not believe that the views provided by some contributors were accurate or impartial.  The complainant also feels that the programme failed to be fair due to the omission of information regarding, among other things, the good practices which are adopted by the vast majority of people involved in greyhound racing in Ireland, the economic benefit, or the statutory regulation of the industry and reforms introduced in the past decade.  The IGB was invited to participate in the programme, however, the thrust of the questions and the editorial approach being pursued was such that the IGB was of the view that they would be forced to take a defensive position. IGB offered a live interview but this offer was declined.  The complainant is of the view that the programme makers had a pre-determined agenda in relation to the greyhound industry. The inclusion of false information and the use of staged and outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter. The complainant believes that this programme did not provide an accurate reflection of the greyhound industry and failed to present the information in an objective or impartial manner. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme focused on welfare issues within the greyhound industry and examined in detail the implications of a report commissioned by the IGB. The programme looked at the application of a number of legislative and regulatory measures. It is the view of the broadcaster that the programme was in the public interest and this is evident from the fact that the programme has led to follow up investigations by the IGB, the Department of Agriculture and the Marine and National Parks and Wildlife Service.  The broadcaster notes that the complainant believes the programme was one-sided and misleading, however, the broadcaster states that the programme was fair and did represent the fact that good practices and good intentions were evident in the industry. The programme also highlighted the significant role greyhound racing plays in the community.  With regard to IGB not being interviewed, the broadcaster maintains that it is not possible to carry a live interview within a pre-recorded documentary and states that the IGB was provided with detailed questions by way of a right of reply.  The broadcaster notes that the complainant has stated that the IGB-commissioned report is based on estimates and assumptions, however, the broadcaster contends that the complainant praised the report in a letter from June 2018. The broadcaster is of the view that the findings were factually reported, further, the broadcaster states that it did not commission the report and is not responsible for the contents. Information quoted in relation to the racing life of a greyhound and the number of dogs unaccounted for were factually reported. In relation to the number of countries which still support greyhound racing, the broadcaster states that the figure given was for commercial racing only and this reflected the focus of the programme and the findings of the report.  In exploring doping in the industry, the programme provided examples of relevant court cases and provided a range of viewpoints. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  The broadcaster stands over the report and states that while a large number of issues were covered the information contained in the programme was factually accurate. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **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 lmpartiality 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 complainant cited many elements of the programme which, in its view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers.    The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The broadcaster also retains editorial control of the format of the programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme featured a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5199** |
| **Complainant** | Mr. Conor Flynn |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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 & 4.2. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and constituted an attack on the Irish greyhound industry.  The complainant states that the programme contained several inaccuracies, including accusations regarding the number of greyhounds culled each year, the racing lifetime of greyhounds, the use of the performance-enhancing drug Erythropoietin (EPO), the reference to “illegal coursing” on Whiddy Island and the number of countries which still support greyhound racing. Further, the complainant does not believe that the views provided by all contributors were impartial or accurate.  The complainant states that the inclusion of false information and the use of staged and outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. The reporter, by stating this was “typical”, made it clear that this figure is an average.  **Knackeries footage** – the broadcaster states that a camera was in a knackery for 12 days, it was only after the camera was retrieved and the footage was checked that the programme team became aware that four dogs had been brought to the knackery and killed. The broadcaster states that the matter was reported to the Department of Agriculture.  **Footage of abuses/cruelty** – the broadcaster states that historical footage was identified as such. The footage was used tin the context of the programme and demonstrated that Irish greyhounds are being exported to Asia. However, the broadcaster considers that the footage was presented fairly.  **Whiddy Island footage** – the broadcaster stands over the reporting in relation to Whiddy Island and states that all concerned were provided an opportunity to respond.  The broadcaster states that following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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 lmpartiality 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 complainant cited many elements of the programme which, in his view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage, including the item regarding Whiddy Island, were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers    The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial. The Committee did not consider that the programme infringed the Code in the manner outlined by the complainant and, as such, rejected the complaint. |

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| **Complaint Reference Number** | **C5200** |
| **Complainant** | Mr. Michael O’Driscoll |
| **Station** | RTÉ One |
| **Programme Name** | RTÉ Investigates: Running for Their Lives |
| **Broadcast Date** | 26th June 2019 |
| **Broadcast Time** | 21:35 |
| **Programme Description** | RTÉ Investigates is a current affairs programme. |
| **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, 4.2 and 4.17.  Section 48(1)(d)(harm and offence); the BAI Code of Programme Standards - Principle 6. |

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| **Complaint Summary** |
| The complainant is of the view that the programme was neither objective nor impartial and constituted an attack on the Irish greyhound industry.  The complainant states that the programme contained several inaccuracies, including accusations regarding the number of greyhounds culled each year, the racing lifetime of greyhounds, the use of the performance-enhancing drug Erythropoietin (EPO) and the reference to “illegal coursing” on Whiddy Island. Further, the complainant does not believe that the views provided by all contributors were impartial or accurate.  The complainant states that the inclusion of false information and the use of staged and outdated footage, without clearly being identified as such, was misleading and provided a biased view of the subject matter.  The complainant also contends that he has personally been harmed by the programme as he has been verbally abused by members of the public following the broadcast. It is the complainant’s view that this occurred because the programme did not give a fair depiction of the greyhound racing industry. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the programme was a comprehensive, factual investigation into practices in the greyhound industry. The broadcaster notes that the complainant raised a number of matters and has responded to each below:  **Reference to EPO** - in exploring doping in the industry, the programme provided details of the substances recovered from raids by the Department of Agriculture Special Investigations Unit, along with examples of relevant court cases. The programme also provided a range of viewpoints. The broadcaster states that the programme did not suggest that everyone involved in greyhound racing is engaged with doping. The broadcaster noted that the complainant questioned comments made by a veterinary surgeon regarding doping in the industry. The broadcaster states that the veterinary surgeon is recognised as specialising in the care of greyhounds and his contribution was entirely factual and appropriate for inclusion in the programme.  **Unaccounted Dogs** – the programme reported that a study commissioned by the Irish Greyhound Board (IGB) concluded that around 16,000 greyhounds are born each year with thousands going missing at an early stage. The report estimated that the average number of dogs culled is 5,987 and it was this figure that was quoted in the programme. The broadcaster further states that the programme noted the IGB minutes in which the report was described as “thought provoking but impractical” and included some views which criticised the findings in the report. The broadcaster stands over its use of the report.  **The racing life of a greyhound** - in relation to a dog’s racing career, the programme stated “typically a dog’s racing career lasts just seven months”. The broadcaster states that this figure was obtained from the report commissioned by the IGB. The reporter, by stating this was “typical”, made it clear that this figure is an average.  **Knackeries footage** – the broadcaster states that a camera was in a knackery for 12 days, it was only after the camera was retrieved and the footage was checked that the programme team became aware that four dogs had been brought to the knackery and killed. The broadcaster states that the matter was reported to the Department of Agriculture.  **Footage of abuses/cruelty** – the broadcaster states that historical footage was identified as such. The footage was used tin the context of the programme and demonstrated that Irish greyhounds are being exported to Asia. However, the broadcaster considers that the footage was presented fairly.  **Whiddy Island footage** – the broadcaster stands over the reporting in relation to Whiddy Island and states that all concerned were provided an opportunity to respond.  The broadcaster states that following the programme the government announced it would investigate with a view to securing prosecutions. The broadcaster is of the view that the programme complied fully with the relevant statutory and regulatory Codes and served the public interest. |

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| **Decision of Compliance Committee** |
| Having considered the broadcast and the submissions from the complainant and the broadcaster and 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, 4.2 and 4.17 of the Code of Fairness, Objectivity and lmpartiality 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 complaint is also made under the Principle 6 of the Code of Programme Standards which requires that broadcasters have regard to matters of importance in society.  The complainant cited many elements of the programme which, in his view, contributed to the programme failing to be fair, objective or impartial. The Committee noted that the complainant was of the view that the programme contained several inaccuracies which were misleading to viewers and gave an inaccurate picture of the greyhound industry. The Committee noted that a wide variety of sources were cited throughout the programme, such as a report commissioned by the Irish Greyhound Board and footage obtained through undisclosed recording. The Committee was of the view that the information and footage, including the item regarding Whiddy Island, were presented in a factual manner, and sources were clearly identified. In this regard the Committee found that information was presented with due accuracy and did not consider that the programme was misleading to viewers    The complainant objected to the inclusion of particular contributors and questioned some of the views presented in the programme. The Committee noted that the broadcaster retains editorial independence and, as such, is entitled to choose the contributors who participate in a programme. The Committee also had regard to the complainant’s view that the programme omitted some key information and failed to refer to many of the positive elements of greyhound racing. The Committee noted that there is no requirement in the Code for a broadcaster to include all possible viewpoints on a matter and the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to all views. The programme contained a variety of contributors and the audience was given access to a wide range of viewpoints. The Committee considered the programme in its entirety and determined that the subject matter was explored in a fair and impartial manner.    The Committee did not find evidence in the programme to support the complainant’s view that greyhound racing was presented solely in a negative manner or that the content could be considered as an attack on the industry. The Committee found that the programme was a comprehensive exploration of the topic in a factual manner which was fair, objective and impartial.    The complainant stated that he has personally been harmed as a result of the broadcast, however, the Committee was of the view that the complainant did not supply sufficient information to support the element of the complaint which was made under Principle 6 of the Code of Programme Standards.    The Committee did not consider that the programme infringed the Codes in the manner outlined by the complainant and, as such, rejected the complaint. |

**Rejected by Executive Complaints Forum**

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| **Complaint Reference Number** | **C5234** |
| **Complainant** | Mr. Kevin Squires |
| **Station** | RTÉ Two |
| **Programme Name** | Eurovision Song Contest – Semi Final 1 |
| **Broadcast Date** | 14th May 2019 |
| **Broadcast Time** | 20:00 |
| **Programme Description** | A light entertainment programme featuring singers representing various countries. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(a)(Fairness, Objectivity & Impartiality in Current Affairs); the Code of Fairness, Objectivity & Impartiality in News and Current Affairs – Rules 4.1 & 4.2. Section 48(1)(b)(Harm and Offence); the Code of Programme Standards – Principle 6. |

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| **Complaint Summary** |
| The complaint concerns the first semi-final of the Eurovision Song Contest which took place in Tel-Aviv, Israel. The complainant is of the view that the programme portrayed occupied Palestinian and Syrian territories as being part of Israel. The complainant refers to the pre-song introductions by way of Postcards which featured the artists visiting various locations referred to by the presenter as being in Israel. However, the complainant maintains that many of the locations are in either occupied Palestinian or occupied Syrian territories and believes that the broadcaster did not inform the viewers of this fact.  The complainant states that by portraying each of the locations as being part of Israel, the broadcast was misleading, factually inaccurate and biased. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the Postcard introductions were produced by the Israeli Public Service Broadcasting Organisation and RTÉ had no input or control over the content. Further, the European Broadcasting Union is responsible for the Eurovision Song Contest and it stated that the postcards were compatible with the event’s apolitical mission statement.  The broadcaster considers the programme to be an entertainment event and states that the presenter’s commentary was appropriate to the event. The broadcaster contends that the programme and the presenter’s comments were compliant with all codes and rules. |

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| **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 complaints. The Forum's views and reasons for these decisions are set out below.  The Forum noted that the complaints were made under the Code of Fairness, Objectivity & Impartiality in News and Current Affairs, Rules 4.1 and 4.2 and Principle 6 of the Code of Programme Standards. The Code of Fairness, Objectivity & Impartiality in News and Current Affairs requires that news and current affairs content is presented in an objective and impartial manner and without any expression of the broadcaster’s own views. Principle 6 of the Code of Programme Standards requires that broadcasters must consider public interest when making programmes.  The Forum noted that the complainant maintains that the programme portrayed territories occupied by Israel as being part of Israel and by doing so infringed the Codes. The Forum noted that although RTÉ aired the programmes, the broadcaster did not have an input into the locations featured as the programmes were produced by the European Broadcasting Union. Furthermore, the Forum noted that the Eurovision Song Contest is an entertainment programme and found that the comments made by presenter Marty Whelan were in keeping with the tone of the programme.  The Forum did not consider the broadcasts to contain news or current affairs content and, as such, the Code of Fairness, Objectivity & Impartiality in News and Current Affairs does not apply.  The Forum were of the view that the complainant failed to provide evidence to support his view that the broadcast infringed Principle 6 of the Code of Programme Standards.  The Forum did not consider that the broadcasts infringed the codes, the complaint therefore was rejected. |

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| **Complaint Reference Number** | **C5236** |
| **Complainant** | Mr. Kevin Squires |
| **Station** | RTÉ Two |
| **Programme Name** | Eurovision – Semi Final 2 |
| **Broadcast Date** | 16th May 2019 |
| **Broadcast Time** | 20:00 |
| **Programme Description** | A light entertainment programme featuring singers representing various countries. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(a)(Fairness, Objectivity & Impartiality in Current Affairs); the Code of Fairness, Objectivity & Impartiality in News and Current Affairs – Rules 4.1 & 4.2. Section 48(1)(b)(Harm and Offence); the Code of Programme Standards – Principle 6. |

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| **Complaint Summary** |
| The complaint concerns the first semi-final of the Eurovision Song Contest which took place in Tel-Aviv, Israel. The complainant is of the view that the programme portrayed occupied Palestinian and Syrian territories as being part of Israel. The complainant refers to the pre-song introductions by way of Postcards which featured the artists visiting various locations referred to by the presenter as being in Israel. However, the complainant maintains that many of the locations are in either occupied Palestinian or occupied Syrian territories and believes that the broadcaster did not inform the viewers of this fact.  The complainant states that by portraying each of the locations as being part of Israel, the broadcast was misleading, factually inaccurate and biased. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the Postcard introductions were produced by the Israeli Public Service Broadcasting Organisation and RTÉ had no input or control over the content. Further, the European Broadcasting Union is responsible for the Eurovision Song Contest and it stated that the postcards were compatible with the event’s apolitical mission statement.  The broadcaster considers the programme to be an entertainment event and states that the presenter’s commentary was appropriate to the event. The broadcaster contends that the programme and the presenter’s comments were compliant with all codes and rules. |

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| **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 complaints. The Forum's views and reasons for these decisions are set out below.  The Forum noted that the complaints were made under the Code of Fairness, Objectivity & Impartiality in News and Current Affairs, Rules 4.1 and 4.2 and Principle 6 of the Code of Programme Standards. The Code of Fairness, Objectivity & Impartiality in News and Current Affairs requires that news and current affairs content is presented in an objective and impartial manner and without any expression of the broadcaster’s own views. Principle 6 of the Code of Programme Standards requires that broadcasters must consider public interest when making programmes.  The Forum noted that the complainant maintains that the programme portrayed territories occupied by Israel as being part of Israel and by doing so infringed the Codes. The Forum noted that although RTÉ aired the programmes, the broadcaster did not have an input into the locations featured as the programmes were produced by the European Broadcasting Union. Furthermore, the Forum noted that the Eurovision Song Contest is an entertainment programme and found that the comments made by presenter Marty Whelan were in keeping with the tone of the programme.  The Forum did not consider the broadcasts to contain news or current affairs content and, as such, the Code of Fairness, Objectivity & Impartiality in News and Current Affairs does not apply.  The Forum were of the view that the complainant failed to provide evidence to support his view that the broadcast infringed Principle 6 of the Code of Programme Standards.  The Forum did not consider that the broadcasts infringed the codes, the complaint therefore was rejected. |

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| **Complaint Reference Number** | **C5238** |
| **Complainant** | Mr. Kevin Squires |
| **Station** | RTÉ One |
| **Programme Name** | Eurovision – Final |
| **Broadcast Date** | 18th May 2019 |
| **Broadcast Time** | 20:00 |
| **Programme Description** | A light entertainment programme featuring singers representing various countries. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(a)(Fairness, Objectivity & Impartiality in Current Affairs); the Code of Fairness, Objectivity & Impartiality in News and Current Affairs – Rules 4.1 & 4.2. Section 48(1)(b)(Harm and Offence); the Code of Programme Standards – Principle 6. |

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| **Complaint Summary** |
| The complaint concerns the broadcast of the Eurovision Song Contest which took place in Tel-Aviv, Israel. The complainant is of the view that the programme portrayed occupied Palestinian and Syrian territories as being part of Israel. The complainant refers to the pre-song introductions by way of Postcards which featured the artists visiting various locations referred to by the presenter as being in Israel. However, the complainant maintains that many of the locations are in either occupied Palestinian or occupied Syrian territories and believes that the broadcaster did not inform the viewers of this fact.  The complainant states that by portraying each of the locations as being part of Israel, the broadcast was misleading, factually inaccurate and biased. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the Postcard introductions were produced by the Israeli Public Service Broadcasting Organisation and RTÉ had no input or control over the content. Further, the European Broadcasting Union is responsible for the Eurovision Song Contest and it stated that the postcards were compatible with the event’s apolitical mission statement.  The broadcaster considers the programme to be an entertainment event and states that the presenter’s commentary was appropriate to the event. The broadcaster contends that the programme and the presenter’s comments were compliant with all codes and rules. |

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| **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 complaints. The Forum's views and reasons for these decisions are set out below.  The Forum noted that the complaints were made under the Code of Fairness, Objectivity & Impartiality in News and Current Affairs, Rules 4.1 and 4.2 and Principle 6 of the Code of Programme Standards. The Code of Fairness, Objectivity & Impartiality in News and Current Affairs requires that news and current affairs content is presented in an objective and impartial manner and without any expression of the broadcaster’s own views. Principle 6 of the Code of Programme Standards requires that broadcasters must consider public interest when making programmes.  The Forum noted that the complainant maintains that the programme portrayed territories occupied by Israel as being part of Israel and by doing so infringed the Codes. The Forum noted that although RTÉ aired the programmes, the broadcaster did not have an input into the locations featured as the programmes were produced by the European Broadcasting Union. Furthermore, the Forum noted that the Eurovision Song Contest is an entertainment programme and found that the comments made by presenter Marty Whelan were in keeping with the tone of the programme.  The Forum did not consider the broadcasts to contain news or current affairs content and, as such, the Code of Fairness, Objectivity & Impartiality in News and Current Affairs does not apply.  The Forum were of the view that the complainant failed to provide evidence to support his view that the broadcast infringed Principle 6 of the Code of Programme Standards.  The Forum did not consider that the broadcasts infringed the codes, the complaint therefore was rejected. |

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| **Complaint Reference Number** | **C5241** |
| **Complainant** | Mr. John Farrelly |
| **Station** | RTÉ Radio 1 |
| **Programme Name** | Drivetime |
| **Broadcast Date** | 17th October 2019 |
| **Broadcast Time** | 16:30 |
| **Programme Description** | A weekday news and current affairs programme. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(a)(Fairness, Objectivity and Impartiality in Current Affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 & 4.2. |

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| **Complaint Summary** |
| The complaint concerns a telephone discussion on Direct Provision between the presenter, Mary Wilson, and Councillor Michael O’Meara. The complainant is of the view that the programme lacked fairness, objectivity & impartiality and believes this was due to the presenter’s treatment of the interviewee. The complainant believes that the presenter was one-sided in her approach to the interview. The complainant is of the view that the presenter is pro-asylum seekers and that this view caused her to be hostile and unfair to the interviewee. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the interview was probing and challenging but was courteous at all times. Further, the broadcaster states that Councillor O’Meara is well able to handle such interviews and states that he did not raise any issues with the interview. The broadcaster states that the interview fully complied with the requirements of the Code and contends that the complainant failed to provide examples from the broadcast to support his views regarding the broadcast. |

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| **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 the Code of Fairness, Objectivity & Impartiality in News and Current Affairs, Rules 4.1 and 4.2. The Code of Fairness, Objectivity & Impartiality in News and Current Affairs requires that news and current affairs content is presented in an objective and impartial manner and without any expression of the broadcaster’s own views.  The Forum noted that the complainant was of the view that the presenter allowed personal views to influence her approach to interviewing Councillor Michael O’Meara and that this resulted in an unfair interview.  The Forum noted that the nature of the programme is such that regular audiences would expect robust interviews. The presenter may adopt a challenging interview approach in order to interrogate the views of interviewees. While the Forum noted that the presenter challenged the views of the interviewee, it considered the interview to be conducted in a manner which was objective and impartial. The Forum noted that the interviewee agreed to participate in the programme and was likely to be aware of the nature and style of interview. The Forum considered the broadcast to be fair and did not find that the programme infringed the Code in the manner specified by the complainant and, as such, the complaint was rejected. |

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| **Complaint Reference Number** | **C5242, C5243, C5244 & C5245** |
| **Complainant** | Mr. Alan Whelan |
| **Station** | RTÉ Radio 1 |
| **Programme Name** | Liveline |
| **Broadcast Date** | 9th - 12th September 2019 |
| **Broadcast Time** | 13:45 |
| **Programme Description** | A topical phone-in programme broadcast each weekday afternoon. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(a)(Fairness, Objectivity & Impartiality in Current Affairs); the Code of Fairness, Objectivity & Impartiality in News & Current Affairs – Rule 4.2. |

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| **Complaint Summary** |
| The complaint is about four related broadcasts aired on 9th, 10th, 11th and 12th September. The subject being discussed was euthanasia and assisted suicide. The complainant is of the view that the four programmes failed to be fair as the callers to the show were weighted in favour of assisted suicide. The complainant believes that, additional to the number of callers, the way in which the callers were treated differed depending on their viewpoint. The complainant states that one caller in favour of euthanasia was given the opportunity to challenge those who opposed his view.  The complainant further states that the programme also contained a discussion on the subject of DNRs (do not resuscitate) orders with no distinction between being allowed to die and euthanasia. The complainant maintains that overall the programmes failed to be balanced, fair or impartial. |

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| **Broadcaster Response Summary** |
| The broadcaster is of the view that the topic of euthanasia/assisted suicide covered over the four broadcasts of Liveline was handled in a fair and impartial manner. The programmes included contributors who support and those who oppose assisted suicide/euthanasia. The broadcaster states that the programme is caller-driven and the contributions over the four episodes reflect the calls to the station. The broadcaster states that it is not required to balance all opinions require an opposing viewpoint, the key requirement is that on issues of controversy the coverage should be equitable and proportionate.  The broadcaster is of the view that the presenter challenged the views of callers on all sides of the discussion. The broadcaster believes the programmes were balanced and fair to all interests. |

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| **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 complaints. The Forum's views and reasons for these decisions are set out below.  The Forum noted that the complaints were made under the Code of Fairness, Objectivity & Impartiality in News and Current Affairs, Rule 4.2. The Code of Fairness, Objectivity & Impartiality in News and Current Affairs requires that news and current affairs content is presented in an objective and impartial manner and without any expression of the broadcaster’s own views.  The Forum noted that the complainant was of the view that the programmes lacked fairness as there were more callers to the show who were in favour of euthanasia than callers with an opposing view.  The Forum noted that the principle of fairness does not require the broadcaster to achieve an artificial balance or give equal airtime to each view. The programme is listener led with various views being expressed by callers. These are, in turn, often challenged by the presenter.  The Forum noted that a wide range of views were explored over four days and callers were treated in a manner which was objective and impartial.  The Forum did not find that the programme infringed the requirements of the Code. Accordingly, the complaint was rejected. |

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| **Complaint Reference Number** | **C5246** |
| **Complainant** | Mr. Martin Long |
| **Station** | Classic Hit 4 FM |
| **Programme Name** | The Niall Boylan Show |
| **Broadcast Date** | 16th October 2019 |
| **Broadcast Time** | 12:00pm |
| **Programme Description** | A lifestyle/entertainment programme broadcast on weekdays. |
| **Complaint Category** | Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principles 1, 2 and 5. |

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| **Complaint Summary** |
| The complainant states that a segment on the programme regarding whether or not it is appropriate to bring a child to a funeral began with the presenter reflecting on his personal experience of bringing his own children to a funeral some years ago. The presenter informed listeners that this experience included the congregation reciting a decade of the Rosary prayer which the complainant believes he described as being almost satanic.  The complainant maintains that the presenter’s explanation of the rosary was an inversion of the truth, abhorrent to a Catholic audience and to acceptable public norms of radio listening. The complainant found the overall tone of the programme, along the presenter’s offensive remarks which demonised the Rosary prayer, to be negative and disrespectful. |

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| **Broadcaster Response Summary** |
| The broadcaster states that the presenter began the discussion by providing his own experience of attending a family funeral with his own children. The broadcaster rejects the complainant’s claim that the presenter stated that funerals or the rosary prayer were almost satanic. The broadcaster states that the presenter was referring to one funeral he attended and in describing his personal experience, stated it was almost satanic. The broadcaster maintains that the presenter was not referring to all funerals in that manner and he did not make disparaging comments about the rosary.  The broadcaster contends that the programme is an adult show and that the presenter made reference to the fact that the content may not be suitable for children. Nevertheless, the broadcaster does not believe that the presenter’s comments were disrespectful towards funeral mass or any church. |

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| **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, 2 and 5 of the Code of Programme Standards. The Code requires that broadcasters must take general community standards into account when making programmes. Broadcasters must also show due care for their audiences by taking a range of contextual factors into account. The Code also requires that persons and groups in society are represented appropriately and in a manner which does not prejudice respect for human dignity.  The Forum noted the complainant’s view that the tone of the programme and the presenter’s remarks were negative and disrespectful towards a Catholic audience.  The Forum noted that the nature of the programme is such that the presenter regularly discusses personal experiences. The Forum noted that the comments made by the presenter were in the context of a personal experience he had when bringing his children to a funeral mass. The Forum was of the view that these comments were clearly presented as personal views and, considering the type of programme and the presenter’s style, audiences were likely to expect comments of this nature to be made during the programme. The Forum did not consider that the programme infringed the Code of Programme Standards. On this basis, the complaint was rejected. |

1. Section 14.2 requires that children’s advertising shall be clearly separate from programme content and must not include excerpts from children’s programmes that might blur the distinction between advertising and programme content. The clip featured in the advertisement is from a film and not from a children’s programme as defined by the Code. As such, this section of the Code is not relevant to the advertisement. [↑](#footnote-ref-1)
2. Section 14.2 requires that children’s advertising shall be clearly separate from programme content and must not include excerpts from children’s programmes that might blur the distinction between advertising and programme content. The clip featured in the advertisement is from a film and not from a children’s programme as defined by the Code. As such, this section of the Code is not relevant to the advertisement. [↑](#footnote-ref-2)
3. Section 14.2 requires that children’s advertising shall be clearly separate from programme content and must not include excerpts from children’s programmes that might blur the distinction between advertising and programme content. The clip featured in the advertisement is from a film and not from a children’s programme as defined by the Code. As such, this section of the Code is not relevant to the advertisement. [↑](#footnote-ref-3)