



ÚDARÁS
CRAOLACHÁIN
NA hÉIREANN

BROADCASTING
AUTHORITY
OF IRELAND

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

April 2021



Contents

BAI Complaints Handling Process	3
---	-------------------

Upheld by the Compliance Committee.....

C5371: Kevin Windle: Today FM: The Last Word with Matt Cooper: 18th September 2020	4
---	-------------------

Rejected by the Compliance Committee

C5345: Anne Cody: Newstalk 106–108 FM: The Hard Shoulder: 16th June 2020	6
---	-------------------

C5350: Complainant X: RTÉ News Now: Live: Morning Ireland: 3rd June 2020.....	8
--	-------------------

C5352: Noel Howard: RTÉ One: Advert – Bank of Ireland, Business Banking, Begin: 27th July 2020	10
---	--------------------

C5354: Sebastian Kevany: Newstalk 106-108FM: The Hard Shoulder: 13th July 2020	12
---	--------------------

C5358: Stephen Murphy: Newstalk 106-108FM: Newstalk Breakfast: 11th July 2020.....	14
---	--------------------

C5364: Brian Flavin: Beat 102-103: Old Skool Sunday: 6th September 2020	16
--	--------------------

C5372: George Kavanagh: Virgin Media One: News at 5.30: 17th August 2020	18
---	--------------------

C5374: Paula Redmond: RTÉ2: After School Hub: 22nd October 2020.....	20
---	--------------------

C5377: Sean Wynne on behalf of Gardasil Awareness Group: RTÉ One: Claire Byrne Live: 5th October 2020.....	23
---	--------------------

Rejected by the Executive Complaints Forum.....

C5379: Val Martin: RTÉ Radio 1: Liveline: 27th October 2020.....	26
---	--------------------

C5383: Emily McElarney: RTÉ Radio 1: Today with Claire Byrne: 22nd October 2020	29
--	--------------------

C5384: Emily McElarney: RTÉ One: Prime Time: 27th October 2020	31
---	--------------------

C5385: Emily McElarney: RTÉ Radio 1: Drivetime: 3rd November 2020	33
--	--------------------

C5387: Tom Campbell: RTÉ2: Film: Gone Girl: 10th November 2020	35
---	--------------------

C5390: Eoin Ó Nualláin: RTÉ One: Nine O’Clock News: 27th October 2020	37
--	--------------------

C5391: Michael McEvoy: RTÉ Raidió na Gaeltachta: Nead na Fuisioige: 2nd December 2020 ..	39
---	--------------------

C5396: Aidan McGrath: RTÉ One: Six One News: 14th December 2020.....	41
---	--------------------



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.

During the period from October 2020 to February 2021, ten (10) complaints were considered by the Compliance Committee of the BAI; nine (9) complaints were rejected and one (1) was upheld. In addition, eight (8) complaints were considered and rejected by the Executive Complaints Forum. The decisions of the Compliance Committee were reached at its meetings held on 28th October 2020 and 20th January 2021, while the decisions of the Executive Complaints Forum were reached at meetings held on 19th January, 2nd February and 16th February 2021.



Upheld by Compliance Committee

Complaint Reference Number	C5371
Complainant	Kevin Windle
Station	Today FM
Programme Name	The Last Word with Matt Cooper
Broadcast Date	18 th September 2020
Broadcast Time	17:00
Programme Description	Current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1 and 4.2.

Complaint Summary

The complaint refers to a remark made by a panellist during a segment in which a panel discuss various topics.

The complainant states that during the weekly panel discussion, one of the contributors stated that J.K. Rowling was transphobic, without providing any evidence to back this up. The complainant claims this statement was not challenged by the presenter or any of the other panellists. The complainant believes that this is a very serious accusation, and considers that the segment lacked balance, impartiality or objectivity.

Broadcaster Response Summary

The broadcaster states that the specific story being discussed was a number of tweets made by the singers Jedward, in which they criticised several celebrities for comments they had made about Covid-19 and the wearing of masks. The panel also mentioned that Jedward had tweeted about J.K. Rowling, specifically her comments regarding transgender people. It was in this context that the discussion regarding J.K. Rowling occurred.

The broadcaster cites UNESCO as defining transphobia as “the irrational aversion, anxiety, discomfort or hatred of people because they are or are perceived to be transgender”. The broadcaster states that the panellist in question is of the opinion that J.K. Rowling exhibits some of the characteristics of transphobia, such as anxiety and discomfort. The broadcaster maintains that the panellist is entitled to this opinion and is entitled to express it on a part of the programme that requires guests to have a view on the topics being discussed.

The broadcaster states that had there been an item solely on the transgender debate, it would have included guests to represent both sides of the argument. However, J.K. Rowling was one of several topics discussed by the panel. Furthermore, the broadcaster claims this was not a news or a current affairs piece, rather a lively miscellany in which opinions are encouraged.



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 uphold the complaint. The Committee's findings are set out below.

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

The Committee had regard to the views of the broadcaster that the item in question was not news or current affairs; the Committee noted that the programme is generally understood to be a current affairs programme, further, while the content of the panel discussion was quite light-hearted in nature, the Committee did consider that it was about a current affairs topic and did contain some analysis of same. As such, the content constituted current affairs and is subject to the requirements set out in the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Committee noted that during a discussion regarding tweets made by Jedward, the panel commented on tweets Jedward made about J.K. Rowling's alleged transphobia. During this discussion, a panel member gave a brief overview of some events which are the basis for public accusations of transphobia. The panel member also stated that J.K. Rowling has become a "transphobic bigot". While the principle of fairness does not require that all possible opinions on a topic are explored, or that artificial balance is achieved, the Committee noted that the nature of current affairs coverage is such that the presenter plays a critical role in challenging the views of guests and contributors, in the public interest. The Committee had regard for the fact that, in this instance, the presenter did not challenge the panel member or facilitate the exploration of alternative viewpoints. The principle of fairness requires that the approach to covering issues should be equitable and proportionate. The Committee were of the view that, given the seriousness of the statements made by the panel member, and the lack of challenge by the presenter, the broadcast was not fair. As such, the Committee upheld this complaint.



Rejected by Compliance Committee

Complaint Reference Number	C5345
Complainant	Ms. Anne Cody
Station	Newstalk 106–108FM
Programme Name	The Hard Shoulder
Broadcast Date	16 th June 2020
Broadcast Time	16:00-19:00
Programme Description	Current affairs and politics programme broadcast on weekday evenings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principle 3.

Complaint Summary

The complaint refers to an interview with a sleep expert regarding issues which some people experience with sleeping and potential solutions for these issues. The complainant states that this is a serious topic and that clear, factual and correct information should be provided when it is discussed. The complainant is of the view that the information provided during the interview was harmful to vulnerable people as it advocated harmful methods to manage issues with sleeping.

The complainant states that alcohol and sleeping medication and daytime naps were discussed during the interview as potential remedies for managing sleep issues. The complainant is of the view that an exchange between the presenter and the interviewee amounted to misinformation as the presenter commented that, "...a bottle of gin might go a long way to deaden the brain", to which the interviewee replied, "well yes". The complainant also states that later in the broadcast the interviewee commented that a nightcap has never harmed anyone. The complainant acknowledges that this does not overtly support the use of alcohol, however, the complainant believes that this is misinformation and failed to warn listeners of the dangers of alcohol.

The complainant also believes that important information was omitted during the discussion surrounding the use of sleeping medication and considers that sleeping medication was introduced as a positive step. The complainant was particularly concerned by a reference made by the presenter with regard to mixing alcohol and medication when he is personally affected by a lack of sleep.

It is the view of the complainant that the interviewee was incorrect in his assertion that there is no problem with napping during the day as this contradicts HSE advice regarding this matter. The complainant believes that the programme should have advised listeners to visit their GP.

The complainant takes issue with the presenter referencing medical doctors as tyrants, when discussing the type of medical advice being provided by the interviewee. Further, the complainant sought confirmation regarding whether the interviewee is a medical doctor and, if he is not a medical doctor, believes that this should have been made clear to listeners.



Broadcaster Response Summary

The broadcaster states that the interviewee is not a medical doctor, however, he has a PhD and his expertise is in the area of sleep. The broadcaster states that the content of the broadcast was in keeping with the usual style of the programme. The broadcaster further states that the programme content was also in accordance with audience expectations for the programme.

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 3 of the Code of Programme Standards, which aims to protect audiences from harmful content. The Committee had regard to the view of the complainant that an interview with a sleep expert was harmful to audiences, specifically to those who are vulnerable.

The Committee acknowledged the complainant's concern that the interview contained incorrect information and dangerous advice, including references to mixing alcohol and sleeping tablets. The Code requires that broadcasters do not broadcast harmful material, including material which encourages the abuse of drugs or alcohol. While the Committee noted that the presenter was somewhat flippant in some of his remarks regarding consuming alcohol and sleeping tablets, it is of the view that his style is synonymous with the show. The Committee considered that regular listeners would be aware of the sardonic approach often adopted by the presenter, accordingly, it's unlikely that listeners would have treated the presenter's comments as sincere advice regarding sleeping aids. The tone was conversational and light-hearted, and the Committee did not consider that the discussion encouraged harmful behaviour. However, broadcasters should be mindful that some viewers and listeners, by virtue of their age or particular circumstances, are vulnerable. The Committee emphasised the importance of due care being shown when discussing topics that may have serious implications for some listeners. In this regard, broadcasters should ensure that information is presented in a clear and appropriate manner.

The Committee had regard to the interviewee being introduced as a doctor, however, this appears appropriate given the interviewee's qualifications.

The Committee did not consider that the content of the broadcast infringed Principle 3 of the Code of Programme Standards. As such, the complaint was rejected.



Complaint Reference Number	C5350
Complainant	X
Station	RTÉ News Now
Programme Name	Live: Morning Ireland
Broadcast Date	3 rd June 2020
Broadcast Time	07:36am
Programme Description	This programme provides live updates from the radio studio of Morning Ireland broadcast from 7-9am each weekday morning, including news and current affairs updates.
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 17. Section 48(1)(b)(harm and offence); The Code of Programme Standards – Principle 5.

Complaint Summary

The complaint relates to the manner in which this programme reported the death in the USA of George Floyd, who died while in police custody. The news item in question concerns rolling text across the bottom the screen. In this instance, the text referred to “the death of an unarmed black man in police custody in Minneapolis”. The complainant takes exception to the failure to provide the public with the name of the man who was killed.

The complainant is of the view that, given the coverage across all media in the eight days that followed this incident, the victim’s name was known at the time of the broadcast. As such, the complainant is of the view that this broadcast was not presented with due accuracy.

In addition, the complainant believes that failure to identify George Floyd by name is akin to failing to respect human dignity. Further, the complainant contends that failure to specify the victim's name can be regarded as discrimination against a particular race and an intent to stir up hatred.

Broadcaster Response Summary

The broadcaster points out that the complainant’s issue was not concerned with the content of *Morning Ireland*, which covered the story extensively over several days; rather, the complaint was solely concerned with screen grabs of the rolling headline linked to the RTÉ news website. The broadcaster states that these screen grabs were carried on the RTÉ News Now channel, which also carries the tabs and other stories from the RTÉ news website.

The broadcaster states that the George Floyd story dominated the global news cycle at the time, including being the main news item on all RTÉ’s output. The broadcaster maintains therefore that there was no requirement to use Mr. Floyd’s name as anyone who listened to news over the previous days would immediately know the rolling headlines were one part of the on-going story. The broadcaster states that these rolling headlines were factually accurate.



The broadcaster denies that the rolling headline was disrespectful or racist and believes that this assertion is without foundation. The broadcaster states that there was no requirement to provide George Floyd's name in these headlines and states that audiences would have been aware that this type of news serves as updates on the story, which is covered by various RTÉ services.

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 4.17 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. The complaint was also made under Principle 5 of the Code of Programme Standards. This principle requires broadcasters to represent persons and groups in society in a manner which is appropriate and justifiable, and does not prejudice respect for human dignity or stigmatise, support discrimination or incite hatred.

The Committee had regard to the view of the complainant that the failure to name George Floyd constituted incitement to hatred and prejudiced respect for human dignity. The Committee noted that the service provides headline information which is supplementary to news broadcasts aired by the broadcaster. The Committee noted that, although Mr. Floyd's name was omitted, the information was accurate and was presented in an objective manner. The Committee also noted that Mr. Floyd's race was pertinent to the news story. Additionally, at the time of broadcast, the news story had received worldwide press coverage and most audience members would be aware of details of the incident, including the name of the victim.

The Committee did not consider that the broadcast infringed Principle 5 of the Code of Programme Standards. Accordingly, the complaint was rejected.

The complainant's name is excluded from this decision as the Executive Complaints Forum accepted an anonymity request submitted by the complainant.



Complaint Reference Number	C5352
Complainant	Noel Howard
Station	RTÉ One
Advertisement Name	Bank of Ireland, Business Banking, Begin
Broadcast Date	27 th July 2020
Broadcast Time	21:18
Programme Description	Advertisement for Bank of Ireland
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); the BAI General Commercial Communications Code – Rule 19.1

Complaint Summary

The complaint relates to an advertisement for the Bank of Ireland which, the complainant believes, is misleading.

The complainant takes issue with a statement contained in the advertisement that claims, “your financial wellbeing is our priority”. It is the view of the complainant that Bank of Ireland is not interested in the financial wellbeing of its customers and is only interested in the wellbeing of its shareholders. As such, the complainant believes the advertisement is exaggerated and misleading. The complainant considers that the advertisement contravenes rule 19.1 of the Code, which requires that commercial communications for financial services and products shall be presented in terms that do not mislead, whether by exaggeration, omission or in any other way.

Broadcaster Response Summary

The broadcaster maintains that this advertisement did not infringe the General Commercial Communications Code (GCCC) and states that the advertisement was cleared by RTÉ’s Copy Clearance Committee prior to broadcast.

The broadcaster acknowledged that the advertisement, entitled ‘Bank of Ireland, Business Banking, Begin’ included the line, “and because your financial wellbeing is our priority, our dedicated business teams have a range of supports to help you take the next step”. However, the Copy Clearance Committee did not consider that this infringed any BAI Code. The broadcaster is satisfied that the content of the advertisement complies with the requirements set out in the relevant Codes.

Advertiser Response Summary

The advertiser was satisfied that the broadcaster addressed this matter and did not have anything further to add.

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 19.1 of the General Commercial Communications Code. The Code requires that commercial communications for financial services shall not be presented in a manner which is misleading.

The Committee had regard to the views put forward by the complainant and acknowledged the concerns of the complainant regarding how the content of the advertisement could be misleading. The Committee noted that the complaint is based on the voiceover statement that, “your financial wellbeing is our priority”. However, when viewed in full, the voiceover states that, “At Bank of Ireland your financial wellbeing is our priority, so our dedicated business teams have a range of supports to help you take the next step”. The Committee noted that this advertisement relates to a range of financial services targeted at businesses, specifically those affected by Covid-19. The advertisement informs viewers that a range of services are available and also directs viewers to the Bank of Ireland website. In this context, the advertisement provides accurate information regarding the service being advertised.

The advertisement was presented in a transparent manner and the commercial nature of the broadcast would be easily understood by audiences. Advertisements aim to promote goods or services and the statement which is the subject of this complaint is characteristic of commercial content. The Committee did not consider that audiences were likely to have been misled by the advertisement.

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



Complaint Reference Number	C5354
Complainant	Sebastian Kevany
Station	Newstalk 106-108FM
Programme Name	The Hard Shoulder
Broadcast Date	13 th July 2020
Broadcast Time	16:00
Programme Description	Current affairs and politics programme broadcast on weekday evenings.
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 4.19, 4.21 and 4.22.

Complaint Summary

The complaint relates to comments made by the presenter regarding the Covid-19 pandemic and his apparent disregard for public health advice.

The complainant considers that views and facts made by the presenter during this programme contravened advice provided by the Department of Health. The complainant believes that the presenter encouraged behaviour detrimental to public health and safety, particularly in discussing the Covid-19 pandemic and the lifting of the phased restrictions.

Broadcaster Response Summary

The broadcaster acknowledged the strong beliefs expressed by the presenter, Ivan Yates, since the beginning of lockdown and his opposition to same. The broadcaster emphasises that the presenter's views were strongly challenged by many interviewees during the programme, including public health experts, commentators, politicians, listeners via texts and emails, and from Government officials. Many contributors expressed their opposition to the presenter's views. The broadcaster maintains that this served to balance the presenter's views over the course of this broadcast.

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 4.19, 4.21 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that views and facts shall not be misrepresented or presented in such a way as to render them misleading. The Code further requires news presenters to not express their own view on matters of public controversy or debate. Further, current affairs presenters 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 complainant's belief that some of the views offered by the presenter were 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 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. The Committee noted that the presenter offered a range of views while adopting a robust interview style. 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, therefore, listeners are likely to expect robust debate. The programme included a range of views provided by various interviewees and there was no evidence of bias. The Committee did not consider that any facts were presented in a misleading manner. Further, while the presenter offered many forceful opinions, the Committee did not consider that he advocated a partisan position or encouraged harmful behaviour.

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	C5358
Complainant	Stephen Murphy
Station	Newstalk 106-108FM
Programme Name	Newstalk Breakfast
Broadcast Date	11 th July 2020
Broadcast Time	07:00 – 09:00am
Programme Description	Newstalk Breakfast is a news/current affairs programme, including a newspaper review of the latest stories at home and abroad.
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. Section 48(1)(b)(harm and offence); The Code of Programme Standards – Principle 3.

Complaint Summary

The complaint refers to comments voiced by the presenter regarding the Covid-19 pandemic and his apparent disregard for public health advice.

The complainant is of the view that the presenter displayed a blatant disregard for the standards in public broadcasting. The complainant considers that the views of the presenter were represented in such a manner as to render the programme partial. The complainant also considers that the statements made by the presenter amounted to personal views being expressed in a manner that led to him advocating a partisan position. The complainant maintains that the presenter encouraged behaviour which was detrimental to public health and safety when discussing Covid-19.

Broadcaster Response Summary

The broadcaster maintains that the presenter did not advocate a partisan view or encourage behaviour detrimental to public health. The presenter queried how, in some circumstances, it is possible to adhere to the two-metre distance advice given by the HSE. The broadcaster maintains that this discussion was balanced later in the programme when a medical expert questioned the presenter's comments and the presenter then advised people to follow the health advice during the pandemic. The broadcaster states that the presenter later conceded that he would bow to the doctor's superior knowledge. Further, the broadcaster also maintains that texts read out by listeners were critical of the presenter's views on the Covid-19 pandemic.

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 4.1, 4.2 and 4.22 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. In



addition, 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 3 of the Code of Programme Standards, which aims to protect audiences from harmful content.

The Committee had regard for the matters raised by the complainant and acknowledged the crucial role presenters play in ensuring that matters of public debate or controversy are explored in a manner which is objective and impartial. The ongoing pandemic has serious implications for the health of the public and, as such, the Committee considers that due care must be shown when discussing this topic. The Committee noted that the presenters read out a number of texts sent in by listeners and also interviewed a professor from Trinity College. Through these contributions a range of alternative viewpoints were explored, many of which firmly challenged some of the presenter's comments. In this regard, the Committee did not agree that the programme was biased or partial, further, the Committee did not consider that the presenter advocated a partisan position. In addition, although the presenter adopted a somewhat cavalier attitude when discussing Covid-19, the content of the programme could not be considered as encouraging behaviour detrimental to public health and safety.

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	C5364
Complainant	Brian Flavin
Station	Beat 102-103
Programme Name	Old Skool Sunday
Broadcast Date	6 th September 2020
Broadcast Time	12:00 – 15:45
Programme Description	Music driven programme aired weekly.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 2 and 3.

Complaint Summary

The complaint refers to comments made by the presenter about a DJ, when introducing a song.

The complainant states that in the week of this broadcast, a US-based DJ died after being accused of sexual assault. The complainant believes that people of the demographic that listen to this station would have been aware of the charge. The complainant claims that the presenter spoke admiringly about the DJ, stating he would tip his hat to him. The presenter then proceeded to play a song written by the DJ. The complainant is of the view that given the charges against the DJ, the complimentary reference to him along with playing one of his songs were inappropriate. The complainant also feels an on-air apology is owed by the broadcaster to all victims of sexual violence.

Broadcaster Response Summary

The broadcaster states that it does not support or condone any content which would be deemed as causing harm or offence. However, while the broadcaster apologised for any insensitivity shown by these comments, the broadcaster states that the presenter's referencing to tipping his hat was to the music, rather than the DJ. The broadcaster states that the comment was made by a part-time presenter who was filling in for the regular presenter. The broadcaster maintains that the presenter in question acknowledges this mistake as the language used may be considered inappropriate given the charges against the DJ. The broadcaster subsequently met with all presenters regarding the approach that should be taken to such sensitive topics in future, and related music and artists. The broadcaster contends that any future focus should be on the music, rather than the individual.

Referring to the request by the complainant for an apology to be aired, the broadcaster maintains that referring to the song again with an apology could further compound the matter. Additionally, as there was only one complaint and the segment in question paid homage to the music rather than the artist, the broadcaster did not consider it appropriate or necessary to air an apology.

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 2 and 3 of the Code of Programme Standards, which has regard to the importance of context and aims to protect audiences from harmful content.

The Committee had regard for the matters raised by the complainant and was mindful of the potential impact that such content may have on listeners. The Committee was of the view that it is important for broadcasters to be aware of the potential impact on listeners and to ensure that broadcasts do not cause harm to audiences, particularly with regard to the personal circumstances of individual audience members. Nevertheless, the Committee noted that, while the person in question was charged, they were not convicted at the time of broadcast. The Committee had regard to the steps taken by the broadcaster following receipt of this complaint and considered that these steps were reasonable to address the concerns of the complainant. On balance, when considering the facts known at the time of broadcast, it was the view of the Committee that the programme could not be considered as infringing the requirements set out in Principle 2 or 3 of the Code of Programme Standards.



Complaint Reference Number	C5372
Complainant	George Kavanagh
Station	Virgin Media One
Programme Name	News at 5.30
Broadcast Date	17 th August 2020
Broadcast Time	17:30
Programme Description	News programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1, 4.2, 4.17 and 4.19.

Complaint Summary

The complaint refers to a report on the wearing of face masks by the public during Covid-19.

The complainant maintains that the news report stated that face masks were mandatory in certain locations and those not wearing masks “may” face prosecution. The complainant states that the report failed to identify the exemptions. The complainant states that Statutory Instrument (SI) No. 296 of 2020 requires people to wear masks, however, section 5(a) provides exemptions for persons who cannot put, wear or remove a face covering because of any physical or mental illness, impairment, or disability, or without severe distress. The complainant believes that by not providing the full facts, the report was biased, prevents people from knowing their rights and entitlements and, in doing so, discriminates against those exempt from wearing masks. The complainant is of the opinion that the report was neither fair nor impartial.

Broadcaster Response Summary

The broadcaster strongly rejects the assertion that the report failed to comply with the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The broadcaster states that this news report was not intended to be a general report on the law pertaining to the wearing of face coverings during Covid-19. The broadcaster maintains that the subject matter was the narrower topic of the powers of the Gardaí in enforcing public health measures enacted to control the spread of Covid-19.

The broadcaster is of the view that throughout the extensive news coverage over the period of the Covid-19 pandemic, it has met and continues to meet the obligations to present the facts regarding the law on wearing face coverings, including the relevant exemptions. The broadcaster refutes the allegation that its reports have discriminated against individuals who are exempt from wearing face coverings. Further, the broadcaster does not consider that viewers would have been misled or misinformed by the report.



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 4.1, 4.2, 4.17 and 4.19 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code further requires that news and current affairs content shall be presented with due accuracy and that facts or views are not misrepresented or presented in a misleading manner.

The Committee had regard for the points raised by the complainant, specifically the complainant's view that failure to reference the exemptions to the legal requirement to wear masks rendered the item partial and misleading. The Committee noted that the report was about the powers that Gardaí have in relation to Covid-19 restrictions and, although the reporter referenced the powers in relation to wearing masks, the requirements regarding wearing masks were not the focus of the report. The Committee had regard for the broadcaster's editorial independence and noted that broadcasters have the freedom to choose the topics that are covered; the Code does not require all possible viewpoints or aspects of a topic to be covered, nor does the omission of a particular item or viewpoint automatically render a piece unobjective or partial. In this instance, the Committee considered that the item was a factual news report which was presented in a manner that was objective, impartial and without any expression of the broadcaster's own views. In addition, the Committee was of the view that the report was presented with due accuracy and did not consider that the content was misleading.

The Committee did not find evidence in the broadcast to support the matters raised by the complaint. Accordingly, the complaint was rejected.



Complaint Reference Number	C5374
Complainant	Paula Redmond
Station	RTÉ2
Programme Name	After School Hub
Broadcast Date	22 nd October 2020
Broadcast Time	15:00 – 16:00
Programme Description	Educational programme aimed at children
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 4.2, 4.17 and 4.19. Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principles 2, 5 and 6.

Complaint Summary

The complaint refers to an episode of the educational children's programme which focused on racism, aired during Black History Month in Ireland.

The complainant states that during a segment titled 'Let's Talk Racism', the presenter claimed that there have been black and brown people in Ireland for centuries. However, the complainant believes this to be historically inaccurate as it implies that black or brown people made up a significant proportion of the population throughout the centuries and that the multiracial society that now exists here, always existed. The complainant believes this to be inaccurate as Irish people are of predominately Gaelic, Celt and Norman ancestry.

Stating that, "there are black and brown scientists, doctors, lawyers, astronauts, sports stars, actors and singers" yet, "we rarely hear about them", the complainant believes this to be inaccurate as most viewers would know many black or brown sports stars, actors and singers but many children would not know any black or brown lawyers or astronauts. By then asking why we rarely hear about black or brown people in these fields, it infers that persons of other races are somehow the cause of this alleged racism.

As the presenter prefaced the broadcast with October being 'Black History Month' and with the recent Black Lives Matter protests, the complainant is of the view that this deemed the broadcast to be current affairs.

Broadcaster Response Summary

The broadcaster states that 'After School Hub' is a children's educational programme and does not constitute current affairs. It was self-evident that the piece was about explaining racism and was aimed at school going children as the presenter opened by saying, "hello boys and girls". As such, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs does not apply.



In response to the aspect of the complaint which relates to Principle 2, the importance of context, the broadcaster notes that the State has a well-established intercultural education strategy in place for many years which is based on the principles of respect for diversity, inclusion and integration. Further, guidelines have been set out for primary and post-primary education. The broadcaster considers that the item was consistent with the ethos set out in the various available guidance and documentation and, as such, does not consider that there is merit for this complaint under Principle 2.

In response to the view that the programme failed to comply with Principle 5, which is concerned with respect for persons and groups in society, the broadcaster notes that the complainant is of the view that the presenter was suggesting that persons of certain races, other than black or brown, are racist. The broadcaster states that this is the opposite to what the presenter actually stated. During the broadcast, the presenter stated that people could consider that there is only one race in the world, which is the human race. The presenter stated that it is important that everyone is treated the same no matter what colour they are. The broadcaster contends that the piece was about explaining racism, at a level pitched at school children, and that the entire item was about demonstrating respect for persons and groups in society. It is the view of the broadcaster that there is no basis for this complaint under Principle 5.

The broadcaster had regard to the view of the complainant that the item infringed Principle 6, which aims to protect public interest. The broadcaster notes that the complainant believes that some information is factually inaccurate. However, the statement that black and brown persons have been in Ireland for centuries is factually accurate. The broadcaster maintains that there is no basis for the complaint under any Codes.

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 4.2, 4.17 and 4.19 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The Code further requires that news and current affairs content shall be presented with due accuracy and that facts or views are not misrepresented or presented in a misleading manner. The complaint was also made under Principles 2, 5 and 6 of the Code of Programme Standards; Principle 2 acknowledges the importance of context, Principle 5 requires that persons and groups in society are represented in a manner which is appropriate, justifiable and does not prejudice respect for human dignity, and Principle 6 emphasises the importance of public interest in broadcasting.

The Committee considered the matters raised by the complainant in regard to the view that the item infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Committee noted that the item in question was an item about racism which was aimed at children in the context of Black History Month, the Committee noted that the programme did not contain any



analysis of a current affairs issue. Rather, the item was an information piece regarding racism which was prepared and presented in a way that would be easily understood by children. As such, the Committee was of the view that the focus of the item did not constitute current affairs. As such, it was the view of the Committee that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs did not apply.

The Committee considered the complainant's view in regard to the content of the segment and the appropriateness of its broadcast during a children's programme. The Committee decided the item was presented in a manner appropriate for the time of broadcast and the expected audience and, as such, it did not infringe Principle 2 of the Code of Programme Standards. The Committee did not consider that there was evidence in the broadcast to support the complainant's contention that the content was inaccurate or that it inferred that particular persons were racist. Principle 5 requires broadcasters to have respect for human dignity and to ensure that broadcast material does not stigmatise, support or condone discrimination or incite hatred against a particular group in society; the Committee noted that the item discussed racism and the negative effects of racism in an open manner which would be easily understood by children. Further, the presenter discussed her own experiences with racism and provided a positive view on the diversity of Irish society. It was the view of the Committee that the programme was inclusive and informative, which is in the public interest. The Committee did not find that the broadcast infringed the Code in the manner described by the complainant, rather, it was the view of the Committee that the broadcast aligned with both the spirit and letter of the Code of Programme Standards.



Complaint Reference Number	C5377
Complainant	Sean Wynne, on behalf of Gardasil Awareness Group
Station	RTÉ One
Programme Name	Claire Byrne Live
Broadcast Date	5 th October 2020
Broadcast Time	22:35
Programme Description	News and current affairs programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1 and 4.2. Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principle 3.

Complaint Summary

The complaint relates to a segment in the programme in which the presenter and two guests received a flu vaccination.

The complainant acknowledged that an on-air reference was made to the presenter having completed the relevant paperwork prior to receiving the vaccination. However, the complainant noted that the interview failed to discuss either informed consent or the package information leaflet during the course of the segment.

The complainant cites several instances of key information being omitted from the programme, including the recipient of the vaccine not being asked to check the expiry date of the vaccine or to sign a consent form. Additionally, the complainant notes that the pharmacist who administered the vaccine failed to advise viewers that the flu vaccine is a black triangle product, which means it is subject to additional monitoring. The complainant noted that no post-vaccination advice was provided to those who received the vaccination, nor were they provided with a copy of the package leaflet for review. The complainant also considers that the pharmacist dismissed adverse reactions without advising either viewers or participants that they should read the package information leaflet. Further, the complainant considers that the programme contained claims that the vaccine can prevent the flu but does not believe that this claim has been proven.

Additionally, the complainant believes that a reference by the pharmacist to having given nasal flu vaccine to two or three children implied that it was normal practice, similar to handing out sweets. However, the complainant states that it is important for any parents to make themselves aware of the content of vaccines and to consult with their GP if considering getting their children vaccinated.

Broadcaster Response Summary

The broadcaster states that it was clear from the outset what the programme content would be in respect of the rollout of remote vaccinations and how this would work in the context of changes



regarding the laws for administering vaccinations, particularly in the context of Covid-19. It is the contention of the broadcaster that viewers were shown a demonstration of the presenter and two guests receiving the vaccine, however, this did not purport to be a detailed examination of the step-by-step process of getting a flu vaccine.

The broadcaster states that the complainant is incorrect in his views regarding informed consent. It is the view of the broadcaster that it was made clear to viewers that the presenter gave informed consent, having gone through the appropriate steps prior to coming on air. For avoidance of doubt, the broadcaster confirms that consent forms were issued and signed prior to the programme. The broadcaster also confirms that the forms included an acknowledgement that the signatories had read the vaccination leaflet, had the opportunity to ask questions and understood the possible side effects. The pharmacist dealt directly with the presenter and guests in preparation for the programme and remained for the appropriate amount of time after administering the vaccine.

The broadcaster is of the view that the correct process was followed, and viewers would have readily understood that this was the case and that they would go through a similar procedure with their health care provider should they get a vaccination. The broadcaster notes that the programme was broadcast post-watershed to an adult audience.

In addition, the broadcaster notes that the pharmacist did not claim that the vaccine can prevent flu. Additionally, the broadcaster states that the pharmacist noted that some people may have a reaction, most commonly skin reactions. The broadcaster contends that the broadcast would not lead viewers to believe they could walk in off the streets and get a vaccine without checks, procedures or information regarding the process involved.

It is the view of the broadcaster that the broadcast fully complied with all statutory and regulatory provisions and believes there is no basis for the complaint.

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 4.1 and 4.2 of the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires that current affairs content is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views. The complaint was also made under Principle 3 of the Code of Programme Standards, which aims to protect audiences from harmful content.

The Committee had regard for the matters raised by the complainant with regards to the view that the item infringed the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Committee noted that the item in question related to administering vaccines, with a focus on the flu vaccine. While the Committee noted that vaccinations are often the subject of news or current affairs programming, particularly in the context of Covid-19, the Committee noted that the programme did



not contain any analysis or debate about the merits or drawbacks of vaccines. Rather, the programme was a factual discussion regarding how vaccinations may be administered. As such, the Committee was of the view that the focus of the item was an information piece and did not constitute a current affairs item. As such, it was the view of the Committee that the Code of Fairness, Objectivity and Impartiality in News and Current Affairs did not apply.

With regard to the view of the complainant that this broadcast infringed Principle 3 of the Code of Programme Standards, the Committee had regard to the various matters raised by the complainant, including: failure to obtain the consent of the recipients of the vaccine or ask recipients to check the expiry date of the vaccine; failure to mention the package information leaflet or the fact that the vaccine is a black triangle product; and, failure to provide post-vaccination care advice. The Committee noted that broadcasters are required to take care to ensure audiences are not exposed to harmful content and must provide information to audiences to allow them to make informed choices about what they listen to and watch. The Committee noted that the item was introduced in the context of new measures that allowed vaccinations to be administered in drive-in vaccination centres. The Committee noted the item was introduced in a clear manner and audiences were likely to understand the nature of what they were viewing. The Committee had regard to the information included in the broadcast and noted that the presenter and pharmacist stated at the beginning of the broadcast that all necessary paperwork had been undertaken, which was also repeated later in the broadcast prior to the administration of the flu vaccine to two guests. The Committee considered that, based on the content of the broadcast, audiences would reasonably understand that the necessary paperwork, including consent, was undertaken prior to the broadcast. The Committee further noted that this was confirmed in the response submitted by the broadcaster.

The Committee also considered the view of the complainant that the pharmacist dismissed an adverse reaction query, however, the Committee noted that reactions were discussed during the programme.

The Committee did not consider that there was anything in the broadcast that was harmful to audience members. In addition, the Committee considered that the audience was provided with sufficient information to understand the nature and type of content which was broadcast.



Rejected by Executive Complaints Forum

Complaint Reference Number	C5379
Complainant	Val Martin
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	27 th October 2020
Broadcast Time	13:45
Programme Description	Daily phone-in chat show
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rule 4.1.

Complaint Summary

The complaint refers to insufficient time being given to some callers to refute allegations made against President Trump.

The complainant claims that in the run up to the US Presidential Election, a discussion took place which was not fair or objective. The complainant believes that contributors were allowed to make allegations about Trump and the presenter prevented other contributors from responding to, or disagreeing with, these comments.

One of the topics discussed was child migrants being placed in cages at the US-Mexico border. The complainant believes that, during this discussion, an allegation was made that President Trump set up cages for holding migrant children at the US-Mexico border during his term of office. The complainant states that this claim was repeated later in the programme. It is the view of the complainant that this claim is incorrect and that historical records show that these cages were in place during the Obama/Biden Administration and were inherited by President Trump. The complainant believes that these allegations would impact negatively on listeners' opinions, who would consider the action of putting children in cages as severe and cruel on young children. The complainant believes that this would prompt American voters to vote for Joe Biden.

It is the view of the complainant that callers to Liveline who supported President Trump were interrupted by the presenter and could not defend against the allegations being made about President Trump. The complainant believes that the direct intervention of the presenter prevented contributors from correcting falsehoods. The complainant is of the view that the presenter displayed bias and considers that the programme favoured Joe Biden over President Trump.

Broadcaster Response Summary

The broadcaster states that Liveline is a caller-driven programme and it is the role of the presenter to facilitate the discussion among callers to the programme and to challenge views where necessary. The programme began by featuring two callers, one in support of President Trump and one against. The broadcaster maintains that the caller in support was given ample time, without interruption, to



put forward his reasons as to why he was voting for President Trump. The caller who supported Joe Biden also outlined his reasons for doing so and raised the issue of children in cages. The broadcaster states that the presenter then invited the pro-Trump contributor to respond, however, the presenter limited his response as the contributor sought to go into the detail regarding the cages. The presenter informed the contributors and listeners that the topic of cages was dealt with on a previous programme and was not the topic up for discussion. However, the presenter invited the pro-Trump contributor to respond to other points raised by the pro-Biden contributor.

The broadcaster notes that this topic was raised again during the programme and there was some argument between callers, with contributors on both sides being allowed to express their views. The broadcaster is of the view that the complainant is incorrect in their description of the discussion. The broadcaster states that the initial reference was to the administration putting children in cages, however, the caller did not state that President Trump had built cages. The second reference to cages involved an exchange of views between callers of different opinions.

The broadcaster states that programme presenters have latitude over how they conduct interviews, in the context of the nature of the programme and the style of the individual presenters. The broadcaster notes that the presenter is known for robust interviews, for putting forceful and challenging statements to callers to elicit their response. The broadcast noted that the programme featured contributors in support of both President Trump and Democratic candidate Joe Biden. It is the view of the broadcaster that the piece was fair, robust and moderated by the presenter in a way that allowed both sides to set out their views.

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 – rule 4.1. 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.

The Forum noted that the complainant takes exception to time allocated to callers in support of Donald Trump, in particular, on the topic of child migrants being placed in cages on the US-Mexican border. The Forum 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 Forum noted that the topic of the presidency of Donald Trump has been explored several times by Liveline, covering many different aspects of the subject. 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 the audience. The Forum noted that the presenter's style is well known, and listeners are likely to expect to hear forceful views offered by the presenter. The Forum noted that, while the topic of cages on the US-Mexican border was discussed during the programme, this was not the focus of the programme. The presenter clearly stated that the



programme had previously explored the use of cages along the US-Mexican border and emphasised that this topic was not being explored in detail during this specific broadcast. The Forum noted that, in doing this, the presenter was facilitating the discussion in the context of the chosen topic. The Forum was of a view that a range of matters regarding President Trump were discussed, sometimes robustly, and considered that callers were given ample time to put across their viewpoints. The Forum noted that a diverse range of viewpoints were explored and that the input of the presenter was aligned with his usual style and the tone of the programme.

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	C5383
Complainant	Emily McElarney
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	22 nd October 2020
Broadcast Time	11:15am
Programme Description	Current affairs programme featuring stories of the day broadcast each weekday morning 10am-12pm
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 5 and 6

Complaint Summary

The complaint refers to an interview with an entrepreneur who took out a full-page advertisement in the Irish Times advocating a strategy for lifting all Covid-19 restrictions. The advertisement in the newspaper also directed readers towards a website promoting the Great Barrington Declaration, which advocates a policy of shielding vulnerable people while allowing the rest of the population to pursue herd immunity. The complainant is of the view that this broadcast is one example, of many, in which the broadcaster allows far-right, damaging ideology to feature in its programming. The complainant links this to two other broadcasts, which are the subject of complaint: references C5384 and C5385.

The complainant is of the view that the programme provided a platform for the interviewee to express harmful views. The complainant states that the Great Barrington Declaration theory, which has been discounted, contravenes public health advice. As such, the complainant is of the view that the content of the interview endangered public health, was irresponsible and against public interest. The complainant also considers that the ideology expressed by the interviewee supports the isolation of vulnerable people in society which infringes the requirement for broadcast content to have respect for persons and groups in society.

Overall, the complainant believes that this interview supports the isolation of vulnerable persons in society and, at the same time, undermines the authority of the State by advocating the lifting of the Government's restrictions in respect of Covid-19. The complainant considers that the broadcaster infringed Principles 5 and 6 of the Code of Programme Standards.

Broadcaster Response Summary

The broadcaster states that during this interview the presenter repeatedly challenged the interviewee on several issues raised. The broadcaster notes that, at times, the exchanges became robust and heated, and states that the presenter challenged the interviewee with regard to cherry picking facts. The broadcaster contends that, far from giving the interviewee a platform, the presenter challenged him on every aspect of the advertisement placed in the Irish Times. The broadcaster states that the interview was immediately followed by a professor, who provided alternative viewpoints. The broadcaster states that the broadcast was in the public interest as it protected public health guidelines and facilitated a debate on an important public issue.



The broadcaster does not believe that the broadcast infringed the Code in the manner specified by the complainant.

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 the complaint was submitted under the Code of Programme Standards, Principles 5 and 6. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also requires that broadcasters protect the public interest.

The Forum had regard to the complainant's belief that the views offered by the interviewee were damaging to public health. The Forum further considered the complainant's contention that the presenter gave the interviewee a platform for his far-right ideological views which she believes were not in the public's best interests. The Forum 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 Forum 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 care. However, the Forum noted that the presenter adopted a robust interview style and challenged the views of the interviewee in a manner that was appropriate and ensured a range of viewpoints were explored. The Forum noted that audiences are likely to be familiar with the style of the programme and the content was in line to the likely audience expectation. The Forum found no evidence in the broadcast to support the views of the complainant and further, the Forum did not consider that the programme infringed the Code. As such, the complaint was rejected.



Complaint Reference Number	C5384
Complainant	Emily McElarney
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	27 th October 2020
Broadcast Time	21:35
Programme Description	Current affairs programme broadcast twice weekly
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 5 and 6

Complaint Summary

The complaint refers to a report regarding herd immunity as a response to Covid-19. The complainant is of the view that this broadcast is one example, of many, in which the broadcaster allows far-right, damaging ideology to feature in its programming. The complainant links this to two other broadcasts, which are the subject of complaints: references C5383 and C5385.

The complainant states that the report on the programme amplified The Great Barrington Declaration without challenge. The complainant states that The Great Barrington Declaration has been discounted by experts worldwide, including the World Health Organisation (WHO). The complainant further states that the concept of herd immunity has been described as scientifically and ethically problematic by the WHO and by the Chief Medical Officer.

The complainant states that through the broadcast of unchallenged interviews, the broadcaster offers a platform for harmful ideology, which is linked to far-right ideas of white supremacy, racism and eugenics. The complainant maintains that the process of providing balance in journalism should not include racism, hate-inducing ideology or anti-democratic rhetoric. In addition, the complainant believes that the inclusion of unsubstantiated or disputed claims causes harm to groups in society.

The complainant believes that the report emphasised and encouraged beliefs and behaviours that are harmful and did not comply with Principles 5 or 6 of the Code of Programme Standards.

Broadcaster Response Summary

The broadcaster states that the report pointed out the proponents of the Great Barrington Declaration, who are well-respected scientists in their own right, including three public health experts from Oxford, Stanford and Harvard universities. The report included an interview with a professor from Harvard, who outlined his views regarding the Great Barrington Declaration, however, these views were challenged by a representative from WHO and a Professor from Trinity College Dublin.

The broadcaster does not believe that there is evidence in the broadcast to support the view of the complainant that the views advocating the Great Barrington Declaration went unchallenged. The broadcaster states that the report examined the proposal of herd immunity and provided viewers with a range of scientific expertise, including those who fundamentally disapprove. The broadcaster



believes it is key to note that the reporter stated that it is impossible to achieve herd immunity in Ireland and emphasised that the vaccine is key to the government's strategy for dealing with Covid-19. The broadcaster notes that the report was followed by a studio interview with a number of experts, one of whom stated that herd immunity was discredited.

The broadcaster maintains that the report and subsequent discussion were thorough, fair and in the public interest. It is the view of the broadcaster that the broadcast was fully compliant with all statutory and regulatory provisions and considers the complaint to be baseless.

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 the complaint was submitted under the Code of Programme Standards, Principles 5 and 6. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also requires that broadcasters protect the public interest.

The Forum noted that the complaint related to a discussion about current events on the Covid-19 pandemic. The Forum had regard to the complainant's belief that the views offered in the report were potentially damaging to the public's health. The Forum further considered the complainant's contention that the far-right ideology put forward via The Great Barrington Declaration does not serve the public's well-being and this has been seen as problematic by the World Health Organisation. The discussion regarding herd immunity went unchallenged by the presenter. The Forum 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 care. However, the Forum had regard to the contributions from the various participants and noted that pros and cons of The Great Barrington Declaration were discussed. Additionally, there was various contributions regarding the rollout of the various vaccines available to help bring the pandemic under control.

The Forum noted that a wide range of views were explored, and the presenter asked and challenged the views presented. Overall, the the Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Code. As such, the complaint was rejected.



Complaint Reference Number	C5385
Complainant	Emily McElarney
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	3 rd November 2020
Broadcast Time	16:30
Programme Description	Current affairs programme broadcast each weekday.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards - Principles 5 and 6.

Complaint Summary

The complaint refers to an interview with Stephen Bannon, former campaign manager and White House Chief strategist for President Trump. The complainant is of the view that this broadcast is one example, of many, in which the broadcaster allows far-right, damaging ideology to feature in its programming. The complainant links this to two other broadcasts, which are the subject of complaint: references C5383 and C5384.

The complainant takes issue with the manner in which the presenter treated Stephen Bannon who, the complainant contends, is a known fascist who has been banned from social media for inciting hatred. The complainant notes that the presenter was extremely gracious and welcoming when interviewing Stephen Bannon and believes that this is another example of the broadcaster giving a platform for hate speech and normalising fascist ideology.

The complainant considers that the programme infringed Principles 5 and 6 of the Code of Programme Standards, due to the interview giving support to and legitimising hate speech, racism, anti-LGBT, and other fascist views.

Broadcaster Response Summary

The broadcaster states that the broadcast did not infringe Principles 5 and 6 of the Code of Programme Standards. The broadcaster states that the interview took place in the context of polling day in the US Election; the presenter repeatedly challenged Stephen Bannon and states that the exchanges became robust and heated, particularly in relation to the interviewee's advice that President Trump should declare victory before postal ballots were counted.

The broadcaster states that journalism is about examining, exploring and challenging a wide range of views, including views that some find unacceptable. The broadcaster considers that this is a fundamental part of public service broadcasting and solid journalism. The broadcaster does not believe that the complaint is based on the actual content of the broadcast, as such, it is baseless.



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 the complaint was submitted under the Code of Programme Standards, Principles 5 and 6. The Code requires that the manner in which persons and groups in society are represented shall be appropriate and justifiable and not prejudice respect for human dignity. The Code also requires that broadcasters protect the public interest.

The Forum had regard to the complainant's belief that the views offered by the White House Chief strategist for President Trump should not be given a platform by the national broadcaster and the broadcaster be not so amiable to the interviewee. The interviewee is known for his far right and damaging ideology and has been banned from social media for inciting hatred.

The Forum had regard to the interview with a known aide to President Trump ahead of the upcoming US Election. The Forum had regard to the contributions from the interviewee and took into consideration the editorial decision of the broadcaster to hold this interview. The Forum also determined that the presenter, far from being gracious to his guest, noted the discussion was quite heated and the presenter asked robust and challenging questions in respect of the topic under discussion.

The Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Code. As such, the complaint was rejected.



Complaint Reference Number	C5387
Complainant	Tom Campbell
Station	RTÉ2
Programme Name	Film: Gone Girl
Broadcast Date	10 th November 2020
Broadcast Time	21:30
Programme Description	Film: Gone Girl
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); the BAI Code of Programme Standards – Principles 1, 3 and 4.

Complaint Summary

The complaint refers to a scene in the movie that portrays sexual violence.

The complainant objects to the broadcast of this movie based on a sexually violent scene in which the lead female character murders a man by slitting his throat while they are having sex. The complainant states that the woman was semi-naked and covered in blood for approximately ten seconds. The complainant believes that this level of violence, particularly during a sex scene, is unacceptable regardless of the gender of the murderer. The complainant notes that this was aired after the watershed, however, the violence was still shocking and considers that children could be watching films in the evening.

The complainant considers that this scene was unacceptable for public broadcasting and caused him undue offence. The complainant states that he did not see the start of the film and, as such, did not know what to expect. However, it is the contention of the complainant that the warning was not strong enough considering the content in question. The complainant also believes that the content caused him harm as the scene was so unpleasant and was not suitable for broadcast at any time.

Broadcaster Response Summary

The broadcaster states that this film was broadcast post watershed at 21:30 and was intended for adult viewing. The broadcaster notes that the broadcast was preceded by a warning, which stated that the film contained strong language and scenes of sex and violence. In addition, the broadcaster notes that the opening line of the movie is, "When I think of my wife, I always think of the back of her head. I picture cracking her lovely skull, unspooling her brain, trying to get answers." The complainant believes that the warning coupled with the opening line clearly indicated that the film contained material suitable for adults only.

In terms of the harm and offence, the broadcaster states that viewers were provided with sufficient information as to the nature of the film. As such, the broadcast cannot be considered as causing undue harm. The broadcaster notes that the complainant was left with a bad memory from the film, however, as the broadcaster provided sufficient information regarding the content of the film, viewers could make an informed decision to watch or not watch the film.



In response to the complainant's claim that the broadcast could be seen by children, the broadcaster states that the film was aired after the watershed and notes that the scene in question was aired at 23:50. The broadcaster believes it is entirely reasonable for a broadcaster to provide programming of this kind to an adult audience.

The complainant does not consider that broadcasting this film infringed the requirements of the Code of Programme Standards.

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 is submitted under the Code of Programme Standards – Principles 1, 3 and 4. The Code requires that programme material has respect for community standards, that viewers are protected from harm and children are protected from material unsuitable for them.

The Forum noted the concerns of the complainant in respect of this movie and the level of violence featured in a specific scene. The Forum was mindful of audience expectation, however, it noted that a warning was broadcast before the film was aired, which stated that there would be strong language and scenes of a sexual and a violent nature. The Forum had regard for the type of channel and the time of broadcast, noting that it was broadcast after the watershed, with the specific scene broadcast close to midnight. In addition, the Forum noted that that the broadcaster had provided sufficient information to audiences and it is likely that audiences would have expected adult content and some violence.

The Forum did not consider that the broadcast infringed the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5390
Complainant	Eoin Ó Nualláin
Station	RTÉ One
Programme Name	Nine O'Clock News
Broadcast Date	27 th October 2020
Broadcast Time	21:00
Programme Description	News and Current affairs programme broadcast each weekday evening.
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 refers to a segment on the news regarding the US Presidential Election. The complainant takes issue with a comment made by the news presenter.

The complainant states that during a report regarding the US Presidential Election, the Washington correspondent referenced the support which President Biden received from Irish Americans and showed a clip in which a group of people sing songs in support of President Biden and chanted, "Irish Americans for Biden." At this point, the report cut back to the studio and the presenter said, "we'll all be singing that for the next week, Brian." The complainant believes that this shows clear bias by the presenter in favour of President Biden.

Broadcaster Response Summary

The broadcaster states that the report was in three parts: the first part was a live interview with the Washington correspondent; the second part was a packaged report about the approach adopted by both candidates; and, the final part was a second live interview with the Washington correspondent. The broadcaster states that the item which is the subject of the complaint featured at the beginning of the third segment when, in response to the packaged report which featured a group of people singing "Irish Americans for Biden", the presenter commented that, "we'll all be singing that for the next week, Brian." The broadcaster states that this was a reference to the fact the presenter was returning to the Washington correspondent for further questions. The broadcaster considers that this was an off-the-cuff comment in response to the humorous, catchy musical piece. The broadcaster states that this was not intended as a political endorsement of one candidate; the broadcaster believes that this is clear when the entire segment is viewed as a whole.

The broadcaster states that the live interview and the packaged report were impartial and objective. The broadcaster further contends that, when looked at in its totality, it is clear there was no breach of the rules regarding objectivity and impartiality. It is clear the presenter, in her opening and closing questions, reflected what was seen as a good election day for President Trump, stating that he had received a boost. The broadcaster believes there is no basis to uphold this complaint on any grounds cited or under any provision of broadcasting legislation or regulatory 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 – rule 4.1. 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.

The Forum noted that the complainant takes issue with a news report ahead of the US Presidential Election in which a report featured a song in support of the Presidential candidate Joe Biden. The complainant is of the view that a comment made by the in-studio news presenter displayed bias towards Joe Biden. The Forum noted that the news was a factual report which provided an overview of both candidates ahead of the U.S. Presidential Election and showed pros and cons of their respective campaign strategies. Towards the end of the report there was a group of online Irish Americans singing “Irish Americans for Biden” and the Forum considered that the presenter made a throwaway comment in response to this. The Forum acknowledged that the comment could be interpreted differently by different audience members, however, it was the view of the Forum that the presenter’s comment was made in a jocular fashion. The Forum did not consider that the comment reflected bias on the part of the broadcaster or that it constituted a personal view being expressed by the presenter. The Forum was of the view that, on balance, the report was impartial and objective, and gave a factual account of both candidates in the week leading up to the Presidential Election.

The Forum found no evidence in the broadcast to support the views of the complainant that the programme infringed the Code. As such, the complaint was rejected.



Complaint Reference Number	C5391
Complainant	Michael McEvoy
Station	RTÉ Raidió na Gaeltachta
Programme Name	Nead na Fuiseoige
Broadcast Date	2 nd December 2020
Broadcast Time	07:00
Programme Description	Music-driven programme broadcast weekdays
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm & offence); the BAI Code of Programme Standards – Principles 1 and 6.

Complaint Summary

The complaint refers to a song played on Raidió na Gaeltachta.

The complainant objects to a song played at 07:00 called 'Caite Faoin Gcarr Asail'. The complainant believes that the words amount to a party political broadcast and should not be played by a publicly funded broadcaster.

Broadcaster Response Summary

The broadcaster states that while the song references Mary Lou McDonald, T.D., it is comedic and aimed to satirise the events of the summer of 2020. It is a light-hearted commentary on the politics of a very different and unique year.

The broadcaster adds that the singer/songwriter is well-known man from the Connemara region. Raidió na Gaeltachta was given the track as a preview of his new album. When the local community heard that he had a new song, the station received numerous requests for it to be played. The song is in the genre of political satire, however, the broadcast of this song does not constitute a party political broadcast.

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 is submitted under the Code of Programme Standards – Principles 1 and 6. The Code requires that programme material respects community standards and provides for the protection of the public interest.

The Forum noted the concerns of the complainant that the lyrics of a song played amounted to a party political broadcast by a publicly funded broadcaster. However, the Forum was of the view that the broadcast in question did not constitute a party political broadcast. The Forum further noted that the broadcast in question contained a satirical song by a local musician, well-known in the Connemara region. It was the view of the Forum that audiences were likely to have understood that



the song was political satire and did not consider that this broadcast infringed the requirements of the Code of Programme Standards.

The Forum was of the view that this was not a party political broadcast and did not infringe the Code of Programme Standards in the manner described by the complainant. As such, the complaint was rejected.



Complaint Reference Number	C5396
Complainant	Aidan McGrath
Station	RTÉ One
Programme Name	Six One News
Broadcast Date	14 th December 2020
Broadcast Time	18:01
Programme Description	News and Current affairs programme broadcast each weekday evening.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a)(fairness, objectivity and impartiality in news and current affairs); the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs: Rules 4.1, 4.17, 4.19 and 4.20.

Complaint Summary

The complaint refers to a report regarding the results of the US Presidential election which, the complainant alleges, is inaccurate and biased. The complainant cites comments made by the presenter, the RTÉ Washington correspondent and a contributor, in which they stated that there was no evidence to support President Trump's claim of voter fraud in the 2020 US Presidential Election.

The complainant is of the view that the multiple claims made during the report regarding the veracity of Trump's claim of voter fraud rendered the report inaccurate and biased. The complainant stated that there are multiple eyewitnesses who have sworn affidavits and presented evidence of voting irregularities. The complainant contends that a comment made by former Governor of New Jersey, in which he stated that a lawsuit taken by the state of Texas in connection with election irregularities, was thrown out by the Supreme Court due to a lack of evidence, was incorrect. While the complainant noted that the lawsuit was rejected by the Supreme Court, he states that the judgement of the Supreme Court did not refer to a lack of evidence. The complainant claims that the broadcaster made no effort to challenge or correct this statement.

The complainant believes that the report was misleading and demonstrated bias on the part of the broadcaster.

Broadcaster Response Summary

The broadcaster states that good reporting is not just about repeating what someone says, rather it is necessary to put the information in context for the viewer, so that they are not being misled. The broadcaster is of the view that by simply repeating the President's claim of voter fraud, without clarifying for the viewer that nothing has been proven, would be a disservice to the audience.

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 the complaint was submitted under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs – Rules 4.1, 4.17, 4.19 & 4.20. 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 is presented with due accuracy, should not be misleading and audiences are given a wide variety of views on the subject.

The Forum noted that the complainant takes exception to comments made during the 6.01 News report regarding the outcome of the US Presidential Election when it was reported that there was no evidence to support President Trumps' claims of voter fraud. The complainant is of the view that this is inaccurate as there had been plenty of eyewitnesses, with sworn affidavits of voting irregularities, prior to the Election.

The Forum noted that this report focused on a meeting of the Electoral College later that evening, which was expected to confirm Joe Biden's election. The Forum further noted the inclusion of information regarding the report of Donald Trumps' claims of voting irregularities was relevant to the report. The Forum noted that the US Supreme Court had rejected a legal challenge by the Trump administration, citing lack of evidence of voter fraud. The Forum believed that by omitting this important information it would have been a disservice to the audience in the context of the overall report and its freedom to make relevant editorial decisions.

The Forum was of a view that the report provided factual details of relevant current information in relation to the USA Election. The Forum found no evidence in the broadcast to support the views of the complainant that the news report displayed bias, unfairness, was unobjective or partial or that it breached Rules 4.1, 4.17, 4.19 and 4.20. As such, the complaint was rejected.