

**Broadcasting Authority of Ireland
Broadcasting Complaints Decisions**

July 2023

Coimisiún na Meán

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New Irish Media Regulator

The BAI was dissolved on the 15th March 2023 and a new Irish media regulator, Coimisiún na Meán, was established. The complaints within this publication were considered before the 15th March 2023 and have been handled as per the BAI Complaints Handling Process outlined below.

Please note that the below process is no longer in use as an Coimisiún is currently developing a new complaints handling procedure, resulting from the implementation of the Online Safety and Media Regulation Act 2022 (OSMR Act).

BAI Complaints Handling Process

Viewers and listeners to Irish television and radio can complain about broadcasting content which they believe is not in keeping with the standards provided for in relevant provisions of the Broadcasting Act 2009 and/or the Broadcasting Authority of Ireland's Codes. Complaints are required to identify the relevant programme or commercial communication and the related date and time of broadcast. The complainant is asked to explain what it is about the broadcast that has led them to make a complaint and why the programme material or commercial content does not comply with the relevant legislation or BAI Codes. 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 general, the viewer or listener should direct their complaint to the broadcaster in the first instance and in the manner set out in the broadcaster's Code of Practice for Handling Complaints, a document which each broadcaster is required to have available on its website. If a complainant 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), the complaint may be referred to the BAI for consideration.

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

This document contains copies of the most recent complaints decisions made by the Compliance Committee and the Executive Complaints Forum. The decisions concern whether a programme or a commercial communication did or did not comply with the relevant legal requirements and/or Codes. The decisions do not constitute endorsement or support for the views of any party to a complaint nor do they address every aspect of a complaint submission. The BAI does not carry out a separate or independent assessment outside of the matters raised in the complaint.

During the period November 2022 to March 2023, the Executive Complaints Forum considered and rejected 16 complaints. One of the complaint decisions is not included in this document because the complaint was of a sensitive and personal nature and the Committee considered it inappropriate to publish the complaint decision, further to the provisions of section 48(10) of the Broadcasting Act 2009.

Rejected by Executive Complaints Forum

Complaint Reference Number	C5728
Complainant	Peter Reynolds
Station	Newstalk 106 -108FM
Programme Name	The Hard Shoulder
Broadcast Date	14 th September 2022
Broadcast Time	16:00
Programme Description	Daily news and current affairs
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 & 4.2; Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principle 3.

Complaint Summary
<p>The complaint concerns comments made by the presenter regarding the lying-in-state of Queen Elizabeth II.</p> <p>The complainant states that the presenter, when commenting on the lying-in-state of Queen Elizabeth II, referred to those people queuing to pass the coffin as “demented”. The complainant adds that the presenter then went on to dishonestly misrepresent and ridicule the live stream of the lying-in-state, describing it as a static image of a coffin when it was a deeply moving real-time view of thousands of people paying their respects. The complainant claims that any single comment, if it passes the test of being grossly offensive and/or causing undue offence, cannot be defended by referring to other comments or other coverage of the subject. The complainant does not believe that someone should have to listen to the whole of a broadcaster’s output to form an overall view.</p>

Broadcaster Response Summary
<p>The broadcaster states it is satisfied that the presenter’s comments, while not necessarily shared by all, were fair. Due respect was given to the passing of Queen Elizabeth II over the course of recent weeks, by both the presenter and the programme with live reports from the funeral in London and tributes and analysis from commentators.</p>

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The broadcaster refers to the rules around the Code of Fairness, Objectivity and Impartiality and notes that objectivity and impartiality should not be taken to imply that a presenter or reporter cannot convey critical views or pursue vigorous lines of questioning. The broadcaster acknowledges that the presenter did express critical views on the matter complained of but was doing so to include a variety of views on the subject which also mirrored the views of many listeners to the programme. The broadcaster claims the presenter was not advocating a partisan position and read out messages disagreeing with his viewpoint. The broadcaster further claims that 'authored' segments, such as this, are a regular part of the programme and the audience would be familiar with the format.

The broadcaster points out that this programme featured coverage of the Queen's death and lying-in state over a two-week period and included several guests, for example, John Simpson, David Puttnam and others who paid respect to the late Queen. Taking the overall reporting into account, the broadcaster believes it covered the story with due deference and respect and rejects any infringement of the Codes.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to comments made by the presenter when referring to the queue formed during the lying-in-state of Queen Elizabeth II.

The complaint was submitted under a provision of the Broadcasting Act 2009 which requires current affairs to be presented in an objective and impartial manner. The complaint was submitted under rules 4.1 and 4.2 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The complaint was also submitted under the Code Programme Standards, Principle 3. The Code requires that broadcasters show due care to ensure that audiences are not exposed to harmful content and must provide adequate information to audiences to allow them to make informed choices about what they listen to and watch.

The Forum noted the complainant's view that the presenter's comments when describing the lengthy queue formed by people waiting in line to file pass the coffin of Queen Elizabeth II and on BBC's decision to provide a live stream on the lying-in-state of the Queen led the broadcast to lack fairness, objectivity and impartiality in its treatment of the topic. The Forum was of the view that the presenter was referring to the live stream broadcast of the occasion when he used the word "demented". The Forum noted that the broadcaster should in future consider the language used when approaching the coverage of news

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and current affairs items. Having listened to the footage, the Forum believes this piece was fair and impartial.

While acknowledging that the complainant found the language offensive, the Forum noted that matters that cause offence differ from person to person and is largely subjective. However, there is no right not to be offended. The Code of Programme Standards Principles also guards against undue offence and considering the nature of the programme, the established style and approach of the presenter and the audience expectations of the programme, the Forum was of the view the language used would not have caused undue offence.

In considering Principle 3, Protection from Harm, which refers to content that causes mental, psychological or physical harm, the Forum found that this principle did not apply in this case.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5729
Complainant	Tracy Burgess
Station	RTÉ One
Programme Name	How Long Will You Live
Broadcast Date	27 th September 2022
Broadcast Time	20:30
Programme Description	Health information and advice programme
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards - Principles 2 and 3.

Complaint Summary
<p>The complaint refers to advice provided by the doctor on the programme to a patient dealing with Long Covid in relation to improving his health and overall well-being to live a longer life.</p> <p>The complainant claims that although the patient was put through physiological and psychological testing, at no point did the doctor discuss the possibility of post exertional malaise (PEM) or post exertional symptom exacerbation (PESE), or warn the contributor to ease back on exertion, if he experienced a worsening of symptoms. The complainant maintains that the programme focused on the idea that the patient's ongoing symptoms were stemming from deconditioning and mental health issues.</p> <p>The complainant believes this programme could mislead viewers, which may cause long term harm. The complainant believes that although psychological support may be beneficial, Long Covid is not caused by anxiety; it is physiological.</p>

Broadcaster Response Summary
<p>The broadcaster states this programme is part of a series presented by a doctor which provides contributors with a six-week health plan aimed at improving their life expectancy, through a combination of measures to enhance their overall lifestyle wellbeing.</p> <p>The broadcaster states this was a personal exploration of the impact of Long Covid on a patient and was in keeping with HSE guidelines. The broadcaster challenges the complainant's claim that participation in the programme plan has caused, or will cause, harm to the patient in question. Viewers were made aware from the outset that the programme was not offering treatment or a cure for the featured patient's Long Covid symptoms, with the doctor clearly stating, "<i>unfortunately there is so much we don't understand about Long Covid and there is no quick fix</i>". The broadcaster further adds that the exercise element was never presented as "a treatment".</p>

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The patient was assessed for post exertional malaise and the exercise suggested was not a graded programme but tailored individually with the focus on energy management. The broadcaster states an ECG was part of the medical checks to be certain the patient's heart was functioning properly. Further testing took place after six-weeks with improvements found after this period. The broadcaster states it was careful to avoid any generalisation and it would have been wrong for the programme to suggest that this was a one-treatment-fits-all approach.

The broadcaster maintains there was no infringement of the Broadcasting Act or the BAI Code as cited by the complainant.

Decision of the 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 reasons for the decision are set out below.

The broadcast refers to advice provided by the doctor on the programme to a patient dealing with Long Covid in relation to improving his health and overall well-being to live a longer life.

The complaint was submitted under the Code Programme Standards, Principles 2 and 3. Principle 2 of the Code recognises that harm or offence may be caused solely by the material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. Principle 3 of the Code requires broadcasters to take due care to ensure that audiences are not exposed to harmful content and must provide adequate information to audiences to allow them to make informed choices about what they listen to and watch.

The Forum noted the complainant view that the content broadcast mislead viewers by implying that Long Covid is caused by anxiety and is not physiological. The Forum also noted that the complainant highlighted material that was not included in the programme, that she felt would have been of benefit to viewers. The Forum first considered whether the broadcast caused harm or offence solely by the material itself or by virtue of the context in which programme material is viewed or heard or because the material is not in line with the audience's expectations. In this context, the Forum noted that this was an individual story about that person and was not a more general piece about Long Covid. This was the approach taken by the broadcaster to this personal story and it was editorially justified.

The Forum then considered whether the broadcast contained harmful material. The Code recognises harmful material as material that has an 'effect', that is, content that causes mental, psychological or physical harm. The Forum had regard to the complainant's view that the presenter's comments could mislead viewers in relation to the effects of Long Covid, in particular to the contributor, and cause him long term harm. The Forum was of the view that the broadcast focused on the patient's individual circumstances and that the patient was not intended to signify a representative example of someone with Long Covid. The Forum noted that the broadcaster commented that "there is so much we don't understand about Long Covid and there is no quick fix", and that the content was bespoke to the patient's

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story and his personal journey. The Forum was satisfied the content of the broadcast was in line with audience expectations and had not caused harm, as it is described in the Code.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or The Code of Programme Standards. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5732
Complainant	Mr. Liam Fleming
Station	RTÉ Radio 1
Programme Name	This Week
Broadcast Date	16 th October 2022
Broadcast Time	13:00
Programme Description	News & analysis broadcast every Sunday
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17 & 4.19.

Complaint Summary

The complaint concerns a report titled, 'Rising Energy Bills Hitting Rural Villages', which was broadcast from Clogheen, Co. Tipperary.

The complainant claims the report was an unfair reflection of life in Clogheen and the content was not represented in an objective and impartial manner. The complainant is of the view that the reporters' comments on the dereliction of Clogheen village has potentially caused considerable harm to this tourist area, one which local communities have worked really hard to promote.

The complainant points out that the report claimed the area has a declining population but referenced a 2011 and 2016 census that apparently proved this was not accurate. The complainant also questions the choice of contributor who has a new business and why established local businesses were not included in the report, therefore, not providing a true or positive representation of Clogheen.

Broadcaster Response Summary

The broadcaster states the subject of the report was the challenges faced in Clogheen with a number of business closures and derelict buildings in the village with interviews supporting the need to keep small villages alive. The report also highlighted the town's idyllic and picturesque setting.

The broadcaster states that the rules of fairness, objectivity & impartiality do not require that all viewpoints are explored or aired in an item. The broadcaster believes that this broadcast sought and provided listeners with a sufficient range of views on the challenges faced by villages in rural Ireland and the report on Clogheen was part of that coverage.

The broadcaster believes that the broadcast was fully compliant with the relevant sections of the Broadcasting Act 2009 and the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

Decision of the 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 reasons for the decision are set out below.

The broadcast refers to a report on the rising cost of energy bills and the effect on rural towns and villages in Ireland.

The complaint was submitted under a provision of the Broadcasting Act 2009 which requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's views. The complaint was submitted under rules 4.1, 4.2, 4.17 and 4.19 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. In the treatment of current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time and must not misrepresent views and facts in such a way that renders them misleading.

The Forum had regard to the complainant's view that some of the comments in the report potentially harmed the tourist village of Clogheen and focussed on the negative rather than the positive and a declining population. The Forum noted the report focused on the village of Clogheen and featured interviews with both local and business people, who compared the thriving village of the 1960's with today's general decline. The Forum also noted that a range of views were included, from people whose businesses had closed to those opening a new business. The Forum noted that the report was a broad piece about the range of factors affecting business with interviewees cited the rising cost in energy bills, along with the cost of living in general, which in turn affects local trade.

The Forum found that although the report focused on Clogheen, it was an editorial decision to take that reflected the challenges faced in general by rural towns and villages around the country and met the requirement for fairness and was a balanced piece. The Forum agreed that no case had been made for the impact of tourism on the area.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5734
Complainant	Mr. Anthony Sheridan
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	17 th October 2022
Broadcast Time	16:30
Programme Description	News & Current Affairs programme, including sports, traffic and weather reports broadcast each weekday afternoon
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.17 & 4.19.

Complaint Summary

The complaint concerns comments made by the broadcaster in relation to the political party, Sinn Fein.

The complainant claims that several politicians, including the Tánaiste and Fine Gael leader, Leo Varadkar T.D. have accused Sinn Fein of playing the legal system by taking or threatening to take defamation actions to hinder investigative journalism and suppress political debate. The complainant believes that no evidence has been provided by these politicians to verify their claims and that the broadcaster has been reporting the allegations, without due process, to corroborate these statements.

The complainant states that by allowing the use of unconfirmed sources, without supporting evidence, the programme was not presented with due accuracy, was unfair to Sinn Fein and misleading to listeners.

Broadcaster Response Summary

The broadcaster states that the comments referred to by the complainant came about at the end of an interview with the housing spokesperson, Eoin Ó Broin, T.D., on housing matters and are on public record, some of which were made in Dáil Eireann and have been reported on RTÉ and other media outlets.

The broadcaster claims that it is entirely editorially appropriate to report on political comments made in the context of a political controversy. The broadcaster also points out that the interview afforded the Sinn Féin T.D. the opportunity to respond to the remarks made by the Tánaiste.

The broadcaster believes that the broadcast was fully compliant with the relevant sections of the Broadcasting Act 2009 and the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs.

Decision of the 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 reasons for the decision are set out below.

The broadcast refers to a question posed by the presenter to Eoin Ó'Broin Sinn Fein T.D. regarding the funding of legal action by some of his party members against other people or organisations.

The complaint was submitted under a provision of the Broadcasting Act 2009 which requires current affairs to be presented in an objective and impartial manner and without any expression of the broadcaster's views. The complaint was submitted under rules 4.1, 4.2, 4.17 and 4.19 of the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. News and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time and must not misrepresent views and facts in such a way that renders them misleading.

The Forum had regard to the complainant's view concerning a question posed to the Sinn Féin housing spokesperson and found that it was editorially appropriate for the presenter to pose questions which are at the centre of political discussions and in the public domain. The Forum noted the question complained of was put directly to the Sinn Fein representative who, in turn, was given ample time to provide a response on behalf of his party. Given the ongoing housing crisis issue, audiences would have expected this line of questioning at the end of the interview, which was appropriate to ask. The Forum was of the view, therefore, that there was no infringement of the Code.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5736
Complainant	Dr. Timothy O'Neill
Station	RTÉ One
Programme Name	Six One News and Nine o'clock News
Broadcast Date	25 th October 2022
Broadcast Time	18:01 and 21:00
Programme Description	News & Current Affairs programme broadcast each evening.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.17 and Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards, Principle 6.

Complaint Summary
<p>The complaint refers to an error in a re-enactment to mark the passing by the Dáil of the first Irish Constitution in 1922.</p> <p>The complainant claims that the interviewee, who was described as the writer and director of the re-enactment of the historical occasion, referred to Arthur “<i>Griffin</i>” as one of the authors of the Constitution along with Michael Collins. The complainant points out that this error was not corrected and was repeated in the later news programme. The complainant believes that referring to Arthur Griffith in this manner was an insult and was offensive to many who revere his memory.</p> <p>The complainant believes the broadcaster owes a duty of care not to insult the memory of one of the founding fathers of this State.</p>

Broadcaster Response Summary
<p>The broadcaster states, in an interview, the director of the re-enactment of the events marking 100 years since the passing of the 1922 Constitution, referred to Arthur <i>Griffin</i> rather than Griffith as one of the signatures. The broadcaster maintains that it was evident that this was a mispronunciation and clearly unintentional on the part of the interviewee. The broadcaster points out that prior to the interview, the report highlighted an on-screen image of the minutes of the meeting, and it was clear to the viewer that the first name listed in the minutes was Arthur Griffith, President of Dáil Eireann.</p> <p>The broadcaster does not believe this mispronunciation was “unduly offensive” and, viewed in the context of the report, the role of Arthur Griffith and his colleagues in drafting the Constitution was honoured and respected.</p>

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 reasons for the decision are set out below.

The broadcast included a re-enactment of the Free State Constitution and refers to an incorrect reference made to the name of one of the signatories to the first Constitution of Dáil Eireann.

The Forum noted the complaint was submitted under BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.17. The Code requires that news and current affairs must be presented with due accuracy, having regard to the circumstances and facts known at the time and must not misrepresent views and facts in such a way that renders them misleading.

The complaint was also submitted under the Code of Programme Standards, Principle 6. The Code requires that broadcasters shall not broadcast anything likely to promote, or incite to crime or as tending to undermine the authority of the State.

The Forum had regard to the complainant's view that reference made to Arthur Griffith as Arthur Griffin was an insult and was offensive to those who revere his memory. While acknowledging the offence taken by the complainant, the Forum was of the view that no offence or insult was intended. The Forum noted the error in pronunciation was an innocent slip of the tongue on behalf of the interviewee. The Forum was also of the view that there was no evidence of infringement of Principle 6 of the Code of Programme Standards and no case had been made of this.

The Forum concluded that the broadcast did not infringe the relevant provisions of the Broadcasting Act 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5739
Complainant	Terry Allen
Station	RTÉ One
Programme Name	The Late Late Show
Broadcast Date	2 nd December 2022
Broadcast Time	21:35
Programme Description	Light entertainment programme broadcast each Friday evening
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.1.

Complaint Summary

The complaint refers to an interview with Sinn Féin leader, Mary Lou McDonald.

The complainant maintains this was a soft interview carried out by the presenter and one in which he avoided asking any awkward questions of the Sinn Féin leader. In turn, the complainant believes he failed in his duty to uphold public service broadcasting obligations. The complainant wonders why, given all the recent public controversy surrounding the Sinn Féin leader, the difficult questions were not asked during this interview.

Broadcaster Response Summary

The broadcaster states that the issues referenced by the complainant have been widely and extensively covered in interviews with the Sinn Féin leader on other RTÉ current affairs programmes, including two recent comprehensive interviews. Both of these interviews, on the weekend of her party's Ard Fheis, were robust and challenging on many issues including crucial examination of her party's policies and how they would be funded, the purchase of her family home, legal action taken by the leader and others in Sinn Féin. The broadcaster adds that The Late Late Show is not a dedicated current affairs programme and, while it has a tradition of interviewing various party leaders from time to time, these interviews are of a different format and that applies to all party leaders featured in the show.

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 reasons for the decision are set out below.

The broadcast refers to an interview with Sinn Fein leader Mary Lou McDonald, TD.

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The Forum noted the complaint was submitted under BAI 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 had regard to the complainant's view that this was a soft interview and avoided any awkward questions being asked. The Forum noted that, contrary to the complainant's view, the interview contained some hard-hitting questions and explored the current case ongoing in the Special Criminal Court, her possible role as future Taoiseach, the border pole, the National Flag, the National Anthem and Irish Unification etc. The interview also spoke to the recent book published on the leader's life and her family and her home.

The Forum was also of the view that The Late Late Show is an entertainment type programme where there is an audience expectation that interviews will take a more personal approach with guests which is within the broadcaster's editorial remit.

The Forum concluded that the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5735
Complainant	Mr. Damien O’Keeffe
Station	RTÉ One
Programme Name	Prime Time
Broadcast Date	20 th October 2022
Broadcast Time	21:35
Programme Description	Current affairs programme broadcast each weekday on Tuesday & Thursday evenings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, 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 report on the decline of wild salmon stock in Irish waters.

The complainant states that the broadcast was not fair to all interests concerned and harmed the reputation of people such as himself. The complainant states that the views contained in the programme were distorted and exaggerated and rendered the report neither objective nor impartial.

The complainant believes that a representative from the Marine Institute, IFA, BIM or the Fish farming industry should have been included to provide balance.

Broadcaster Response Summary

The broadcaster states that this report was broadcast in the context of an edition of Prime Time devoted to biodiversity. The report examined the many factors affecting the sharp decline in wild Atlantic salmon stocks in Ireland. The purpose of including the subject matter was the planning application lodged for a large salmon farm off the Connemara coast and the report highlighted the scientific view behind this decline.

The views of a range of experts were provided, including interview material from a scientist at Inland Fisheries Ireland and the views of a representative from Salmon Watch Ireland.

The broadcaster states that government’s policy of licensing aquaculture, as a contributory factor in salmon decline, was the source of an interdepartmental dispute and the subject of legal proceedings. The dispute and the differing positions were set out in the programme. The Minister was invited to participate in the programme along with the Marine Institute and MOWI Ireland, but all declined, however, the information provided by the latter two were referenced in the report. The broadcaster believes this broadcast provided viewers with a broad range of views and did not breach the Broadcasting Act or the relevant Code.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to a report examining the factors affecting the decline in wild fish and, in particular, salmon stocks in Ireland.

The Forum noted the complaint was submitted under the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.2. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum had regard to the complainant's view that the report was not fair or impartial and was harmful to the industry and to people like himself.

The Forum noted that this was a wide ranging report on the protection of wild salmon and outlined some of the reasons for the decline in salmon stocks in Irish waters, including climate change, regional and local factors. The Forum also noted that the broadcaster had made an effort to include views of those from other backgrounds and featured the Manager of Ballynahinch Castle in Connemara, along with a representative from Salmon Watch Ireland. In addition, a scientific view was provided from Inland Fisheries and a local angler was also featured. The broadcaster invited other parties to participate in the programme such as the Marine Institute and MOWI, along with the Minister for Agriculture, Food and Marine. All declined the invitation but their views were reported on during this broadcast. Overall, the Forum found the report covered a wide range of views in a fair and impartial manner.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009, the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Coimisiún na Meán

Complaint Reference Number	C5743
Complainant	Mr. John Patrick MacSweeney
Station	RTÉ Radio 1
Programme Name	Liveline
Broadcast Date	2 nd November 2022
Broadcast Time	13:45
Programme Description	Phone in programme broadcast each weekday afternoon covering topical issues
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b) (harm and offence); and, BAI Code of Programme Standards – Principle 1.

Complaint Summary

The complaint refers to a comment made by the presenter during an interview.

The complainant states that in an interview with a priest, the programme presenter used the word “fool”, which was directed at the interviewee. The complainant believes, regardless of the subject matter, presenters should be mindful of the language used during live broadcasts and a policy of zero tolerance against this type of language should be used.

Broadcaster Response Summary

The broadcaster states the programme followed recent comments by a priest made during mass which were critical of homosexuality, the trans community and contraception, which provoked widespread public reaction.

The broadcaster maintains that it is the role of presenters to challenge contributors, act as devil’s advocate and to provoke debate, where necessary. The exchanges in question were in keeping with the tone and style of the presenter and the programme. The broadcaster states that the term “fool”, while potentially offensive to some, is at the lower end of the scale in relation to “coarse and offensive language”. The broadcaster further states that it does not accept the manner in which the word “fool” was used was “unduly offensive”, as the priest had the opportunity to respond to the presenter during the exchanges.

The broadcaster believes this broadcast was fully compliant with all statutory and regulatory provisions.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to the use of the word 'fool' by the presenter during an interview.

The Forum noted the complaint was submitted under the Code of Programme Standards, Principle 1 which requires broadcasters have due regard for community standards including the appropriateness of and/or justification for, the inclusion of course and/or offensive language in programming.

The Forum had regard to the complainant's view that the use of the term 'fool' by the presenter should not have occurred during a live broadcast, regardless of the subject matter.

The Forum noted that the discussion surrounded the controversial views on LGBT people by a priest in Kerry while celebrating mass. Several callers expressed their views for and against the priest's stance. The presenter spoke directly to the priest in question and a very robust discussion followed. The Forum found that the presenter did use the word "fool" under his breath which they considered came at the end of heated exchanges between the presenter and the interviewee. The Forum was of the view that while it may have been unfortunate that the discussion reached this level, given the robust nature of the exchanges, the Forum found that the priest was given ample time to put his points of view across. Further into the discussion with other callers participating, the presenter was quick to put the other side of the argument from the priest's point of view.

The Code recognises that some programmes are synonymous with personalities, where the manner in which the presenter presents or interviews contributors can be keenly anticipated by audiences. Often the nature and style of the presenter is a key factor in what engages audiences and draws them into consideration and debate on matters of public controversy. The Forum noted that this presenter's style is well known and is often controversial to callers to elicit their stories. However, taking the broadcast in whole and in the context of the overall discussion, the Forum found that it did not constitute "undue offence".

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

Coimisiún na Meán

Complaint Reference Number	C5745
Complainant	Mr. Anthony Sheridan
Station	RTÉ Radio 1
Programme Name	Drivetime
Broadcast Date	1 st December 2022
Broadcast Time	16:30
Programme Description	Current affairs programme broadcast each weekday afternoon.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rule 4.19.

Complaint Summary

The complaint refers to an interview with Matt Carthy, TD, Sinn Féin in respect of comments made by former Minister Alan Dukes following a documentary aired on the businessman, Sean Quinn.

The complainant takes issue with Mr. Dukes' reference to violence and people living in the border areas when he said -

“Border people have it in their blood. They are living in communities that have a long history of violence of different kinds and they will more easily turn to it than anyone else will. I'm not saying they're different animals to the rest of us. But whether they have Provo links or B Special links or whatever it is, it is something that is nearer from the way they think than it would be to somebody in South Tipperary”.

Having moved away from the news story and establishing with Mr. Carthy that most people living in the border area are peaceful and law abiding, the complainant takes issue with the line of questioning of Mr. Carthy in respect of bombings carried out by the IRA and to probing him to condemn those who supported the IRA. The complainant believes that the presenter framed these emotional questions in an unfair and partial context and without informing listeners that the actions of the IRA were one part of a wider conflict involving many other violent groups.

Broadcaster Response Summary

The broadcaster states that Matt Carthy, TD, Sinn Féin was invited on to respond to controversial remarks made by Alan Dukes regarding people living in border areas and to Mr. Carthy's view that people from these areas were peaceful and law abiding. The broadcaster believes the questions posed were editorially appropriate, taking into account Mr. Carthy's view, and how he reconciled those views with people supporting the IRA campaign.

The broadcaster maintains that Mr. Carthy was given time to explain his views that actions of the IRA were part of a wider conflict.

The broadcaster believes the interview was entirely compliant with all the statutory and regulatory Codes.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to an interview carried out with Matt Carthy, T.D. Sinn Fein, in respect of comments made by former Minister Alan Dukes following a documentary aired on the businessman, Sean Quinn.

The Forum noted the complaint was submitted under BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs – rule 4.19. The Code requires that views and facts shall not be misrepresented or presented in such a way as to render them misleading.

The Forum had regard to the complainant's view that the presenter went off topic in respect of comments by Alan Dukes when he questioned Matt Carthy on the atrocities carried out by the IRA and condemning those involved.

The Forum noted that this interview followed some controversial comments by former Minister Alan Dukes in the final episode of Quinn Country, aired on RTÉ on the previous evening, that people who live in the border areas of Ireland have violence in their blood. These comments were then the focus of an interview with the Sinn Fein TD on Drivetime. Having discussed the comments made by the former Minister, the presenter then pressed Mr. Carthy on violence by members of the IRA and highlighted Mr. Carthy's statement in defense of people living in his community, while also stating that they supported the IRA. The presenter asked the interviewee to reconcile that argument for him given the IRA's record of carrying out a campaign of bombing and killing. The Forum was of the view that as a public representative, Mr. Carthy was well able to put forward his views and was given ample time to do so. It is part of the presenter's job to probe more deeply into controversies to provide the listener with a better understanding of the issues at hand. The Forum was of the view that there was no evidence in the interview that views and/or facts were misrepresented or presented in such a way as to render them misleading, as claimed by the complainant.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

Coimisiún na Meán

Complaint Reference Number	C5744
Complainant	Mr. Ruaidhri O'Boyle
Station	RTÉ Radio 1
Programme Name	Today with Claire Byrne
Broadcast Date	1 st November 2022
Broadcast Time	10:00
Programme Description	Current affairs programme broadcast each week day morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.17, 4.19 and 4.20.

Complaint Summary

The complaint refers to a discussion with a nutritionist on a report published by Safefood, featuring non-dairy milk substitutes.

The complainant states a discussion took place on World Vegan Day on the benefits of milk over plant based alternatives and stated it was to give information for informed decision making. Firstly, the complainant takes issue with the timing of the broadcast on World Vegan Day and the lack of balance in the broadcast relating to these substitutes. Secondly, the complainant believes that the discussion was misleading to listeners on the benefits of dairy alternatives.

The complainant points to the presenter referencing his own short time on a plant-based diet, without informing the listener that he chose not to consume a nutritionally balanced regime.

The presenter went on to claim that plant milks are 'definitely not more environmentally friendly' than cows' milk, which the complainant states is incorrect with research stating that plant milks use materially less land and water than cows' milk.

Broadcaster Response Summary

The broadcaster states that the interviewee is a regular contributor to the programme and was invited on to talk about dairy-free products because of her expertise as a dietician with the Irish Nutrition and Dietetic Institute.

Listeners were informed at the outset on the topic to be discussed and it was coincidental that it occurred on World Vegan Day, as addressed during the interview.

The broadcaster believes this complaint relates to what was not covered in the broadcast rather than what was. The broadcaster further states they is no obligation to cover all aspects of a topic to achieve

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fairness. The broadcaster states that the programme did not purpose to be a scientific analysis of the benefits of a vegan/plant based diet. Regular listeners would expect to hear the interviewee's views and not a scientific analysis of same.

Overall, the broadcaster believes there was no breach of the Broadcasting Act 2009 or the Code cited.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to a discussion with a nutritionist on a report published by Safefood, featuring non-dairy milk substitutes.

The Forum noted the complaint was submitted under the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.17, 4.19 and 4.20. The Code requires that news and current affairs content shall be presented with due accuracy, having regard to the circumstances and facts known at the time; views and facts shall not be misrepresented or presented in such a way as to render them misleading, and a significant mistake should be acknowledged and rectified as speedily as possible.

The Forum had regard to the complainant's view that the discussion was misleading and that it was not a coincidence that it was held on World Vegan Day.

The Forum noted from the outset that it was acknowledged the discussion was being held on World Vegan Day, however, there was no evidence that this was prearranged as noted by the presenter. The Forum also noted that the presenter interviewed a dietician from the Irish Nutritional & Dietetic Institute, regarding a Safefood report on non-dairy substitutes. The report commented on the increasing number of non-dairy products available for consumers today, and the value or otherwise of their nutritional content. The Forum found that the dietitian provided her knowledge on these products so that consumers could make informed choices when changing their diet and purchasing milk or other alternatives. The Forum noted that this was not an analysis of the science around non-dairy products but focused on the wide range of products available and the benefits or otherwise of these. The Forum was of the view that, overall, the discussion was fair and balanced when it directed listeners to look for as much information as they could before changing your diet.

The Forum concluded that the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5747
Complainant	Mark Cullinane
Station	RTÉ Radio 1
Programme Name	The Brendan O'Connor Show
Broadcast Date	26 th November 2022
Broadcast Time	11:00
Programme Description	Light entertainment programme with a mix of news, views and interviews, broadcast each Saturday and Sunday morning
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1 and 4.22.

Complaint Summary

The complaint relates to an interview regarding the Housing Crisis and to a comment made by the presenter during an interview.

The complainant states that while interviewing actor Liam Cunningham on his decision to participate in a protest on the issue of housing, the presenter stated, 'OK well I think in fairness now, look, the current government are certainly throwing everything at it at the moment...'.

The complainant believes this comment infringes impartiality. The complainant maintains that the presenter's statement was not qualified in any way and listeners would understand that the presenter himself believes the government is "throwing everything" at housing. The complainant believes this has a clear meaning that everything that could reasonably be done is being done and that the comment strayed into an element of editorialising on the side of the present government.

Broadcaster Response Summary

The broadcaster draws attention to the lack of accuracy regarding the context of the complaint as submitted. The broadcaster states that the complainant suggests the presenter's remark was made in reaction to general comments on the failures of successive governments on housing.

The broadcaster states that the interviewee was given time to outline his criticism of successive governments on the lack of housing and his views on investor led property to make profits and spoke to a new era of "absentee landlords".

The broadcaster states that there is a responsibility on the presenter to ensure a discussion on current affairs contains alternative perspectives and the presenter played devil's advocate to elicit those responses. The broadcaster is satisfied that the broadcast was fully compliant with the Broadcasting Act 2009 and the relevant Code.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to the following comment made by the presenter when discussing housing with actor Liam Cunningham: 'OK well I think in fairness now, look, the current government are certainly throwing everything at it at the moment...'

The Forum noted the complaint was submitted under the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1 and 4.2. The Code requires current affairs to be fair to all interests concerned and to be presented in an objective and impartial manner and without any expression of the broadcaster's own views. In the treatment of news and current affairs, broadcasters are required to comply with the Code's principles of fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability.

The Forum had regard to the complainant's view that the statement infringed impartiality, in that it endorsed the view that the Government was doing the best it could on the housing crisis.

The Forum considered whether there was bias and unfairness in the broadcast, particularly in relation to the presenter's comment as to whether the Government was 'throwing everything' at the housing crisis. The Forum noted the presenter's comment was posed to the interviewee, who was given the opportunity to set out his views in a timely manner and to respond in kind. The Forum observed that the principle of objectivity and impartiality does not preclude presenters or reporters conveying critical or opposing views to pursue vigorous lines of debate and there may be occasions where such questioning is an important means of providing a balancing view on a subject.

Considering the report in whole and in context, the Forum decided the content had not infringed the relevant provisions of the Broadcasting Act 2009 or the Code of Fairness, Objectivity or Impartiality in News and Current Affairs. On this basis, the Forum rejected the complaint.

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Complaint Reference Number	C5753
Complainant	Deborah O'Connell
Station	RTÉ One
Programme Name	Operation Transformation
Broadcast Date	11 th January 2023
Broadcast Time	21:30
Programme Description	A reality show that helps participants with weight loss, broadcast on Wednesday evenings.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); and BAI Code of Programme Standards - Principle 2.

Complaint Summary

The complaint refers to the treatment of a family dog when filmed during an interview with a former participant on the programme at their home.

The complainant states that during the interview, reference was made to their dog being part of the family. However, the complainant states that the dog was shown locked up in a concrete yard and also tied with a chain to a kennel. The complainant believes it was not appropriate to show the dog in that state, without any criticism to its living condition.

Broadcaster Response Summary

The broadcaster states the piece complained of is 2 seconds long featuring the family dog.

The broadcaster maintains that it has no reason to believe the family mistreat their dog. The broadcaster adds that 'offence' is subjective and can vary from one person to another. In this case, the broadcaster is of the view that there was no undue offence.

The broadcaster is of the view there was no breach of the Broadcasting Act 2009 or the Code cited by the complainant.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to the filming of a dog tied to a kennel in its owners back garden during a segment in the show.

The Forum noted the complaint was submitted under the BAI's Code of Programme Standards, Principle 2. The Code requires broadcasters to consider a range of contextual factors which can influence the

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viewer or listener's perception of the programme material and therefore the degree of harm or offence that can occur.

The Forum noted that the programme is a reality television programme in which contestants aim to lose weight and get fit over the course of the programme series. The Forum found this item was contained within the programme 'Operation Transformation' which included a former participant who, during the interview, referred to her dog as being one of the family. A short clip was then shown which featured the dog on a leash in his run, greeting a young child who approached. The Forum noted that the focus of the piece was not on animal welfare but on a previous participant who had overcome a sad personal incident and the outpouring of support she received from viewers.

The Forum was of the view that the segment was in keeping with the nature and style of this programme, which deals with adult-oriented matters and can take a light hearted approach to lifestyle items. The Forum was also of the view that the content was not out of step with the audience's expectations of the programme and the channel. The Forum noted the Code recognises that broadcasts may, at times, cause offence to some people. Consequently, there can be no guarantee that programme material will be free from offence and there is no right not to be offended. However, broadcasters must not broadcast content that would cause undue offence, that is, programme material that could still be regarded as having crossed a line, having considered the relevant contextual factors. The Forum concluded that, while the segment may have caused offence to the complainant, it was unlikely to have caused undue offence, as it is described in the Code.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5748
Complainant	Mr. Derek Kelleher
Station	Newstalk 106 – 108 FM
Programme Name	Newstalk Breakfast
Broadcast Date	16 th November 2022
Broadcast Time	07:00 – 09:00am
Programme Description	Current affairs programme broadcast each weekday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(a) (fairness, objectivity and impartiality in news and current affairs); and, BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs - rules 4.1, 4.2, 4.3, 4.17 and 4.22.

Complaint Summary
<p>The complaint refers to an interview with a psychotherapist and author regarding an upcoming meeting between all members of the Oireachtas and three clinicians from the National Gender Service (NGS) on the current state of care for patients seeking treatment with gender dysphoria.</p> <p>The complainant states that the programme dealt with two topics, the briefing itself covering investment in medical services for trans youth and then moved on to the psychotherapist's views on trans youth healthcare. The complainant takes issue with the presenter introducing the item by stating the interviewee would be attending the meeting with members of the Oireachtas, leading listeners to believe the credibility of her views. After clarifying that she would not be in attendance, the presenter treated her as an expert on the issues discussed.</p> <p>The complainant states that the psychotherapist has no medical background and would, therefore, have little insight into the topic under discussion and that no alternative viewpoints were presented, and the presenter failed to challenge the viewpoints of the psychotherapist. The presenter went on to show support for some of the viewpoints expressed during the interview. In addition, the complainant claims this lack of questioning could be seen as an endorsement of the views expressed by her.</p>

Broadcaster Response Summary
<p>The broadcaster does not believe that this broadcast breached the BAI's Code of Fairness, Objectivity & Impartiality in News and Current Affairs.</p> <p>The broadcaster acknowledges that it was incorrectly stated on the programme that the psychotherapist would be attending the meeting between members of the Oireachtas and doctors from the NGS. The psychotherapist clarified this during the interview. However, the broadcaster states that she was a person with knowledge of the workings of the NGS, gained through her position as a psychotherapist.</p>

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The broadcaster states that the area of transgenderism is complex and scientifically evolving. The psychotherapist, while outlining her views in relation to National Gender Services, pointed out that the approach is wrong in some cases and not in others. In relation to the affirmation approach, she also pointed out that while she would not agree with taking puberty blockers at a young age, others would disagree with her view on this. The broadcaster believes this clearly acknowledged that there are other views in this area. The broadcaster further states there was no endorsement by the presenter of any one position taken.

Furthermore, the broadcaster adds that at the end of the interview, it was stated this is an important matter which should be debated by our elected representatives and, by extension, featured on current affairs programmes.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to an interview with a psychotherapist regarding treatment for people with gender dysphoria.

The Forum noted the complaint was submitted under the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs, rules 4.1, 4.2, 4.3, 4.17 and 4.22. The Code requires that news and current affairs content shall be presented with due accuracy, having regard to the circumstances and facts known at the time; views and facts shall not be misrepresented or presented in such a way as to render them misleading, and a significant mistake should be acknowledged and rectified as speedily as possible. The Code requires that a broadcaster shall deal fairly with contributors to current affairs content or with persons or organisations referred to in that content. The Code also requires a presenter shall not express his or her own view on matters that are either of public controversy such that a partisan position is advocated.

The Forum had regard to the complainant's view that the presenter misinformed listeners regarding the interviewee attending a meeting with members of the Oireachtas later that day. The Forum noted the interviewee clarified that she would not be in attendance at that meeting.

The Forum noted that the complainant was not satisfied with views expressed by the psychotherapist and believed the interview was not balanced and was biased towards the interviewee's personal views. The Forum was of the view that this was a wide-ranging interview that covered many aspects of gender dysphoria. The Forum noted the contributor made it very clear when expressing her personal viewpoints, that others might disagree with her stated there are many other opinions on this topic. The Forum agreed that her position was apparent to the audience and the presenter was not endorsing her views. The Forum believes that the presenter's line of questioning was legitimate in the context of the interview. It did not amount to the presenter expressing a partisan view nor was there any evidence in

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the broadcast of unfairness.

The Forum states that it is an important part of the presenter's role in a current affairs programme to ask direct questions and to reflect the views of those who cannot or choose not to participate. The Forum believes the presenter played this role during the interview.

The Forum also noted that no case had been made by the complainant in respect of rule 4.3 of the Code.

The Forum concluded that the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Fairness, Objectivity and Impartiality in News and Current Affairs. Accordingly, the Forum rejected the complaint.

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Complaint Reference Number	C5742
Complainant	Louis Kelleher
Station	RTÉ One
Programme Name	Aldi Christmas Advertisement
Broadcast Date	13 th November 2022
Broadcast Time	18:30
Programme Description	Advertisement - 'Kevin the Carrot'
Complaint Category	Broadcasting Act 2009 - Section 48(1)(d)(commercial communications); and the BAI General Commercial Communications Code – Principles 2 and 4; and the BAI Children's Commercial Communications Code – Sections 3, 4 and 5.

Complaint Summary

The complaint refers to Aldi's 'Kevin's Home for Christmas' advertisement.

The complainant states that while watching an episode of 'Ireland's Fittest Family' at 6.30pm, with his children aged 4 and 7 years, a Christmas advertisement for Aldi was broadcast.

The complainant takes exception to this advert being shown at this time and before Ireland's Fittest Family when his family were about to watch the programme. The advert was a skit on the movie 'Home Alone' but ended with a carrot falling into the crotch area of a snowman, which the complainant found offensive to him and his children. The complainant believes this advertisement was unsuitable viewing before the watershed and infringed both the Children's Commercial Communication Code and the General Commercial Communication Code.

Broadcaster Response Summary

The broadcaster states prior to going to air, all commercial communications airing on RTÉ are first cleared for broadcast by RTÉ's internal Clearance Committee. The advertisement was cleared as humorous and a satirical take on the movie and was not likely to cause grave or widespread offence.

The broadcaster states that the piece complained of is a copied scene from the movie 'Home Alone' when the Kevin character zip lines from his house to escape intruders. In the advertisement the narrator states, "Feeling that his plans left him quite exposed he made a hasty exit to become a snowman's nose?" The emphasis on the word 'nose' mirrors the movie when Kevin missed his intended target of the treehouse.

The broadcaster believes this advertisement was fully compliant with all RTÉ's statutory and regulatory obligations and the BAI's Codes.

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Advertiser's Response

The advertiser states that this advertisement is not aimed at children but at Aldi customers, who in the main, are adults. While they agree the 'Kevin the Carrot' advertisement was mildly suggestive, it was intended to be a light-hearted parody of the film 'Home Alone' with Kevin the Carrot as the main character.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to the Kevin the Carrot advertisement and the positioning of a carrot on a Snowman for Aldi broadcast over the Christmas 2022 period.

The Forum noted the complaint was submitted under the BAI General Commercial Communications Code (GCCC), Principles 2 and 4; and the BAI Children's Commercial Communications Code (CCCC), Sections 3, 4 and 5. The GCCC requires that commercial communications shall not prejudice respect for human dignity, cause serious or widespread offence, cause harm or encourage harmful behaviour and calls for the protection of children. The Code further requires the protection of children from material that is unsuitable or would be likely to cause physical or moral detriment. The CCCC requires broadcasters to have due regard to the scheduling of children's programmes with reference to the type of programme and/or profile of those watching or listening; shall have regard to compliance and assessment when scheduling children's programmes with reference to time, type, channel, target audience and shall not cause moral, mental or physical detriment to children etc.

The Forum had regard to the complainant's view that the advertisement was offensive and not suitable for broadcast during an early evening slot when children could be watching.

In considering the Codes under which the complaint was submitted, the Forum found that this advertisement was aimed at a family audience and was not a children's advertisement or specifically aimed at children. The Children's Commercial Communication Code is defined as "commercials that promote products, services or activities that are of particular interest to children and/or broadcast during and between children's programmes". As this advertisement does not meet these requirements, the Forum was of the view that the Children's Commercial Communications Code does not apply.

The Forum had regard to the advertisement, one in a series of advertisements for Aldi shoppers of Kevin the Carrot's exploits. The Forum also noted that this advertisement was a 'take' on the movie 'Home Alone' when the Kevin character is left behind by his family. The Forum acknowledged that while the complainant was offended by what he saw as the inappropriate placing of a carrot on the snowman they were of the view that, as the advertisement was aimed at an adult audience, it did not cause widespread offence.

The Forum concluded that the broadcast did not infringe the relevant provisions of the Broadcasting Act

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2009, the General Commercial Communication Code and that the Children's Code did not apply, accordingly, the complaint was rejected.

Coimisiún na Meán

Complaint Reference Number	C5759
Complainant	Ms. Noelle Hanlon
Station	RTÉ Radio 1
Programme Name	The Brendan O'Connor Show
Broadcast Date	18 th December 2022
Broadcast Time	11:00
Programme Description	Light entertainment programme with a mix of news, views and interviews, broadcast each Saturday and Sunday morning.
Complaint Category	Broadcasting Act 2009 - Section 48(1)(b)(harm and offence); and BAI Code of Programme Standards, Principle 6.

Complaint Summary

The complaint refers to comments made by the presenter when referring to Covid 19.

The complainant states that the presenter, Dearbhail McDonald, noted that one of the panellists was not in the studio as he had Covid-19. The panellist, in question, went on to describe his symptoms as a bad cold and stated he had been testing for Covid-19 regularly over a number of days. The complainant takes exception to the presenter's surprise that the panellist would test for Covid himself as she stated, nobody was bothering to do things like this anymore. The complainant claims this shows the presenter had no regard for the regular advertisements outlining the current recommendations in relation to Covid-19, as advertised on RTÉ.

The complainant claims the presenter's attitude towards testing for Covid-19 could have influence over listeners' behaviour to testing.

Broadcaster Response Summary

The broadcaster states that the presenter referenced the panellist who was not in studio because he had Covid by stating 'Covid is still with us', which made it clear to listeners that Covid is still prevalent in society. The panellist went on to describe his symptoms and how he had been testing daily and was now isolating at home. The presenter's comment regarding testing was followed by the panellist emphasising the 'virtue' of testing if people are feeling unwell.

The broadcaster believes that the exchanges around Covid 19 and the value of regular testing demonstrates that the presenter was specifically questioning how aware her guest was regarding Covid. The broadcaster also states that the question was posed in the context of Government guidelines and restrictions currently being lifted.

The broadcaster believes that the broadcast was fully compliant with all the statutory and regulatory Codes.

Decision of the Executive Forum 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 Forum decided to reject the complaint. The Forum's reasons for the decision are set out below.

The broadcast refers to an interview by 'phone with a panelist who was suffering from Covid-19 symptoms and therefore was not in the studio.

The Forum noted the complaint was submitted under the BAI Code of Programme Standards, Principle 6. The Code requires provides that the public interest can be adversely affected by the omission of material and/or the inadequate representation of information or viewpoints.

The Forum noted the presenter introduced the panelist in question by stating, 'you are not in the studio with us because Covid is still with us?' The panelist confirmed he had Covid and added 'two years in, and Covid is still with us'. The Forum found that the presenter questioned how the panelist knew he had Covid when asking, 'were you testing...because a lot of people have given up at this stage - how did you find out?' The panelist went on to describe his symptoms and stated he had tested over a number of days and added that there was 'virtue in still testing'. The Forum was of the view that given the timing of the interview, the statement by the presenter was reflective of where we are currently with Covid. This did not, however, serve to undermine the serious situation for anyone that might contract Covid at this stage. The Forum did not agree that the broadcast had adversely affected the public interest during these exchanges.

The Forum found that taking the conversation with the panelist in whole and in context, it was clear that both the panelist and the presenter viewed Covid as something to be wary of and there was no evidence that the presenter had any negative attitude towards continued testing for Covid symptoms.

The Forum concluded the broadcast did not infringe the relevant provisions of the Broadcasting Act, 2009 or the Code of Programme Standards. Accordingly, the Forum rejected the complaint.