



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

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BAI Complaints Handling Process

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

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

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

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

In total, twelve complaints were considered and rejected by the Compliance Committee of the BAI at its meeting held on 9th September 2020. In addition, three complaints were considered and rejected by the Executive Complaints Forum at its meetings held on 1st September and 29th September 2020.



Rejected by Compliance Committee

Complaint Reference Number	C5323
Complainant	Paul MacDonald
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	1 st June 2020
Broadcast Time	21:00
Programme Description	Evening news
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: Rule 4.1.

Complaint Summary

The complaint relates to a report about the Black Lives Matter protest in Dublin.

The complainant is of the view that comments by one of the protesters interviewed led to the news report failing to be objective or impartial. The complainant is of the view that a protester stated that Ireland, the US and the UK are racist countries. The complainant states that this comment was not backed up by any statistic or evidence. The complainant believes that the report was biased and unbalanced in its portrayal of Irish and European people.

The complainant is of the opinion that the report should have included a counterview regarding anti-discrimination legislation or statistics on employment of minorities in Ireland which, in the view of the complainant, would have constituted balanced and objective reporting. The complainant believes that the exclusion of such views led to the report failing to be balanced or objective. The complainant considers that the report served as propaganda designed to demonise Ireland.

Broadcaster Response Summary

The broadcaster states that there is no requirement under the Broadcasting Act 2009 or the BAI Codes to provide counter viewpoints in every instance. The broadcaster further states that news reports are concerned with facts and events that have happened, or are happening at the time of the broadcast, and are required to be factual and accurate.

The broadcaster is of the view that the report was a fair, factual and accurate report of the event. The broadcaster reiterates that there is no requirement to provide counter arguments to every viewpoint, particularly in a news report. The broadcaster noted that the views presented in the report were entirely legitimate in the context of the topic of the report. The broadcaster is of the view that the report was fully compliant with all the statutory and regulatory provisions.



Decision of the 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 are set out below.

The Committee noted that the complaint was made under Sections 4.1 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news is reported and presented in an impartial and objective manner and without any expression of the broadcaster's own views.

The Committee had regard for the complainant's opinion that a news report about a protest in Dublin supporting the Black Lives Matter movement was biased and unbalanced in how it portrayed Irish people. Having reviewed the broadcast, the Committee was of the view that it was a factual news report about an event which had taken place in Dublin on the day of the broadcast. A short segment of the report contained snippets of vox pop-style interviews with a number of protesters. The Committee noted that the complainant took issue with one of the comments made by a protester. The Committee observed that the protestor did not state that Ireland, the US and the UK were racist, as suggested by the complainant. The protester stated that "racism is everywhere. Systematic racism is in every faction of this country, every faction of America, the UK, everywhere". The Committee considered that this viewpoint was presented in a manner which would be readily understood by audiences to be the opinion of one of the protesters. Further, the Committee also noted that there is no requirement for artificial balance or for all possible views on a topic to be covered. The news story being reported was the Black Lives Matters march on the day of the broadcast and it was a legitimate editorial decision to seek the views of the protesters. It was the view of the Committee that the approach and style adopted by the broadcaster is common in news broadcasts and would be familiar to many viewers.

The Committee was of the view that the factual news report was presented in a manner which was objective and impartial. The Committee did not find evidence to support the matters raised by the complainant and, as such, rejected the complaint.



Complaint Reference Number	C5325
Complainant	The Irish Heart Foundation
Station	98FM
Programme Name	98FM's Big Breakfast with Rebecca and Brendan
Broadcast Date	27 th January 2020
Broadcast Time	07:00
Programme Description	Cadbury's Creme Egg Competition/Promotion
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI General Commercial Communications Code – Principle 4 and Rule 9.5 and the BAI Children's Commercial Communications Code – Rules 7.1, 11.1, 11.4, 11.7, 11.9, 14.1 and 14.6.

Complaint Summary

The complaint relates to a week-long promotion for Cadbury's Eggs, which featured a competition with a prize of a Cadbury's Creme Egg and a €200 Omniplex Gift Card.

The complainant, on behalf of the Irish Heart Foundation, objects to this promotion being aired between 6am-10am, at a time where the Code provides additional protection for children. The item was broadcast just after 8am, at a time when families are likely to be having breakfast or in a car on their way to school. The complainant notes that the breakfast show also runs a segment aimed at children, where the children are encouraged to send their news stories into the station via WhatsApp to be read out on air. The complainant is of the view that this segment undermines the work being done to combat child obesity and also challenges the restrictions on junk food marketing aimed at children which is outlined in the BAI's Children's Commercial Communications Code.

The complainant states that it is irresponsible to run this competition during the current childhood obesity crisis in Ireland. The complainant states that the competition encourages listeners to win an Easter egg and also directs listeners to websites which promotes Cadbury's Creme Eggs.

Broadcaster Response Summary

The broadcaster is of the view that the Children's Commercial Communications Code does not apply to this promotion as 98FM is aimed at an audience of 25-44-year olds. The broadcaster states that the promotion was aimed at adults and listeners must be over 18 to enter. The broadcaster further states that although there is a children's segment during the programme, it is designed to entertain adult listeners and it is clearly stated that children must ask the permission of an adult when submitting their news stories via WhatsApp.

The broadcaster rejects the assertion that the competition is irresponsible or that it encourages childhood obesity. Further, the broadcaster does not consider the fact that the competition prize is a Cadbury's Creme Egg equates to encouraging immoderate consumption, excessive or compulsive eating.



Advertiser Response Summary

The advertiser notes that the Children's Commercial Communications Code defines children's programmes as programmes that are commonly referred to as such or have an audience profile of which over 50% are under 18 years of age. The advertiser states that this radio station serves 25 to 44-year olds and considers that this, coupled with the station's listener profile, demonstrates that the programme is not aimed at children.

The advertiser contends that the promotion did not target children and states that it was open to those over 18, as the mechanism for entering required an Instagram and/or WhatsApp account. The advertiser considers that the competition prizes did not overly appeal to children and did not condone or encourage childhood obesity.

Decision of the 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 Principle 4 and Rule 9.5 of the General Commercial Communications Code and Rules 7.1, 11.1, 11.4, 11.7, 11.9, 14.1 and 14.6 of the Children's Commercial Communications Code. The General Commercial Communications Code requires that commercial communications are legal, honest, truthful, decent and protect the interests of the audience. The Children's Commercial Communications Code focuses on the protection of child audiences and aims to protect children from inappropriate or harmful commercial communications.

The Committee had regard to the definition of a children's commercial communication and noted that the Code defines children's commercial communications as "commercial communications that promote products, services, or activities that are deemed to be of particular interest to children and/or broadcast during and between children's programmes". The Committee noted that the programme is not a children's programme as defined by the Code. Further, the Committee did not consider that the commercial segment was presented in a manner which specifically targeted children or promoted a product, service or activity which was of particular interest to children. As such, the requirements of the Children's Commercial Communications Code did not apply.

The Committee noted that the complaint was also made under Principle 4 and Rule 9.5 of the General Commercial Communications Code. Principle 4 is concerned with the protection of children against material that is unsuitable or would be likely to cause physical or moral detriment, and also prohibits commercial communications from encouraging children to buy or hire a product or service. The Committee noted that the segment was aired at a time when children are likely to be listening, however, the Committee did not find evidence in the broadcast to suggest that the commercial content was aimed at children. The Committee did not consider that the competition was presented in a manner which encouraged listeners to consume chocolate, further, the programme did not contain anything that could be considered as being unsuitable or harmful to children.

Rule 9.5 of the General Commercial Communications Code states that listener competitions may be sponsored once the competition does not give undue prominence to the product of the sponsor. The



Committee did not consider that the competition was presented in a manner which gave undue prominence to the sponsor and, as such, the competition did not infringe this section of the Code.

The Committee did not consider that the content of the broadcast infringed the Code in the manner specified by the complainant and, as such, rejected the complaint.



Complaint Reference Number	C5329
Complainant	Shawn Roy
Station	Classic Hits 94-105FM
Programme Name	The Niall Boylan Show
Broadcast Date	25 th May 2020
Broadcast Time	21:00
Programme Description	The Niall Boylan Show is a phone-in chat show broadcast weekdays on Classic Hits.
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 4.17 and 4.22.

Complaint Summary

The complaint relates to remarks made by the presenter in seven programmes aired over a week which, in the view of the complainant, are linked broadcasts.

The complainant is of the view that the presenter displays an egregious disregard for the standards of public broadcasting. The complainant considers that the views of the presenter are represented in such a manner as to render the programme partial. Further, the complainant also considers that certain information is presented as fact but is inaccurate. The complainant also takes issue with the language which, in his view is coarse and not in keeping with community standards.

The complainant considers that the statements made by the presenter amount to personal views being expressed in a manner that leads to the presenter advocating a partisan position. The complainant believes that the presenter encourages behaviour, which is detrimental to public health and safety, particularly in discussing Covid-19.

The complainant is of the view that comments made by the presenter undermine government guidance regarding public health during the current pandemic. The complainant takes issues with comments made by the presenter regarding Covid-19. The complainant provides a range of examples which, in his view, are partial, inaccurate and detrimental to public health. These views relate to a variety of issues, including the government's response to Covid-19, community transmission and the lockdown, the two-metre rule, his belief that the fear felt by people in Ireland is irrational, the view that healthy people under 65 should go back to work and the negative consequences of the lockdown, the postponement of cancer screening programmes and the impact of Covid-19 on the Irish health service.

The complainant also takes issue with comments made by the presenter in relation to the proposed introduction of a license fee for owning a dog.

Broadcaster Response Summary

The broadcaster states that The Niall Boylan Show is a listener-driven, controversial talk show which has been broadcast for over eight years. The broadcaster is of the view that it has a long-standing



audience expectation that the presenter will give his opinion on the subjects which are discussed on a daily basis.

The broadcaster believes that it is necessary for the presenter to give his view or an opposing view to encourage debate and considers that the programme is balanced by including many opinions either agreeing or disagreeing with the presenter. The broadcaster further states that all listeners are given equal opportunities to join the conversation live on air. The presenter offers his opinion on all topical issues and the broadcaster states that balance is achieved via phone-in conversations and the presenter tries to be fair and give both sides of issues being discussed. All listeners are given time to air their views and are openly invited to challenge the presenter on air if they do not agree with him.

The broadcaster rejects the assertion that the presenter encourages behaviour detrimental to public health, rather, the presenter reiterated that everyone should follow government guidelines regarding Covid-19 on several occasions. The broadcaster states that the show will question some decisions made by the government in order to encourage debate, as free speech is acceptable in Ireland, but did not encourage listeners to break the rules.

The broadcaster considers that the quotes provided by the complainant are taken out of context and without context, they do not make sense. With regard to the doctor who was interviewed on this programme, the broadcaster states that he was a GP who had resigned from the Medical Council due to the government's handling of nursing homes during the pandemic. The broadcaster notes that many of the comments quoted by the complainant were made in the context of a much wider discussion on Covid-19 with a qualified GP. The comments regarding cervical cancer were made during the interview, in relation to the fact that all screening programmes at the time of broadcast had been cancelled.

The presenter commented on a woman smoking while also wearing a mask, in an attempt to highlight the hypocrisy of smoking while trying to protect oneself against a virus which attacks the lungs. The broadcaster states that the presenter's comment regarding the amount of unprecedented legislation is factually accurate.

The broadcaster believes the programmes to be fair and impartial taken in whole and in context.

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Rules 4.17 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news and current affairs content is presented with due accuracy. Further, a presenter of a current affairs programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated.



The Committee had regard to the view of the complainant that some of the information contained in the broadcast was inaccurate and damaging to public health. The Committee further considered the complainant's contention that the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial. The Committee noted that Covid-19 was the focus of most of the programmes, however, in all seven broadcasts which were the subject of the complaint the presenter offered very robust viewpoints on a range of matters. This programme also contained a discussion which explored the possible benefits or drawbacks on the introduction of a licence fee for owning dogs.

The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Committee also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due respect and care. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in these cases, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, and listeners are likely to expect to hear forceful views offered by the presenter. Nevertheless, the Code acknowledges the significant level of responsibility placed on broadcasters and presenters, particularly, where the style and personality of the presenter is fundamental to the exploration of a topic. The Committee noted that the programme is a mix of current affairs and general interest topics. In this regard, the Committee emphasised the importance of broadcasters ensuring that audiences are exposed to a diverse range of viewpoints when exploring matters of public controversy or current public debate. This is particularly key when the topic is a matter of public health and safety.

The Committee noted that a large portion of the programme is led by listener participation through calling and texting into the programme and, while the presenter regularly challenges opinions put forward by callers, this mechanism allows for a range of opinions to be offered on any given topic. The Committee noted that the presenter adopted a similar approach for all contributors and did not display any bias in this regard. Further, while the Committee acknowledged that many of the contributions throughout the seven broadcasts were critical of the government's response to Covid-19, this can be the nature of such reactive programmes. Further, there is no requirement for all possible views on a topic to be explored. Similarly, there is no requirement for equal airtime or an artificial balance.

The Committee acknowledged the complainant's concern that some viewpoints could misinform audiences if presented as fact. However, it considered that the presenter's style would be familiar to regular listeners and it was likely that listeners would have understood that the presenter was offering opinions rather than factual information on the various topics. In this regard, the Committee did not consider that the content was likely to be misleading to listeners. In reaching this determination, the Committee noted that the presenter regularly stated that listeners should not interpret the discussion as encouraging anyone to ignore public health and safety advice.

The Committee did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5332
Complainant	Shawn Roy
Station	Classic Hits 94-105FM
Programme Name	The Niall Boylan Show
Broadcast Date	26 th May 2020
Broadcast Time	12:00
Programme Description	The Niall Boylan Show is a phone-in chat show broadcast weekdays on Classic Hits.
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 – Rule 4.22.

Complaint Summary

The complaint relates to remarks made by the presenter in seven programmes aired over a week which, in the view of the complainant, are linked broadcasts.

The complainant is of the view that the presenter displays an egregious disregard for the standards of public broadcasting. The complainant considers that the views of the presenter are represented in such a manner as to render the programme partial. Further, the complainant also considers that certain information is presented as fact but is inaccurate. The complainant also takes issue with the language which, in his view is coarse and not in keeping with community standards.

The complainant considers that the statements made by the presenter amount to personal views being expressed in a manner that leads to the presenter advocating a partisan position. The complainant believes that the presenter encourages behaviour, which is detrimental to public health and safety, particularly in discussing Covid-19.

The complainant is of the view that comments made by the presenter undermine government guidance regarding public health during the current pandemic. The complainant takes issue with comments made by the presenter regarding Covid-19. The complainant provides a range of examples which, in his view, are partial, inaccurate and detrimental to public health. These views relate to a variety of issues, including the government's response to Covid-19, community transmission and the lockdown, the two-metre rule, Taoiseach Leo Varadkar picnicking in Phoenix Park, media coverage, the postponement of cancer screening programmes and the impact of Covid-19 on the Irish health service. The complainant is of the view that many of the comments made by the presenter were inaccurate.

Broadcaster Response Summary

The broadcaster states that The Niall Boylan Show is a listener-driven, controversial talk show which has been broadcast for over eight years. The broadcaster is of the view that it has a long-standing audience expectation that the presenter will give his opinion on the subjects which are discussed on a daily basis.



The broadcaster believes that it is necessary for the presenter to give his view or an opposing view to encourage debate and considers that the programme is balanced by including many opinions either agreeing or disagreeing with the presenter. The broadcaster further states that all listeners are given equal opportunities to join the conversation live on air. The presenter offers his opinion on all topical issues and the broadcaster states that balance is achieved via phone-in conversations and the presenter tries to be fair and give both sides of issues being discussed. All listeners are given time to air their views and are openly invited to challenge the presenter on air if they do not agree with him.

The broadcaster rejects the assertion that the presenter encourages behaviour detrimental to public health, rather, the presenter reiterated that everyone should follow government guidelines regarding Covid-19 on several occasions. The broadcaster states that the show will question some decisions made by the government in order to encourage debate, as free speech is acceptable in Ireland, but did not encourage listeners to break the rules.

The broadcaster considers that the quotes provided by the complainant are taken out of context and without context, they do not make sense. With regard to the comments made about the two-metre rule, the broadcaster states that the topic was to be opened for debate later in the programme and it was in this context that the presenter expressed his view that it would be difficult for businesses to operate under the two-metre guidelines.

The broadcaster states that the comments on cervical cancer screening and Leo Varadkar's picnic in the park were factually accurate. In response to the comments made by the presenter on a range of matters, including the health services, media coverage and the two-metre rule, the broadcaster states that they are in keeping with the style of the programme and states that audiences would expect the presenter to offer some strong opinions which encourage debate.

The broadcaster believes the programmes to be fair and impartial taken in whole and in context.

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that a presenter of a current affairs programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated.

The Committee had regard to the view of the complainant that some of the information contained in the broadcast was inaccurate and damaging to public health. The Committee further considered the complainant's contention that the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial. The Committee noted that Covid-19 was the focus of most of the programmes, however, in all seven broadcasts which were the subject of the complaint the presenter offered very robust viewpoints on a range of matters.



The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Committee also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due respect and care. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in these cases, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, and listeners are likely to expect to hear forceful views offered by the presenter. Nevertheless, the Code acknowledges the significant level of responsibility placed on broadcasters and presenters, particularly where the style and personality of the presenter is fundamental to the exploration of a topic. The Committee noted that the programme is a mix of current affairs and general interest topics. In this regard, the Committee emphasised the importance of broadcasters ensuring that audiences are exposed to a diverse range of viewpoints when exploring matters of public controversy or current public debate. This is particularly key when the topic is a matter of public health and safety.

The Committee noted that a large portion of the programme is led by listener participation through calling and texting into the programme and, while the presenter regularly challenges opinions put forward by callers, this mechanism allows for a range of opinions to be offered on any given topic. The Committee noted that the presenter adopted a similar approach for all contributors and did not display any bias in this regard. Further, while the Committee acknowledged that many of the contributions throughout the seven broadcasts were critical of the government's response to Covid-19, this can be the nature of such reactive programmes. Further, there is no requirement for all possible views on a topic to be explored. Similarly, there is no requirement for equal airtime or an artificial balance.

The Committee did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5333
Complainant	Shawn Roy
Station	Classic Hits 94-105FM
Programme Name	The Niall Boylan Show
Broadcast Date	26 th May 2020
Broadcast Time	21:00
Programme Description	The Niall Boylan Show is a phone-in chat show broadcast weekdays on Classic Hits.
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 4.17 and 4.22 and under Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principle 1.

Complaint Summary

The complaint relates to remarks made by the presenter in seven programmes aired over a week which, in the view of the complainant, are linked broadcasts.

The complainant is of the view that the presenter displays an egregious disregard for the standards of public broadcasting. The complainant considers that the views of the presenter are represented in such a manner as to render the programme partial. Further, the complainant also considers that certain information is presented as fact but is inaccurate. The complainant also takes issue with the language which, in his view is coarse and not in keeping with community standards.

The complainant considers that the statements made by the presenter amount to personal views being expressed in a manner that leads to the presenter advocating a partisan position. The complainant believes that the presenter encourages behaviour, which is detrimental to public health and safety, particularly in discussing Covid-19.

The complainant is of the view that comments made by the presenter undermine government guidance regarding public health during the current pandemic. The complainant takes issues with comments made by the presenter regarding Covid-19. The complainant provides a range of examples which, in his view, are partial, inaccurate and detrimental to public health. These views relate to a variety of issues, including the government's response to Covid-19, community transmission and the lockdown, the medical expert advisors to the government, media coverage and the likelihood/risk of people contracting Covid-19.

The complainant also states that the presenter made inaccurate comments regarding transmission and immunity, including stating that healthy 71/72-year-olds are probably pretty much free from risk.

The complainant also takes issue with some of the language used by the presenter, particularly during a discussion on antisocial behaviour. In discussing this topic, the presenter referred to some people as thugs, scumbags and vermin and stated that sometimes thugs breed thugs.



Broadcaster Response Summary

The broadcaster states that The Niall Boylan Show is a listener-driven, controversial talk show which has been broadcast for over eight years. The broadcaster is of the view that it has a long-standing audience expectation that the presenter will give his opinion on the subjects which are discussed on a daily basis.

The broadcaster believes that it is necessary for the presenter to give his view or an opposing view to encourage debate and considers that the programme is balanced by including many opinions either agreeing or disagreeing with the presenter. The broadcaster further states that all listeners are given equal opportunities to join the conversation live on air. The presenter offers his opinion on all topical issues and the broadcaster states that balance is achieved via phone-in conversations and the presenter tries to be fair and give both sides of issues being discussed. All listeners are given time to air their views and are openly invited to challenge the presenter on air if they do not agree with him.

The broadcaster rejects the assertion that the presenter encourages behaviour detrimental to public health, rather, the presenter reiterated that everyone should follow government guidelines regarding Covid-19 on several occasions. The broadcaster states that the show will question some decisions made by the government in order to encourage debate, as free speech is acceptable in Ireland, but did not encourage listeners to break the rules.

The broadcaster considers that the quotes provided by the complainant are taken out of context and without context, they do not make sense. The broadcaster states that the comments regarding antisocial behaviour were made in the context of a discussion regarding the idea of fining parents whose children take part in anti-social behaviour following the circulation of videos online depicting teenagers engaging in destruction and fighting. The broadcaster is of the view that such comments are in keeping with the presenter's style and were made in response to listeners' comments and were meant to encourage debate.

The broadcaster states that other comments made by the presenter regarding a range of matters, including Leo Varadkar's picnic in Phoenix Park and government restrictions, were also intended to encourage debate. The broadcaster maintains that such comments are in keeping with the style of the programme and audiences would expect such comments to be made by the presenter.

The broadcaster is of the view that the presenter did not make inaccurate comments and felt that the language contained in the programme was appropriate for the time of broadcast. The broadcaster believes the programmes to be fair and impartial taken in whole and in context.

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Rules 4.17 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news and



current affairs content is presented with due accuracy. Further, a presenter of a current affairs programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated. The complaint was also made under Principle 1 of the Code of Programme Standards, which requires broadcasters to have regard for general community standards when making programmes.

The Committee had regard to the view of the complainant that some of the information contained in the broadcast was inaccurate and damaging to public health. The Committee further considered the complainant's contention that the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial. The Committee noted that Covid-19 was the focus of most of the programmes, however, in all seven broadcasts which were the subject of the complaint the presenter offered very robust viewpoints on a range of matters. This programme also contained a discussion regarding antisocial behaviour which, in the view of the complainant, contained language which was coarse, offensive and did not align with commonly held community standards.

The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Committee also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due respect and care. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in these cases, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, and listeners are likely to expect to hear forceful views offered by the presenter. Nevertheless, the Code acknowledges the significant level of responsibility placed on broadcasters and presenters, particularly where the style and personality of the presenter is fundamental to the exploration of a topic. The Committee noted that the programme is a mix of current affairs and general interest topics. In this regard, the Committee emphasised the importance of broadcasters ensuring that audiences are exposed to a diverse range of viewpoints when exploring matters of public controversy or current public debate. This is particularly key when the topic is a matter of public health and safety.

The Committee noted that a large portion of the programme is led by listener participation through calling and texting into the programme and, while the presenter regularly challenges opinions put forward by callers, this mechanism allows for a range of opinions to be offered on any given topic. The Committee noted that the presenter adopted a similar approach for all contributors and did not display any bias in this regard. Further, while the Committee acknowledged that many of the contributions throughout the seven broadcasts were critical of the government's response to Covid-19, this can be the nature of such reactive programmes. Further, there is no requirement for all possible views on a topic to be explored. Similarly, there is no requirement for equal airtime or an artificial balance.

The Committee acknowledged the complainant's concern that some viewpoints could misinform audiences if presented as fact. However, it considered that the presenter's style would be familiar to regular listeners and it was likely that listeners would have understood that the presenter was offering opinions rather than factual information on the various topics. In this regard, the Committee did not consider that the content was likely to be misleading to listeners. In reaching this determination, the



Committee noted that the presenter regularly stated that listeners should not interpret the discussion as encouraging anyone to ignore public health and safety advice.

The Committee considered the language used throughout the programme, with particular emphasis on the segment regarding anti-social behaviour. The Committee noted that some of the language used was coarse and acknowledged that some listeners may find it offensive. However, the Code acknowledges that there is no right not to be offended. Broadcasters are expected to provide a diverse range of programming that caters to a diverse audience and, as such, some content may cause offence to some audience members. The Code aims to guard against material which causes undue offence in the context of a range of factors, such as the programme type, audience expectation and the time of broadcast. The Committee noted that both the service type and programme are aimed at adults. In addition, the broadcast in question aired at 9pm. The Committee concluded that regular listeners would be familiar with the style and tone adopted in this programme and would be likely to expect some coarse and pointed language, particularly given that this is a live programme with listener participation. The Committee did not consider that the content was likely to cause undue offence given the contextual factors outlined above.

The Committee did not consider that the content infringed the Codes in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5334
Complainant	Shawn Roy
Station	Classic Hits 94-105FM
Programme Name	The Niall Boylan Show
Broadcast Date	27 th May 2020
Broadcast Time	12:00
Programme Description	The Niall Boylan Show is a phone-in chat show broadcast weekdays on Classic Hits.
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 4.17 and 4.22. Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principle 1 and Principle 3.

Complaint Summary

The complaint relates to remarks made by the presenter in seven programmes aired over a week which, in the view of the complainant, are linked broadcasts.

The complainant is of the view that the presenter displays an egregious disregard for the standards of public broadcasting. The complainant considers that the views of the presenter are represented in such a manner as to render the programme partial. Further, the complainant also considers that certain information is presented as fact but is inaccurate. The complainant also takes issue with the language which, in his view is coarse and not in keeping with community standards.

The complainant considers that the statements made by the presenter amount to personal views being expressed in a manner that leads to the presenter advocating a partisan position. The complainant believes that the presenter encourages behaviour, which is detrimental to public health and safety, particularly in discussing Covid-19.

The complainant is of the view that comments made by the presenter undermine government guidance regarding public health during the current pandemic. The complainant takes issues with comments made by the presenter regarding Covid-19. The complainant states the presenter described a rant he had had on Twitter the previous evening and shared these Tweets with his listeners. The complainant states that in reading out his Tweets, the presenter failed to be impartial. Further, the complainant is of the view that the views of the presenter were detrimental to public health. The Tweets, and the following discussion, related to a range of matters. The complainant provides a range of examples which, in his view, are partial, inaccurate and detrimental to public health. The various topics discussed include the appointment of the Taoiseach, the government's response to Covid-19, the medical expert advisors to the government, the two-metre rule, questioning the validity of the lockdown and restrictions, community transmission, nursing homes, media coverage and the long-term effects of Covid-19.

The complainant states that some information was inaccurate, including the view that some people may have immunity to Covid-19, that those under 65 have a greater chance of dying in a car accident



than from Covid-19, the view that Covid-19 will go away by itself and the view that it is unlikely that there will be a second wave.

The complainant also considers that comments advising listeners how to go further than 5km without getting in trouble with the Guards is dangerous and damaging to the safety of listeners and of other people.

Broadcaster Response Summary

The broadcaster states that The Niall Boylan Show is a listener-driven, controversial talk show which has been broadcast for over eight years. The broadcaster is of the view that it has a long-standing audience expectation that the presenter will give his opinion on the subjects which are discussed on a daily basis.

The broadcaster believes that it is necessary for the presenter to give his view or an opposing view to encourage debate and considers that the programme is balanced by including many opinions either agreeing or disagreeing with the presenter. The broadcaster further states that all listeners are given equal opportunities to join the conversation live on air. The presenter offers his opinion on all topical issues and the broadcaster states that balance is achieved via phone-in conversations and the presenter tries to be fair and give both sides of issues being discussed. All listeners are given time to air their views and are openly invited to challenge the presenter on air if they do not agree with him.

The broadcaster rejects the assertion that the presenter encourages behaviour detrimental to public health, rather, the presenter reiterated that everyone should follow government guidelines regarding Covid-19 on several occasions.

The broadcaster considers that the quotes provided by the complainant are taken out of context and without context, they do not make sense. With regard to the comments made about government decisions regarding lockdown, quarantine and tourism, the broadcaster states that these comments were made during a monologue, which aims to encourage debate. However, the broadcaster states that the monologue was followed by discussion on the various topics, and listeners are invited to call in and challenge these views.

The broadcaster is satisfied that the programme was fair, objective and impartial and states that the content was presented with due accuracy. The broadcaster does not believe that the content could be considered as encouraging behaviour which is damaging to the health and safety of listeners or of other people

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Rules 4.17 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news and current affairs content is presented with due accuracy. Further, a presenter of a current affairs



programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated. The complaint was also made under Principles 1 and 3 of the Code of Programme Standards, which requires broadcasters to have regard for general community standards when making programmes and to protect audiences from harmful content.

The Committee had regard to the view of the complainant that some of the information contained in the broadcast was inaccurate and damaging to public health. The Committee further considered the complainant's contention that the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial. The Committee noted that Covid-19 was the focus of most of the programmes, however, in all seven broadcasts which were the subject of the complaint, the presenter offered very robust viewpoints on a range of matters.

The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Committee also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due respect and care. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in these cases, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, and listeners are likely to expect to hear forceful views offered by the presenter. Nevertheless, the Code acknowledges the significant level of responsibility placed on broadcasters and presenters, particularly where the style and personality of the presenter is fundamental to the exploration of a topic. The Committee noted that the programme is a mix of current affairs and general interest topics. In this regard, the Committee emphasised the importance of broadcasters ensuring that audiences are exposed to a diverse range of viewpoints when exploring matters of public controversy or current public debate. This is particularly key when the topic is a matter of public health and safety.

The Committee noted that a large portion of the programme is led by listener participation through calling and texting into the programme and, while the presenter regularly challenges opinions put forward by callers, this mechanism allows for a range of opinions to be offered on any given topic. The Committee noted that the presenter adopted a similar approach for all contributors and did not display any bias in this regard. Further, while the Committee acknowledged that many of the contributions throughout the seven broadcasts were critical of the government's response to Covid-19, this can be the nature of such reactive programmes. Further, there is no requirement for all possible views on a topic to be explored. Similarly, there is no requirement for equal airtime or an artificial balance.

The Committee acknowledged the complainant's concern that some viewpoints could misinform audiences if presented as fact. However, it considered that the presenter's style would be familiar to regular listeners and it was likely that listeners would have understood that the presenter was offering opinions rather than factual information on the various topics. In this regard, the Committee did not consider that the content was likely to be misleading to listeners. The Committee also had regard to the programme type, presenter style and audience expectation in considering the complainant's belief that the programme encouraged people to imitate acts which are damaging to the health and safety of themselves and others. The Committee noted that the programme did include robust debate



regarding the actual benefit of various government restrictions, however, this style is usual for this show and is often used to stimulate lively listener interaction. The Committee did not find that the content was such that it encouraged harmful behaviour or was likely to cause undue offence. In reaching this determination, the Committee noted that the presenter regularly stated that listeners should not interpret the discussion as encouraging anyone to ignore public health and safety advice.

The Committee did not consider that the content infringed the Codes in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5335
Complainant	Shawn Roy
Station	Classic Hits 94-105FM
Programme Name	The Niall Boylan Show
Broadcast Date	28 th May 2020
Broadcast Time	12:00
Programme Description	The Niall Boylan Show is a phone-in chat show broadcast weekdays on Classic Hits.
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 4.17 and 4.22 and under Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principle 1 and Principle 3.

Complaint Summary

The complaint relates to remarks made by the presenter in seven programmes aired over a week which, in the view of the complainant, are linked broadcasts.

The complainant is of the view that the presenter displays an egregious disregard for the standards of public broadcasting. The complainant considers that the views of the presenter are represented in such a manner as to render the programme partial. Further, the complainant also considers that certain information is presented as fact but is inaccurate. The complainant also takes issue with the language which, in his view is coarse and not in keeping with community standards.

The complainant considers that the statements made by the presenter amount to personal views being expressed in a manner that leads to the presenter advocating a partisan position. The complainant believes that the presenter encourages behaviour, which is detrimental to public health and safety, particular in discussing Covid-19.

The complainant is of the view that comments made by the presenter undermine government guidance regarding public health during the current pandemic. The complainant takes issues with comments made by the presenter regarding Covid-19. The complainant provides a range of examples which, in his view, are partial, inaccurate and detrimental to public health. These views relate to a variety of issues including the government's response to Covid-19, community transmission and the lockdown, the two-metre rule, Taoiseach Leo Varadkar picnicking in Phoenix Park, media coverage, the postponement of cancer screening programmes and the impact of Covid-19 on the Irish health service and business, including the wedding industry and the taxi industry.

The complainant is of the view that many of the comments were inaccurate with regard to immunity against Covid-19, community transmission and the likelihood of a second wave.

The complainant also considers that comments made by the presenter with regard to the community spread and also about driving without an NCT is dangerous and damaging to the safety of listeners and of other people.



Broadcaster Response Summary

The broadcaster states that The Niall Boylan Show is a listener-driven, controversial talk show which has been broadcast for over eight years. The broadcaster is of the view that it has a long-standing audience expectation that the presenter will give his opinion on the subjects which are discussed on a daily basis.

The broadcaster believes that it is necessary for the presenter to give his view or an opposing view to encourage debate and considers that the programme is balanced by including many opinions either agreeing or disagreeing with the presenter. The broadcaster further states that all listeners are given equal opportunities to join the conversation live on air. The presenter offers his opinion on all topical issues and the broadcaster states that balance is achieved via phone-in conversations and the presenter tries to be fair and give both sides of issues being discussed. All listeners are given time to air their views and are openly invited to challenge the presenter on air if they do not agree with him.

The broadcaster rejects the assertion that the presenter encourages behaviour detrimental to public health, rather, the presenter reiterated that everyone should follow government guidelines regarding Covid-19 on several occasions.

The broadcaster considers that the quotes provided by the complainant are taken out of context and without context, they do not make sense. With regard to the comments made on a range of matters, such as the impact of Covid-19 on the health service, these comments were made in the context of an interview with an oncologist. Other comments were made in response to various media stories and reports which are in the public domain. The broadcaster states that the various comments quoted by the complainant are in keeping with the style of the programme and states that audiences would expect the presenter to offer some strong opinions which encourage debate.

The broadcaster is satisfied that the programme was fair, objective and impartial and states that the content was presented with due accuracy. The broadcaster does not believe that the content could be considered as encouraging behaviour which is damaging to the health and safety of listeners or of other people

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Rules 4.17 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news and current affairs content is presented with due accuracy. Further, a presenter of a current affairs programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated. The complaint was also made under Principles 1 and 3 of the Code of Programme Standards, which requires broadcasters to have regard for general community standards when making programmes and to protect audiences from harmful content.



The Committee had regard to the view of the complainant that some of the information contained in the broadcast was inaccurate and damaging to public health. The Committee further considered the complainant's contention that the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial. The Committee noted that Covid-19 was the focus of most of the programmes, however, in all seven broadcasts which were the subject of the complaint the presenter offered very robust viewpoints on a range of matters.

The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Committee also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due respect and care. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in these cases, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, and listeners are likely to expect to hear forceful views offered by the presenter. Nevertheless, the Code acknowledges the significant level of responsibility placed on broadcasters and presenters, particularly where the style and personality of the presenter is fundamental to the exploration of a topic. The Committee noted that the programme is a mix of current affairs and general interest topics. In this regard, the Committee emphasised the importance of broadcasters ensuring that audiences are exposed to a diverse range of viewpoints when exploring matters of public controversy or current public debate. This is particularly key when the topic is a matter of public health and safety.

The Committee noted that a large portion of the programme is led by listener participation through calling and texting into the programme and, while the presenter regularly challenges opinions put forward by callers, this mechanism allows for a range of opinions to be offered on any given topic. The Committee noted that the presenter adopted a similar approach for all contributors and did not display any bias in this regard. Further, while the Committee acknowledged that many of the contributions throughout the seven broadcasts were critical of the government's response to Covid-19, this can be the nature of such reactive programmes. Further, there is no requirement for all possible views on a topic to be explored. Similarly, there is no requirement for equal airtime or an artificial balance.

The Committee acknowledged the complainant's concern that some viewpoints could misinform audiences if presented as fact. However, it considered that the presenter's style would be familiar to regular listeners and it was likely that listeners would have understood that the presenter was offering opinions rather than factual information on the various topics. In this regard, the Committee did not consider that the content was likely to be misleading to listeners. The Committee also had regard to the programme type, presenter style and audience expectation in considering the complainant's belief that the programme encouraged people to imitate acts which are damaging to the health and safety of themselves and others. The Committee noted that the programme did include robust debate regarding the actual benefit of various government restrictions, however, this style is usual for this show and is often used to stimulate lively listener interaction. The Committee did not find that the content was such that it encouraged harmful behaviour or was likely to cause undue offence. In reaching this determination, the Committee noted that the presenter regularly stated that listeners should not interpret the discussion as encouraging anyone to ignore public health and safety advice.



The Committee did not consider that the content infringed the Codes in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5336
Complainant	Shawn Roy
Station	Classic Hits 94-105FM
Programme Name	The Niall Boylan Show
Broadcast Date	28 th May 2020
Broadcast Time	21:00
Programme Description	The Niall Boylan Show is a phone-in chat show broadcast weekdays on Classic Hits.
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 – Rule 4.22.

Complaint Summary

The complaint relates to remarks made by the presenter in seven programmes aired over a week which, in the view of the complainant, are linked broadcasts.

The complainant is of the view that the presenter displays an egregious disregard for the standards of public broadcasting. The complainant considers that the views of the presenter are represented in such a manner as to render the programme partial. Further, the complainant also considers that certain information is presented as fact but is inaccurate. The complainant also takes issue with the language which, in his view is coarse and not in keeping with community standards.

The complainant considers that the statements made by the presenter amount to personal views being expressed in a manner that leads to the presenter advocating a partisan position. The complainant believes that the presenter encourages behaviour, which is detrimental to public health and safety, particularly in discussing Covid-19.

The complainant is of the view that comments made by the presenter were partial and advocated a partisan position when discussing whether public debate is being stifled. The presenter made comments about the government and media, with regard to elections, referendums and the government's response to Covid-19. The complainant provides a range of examples which, in his view, are partial, inaccurate and detrimental to public health.

The broadcast also included offensive language when discussing women sunbathing topless.

Broadcaster Response Summary

The broadcaster states that The Niall Boylan Show is a listener-driven, controversial talk show which has been broadcast for over eight years. The broadcaster is of the view that it has a long-standing audience expectation that the presenter will give his opinion on the subjects which are discussed on a daily basis.

The broadcaster believes that it is necessary for the presenter to give his view or an opposing view to encourage debate and considers that the programme is balanced by including many opinions either agreeing or disagreeing with the presenter. The broadcaster further states that all listeners are



given equal opportunities to join the conversation live on air. The presenter offers his opinion on all topical issues and the broadcaster states that balance is achieved via phone-in conversations and the presenter tries to be fair and give both sides of issues being discussed. All listeners are given time to air their views and are openly invited to challenge the presenter on air if they do not agree with him.

The broadcaster rejects the assertion that the presenter encourages behaviour detrimental to public health, rather, the presenter reiterated that everyone should follow government guidelines regarding Covid-19 on several occasions.

The broadcaster considers that the quotes provided by the complainant are taken out of context and without context, they do not make sense. With regard to the comments made about a range of matters, these were made in the context of the topic of Twitter's censorship of Donald Trump. The broadcaster states that the presenter used this topic to start a debate regarding censorship on social media and media in general. Comments made by the presenter were in this context, however, listeners are free to call or text in to disagree with the views of the presenter. The broadcaster states that the various comments quoted by the complainant are in keeping with the style of the programme and states that audiences would expect the presenter to offer some strong opinions which encourage debate. The broadcaster also considers that the language in the broadcast is suitable for the time of broadcast and notes that there was a warning provided at the beginning of the programme.

The broadcaster is satisfied that the programme was fair, objective and impartial and that the content was presented with due accuracy. The broadcaster does not believe that the content could be considered as encouraging behaviour which is damaging to the health and safety of listeners or of other people

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Rule 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that a presenter of a current affairs programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated.

The Committee had regard to the view of the complainant that some of the information contained in the broadcast was inaccurate and was presented in an unobjective manner. The Committee further considered the complainant's contention that the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial. The Committee noted the programme dealt with a range of topics, including free speech, funding for broadcasting, and women sunbathing topless.

The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. However, the



Code acknowledges that some current affairs programmes are synonymous with personalities and, in this case, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, and listeners are likely to expect to hear forceful views offered by the presenter. Nevertheless, the Code acknowledges the significant level of responsibility placed on broadcasters and presenters, particularly where the style and personality of the presenter is fundamental to the exploration of a topic. The Committee noted that the programme is a mix of current affairs and general interest topics. In this regard, the Committee emphasised the importance of broadcasters ensuring that audiences are exposed to a diverse range of viewpoints when exploring matters of public controversy or current public debate. This is particularly key when the topic is a matter of public health and safety.

The Committee noted that a large portion of the programme is led by listener participation through calling and texting into the programme and, while the presenter regularly challenges opinions put forward by callers, this mechanism allows for a range of opinions to be offered on any given topic. The Committee noted that the presenter adopted a similar approach for all contributors and did not display any bias in this regard. Further, there is no requirement for all possible views on a topic to be explored. Similarly, there is no requirement for equal airtime or an artificial balance.

The Committee did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5337
Complainant	Shawn Roy
Station	Classic Hits 94-105FM
Programme Name	The Niall Boylan Show
Broadcast Date	29 th May 2020
Broadcast Time	12:00
Programme Description	The Niall Boylan Show is a phone-in chat show broadcast weekdays on Classic Hits.
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 4.17 and 4.22.

Complaint Summary

The complaint relates to remarks made by the presenter in seven programmes aired over a week which, in the view of the complainant, are linked broadcasts.

The complainant is of the view that the presenter displays an egregious disregard for the standards of public broadcasting. The complainant considers that the views of the presenter are represented in such a manner as to render the programme partial. Further, the complainant also considers that certain information is presented as fact but is inaccurate. The complainant also takes issue with the language which, in his view is coarse and not in keeping with community standards.

The complainant considers that the statements made by the presenter amount to personal views being expressed in a manner that leads to the presenter advocating a partisan position. The complainant believes that the presenter encourages behaviour, which is detrimental to public health and safety, particularly in discussing Covid-19.

The complainant is of the view that comments made by the presenter undermine government guidance regarding public health during the current pandemic. The complainant takes issues with comments made by the presenter regarding Covid-19. The complainant provides a range of examples which, in his view, are partial, inaccurate and detrimental to public health. These views relate to a variety of issues, including the government's response to Covid-19, particularly with regard to care homes. The presenter also made comments regarding community transmission, the lockdown, and the likelihood/risk of people contracting Covid-19.

The complainant is of the view that the presenter made inaccurate comments regarding the likelihood of a second wave.

Broadcaster Response Summary

The broadcaster states that The Niall Boylan Show is a listener-driven, controversial talk show which has been broadcast for over eight years. The broadcaster is of the view that it has a long-standing audience expectation that the presenter will give his opinion on the subjects which are discussed on a daily basis.



The broadcaster believes that it is necessary for the presenter to give his view or an opposing view to encourage debate and considers that the programme is balanced by including many opinions either agreeing or disagreeing with the presenter. The broadcaster further states that all listeners are given equal opportunities to join the conversation live on air. The presenter offers his opinion on all topical issues and the broadcaster states that balance is achieved via phone-in conversations and the presenter tries to be fair and give both sides of issues being discussed. All listeners are given time to air their views and are openly invited to challenge the presenter on air if they do not agree with him.

The broadcaster rejects the assertion that the presenter encourages behaviour detrimental to public health, rather, the presenter reiterated that everyone should follow government guidelines regarding Covid-19 on several occasions.

The broadcaster considers that the quotes provided by the complainant are taken out of context and that without context, they do not make sense. With regard to the comments made about a range of matters, such as the impact of Covid-19 on the health service and nursing homes, these comments were made in the context of a memo issued by the Health Service regarding Covid-19 in nursing homes, and interviews with two TDs and a doctor. The broadcaster states that the comments quoted in the complaint were made during an hour-long discussion with the interviewees.

The broadcaster is satisfied that the programme was fair, objective and impartial and that the content was presented with due accuracy. The broadcaster does not believe that the content could be considered as encouraging behaviour which is damaging to the health and safety of listeners or of other people

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Sections 4.17 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that news and current affairs content is presented with due accuracy. Further, a presenter of a current affairs programme shall not express their own views on matters of public controversy or debate such that a partisan position is advocated.

The Committee had regard to the view of the complainant that some of the information contained in the broadcast was inaccurate and damaging to public health. The Committee further considered the complainant's contention that the presenter gave his views in a manner which advocated a partisan position and rendered the programme partial. The Committee noted that Covid-19 was the focus of most of the programmes, however, in all seven broadcasts which were the subject of the complaint, the presenter offered very robust viewpoints on a range of matters.



The Committee acknowledged that presenters of current affairs programmes play a crucial role in ensuring objective and impartial coverage of matters of current debate or controversy. The Committee also noted that the ongoing pandemic is a matter which has serious implications for the health of the public and, as such, discussions regarding this matter should be treated with due respect and care. However, the Code acknowledges that some current affairs programmes are synonymous with personalities and, in these cases, the style of the programme and presenter are key factors in engaging audiences. The Committee noted that the presenter's style is well known to audiences, and listeners are likely to expect to hear forceful views offered by the presenter. Nevertheless, the Code acknowledges the significant level of responsibility placed on broadcasters and presenters, particularly where the style and personality of the presenter is fundamental to the exploration of a topic. The Committee noted that the programme is a mix of current affairs and general interest topics. In this regard, the Committee emphasised the importance of broadcasters ensuring that audiences are exposed to a diverse range of viewpoints when exploring matters of public controversy or current public debate. This is particularly key when the topic is a matter of public health and safety.

The Committee noted that a large portion of the programme is led by listener participation through calling and texting into the programme and, while the presenter regularly challenges opinions put forward by callers, this mechanism allows for a range of opinions to be offered on any given topic. The Committee noted that the presenter adopted a similar approach for all contributors and did not display any bias in this regard. Further, while the Committee acknowledged that many of the contributions throughout the seven broadcasts were critical of the government's response to Covid-19, this can be the nature of such reactive programmes. Further, there is no requirement for all possible views on a topic to be explored. Similarly, there is no requirement for equal airtime or an artificial balance.

The Committee acknowledged the complainant's concern that some viewpoints could misinform audiences if presented as fact. However, it considered that the presenter's style would be familiar to regular listeners and it was likely that listeners would have understood that the presenter was offering opinions rather than factual information on the various topics. In this regard, the Committee did not consider that the content was likely to be misleading to listeners. In reaching this determination, the Committee noted that the presenter regularly stated that listeners should not interpret the discussion as encouraging anyone to ignore public health and safety advice.

The Committee did not consider that the content infringed the Code in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5342
Complainant	Sinead O'Brien
Station	RTÉ Radio 1
Programme Name	The Ryan Tubridy Show
Broadcast Date	29 th June 2020
Broadcast Time	09:00
Programme Description	Light and lively Entertainment Show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principle 5.

Complaint Summary

The complaint relates to an interview with a beautician on the show and the presenter's comments regarding Irish women and their skin.

The complainant is of the view that the presenter's comments in respect to Irish women were patronising. The complainant states that the presenter, in discussing women and girls wearing a full face of makeup, commented on women looking more Irish the day after, when the makeup has been removed. The complainant is of the view that with the ongoing discussion about the Black Lives Matter movement and on underlying racism in Irish society, this kind of flippant commentary is unacceptable. The complainant is of the view that this comment, unfortunately, reinforces a racist perception that correlates lighter skin with beauty and alienates people with darker skin tones from a sense of Irish identity. The complainant acknowledges that such a comment may have been justified in the context of discussing skin cancer and fair skin, however, this was not the context in which the comment was made.

Broadcaster Response Summary

The broadcaster states the programme focused on skin issues for people wearing face masks during the pandemic. The broadcaster further states that the interview was light-hearted and in keeping with audience expectation.

The broadcaster notes that the complainant is of the view that the presenter referred to people looking "more Irish", however, the presenter did not make this comment. The broadcaster states that when discussing the amount of make-up worn by young Irish women, the presenter commented that when they removed their make-up, they "look better and young and Irish". The broadcaster is of the view that the interviewee and listeners would have understood that the context for the remark was with regard to younger people wearing excessive make-up. The broadcaster considers this was demonstrated in the interviewee's response, when she described makeup as escapism.

The broadcaster believes that the reference to looking Irish would have been readily understood by listeners as it is a fact that Irish people, generally, have a skin complexion that is regarded as fair. The broadcaster is of the view that this is one of the main reasons why Irish people, generally, are regularly advised to be aware of the risks of skin cancer, for example, from the sun.



The broadcaster states that there was no connotation of racism during the interview and does not believe that the discussion could be construed to be related to underlying racism in Ireland.

Decision of the 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 are set out below.

The Committee noted that the complaint was made under Principle 5 of the Code of Programme Standards. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. The Code further requires that broadcasters shall only emphasise age, colour, gender, national or ethnic origin, disability, race, religion or sexual orientation when references are justified.

The Committee had regard to the view of the complainant that the manner in which the presenter dealt with the contributor was patronising. The Committee noted that the tone of the interview was light-hearted and jovial. The Committee acknowledged that the presenter adopted an informal and conversational approach to the interview, however, this is in keeping with the style of the presenter when exploring topics of this nature and there was no evidence in the programme to suggest that the interviewee was uncomfortable with the tone of the interview.

With regard to the comment made by the presenter, the Committee noted that the presenter did not refer to anyone as looking "more Irish", as suggested by the complaint. While discussing the way in which young people wear make-up, the presenter noted a contrast between seeing those young people with and without make-up on and commented that young people who are not wearing makeup may look "better and young and Irish". The Committee noted that this comment was made during a discussion about how the appearance of a person's skin and wearing make-up can affect an individual's self-confidence. The Committee was of the view that the presenter was offering his personal view about young people wearing make-up, rather than a comment on different skin tones. The Committee noted that this was a somewhat offhand remark, however, it is important that broadcasters are aware of the impact of language and the Committee was of the view that the presenter could have been more careful in his choice of words. The Code recognises the rich diversity in contemporary Irish society and it is important that broadcast material caters for, and is reflective of, such diversity. Nevertheless, the Committee did not consider that the content prejudiced respect for persons or groups in society or could be considered as causing harm or undue offence. As such, the complaint was rejected.



Complaint Reference Number	C5343
Complainant	P. Hodson
Station	RTÉ Radio 1
Advertisement	Ryanair Advertisement
Broadcast Date	6 th July 2020
Broadcast Time	08:15
Advertisement Description	Advertisement for Ryanair flights from Ireland to Portugal
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI General Commercial Communications Code – Principles 1 and 2.

Complaint Summary

The complaint refers to a Ryanair advertisement for flights from Ireland to Portugal. The complainant believes that the advertisement is contrary to current government guidance with regard to public health and travel during the Covid-19 pandemic.

The complainant is of the view that this advertisement breaches Principle 1 of the Code as it fails to protect the interest of the audience by not complying with current public advice from the Department of Health regarding restrictions on all non-essential travel abroad.

The complainant further believes that, in both tone and content, the advertisements clearly encourage harmful behaviour. The advertisement promotes behaviour which is contrary to government advice and, as such, ignores measures which are put in place to protect the public from the contraction of an infection and life-threatening disease. The complainant considers that the advertisement fails to comply with the spirit and the letter of the Code.

Broadcaster Response Summary

The broadcaster states that this advertisement was cleared by the internal Copy Clearance Committee, which considers both the verbal and visual content of the advertisement along with its suitability for broadcast and its compliance with existing Codes.

The broadcaster states that at the time the Clearance Committee reviewed the advertisement, there was no legislation on banning foreign travel. The broadcaster asserts that information on travel was, and remains, advisory. The broadcaster confirms that it is monitoring the situation as it unfolds, however, the broadcaster reaffirms that the Clearance Committee approved the commercial and found that they were not in breach of the BAI Code.

Advertiser Response Summary

The advertiser notes that the advertisement was cleared by the broadcaster's Copy Clearance Committee, which confirmed that its content was in compliance with all existing broadcasting Codes. The advertiser further states that the content of the advertisement was factually correct. The advertisement stated that Spain, Italy and Portugal were open for tourism and that Ryanair was flying to those destinations, all of which is factually accurate at the time of broadcast.



In response to the complainant's comment that the Department of Health states that everyone is advised to stay at home as much as possible and that all non-essential travel should be avoided, the advertiser is of the view that this simply advises Irish nationals to avoid non-essential travel during the pandemic. The advertiser considers that these are simply recommendations to help Irish nationals make informed decisions about foreign travel and it is, therefore, the responsibility and personal choice of passengers regarding whether they limit their trips for essential reasons or not.

Decision of the 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 Principles 1 and 2 of the General Commercial Communications Code. The Code requires that commercial communications are legal, honest, truthful, decent, protects the interests of the audience and does not encourage behaviour prejudicial to health or safety.

The Committee had regard for the matters raised by the complainant. The Committee acknowledged that, at the time of broadcast, government-issued guidance stated that all non-essential overseas travel should be avoided. In this regard, the advertisement for overseas travel is not in keeping with the spirit of the government's advice. However, the Committee noted that the guidance issued by the Irish government was advisory in nature and was not underpinned by legislation. As such, advertising foreign travel did not infringe the requirement for commercial communications to be legal.

The Committee conceded that the advertisement did not align with the government advice available at the time, however, the Committee noted that there was no prohibition on foreign travel or on advertising such services. The Committee considered the advertisement and determined that it was presented in a manner which meant that the commercial nature of the broadcast would be easily identifiable to audiences. Further, the broadcast provided factual information about the service being advertised. In this context, the Committee did not consider that the broadcast encouraged behaviour prejudicial to health and safety. As such, while the Committee acknowledged the concerns outlined in the complaint, it did not consider that the advertisement infringed the Code in the manner described by the complainant and the complaint was rejected.



Complaint Reference Number	C5344
Complainant	P. Hodson
Station	RTÉ Radio 1
Advertisement	Morning Ireland – Ryanair Advertisement
Broadcast Date	6 th July 2020
Broadcast Time	08:15
Advertisement Description	Advertisement for Ryanair flights from Ireland to Spain
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI General Commercial Communications Code – Principles 1 and 2.

Complaint Summary

The complaint refers to a Ryanair advertisement for flights from Ireland to Spain. The complainant believes that the advertisement is contrary to current government guidance with regard to public health and travel during the Covid-19 pandemic.

The complainant is of the view that this advertisement infringes Principle 1 of the Code as it fails to protect the interest of the audience by not complying with current public advice from the Department of Health regarding restrictions on all non-essential travel abroad. The complainant is of the view that this advertisement is contrary to the protection of the interests of the audience as it is not in line with the current public health advice. The complainant also believes that the advertisement is misleading as it described Spain as being open, when Spain was not open. The complainant states that two regional governments had imposed a second lockdown at the time of broadcast.

The complainant further believes that, in both tone and content, the advertisement clearly encourages harmful behaviour. The advertisement promotes behaviour which is contrary to government advice and, as such, ignores measures which are put in place to protect the public from the contraction of an infection and life-threatening disease. The complainant considers that the advertisement fails to comply with the spirit and the letter of the Code.

Broadcaster Response Summary

The broadcaster states that this advertisement was cleared by the internal Copy Clearance Committee, which considers both the verbal and visual content of the advertisement along with its suitability for broadcast and its compliance with existing Codes.

The broadcaster states that at the time the Clearance Committee reviewed the advertisement there was no legislation on banning foreign travel. The broadcaster asserts that information on travel was, and remains, advisory. Further, at the time of clearance, Spain was open for flights and remains open to Ryanair flights. The broadcaster states that it is monitoring the situation as it unfolds, however, the broadcaster reaffirms that the Clearance Committee approved the commercial and found that they were not in breach of the BAI Code.



Advertiser Response Summary

The advertiser notes that the advertisement was cleared by the broadcaster's Copy Clearance Committee, which confirmed that its content was in compliance with all existing broadcasting Codes. The advertiser further states that the content of the advertisement was factually correct. The advertisement stated that Spain, Italy and Portugal were open for tourism and that Ryanair was flying to those destinations, all of which is factually accurate at the time of broadcast.

In response to the complainant's comment that the Department of Health states that everyone is advised to stay at home as much as possible and that all non-essential travel should be avoided, the advertiser is of the view that this simply advises Irish nationals to avoid non-essential travel during the pandemic. The advertiser considers that these are simply recommendations to help Irish nationals to make informed decisions about foreign travel and it is, therefore, the responsibility and personal choice of passengers regarding whether they limit their trips for essential reasons or not.

Decision of the 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 Principles 1 and 2 of the General Commercial Communications Code. The Code requires that commercial communications are legal, honest, truthful, decent, protects the interests of the audience and does not encourage behaviour prejudicial to health or safety.

The Committee had regard for the matters raised by the complainant. The Committee acknowledged that, at the time of broadcast, government-issued guidance stated that all non-essential overseas travel should be avoided. In this regard, the advertisement for overseas travel is not in keeping with the spirit of the government's advice. However, the Committee noted that the guidance issued by the Irish government was advisory in nature and was not underpinned by legislation. As such, advertising foreign travel did not infringe the requirement for commercial communications to be legal. The Committee also had regard for the complainant's contention that the advertisement misled listeners by stating "Spain is now open" at a time when certain parts of Spain were in lockdown. The Committee noted that the advertisement did state that "Spain is now open". This statement was followed with information regarding specific destinations and the number of available flights and fares. The Committee noted that, at the time of broadcast, Spanish borders were open to people travelling from certain countries, including Ireland. Further, Ryanair were flying from Ireland to a number of Spanish destinations. As such, the information contained in the advertisement was accurate.

The Committee conceded that the advertisement did not align with the government advice available at the time, however, the Committee noted that there was no prohibition on foreign travel or on advertising such services. The Committee considered the advertisement and determined that it was presented in a manner which meant that the commercial nature of the broadcast would be easily identifiable to audiences. Further, the broadcast provided factual information about the service being advertised. In this context, the Committee did not consider that the broadcast encouraged behaviour prejudicial to health and safety. As such, while the Committee acknowledged the concerns outlined



in the complaint, it did not consider that the advertisement infringed the Code in the manner described by the complainant and the complaint was rejected.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5331
Complainant	Martin Dunne
Station	RTÉ Radio 1
Programme Name	RTÉ News at One
Broadcast Date	27 th April 2020
Broadcast Time	13:00
Programme Description	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 – Rule 4.2).

Complaint Summary

The complaint refers to an interview with the owner of a SuperValu shop about certain customers not following Covid-19 rules and abusing staff.

The complainant states that the interviewee was describing a particular group of customers who had failed to follow the rules and had abused staff but was interrupted by the presenter before he could identify where the group was from. It is the view of the complainant that, given the ongoing pandemic and the related restrictions to which everyone must abide, it is wrong that a group who openly broke the rules should not have been allowed to be partially identified by their origin.

Broadcaster Response Summary

The broadcaster states that the item arose from a Tweet by the owner of a SuperValu about his staff being abused by customers in response to the implementation of Covid-19 restrictions. During the interview the presenter asked the supermarket owner if he felt that some people's patience with the restrictions was the cause of the abuse of his staff, to which he replied:

"It's the people who got through the grid last week and probably shouldn't be here – I don't know how. We don't know those people, they are not local people, they are not Cork people, they are not Irish people, they are foreigners".

The broadcaster states that the presenter intervened to say she did not want the interviewee to pinpoint particular individuals because that would be unfair as they could not prove it. The broadcaster notes that the interviewee acknowledged this by replying "Okay".

The broadcaster maintains that all broadcasters have a responsibility to be fair to all interests. In this instance, the interviewee was allowed to explain what prompted him to raise the issue and to explain his belief that the people who abused his staff were from abroad and did not seem to fully appreciate the COVID restrictions in Ireland. However, the broadcaster considers that it was entirely appropriate for the presenter to intervene as it was clear the interviewee had already stated he didn't know the people involved. It is the view of the broadcaster that any further points on this would have been speculation on



his part.

Decision of Executive Complaints Forum

Having considered the broadcasts 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 submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs - Rule 4.2. The Code requires that in their treatment of news and current affairs content broadcasters shall comply with fairness, objectivity, impartiality, accuracy, responsiveness, transparency and accountability.

The Forum noted that this broadcast featured an interview with the owner of a SuperValu store who discussed the behaviour of certain customers who do not follow Covid-19 rules. The Forum further noted that the interview occurred following the abuse of staff by some customers. The Forum had regard for the view of the complainant that the interviewee should have been allowed to identify where the customers were from.

The Forum acknowledged that broadcasters have editorial freedom to choose the format that interviews should take, including the choice of interviewee and the questions posed during an interview. However, the Forum also noted that broadcasters are required to ensure that content does not infringe the relevant Codes and Rules and, as such, each broadcaster must judge the appropriateness of content. The Forum noted that a number of questions were asked during the interview and the interviewee was given ample time to respond to those questions and to air his views. While the Forum acknowledged that the interviewer limited the response of the interviewee at one point during the interview, the Forum considered that this was done in order to prevent the interviewee speculating about the customers who broke Covid-19 restrictions in the store. The Forum was satisfied that this was an appropriate measure taken by the interviewee in order to ensure the matter was reported with due accuracy.

The Forum found no evidence in the broadcast to support the matters raised in the complaint. As such, the complaint was rejected.



Complaint Reference Number	C5346
Complainant	Thomas Casey
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	4 th June 2020
Broadcast Time	13.45
Programme Description	Light and lively phone-in entertainment show.
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 and 4.22.

Complaint Summary

The complaint relates to an interview about President Trump.

The complainant takes issue with a comment made by the presenter during the interview, in which he stated that his impression of the President of the United States was that he was deranged. The complainant maintains that the presenter and his guest suggested that President Trump would not give up power if he lost the November election. The complainant is of the view that such comments made during this interview displays a clear bias against President Trump by our national broadcaster.

Broadcaster Response Summary

The broadcaster states this was an extended interview with a well-established academic and former advisor to, and member of, the Obama administration.

The interview related to President Trump's handling of recent events, including events related to the upcoming Presidential Election, and the interviewee argued that the President was getting desperate with unfolding polling data, which put his rival ahead of him. The broadcaster states that it was in this context that the presenter asked the interviewee if she believed that President Trump would give up power if he was defeated given that the impression of many was of someone who is deranged.

The broadcaster is of the view that the comment which is the subject of the complaint was taken out of context and does not accurately reflect what transpired. The broadcaster states that the remark was clearly positioned in the context of a rhetorical question about whether he would give up power if defeated. The broadcaster believes that this was evidenced in the interview, particularly with follow-up comments made by the interviewee with regard to the President's failure to sign legislation protecting the US electoral infrastructure. The broadcaster states that the programme has a well-established audience expectation of the show's content and the approach taken by the presenter in being robust, challenging and provocative in order to get to the core of issues.

The broadcaster considers that this was a wide-ranging interview in which the presenter robustly put positions to the guest to elicit a response. However, this interview was part of several interviews over a number of days with people from the US, including supporters of President Trump. The broadcaster states that the presenter equally put forward the views of supporters of President Trump.



The broadcaster considers that this interview was fully compliant with the Broadcasting Act and BAI Codes.

Decision of Executive Complaints Forum

Having considered the broadcasts 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 submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.2 and 4.22. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that audiences have access to a wide variety of views on the subject.

The Forum noted that the interview focused on President Trump's term in office since 2016. The Forum noted that the complainant is of the view that comments made by the presenter displayed bias against President Trump. The Forum acknowledged that the presenter did use the word "deranged" when discussing President Trump, however, this word was used in reference to the impression that many people have of President Trump in the context of his behaviour while in office. The Forum did not consider that use of this word constituted bias or rendered the programme unfair or partial.

The Forum considered that the style of the interview was fair in the context of the programme and that regular audiences would expect this style and approach to the interview. The Forum noted that the interview included a discussion on the possible response that the President would have if he was not re-elected. Nevertheless, the Forum found that this matter was discussed in a fair and objective manner. The Forum was of a view that a range of matters regarding President Trump were discussed, sometimes robustly, however, this style is typical for the presenter and regular listeners would be familiar with the presenter offering certain views in this manner. The Forum did not find evidence in the broadcast to support the view of the complainant that the presenter displayed bias, or that the programme was unfair, unobjective or partial. As such, the complaint was rejected.



Complaint Reference Number	C5353
Complainant	Caradh O'Donovan
Station	RTÉ One
Programme Name	Tokyo 2020: One Year to Go
Broadcast Date	30 th July 2020
Broadcast Time	22:15
Programme Description	Sports programme about the postponement of the 2020 Olympic Games due to Covid-19.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs – Rules 4.1 and 4.2.

Complaint Summary

This programme looked at the impact of the postponement of the Olympic and Paralympic Games on athletes, coaches and organisers. Those involved reveal how they are affected on a sporting and personal level, and how they have redrawn their plans for the coming 12 months.

The complainant is of the view that this programme was biased and partial and only reflected the experiences of athletes, coaches and administrators that are looked upon favourably by the governing bodies of sport in Ireland. The complainant questions how RTÉ sourced the contributors for this programme and points out that funding for athletes, coaches and other personnel are determined by those bodies included in the programme.

The complainant maintains that there is an entirely different cohort of sports people whose views and positions were not expressed during this programme. As an athlete, the complainant believes that the programme broadcast only the positives of a sporting person's life. However, the conditions and lack of support from Irish sporting bodies was not featured. The complainant claims that a large part of the story has been omitted and, therefore, RTÉ misrepresented the true picture of Olympic and Paralympic sports in Ireland.

Broadcaster Response Summary

The broadcaster maintains that this was a sports programme and not a current affairs programme. It was produced by their Sports Department covering the cancellation of the 2020 Olympic Games in Tokyo and looked at the resulting fallout on various sporting personalities. The programme was not a comprehensive look at the impact of Covid-19 across all sporting bodies but covered several sports to show the impact that the cancellation of the games had on their training.

The broadcaster states that the choice of contributors featured in the programme was an editorial matter for their Sports Department. Among the athletes included were those from swimming, boxing, track, gymnastics, rowing, hockey and martial arts along with interviews with representatives from swimming and the Paralympics. The broadcaster also believes it was appropriate to include the interview with the President of the Olympic Federation. The choice of interviewees was not based on



funding, received or not received. The broadcaster believes the programme was fair and impartial and did not infringe the Code.

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 submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1 and 4.2. The Code requires that news and current affairs content shall be presented in an objective and impartial manner and that the broadcast treatment of news and current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that audiences have access to a wide variety of views on the subject.

The Forum was of the view that the broadcaster has editorial independence in relation to the selection of participants in the programme. The Forum noted that a broad variety of sports bodies were represented and, in this manner, a wide range of views were explored with regard to the impact that the cancellation of the Olympic Games had on individuals.

The Forum was of the view that this was not an investigative exploration into what goes on behind the scenes in sporting organisations. Rather, the programme focused on the human interest element of the story, which aimed to explore how the athletes were coping with maintaining their training schedules and the obstacles they encountered in the context of the pandemic. The Forum was of the view that it would have been clear to audiences that the style of programme was such that the broadcaster had adopted a human-interest approach. The Forum noted that the choice of topic and the approach adopted is an editorial matter for each broadcaster. The Forum did not consider that the programme failed to be fair, objective or impartial. Further, the Forum found no evidence in the broadcast to support the matters raised by the complainant. As such, the complaint was rejected.