

Editorial Complaints: Appeals to the Trust

Remit of the Editorial Standards Committee

The Editorial Standards Committee (ESC) is responsible for assisting the Trust in securing editorial standards. It has a number of responsibilities, set out in its Terms of Reference at bbc.co.uk/bbctrust/about/meetings_and_minutes/bbc_trust_committees.html.

The Committee comprises five Trustees: Richard Tait (Chairman), Chitra Bharucha, Mehmuda Mian Pritchard, David Liddiment and Diane Coyle. It is advised and supported by the Trust Unit.

In line with the ESC's responsibility for monitoring the effectiveness of handling editorial complaints by BBC management, the Committee considers appeals against the decisions and actions of the BBC's Editorial Complaints Unit (ECU), or of a BBC Director with responsibility for the BBC's output (if the editorial complaint falls outside the remit of the ECU).

The Committee will consider appeals concerning complaints which allege that:

- the complainant has suffered unfair treatment either in a transmitted programme or item, or in the process of making the programme or item
- the complainant's privacy has been unjustifiably infringed, either in a transmitted programme or item, or in the process of making the programme or item
- there has otherwise been a failure to observe required editorial standards

The Committee will aim to reach a final decision on an appeal within 16 weeks of receiving the request.

The findings for all appeals are reported in this bulletin, Editorial Complaints: Appeals to the Trust. This bulletin also includes a statement on any remedial action taken. It is published at bbc.co.uk/bbctrust or is available from:

The Secretary, Editorial Standards Committee
BBC Trust Unit
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Contents

	Page
Summary of findings (April 2007)	
Heaven and Earth Show, BBC One, 23 July and 6 August 2006	3
UK Muslim panel on British foreign policy, bbc.co.uk, BBC News, Have Your Say	4
The Real Muhammad, Radio Five Live, 20 May 2006	4
Alternative Medicine: The Evidence, BBC Two, 24 and 31 January and 7 February 2006	5
Findings (April 2007)	
Heaven and Earth Show, BBC One, 23 July and 6 August 2006	6
UK Muslim panel on British foreign policy, bbc.co.uk, BBC News, Have Your Say	13
The Real Muhammad, Radio Five Live, 20 May 2006	17
Alternative Medicine: The Evidence, BBC Two, 24 and 31 January and 7 February 2006	22

Summary of findings (April 2007)

Heaven and Earth Show BBC One, 23 July and 6 August 2006

Summary of finding

The complainant made two separate complaints about two editions of the programme broadcast during the Israeli-Hezbollah conflict in the summer of 2006. Both complaints concerned the contributions of three guests to the programme (two in the first programme and one in the second) who, the complainant believed, had been allowed to make inaccurate and anti-Semitic comments about the founding and legitimacy of Israel. The complainant alleged that the two contributors to the first programme “blame it all on the Jews”, and that an overview had given the impression that “everything was tolerance and friendship prior to 1948 and ... 1967 ... created the conditions under which extremism came to the fore in the world.” In the second programme he objected to one contributor who had claimed that Israel was a historic mistake. He also complained about the handling of his complaint at stage 1 of the complaints process and the length of time it had taken for his complaint to go through all three stages of the process.

The Committee concluded:

23 July 2006

- The programme did not breach the guidelines regarding due accuracy and impartiality, harm and offence or portrayal. It found that neither contributor had made nor implied the comments and views suggested by the complainant. Specifically they had not blamed the conflict “all on the Jews” or given the impression that “everything was tolerance and friendship prior to 1948”.

6 August 2006

- The comments of the contributor did not breach programme standards on harm and offence or portrayal: while the comments did raise questions about the establishment of Israel, they were not anti-Semitic and did not support nor suggest its dismantling or removal, nor did they blame Israel for the conflict.
- It felt that in the context of a newspaper review due impartiality had been achieved in the programme regarding both the founding and existence of Israel and the conflict with Hezbollah in the light of the discussion overall and by the use of viewers'emails.

Complaints handling

The Committee upheld the complaint regarding the way the complaint had been handled at stage 1 of the process. It felt that the tone of the initial response from the programme team was inappropriate.

For the finding in full see pages 6–12.

UK Muslim panel on British foreign policy bbc.co.uk, BBC News, Have Your Say

Summary of finding

The issue raised by the complainant was whether the BBC was breaching its standards on impartiality by selecting a Muslim-only panel to air opinions on the British Government's foreign policy. It was also suggested that the web page was playing into the hands of terrorists by giving Muslims privileged access to air their opinions and was therefore "recklessly directly or indirectly encouraging terrorism" and thus in breach of the Terrorism Act 2006.

The Committee concluded:

- The item did not breach guidelines regarding encouraging or inciting others to commit a crime. The Committee noted that at no point in the article did the panel agree with terrorism or the pursuance of violence or extremism.
- The item had been editorially justified as it was appropriate for the web to have contacted a range of ordinary Muslims about their views on a news item specifically about their community.
- Balance was achieved in this context by use of the 'Contact us' button for anyone to register their views on the panel or the subject under discussion.

The Committee did not uphold the complaint.

For the finding in full see pages 13–16.

The Real Muhammad Radio Five Live, 20 May 2006

Summary of finding

The programme was one of a series of programmes that looked at iconic figures in society. This particular edition explored the life of the Prophet Muhammad. The complaint concerned issues of bias and inaccuracy and whether or not the programme had appropriately questioned the views expressed by the panel of experts on the life of Muhammad.

The Committee concluded:

- The programme did not breach required standards of due impartiality. The programme contained an appropriate range of guests to provide the necessary range of views to examine the evidence.
- It was also satisfied that the programme had considered the authenticity of the known facts in its discussion. It noted that it was not for the programme to prove or disprove

these facts, but where they were in doubt to draw that point to the listener's attention and leave the listener to come to their own conclusions as to what was said.

The Committee did not uphold the complaint.

For the finding in full see pages 17–21.

Alternative Medicine: The Evidence BBC Two, 24 and 31 January and 7 February 2006

Summary of finding

The series of three programmes set out to look at the evidence supporting three popular areas of alternative medicine: acupuncture, healing and herbalism. The complaint, which raised a number of issues about the series, particularly questioned the accuracy of the first programme regarding the use of acupuncture in open-heart surgery and the significance accorded to brain-imaging results following deep needling. It also challenged the honesty and integrity of the programme makers in anonymously drafting, organising and publishing a letter of defence signed by the scientists involved in the programme.

The Committee concluded:

- The programme, while making reference to the clinical drugs administered to the patient in the open-heart surgery, did not accurately reflect the effect of acupuncture on each occasion that the operation was referred to and implied incorrectly that acupuncture was being used as the sole source of pain relief. It agreed that this could have misled the audience and upheld the complaint with regard to accuracy.
- As to whether the programme overhyped the results of the brain-imaging experiment, it was satisfied that the statements made by the scientists were a true reflection of their views and an accurate presentation of the experiment.
- With regard to the letter, it acknowledged the programme had the right to explain its position in response to critical press coverage. It also noted that it was not wrong for the programme makers to have organised and written the letter. It was satisfied that the BBC had appropriately apologised for the mistake of including two signatories who had not agreed to have their names added to the letter. However, it felt that, as the letter had come from the BBC, the BBC should have signed the letter. It therefore upheld the complaint on the grounds that this was a breach of trust with the audience. The Committee agreed that it was important for all programme makers to deal fairly and openly with the audience.
- It did not uphold any of the other complaints raised by the complainant.

The Committee upheld two complaints. All other issues raised against the series were not upheld.

For the finding in full see pages 22–32.

Findings (April 2007)

Heaven and Earth Show BBC One, 23 July and 6 August 2006

1 The programme

The *Heaven and Earth Show*, presented by Gloria Hunniford, is broadcast on Sunday mornings and looks at issues in the news from the perspective of religion, morals and ethics, usually within the context of topical discussions, celebrity interviews and features.

2 The context

The complainant made two complaints about two editions of the programme transmitted during the Israeli–Hezbollah conflict in the summer of 2006. The first complaint concerned the programme broadcast on 23 July 2006, when David and Carrie Grant presented the show in Gloria Hunniford’s absence. The contentious issue in the programme was the feature on ‘Religion and the Middle East crisis’. In particular the complaint concerned the contributions of Suad Hajj Nassif, an aid worker for the Middle East Council of Churches working in Lebanon, who was interviewed from Beirut, and Dr Rosemary Hollis, a Director of Research at Chatham House, who was involved in the studio discussion. In her interview, Suad Hajj Nassif described the increased bombing of Beirut and the difficulty in moving in and out of the city. She also referred to the aid work she was involved in and the displacement of people in Lebanon. She particularly referred to people in the villages of South Lebanon, whom she described as being “under siege” and being “forced from their villages”. During the studio discussion that followed, Dr Hollis, in answer to a question on co-operation between faiths with regard to their claims on Jerusalem, stated:

“Well, it’s worth remembering that when Israel was founded in the war of 1948, whilst opposed by the local Arabs and the regional Arabs and thereby the Muslims, it wasn’t until 1967, the war of 1967 in which Israel captured the old city of Jerusalem with its holy sites, that you saw a kind of expansion of a then more or less territorial battle over sovereignty, into something with religious dimensions that resonated across the Muslim world, and it became a Muslim cause writ large, to restore a Muslim authority to the holy city of Jerusalem which was in opposition to the Israeli position who moved their capital to Jerusalem, and so the battle is over sovereignty there, and it’s infused with religious fervour, and the fact that the Arabs lost the war of 1967 and those Arabs were championed, their cause was championed by Arab nationalists, principally secular and socialist, meant that after the defeat of ‘67, there was a revival of Islam, a sense of going back to the roots of the Arab identity and maybe that would be their salvation.”

The second complaint concerned the edition of the programme broadcast on 6 August 2006. It concerned a couple of comments made by Anthony Wilson, one of the guests in the studio. The first comment was made during a feature called ‘Review of the Week’, where

Mr Wilson, in response to another member of the panel talking about a “two-state solution”, stated:

“I’ve always found enormous sympathy for the Palestinian situation; I’ve always found it utterly ridiculous, but I was slightly swayed about five years ago when I discovered that Yasser Arafat and his spiritual adviser had never believed in two states, that they always believed in the destruction of Israel, unfortunately Israel shouldn’t be there, blah blah blah, but it’s now happened you can’t change that.”

His second comment was made near the end of the programme and was made in response to an email from a viewer suggesting “let’s just unite for peace”. He stated:

“You have to be allowed to discuss what the direct cause is, and the direct cause is a piece of betrayal by the British Government in the 1900s.”

3 The complaint

The complainant believed both programmes were anti-Israeli.

His objections to each programme and more general concerns and comments (including concerns about how his complaint was handled) are summarised below (quotes are extracts from the complaint).

23 July 2006

- The complainant felt that the contributions from two interviewees (Suad Hajj Nassif and Dr Rosemary Hollis) blamed all the problems “on the Jews”. He also considered their views to be racist.
- In particular he felt that Dr Rosemary Hollis’s comments on the history of Israel “gave an overview ... that everything was tolerance and friendship prior to 1948”.
- He stated that what she said was “morally reprehensible” and that her comments were “inaccurate” and either “bigoted” or “political propaganda”.
- He also stated that the comments were “historically revisionist”.

6 August 2006

- The complainant commented: “A couple of weeks ago you had two ignorant racists on your programme – now you have three (Anthony Wilson), with no balance.”
- The complainant also stated that Mr Wilson’s remarks were bigoted in claiming that Israel was a mistake.
- He also pointed out that it was “unforgivable” to broadcast an anti-Israeli/anti-Jewish point of view.

In general

- The complainant requested the BBC should broadcast a formal apology and a public correction of the historic facts on the *Heaven and Earth Show*.

- The BBC should either explain to him where his knowledge of history was wrong or permanently exclude Dr Hollis and Anthony Wilson from any further involvement in BBC programmes.
- He stated that such “intemperate discourse ... would be totally indefensible if either conversation were to relate to anyone else’s religion or history”.
- He requested that the ECU and the BBC Governors (BBC Trust) should explain why Israel was “singled out for special treatment”.

Complaints handling

The complainant raised concerns about how his complaint had been handled and the length of time it had taken from the start of the complaints process to making an appeal to the ESC at stage 3, the final one of the process.

He also raised concerns about how his complaint had been handled by BBC Information, where it was seemingly lost at one point and later closed without a response being sent. He was also concerned that when talking to one telephone operator at BBC Information he was told: “The BBC is under no obligation to give a time frame when responding to calls.”

BBC response

The programme team and Head of ECU (HECU) did not uphold the complaint. Their response is summarised as follows:

23 July 2006

- The programme was not anti-Jewish, nor did the two speakers mentioned blame it on the Jews.
- In a programme, comments from various contributors will lead some viewers to agree or disagree with what is being said.
- Suad Hajj Nassif talked of the situation in Beirut, her relief work and the thousands of displaced families in southern Lebanon.
- Dr Hollis provided a concise explanation of the territorial disputes and the revival of Islamic identity amongst Arab nationalists after 1967.
- Her views were entirely neutral and did not blame Israel for the actions of its enemies.
- The other guest in the studio, Jeff Barak from the *Jewish Chronicle*, represented the Israeli position and the views of many British Jews.

6 August 2006

- There was no evidence of religious hatred in this programme or series, which regularly features Jewish contributors.
- There was nothing in what Anthony Wilson said that would lead to the conclusion that he was prejudiced or bigoted.
- The Head of the Editorial Complaints Unit commented that, although the programme could have been criticised for not having included a view that balanced Mr Wilson’s, he felt it was not wrong for the programme to have allowed him to express that view.

4 Applicable programme standards

Section 3: Accuracy

Misleading Audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences.

Section 4: Impartiality and Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK ... to support fair and informed debate. It specifies we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of a political or industrial controversy.

In practice, our commitment to impartiality means:

- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects
- we must rigorously test contributors expressing contentious views during an interview whilst giving them a fair chance to set out their full response to our questions.

Achieving impartiality

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

Section 8: Harm and Offence

The BBC aims to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. In doing so, we balance our right to broadcast and publish

innovative and challenging content appropriate to each of our services with our responsibility to protect the vulnerable.

When we broadcast or publish challenging material which risks offending some of our audience we must always be able to demonstrate a clear editorial purpose.

Portrayal

We aim to reflect fully and fairly all of the United Kingdom's people and cultures in our services. Content may reflect the prejudice and disadvantage which exist in our society but we should not perpetuate it. We should avoid offensive or stereotypical assumptions and people should only be described in terms of their disability, age, sexual orientation and so on when clearly editorially justified.

Guidance: Live Output

Overview

As it is not possible to guarantee the compliance of live programmes in advance of transmission we should take special care to minimise the risks involved such as inadvertently causing harm or offence... This applies to anyone appearing live on air or online including our contributors, our own presenters, journalists and reporters, commentators and analysts, and even the live audience.

The risks of live broadcasting may include:

- broadcast of derogatory or libellous comments

...this guidance provides advice to try and ensure we minimise the risks of going live.

5 The Committee's decision

The Committee considered the complaint against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal; this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee looked at each programme and considered the complaints made and whether required standards had been met. It then addressed the points as to how the complaint had been handled.

23 July 2006

The Committee considered both contributions by Saud Hajj Nassif and Dr Rosemary Hollis. It was satisfied that in neither situation had it been suggested or intimated that the Jews had

been to “blame” for the situation in Lebanon, or that they had been anti-Semitic in what they had said. In the case of Saud Hajj Nassif, the Committee was satisfied that there was a clear editorial purpose in including the interview within the programme. It felt that the interview relayed to the audience important first-hand information on the plight of the civilians caught up in the conflict and also, appropriately, provided information about the work and relief that the Council of Churches was providing to those in need of aid. As to Dr Rosemary Hollis, the Committee concluded that her academic overview also served a clear editorial purpose. It noted that at no point during her contribution to the studio debate did she say or imply what the complainant had suggested. It was satisfied her contribution had not been racist nor anti-Semitic and had been appropriate within a fair and reasoned debate. The Committee was also satisfied that had there been any suggestion of bias, stereotyping or inaccuracy within the comments expressed by Dr Hollis, there would have been ample opportunity for those issues to be addressed by her fellow guest Jeff Barak, from the *Jewish Chronicle*, who was there to represent Israeli and Jewish views and concerns. The Committee was satisfied that there was no breach of guidelines regarding due accuracy and impartiality, harm and offence or portrayal in this programme.

6 August 2006

The Committee noted that the two elements of the programme at the centre of this part of the complaint had not been structured, in other words contained within a specific debate, and that they had come from open conversation as part of a newspaper review in the early part of the programme, and in response to a viewer’s email at the end of the show. It also acknowledged that both comments were legitimate opinions, and that the BBC’s guidelines encouraged the reflection of a wide range of opinion and the exploration of a range and conflict of views so that no significant strand of thought was knowingly unreflected or under-represented. The comments did not suggest anti-Semitism – that is, prejudice against Jewish people as a religious or racial group. The comments did raise specific questions as to the establishment of Israel. They did not support nor suggest its dismantling or removal. The Committee noted that on these occasions it will always be harder to achieve balance with such comments as the programme is asking contributors to air their opinions on a range of topics. The Committee noted that it is at these times, particularly when sensitivities on controversial subjects are heightened, that it is the responsibility of the presenter to help provide balance where possible. In this particular case the Committee felt that the presenter could have done more to address this with more rigorous questioning of her guests. Nevertheless, it was satisfied that due impartiality was achieved within the programme. It noted that Anthony Wilson’s comments about the failure of Yassar Arafat to accept the two-state solution ended with the conclusion that Israel had “happened and you can’t change that”. It also felt that the programme’s use of viewers’ emails provided balance and ensured that the position of Israel has been expressed.

In conclusion, the Committee was satisfied, having looked at both programmes, that there was no breach of the guidelines with regard to impartiality or portrayal and that the accusations of anti-Semitism, bigotry and racism were not substantiated.

Complaints handling

The Committee was critical of how the complaint had been handled at stage 1 of the complaints process by the programme area and BBC Information. It noted the apology for the various delays in the reply from BBC Information and that the delay had been caused by the 30% increase in complaints linked to the conflict experienced in July and August 2006, which had led to a backlog. It also noted the action taken by BBC Information to prevent such a backlog occurring should a similar issue arise again. However, it criticised the quality of the first written response from the programme, which it felt had not been appropriate in tone or content. The response had failed to address the concerns of the complainant and had probably exacerbated the situation. The Committee was also critical of the manner in which BBC Information had handled the complainant's telephone enquiries when chasing up his complaint. It had taken some time to find his complaint on the database. He was told it had been closed and he was given incorrect information regarding response times to a phone complaint. This was unsatisfactory. The Committee therefore felt the complainant was right to have expected a better service from the BBC and found in the complainant's favour.

FINDING: The Committee did not uphold the complaints against the contributors to the two programmes but upheld the complaint against how the complaint was handled.

Action

The Chairman of the Committee will include within the finding letter to the complainant an apology about the problems he encountered in lodging his complaint. The Chairman of the ESC on behalf of the Committee will also write to Mark Byford, Deputy Director-General and Chairman of the Complaints Management Board, to ask him to remind programme areas of the need to respond appropriately to all complaints by ensuring that their reply is timely, courteous, sincere and comprehensive in its response, while also incorporating accurate information on the complaints process.

UK Muslim panel on British foreign policy bbc.co.uk, BBC News, Have Your Say

1 The item

The item was featured on the Have Your Say section of bbc.co.uk, an area of the website that invites readers to express their views on news stories or issues put forward by the web team. This item was part of a wider discussion looking at what it is like being a British Muslim today.

The web page of concern was entitled 'UK Muslim panel on foreign policy' and asked a panel of UK Muslims to share their thoughts on foreign policy and the recent events of that week. The website also invited the public to send in their views and questions regarding British foreign policy, as well as to send questions to the panel.

2 The context

The discussion was in response to a number of recent events which included arrests surrounding an alleged terror plot and a subsequent open letter from British Muslim groups calling for changes to British foreign policy.

The letter, signed by three Muslim MPs, three peers and 38 groups, suggested that some policies provoked terrorist acts.

The Home Secretary John Reid described the letter as a "dreadful misjudgement", and said the Government could not be seen to change policy because of terrorism.

3 The complaint

The complaint is summarised below (quotes are extracts from the complaint):

- Muslims were the only religious group in the UK to be allowed to express their views on UK foreign policy and Islamic terrorism in the UK on the BBC's website.
- The BBC had only given Muslims this platform because of the large-scale terrorist atrocities which have come out of the Muslim community.
- By giving Muslims this platform the BBC was rewarding Islamic terrorists who had killed innocent people.
- News of who is committing terrorist acts and why they are being committed should be presented in a non-biased way. The BBC should not leave it to the Muslim community to give their biased views on why Islamic terrorism emerged in the UK.
- The BBC's guideline on impartiality and diversity of opinion includes a commitment to reflect diversity of opinion. The BBC needed to reflect representative opinions of the Christian community in the UK. The community on the receiving end of Islamic terrorism got no say.

- Terrorists, by seeing that the BBC was giving Muslims an exclusive platform to put forward their view due to them killing and injuring innocent people, would believe that by killing more people the BBC would continue to provide them with a platform.
- The BBC needed to send out a message that however many people the Islamic terrorists killed and injured, Muslims would absolutely not get any media reward.
- Could the BBC explain why it feels “it is important to hear the views from ordinary British Muslims”?
- Although there was a link at the bottom of the page for members of the public to comment, other religions were not treated in the same way as Muslims and were not given their own special page on the front page of the BBC News website.
- None of the panel condemned the terrorist attacks.
- The licence fee should not be used to support and encourage terrorism.
- Peaceful religions were being penalised for not committing acts of terror.
- BBC guidelines should be changed to ensure that BBC media did not reward the Muslim community with a unique platform.
- The BBC had broken the Terrorism Act 2006 by “recklessly directly or indirectly encouraging terrorism”.

BBC response

The Head of the Editorial Complaints Unit (HECU) did not uphold the complaint. His response is summarised as follows:

- It has been a regular feature of the Have Your Say pages to establish specifically targeted panels of people directly affected by certain news events (recent examples include American voters and users of the internet).
- The Deputy Editor of News Interactive explained the establishment of the panel as follows:

We don't believe the panel on the BBC News website constitutes, or can be seen as, a “reward” for mass murder carried out by Islamic terrorists.

It's unfair to suggest that the Muslim population as a whole (and specifically the people used in our panels) are responsible for the actions of some of their community.

Crime committed by any religious group does not mean the whole community is so accused and none of the views put forward by panellists offers any support for terrorist acts.

We do feel it is justifiable editorially to seek the views of Muslims living in the UK on policy issues which directly affected them, especially in the light of the Home Secretary's comments about Government policy.

Rather than being a “mouthpiece for Islamic terrorism in the UK”, the perspective of those with knowledge of a religion or a community can add insight to possible solutions and can help to combat fear and misunderstanding.

- The policy of inviting panels to comment on topical events is consistent with the BBC's aim to reflect a wide range of opinion and explore a range of views.

- There was a clear public interest in accompanying news coverage of this particular story with reflection of Muslim perspectives.
- There is nothing to suggest the team would not set up a similar panel from another religious community should a comparable story arise in which that community had a direct interest.
- What the panel wrote was of a non-extremist nature.

4 Applicable editorial standards

Section 4: Impartiality and Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK ... to support fair and informed debate. It specifies we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of a political or industrial controversy.

In practice, our commitment to impartiality means:

- we seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all our output. We take particular care when dealing with political or industrial controversy or major matters relating to current public policy.
- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects

Achieving impartiality

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

Section 7: Crime and Anti-Social Behaviour

Crime editorial principles

- We will ensure that material likely to encourage or incite the commission of crime, or likely to lead to disorder, is not included on our services unless clearly editorially justified.

5 The Committee's decision

The Committee considered the complaints against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal; this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee first considered the issue of whether there had been a breach of the Terrorism Act of 2006. It noted that as it is not a court of law it could not adjudicate on whether a criminal offence had been committed. It did, however, consider whether or not the article complied with the editorial guidelines that relate to whether or not it encouraged or incited the commission of a crime. The Committee was satisfied that the article did not breach guidelines on incitement or encouragement to commit crimes. It noted that at no point in the article did any of the panel support or agree with terrorism or the pursuance of violence or extremism in any way. Comments by the panel included "While I think Mr Blair's foreign policy is wrong ... this is still no excuse for extremism" and "We can't use foreign policy as an excuse for extremism."

The Committee then considered whether the article had breached editorial standards on due impartiality. The Committee agreed that the article had been editorially justified in that it was legitimate for the web team to have contacted a range of people of the Muslim faith to comment on a news item that was specifically relevant to that community in order to stimulate a much wider debate in the community as a whole. The Committee noted that this issue had specific and direct relevance to the Muslim community. It felt that the guidelines did not require the website to provide equal or similar representation from other religious groups; balance was achieved by use of the 'Contact us' button for anyone wishing to register their views or comments on the panel or on the subject in general. It noted that this option had been popular and easily accessible with over 600 messages being posted from a wide variety of people with differing views and faiths. It was also satisfied with the explanation that given another subject involving a different community the website would provide that community with a similar opportunity to air their views.

The Committee was therefore satisfied that the article did not breach editorial standards on due impartiality or the incitement to commit a crime. The piece had not carried extreme views nor supported terrorism and had been editorially justified in obtaining the views of the appropriate community at the centre of the news issue. It was also satisfied that there had been adequate opportunity for other opinions to be aired. The Committee was also satisfied that the article was not a platform rewarding terrorism but a legitimate method to engage with the Muslim community on a specific and relevant item.

FINDING: NOT UPHELD

The Real Muhammad

Radio Five Live, 20 May 2006

1 The programme

The programme was a Radio Five Live news programme and part of *The Real...* series, where Clive Anderson looks at different iconic figures in society. This particular episode explored the life of the Prophet Muhammad and looked at the events that shaped his view of the world and the context of his times. Other episodes have included *The Real Jesus Christ*, *The Real Tony Blair*, *The Real Michael Jackson* and *The Real Saddam*.

2 The complaint

The complaint is summarised below (quotes are extracts from the complaint):

- “The programme was utterly dominated by uncritical proponents of Islam whose assertions, many of which were objectively false, went unchallenged..”
- There was no one on the programme who:
 - put the unambiguously critical case against Muhammad and Islam
 - took a dispassionate view
 - put the sceptic’s case
 - overtly represented any other religion than Islam
- The programme did not sufficiently challenge the fact that the claims about Muhammad were based on oral history and thus were untrustworthy.
- It was inaccurate to claim that the Koran does not authorise the beating of women.
- The claim that the Koran suggests that women are placed “on an equal footing to men” was absurd.
- The Koran “sanctions many other things incompatible with a liberal society such as slavery, polygamy, concubines and the killing of homosexuals”.
- The BBC should broadcast another programme that “deals honestly with Islam”.
- “The BBC is meant to be a broadcaster devoted to factual accuracy.”

BBC response

The Commissioning Editor of Radio Five Live responded:

- “It was not the intention of these programmes to dissect the detail and examine people’s faith.”
- “In order to understand the history we have to understand the religious context within which we know Jesus Christ (as in *The Real Jesus Christ*) and the Prophet Muhammad, so both programmes examined and heard from religious figures from both faiths.”
- “Their role was not to be challenged on their beliefs, but rather put these iconic figures into a modern-day religious context before the programme attempted to look at the real people behind the foundation of the religion.”
- “The programme was dealing with a real historical character not the religion in its own right.”

The Head of the Editorial Complaints Unit (HECU) did not uphold the complaint. A summary of his finding is set out below:

- He pointed out that the primary aim of the programme was to “shed light on the figure of Muhammad and his teaching rather than to address the various areas of current debate in which Islam is involved”.
- “The programme did include an appropriate range of viewpoints ... not all the speakers were Muslim, and one of the Muslim speakers, Ayaan Hirsi Ali, is best known for her outspoken opposition to aspects of traditional Islam.”
- “The requirement of due accuracy applies to all BBC output, irrespective of whether it deals with controversial topics. However, there is a distinction between statements of that kind and statements which are speculative, debatable or simply expressions of legitimate individual interpretation.”
- He noted the complainant’s concern that the programme was at fault in allowing unchallenged assertions about matters whose factual basis is entirely uncertain. However, he pointed out that this was a special case due to the “evidential situation” (oral history). He stated: “‘the real Muhammad’ is the figure that emerges from the Koran and Hadith and the early tradition of commentary, there being no other which is accessible to us”.
- He believed “it was legitimate for the programme, having alerted listeners to the fact that the authenticity of the early sources isn’t uncontested, to proceed as if those sources provided evidence about the ‘real Muhammad’”.
- He explained that the authenticity of these sources was not a matter that fell within the definition of controversial subjects, and as such did not breach editorial standards.

Although the substantive element of the complaint was not upheld, HECU did find in the complainant’s favour on one aspect of the programme:

- HECU was satisfied that a comment by a contributor who stated that there was nothing in the Koran which authorised husbands to beat wives seemed to conflict with all versions of the Koran he had consulted which appeared to authorise the corrective use of violence. He therefore upheld this element of the complaint.

3 Applicable editorial standards

Section 3: Accuracy

The BBC’s commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don’t know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve accuracy by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

Misleading audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences.

Section 4: Impartiality & Diversity of Opinion

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

In practice, our commitment to impartiality means:

- we seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all our output. We take particular care when dealing with political or industrial controversy or major matters relating to current public policy.
- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.

Achieving impartiality

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

4 The Committee's decision

The Committee considered the complaints against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal; this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee considered the issue of impartiality. This included a consideration of whether the choice of contributors was appropriate to provide an impartial historical analysis of the subject matter. It was satisfied that, in the context of this programme, the programme's choice of guests from a range of different backgrounds that included academics, journalists, politicians and authors was appropriate to provide the necessary range of views to examine the evidence there was to illuminate the historical figure of Muhammad.

It noted that the programme had raised doubt about the accuracy of information regarding historical facts about Muhammad and had considered what corroboratory evidence there was available to support the claims of Muslim scholars who used the Koran and the Hadith as historical testimony on the life of the Prophet. The Committee also noted the conversation with Dr Chase Robinson, who suggested that there were only two ways to provide independent corroboration: material evidence such as documentation or archaeology and written material in non-Islamic languages. The Committee noted from the transcript what he had to say about both of those options:

"Unfortunately that's irretrievable [archaeology], Muhammad was living fourteen hundred years ago and many of the places in which he lived have been built and rebuilt and rebuilt again."

And:

"Material written in non-Islamic languages ... virtually all of it is written by Christians and Jews who were a) all outside of the Arabian peninsula, so they only knew him by reputation, and b) precisely because they were Christians and Jews and not Muslims, they were arguing against him."

The Committee was satisfied that by raising these doubts the programme had fulfilled its requirement to question the authenticity of the known facts. It noted that it was not for the programme to either prove or disprove these theories but to leave the listener to come to their own conclusions as to what was said. In conclusion, the Committee was satisfied that the programme complied with the required editorial standards.

The Committee then considered how the complaint was handled. The Committee agreed that the time delay between lodging the complaint and getting an answer at both stage 1 and stage 2 of the process was unacceptable.

FINDING: The Committee did not uphold the complaint, but will raise the issue of slow/late responses with BBC management.

Action

The Committee will write to BBC management to remind them of the importance of providing prompt and considered replies to complainants at all stages of the complaints process.

Alternative Medicine: The Evidence

BBC Two, 24 and 31 January and 7 February 2006

1 The programme

Alternative Medicine: The Evidence was a three-part series looking at three elements of alternative medicine: acupuncture, healing and herbs.

Acupuncture

The first programme looked at the use of acupuncture in China, where doctors performed open-heart surgery without a general anaesthetic, using acupuncture alongside other drugs to sedate the patient. The programme then filmed an experiment in which Western scientists tested the claims of acupuncture in relieving chronic pain by filming its effect on the workings of the brain.

Healing

The second programme considered how effective healers are. It noted that there was no evidence that a healer has special powers, yet it found that some patients seem to recover from serious illness. It also looked at evidence in the US in which patients who had arthritis in the knee underwent a fake knee operation but recovered as well as those who had the real procedure.

Herbalism

The final programme considered the effectiveness of ancient herbal remedies. It discovered there are eight 'super herbs' that seemingly outperform modern-day pharmaceutical equivalents.

2 The complaint

The complainant raised 10 separate complaints against the series. The complaints have been summarised as follows (quotes are extracts from the complaint):

- 1 The open-heart surgery in the first programme (on acupuncture) was misleading. The impression given was that the acupuncture was used instead of a general anaesthetic. It was an impression that appeared in reviews and articles that followed the transmission of the programme.
- 2 The brain-imaging section at the end of the first programme was "over hyped" and "sensationalised".
- 3 The programme ignored the advice of one of the two consultants to the series who remarked to the complainant that he felt he had been used "to give [the series] a veneer of respectability".
- 4 Was the production team sufficiently qualified to understand the difference between anecdote and real evidence?
- 5 There was a general bias that permeated each and every programme from start to finish.

- 6 There was a conflict of interest as the partner to the series, the Open University (OU), is involved with running courses on complementary medicine. It would be therefore "in the interests of the OU to show alternative medicine in a good light".
- 7 The series tacitly endorsed untested medical products such as the herb Sutherlandia, which was discussed in the context of HIV and Aids "even though there have been no clinical trials".
- 8 The BBC press release for the series should have been interesting but not misleading.
- 9 The BBC orchestrated a letter to *The Guardian* without being open about its role and fabricating some of the signatories. The complainant noted that the letter "gave the impression that this was a volley of independent scientists rallying to its defence".
- 10 The BBC, by failing to admit to any mistakes which were "likely to be repeated", was "defiantly rejecting criticism".

In his appeal to the ESC, the complainant requested that the Committee should give its main consideration to complaints 1, 2 and 9.

The complainant also requested that a seminar be organised to avoid BBC science programmes becoming "dubious on a regular basis".

BBC response

The response from the production team at stage 1 stated generally that:

- There is always an inevitable tension when producing a television programme between the need to engage an audience in the core subject and the need to reflect the scientific research appropriately.
- Alternative medicine is a controversial area. No television programme could cover all the varied manifestations of alternative medicine.
- The programme highlighted anecdotal claims before searching for real evidence either to support or counter the claims of their efficacy.

In response to the individual complaints it stated:

- 1 The open-heart surgery had been reviewed by an anaesthetist who believed it was a "superb insight" of a "specific clinical situation" using "minimal doses of sedative and local drugs, supplemented by the psychological effect of acupuncture". The response noted that the programme, while acknowledging that the patient was sedated by drugs, could have emphasised the use of clinical drugs more.
- 2 The brain-imaging experiment followed on from published work. Its protocol was scientifically robust and the scientists involved have told the programme makers that the results are significant and will be reported in the appropriate journal.
- 3 The consultant, who has stated his dissatisfaction with the treatment given to him by the programme, was sent scripts to check before they were finalised. The response noted that although there was some disagreement with programme three (healing), changes to the script were made and agreed with the consultant.
- 4 The programme team were all experienced science programme makers and knew the difference between anecdote and evidence.

- 5 The series set out to investigate if there was scientific evidence to suggest that specific types of alternative medicine worked. It found that acupuncture works for certain kinds of pain; some herbs are effective for certain conditions; and the placebo effect could explain 'claimed' cures of spiritual healing.
- 6 The series was made within the agreement with the OU. The BBC retained editorial control over the series.
- 7 The anecdotal nature of the reports on the use of Sutherlandia was made clear and signalled as such. All references to the health worker's use of the herb were clearly signalled as claims.
- 8 The press release reflected the content of the programme.
- 9 The letter drafted and co-ordinated by the BBC was in response to what the two scientists had said about the programme. The programme found that many of the scientists were happy at how the programme had portrayed them, were supportive of the programme and were prepared to say so publicly. The response acknowledged that there were mistakes over two signatories, for which the BBC had apologised and made corrections.
- 10 The BBC defended the series against unjust, inaccurate and damaging allegations made in the national press.

The Head of the Editorial Complaints Unit (HECU) did not uphold any of the complaints at stage 2 of the complaints process, endorsing the statement made by the programme area regarding complaint 1, but not considering complaints 8–10 as these fell outside the ECU's remit. He did, however, comment on the complaint made by one of the series' consultants in a letter to the complainant, which stated that the presenter of the programme misled the audience when she said that she had met him as part of the broadcast programme. The letter noted that she had not, and the producer had taken her place.

HECU responded by acknowledging that the error had been explained and regret expressed for the inaccuracy. However, he was satisfied that the audience would not have been misled as to the subject matter of the programme.

3 Applicable editorial standards

BBC Editorial Values

Truth and Accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

Editorial Integrity and Independence

The BBC is independent of both state and partisan interests. Our audiences can be confident that our decisions are influenced neither by political or commercial pressures, nor by any personal interests.

Accountability

We are accountable to our audiences and will deal fairly and openly with them. Their continuing trust in the BBC is a crucial part of our contract with them.

Section 3: Accuracy

Gathering material

We should try to witness events and gather information first hand. Where this is not possible, we should talk to first hand sources and, where necessary, corroborate their evidence.

Misleading Audiences

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

Section 4: Impartiality and Diversity of Opinion

Introduction

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

In practice, our commitment to impartiality means:

- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.

Achieving impartiality

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposted to our audiences.

Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

Section 13: Editorial Integrity and Independence

Editorial Integrity and Independence – Editorial Principals

- We must not endorse or appear to endorse any other organisation, its products, activities or services.
- We should not give undue prominence to commercial products or services.

Reviewing products or services

We must ensure there is no element of plugging when we review products or services. We should review a range from different suppliers, normally without giving details on air of how and where to obtain them.

4 The Committee's decision

The Committee considered the complaints against the relevant editorial standards, including the BBC's values and other standards set out in the Editorial Guidelines. The Committee took into account all the material before it relating to the appeal; this included submissions from all the relevant parties to the complaint who were asked to comment on the material going before the Committee.

The Committee noted the complainant's request that it should give its main consideration to complaints 1, 2 and 9, but felt that it was appropriate for it to consider all 10 complaints.

Complaint 1

The Committee considered whether the manner in which the heart operation had been presented misled the audience as to the actual involvement of acupuncture as a pain inhibitor. It noted that the programme had referred to the use of Western drugs to provide some pain relief:

Professor Kathy Sykes:

"Although sedated by drugs and her chest is numbed, she'll be conscious throughout the whole procedure."

The Committee also noted what had been said by the presenter, Professor Kathy Sykes, at the head of the programme:

"In China, a young woman is having open heart surgery. But it's unlike anything you'll see in the West. She's still conscious. Because instead of a general anaesthetic, this 21st-century surgical team are using a 2,000-year-old method of controlling pain. Acupuncture."

It also considered the report from the Royal College of Anaesthetists nominated experts who stated:

"It is obvious, from her appearance, that the patient has already received sedative drugs and I am informed that these comprised midazolam, droperidol and fentanyl. The doses used were small, but these types of drugs 'amplify' the effect of each other so that the effect becomes greater. Fentanyl is not actually a sedative drug in the strict sense, but a pain-killing drug of the same group as morphine. However, it is considerably more powerful than morphine."

"The third component of the anaesthetic is seen on the tape as well, and that is the infiltration of quite large volumes of local anaesthetic into the tissues on the front of the chest where the surgical incision is made. I have no information on what amount of which local anaesthetic was used..."

And:

"A superb insight into what can be achieved in a specific clinical situation by the use of minimal doses of local and sedative drugs, supplemented by the psychological impact of the practice of acupuncture style medicine. I believe that the effect is psychological, but that does not detract in any way from its effectiveness."

The Committee acknowledged that the programme had made reference to the use of drugs to aid sedation and pain, and that the programme team, in response to the complaint at stage 1 of the process, had agreed that the use of the clinical drugs should have been given more emphasis. However, the Committee was concerned that the programme had overly sensationalised the effects of acupuncture as a pain inhibitor and as such it felt the audience could have been misled. It found that the introductory remarks were misleading and inaccurate. It noted that the operation was of interest for the points raised in the anaesthetist's report, that is, the probable psychological benefit, and as such the programme should have been clearer as to what acupuncture might have been adding to the treatment of the patient. The Committee therefore felt that the programme was in breach of the guidelines on due accuracy and also felt that the programme misled the audience by failing to make the position clearer. The Committee upheld this complaint.

FINDING: UPHELD

Complaint 2

The Committee considered the issue of whether the item on the effect in the brain due to 'deep needling' had been overhyped and sensationalised by the programme. It noted what the experts had said in the programme with regard to the results that had been obtained from the experiment:

Dr Hugh McPherson:

"...Firstly, no one's combined these two techniques on the same patients. That's... that's a complete first here. This particular design of study is a complete first, trying to rule out certain features. And using this field strength with this magnetic field has not been done before. So, there's lots of firsts that are going on in this study. If you don't find it here, you're not going to find it anywhere."

Dr George Lewith:

"That reinforces the idea that something quite special is happening, something unique to acupuncture, something physiological."

Dr Aziz Asghar:

"...Well, as a neuroscientist, I... I'm particularly interested in activations of the brain, but the surprising thing about this study is that we have deactivations, a decrease in neural activity, and that's something, I think, that neuroscientists have got to take into account"

Dr. Hugh McPherson:

"Well, for me, the most extraordinary thing is, out of this whole study, is that we've got what you might call objective evidence. We've got biological correlates of acupuncture. Something's happening in the brain when you put a needle in. Different things happen with superficial, indeed. And they're clearly associated with acupuncture and it's something you can actually measure and quantify."

The Committee was satisfied that the statements made by the scientists were a true reflection of their views of the experiment and as such were an accurate presentation of the experiment. It believed the use of phrases such as "something quite special is happening, something unique to acupuncture" and "there's lots of firsts that are going on in this study" were sufficient for the programme to have suggested that the experiment was innovative, in other words "ground-breaking". The Committee therefore did not uphold the complaint.

FINDING: NOT UPHELD

Complaint 3

The Committee acknowledged that there had been obvious differences between one of the series' consultants and the production team on certain elements of the series, particularly the third programme on healing. It recognised that the use of consultants is important as they provide specific expert knowledge of a subject that will ensure greater accuracy and understanding of a subject for the audience. It also noted that there had been an open dialogue with both consultants and that changes had been made to the programmes following input from them, even though there was no obligation for the programme makers to do so as the BBC retains editorial control. The Committee also noted that in the case of the third programme the producer and consultant had come to an understanding in which all parties were happy to continue their association. The Committee was therefore satisfied that there was no breach of guidelines and did not uphold the complaint.

The Committee also noted that the presenter had incorrectly stated that she had met the consultant to address some of the issues raised in the programmes as part of the series. The Committee felt that this was not a deliberate act to deceive or mislead the audience. It noted that it was an accepted part of programme-making, and a sensible use of the licence fee, that participants could be interviewed by a member of the production team rather than by the presenter. This was widely understood and it was not therefore necessary to spell it out in the final programme as broadcast. Nevertheless, the statement that the presenter had met the consultant was an explicit claim which was factually wrong and should not have been

made. However the Committee agreed that, while this should have been avoided, the script error did not undermine a substantive element of the programme.

FINDING: NOT UPHELD

Complaint 4

The Committee was satisfied that the programme team was sufficiently qualified to be able to produce a programme on the subject matter of the series. In its view, the programme clearly indicated the difference between anecdote and evidence as expressed in the narrative of all three programmes:

Accupuncture:

"A lot of scientists coming here might say they need more evidence. I need more evidence..."

"I saw some amazing things in China and heard some very compelling stories, but nothing really amounted to hard evidence."

Healing:

"What I need to do now is to see what science makes of this, to know what can be said that goes beyond faith."

"I knew this centre was still experimenting (University of Arizona), but it seemed they're not so much trying to find out the evidence for healing energy, but rather working on the basis that there is one."

Herbalism:

"It sounds remarkable. But one person's experience, however powerful, isn't scientific proof."

"But herbalists are claiming that herbs aren't just there to provide raw materials for drugs. They can be powerful medicines in their own right. But is there any evidence for these claims?"

The Committee did not uphold the complaint.

FINDING: NOT UPHELD

Complaint 5

The Committee was satisfied that the programme had not shown a "general bias" throughout the series and that its investigation into the evidence supporting the three alternative methods of medicine had been in line with editorial standards. The Committee took note of all the relevant sections of the Editorial Guidelines. Two of the points considered to be relevant were:

“We exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate as long as there are good editorial reasons for doing so.”

“We can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views...”

The Committee considered the complaint against the required standards as a whole and was satisfied that the programme had had a clear editorial purpose in searching for the scientific evidence to support the claims of alternative medicine, and that during its investigation it had provided an opposing view to the claims and efficacy of the various treatments. The Committee was of the view that the series had not breached the required standard of due impartiality and did not uphold the complaint.

FINDING: NOT UPHELD

Complaint 6

The Committee was satisfied that the series had been made within the terms of the BBC's agreement with the Open University (OU). It had found no evidence of impropriety in the partnership with the OU in the making of this series. The series idea had been developed by the BBC ahead of any contact with the OU with regard to co-funding and editorial control had always remained with the BBC. The Committee did not uphold the complaint.

FINDING: NOT UPHELD

Complaint 7

The Committee was satisfied that the programme did not provide a tacit endorsement of untested medical products in the series. It was satisfied that the series, particularly in the third programme on herbalism with regard to the product Sutherlandia, had been sufficiently questioning and sceptical of the various forms of medicine and their powers to heal. It noted the comment from the presenter Professor Kathy Sykes when talking about the restorative effects of Sutherlandia:

“The stories are really moving. But I’m a Western-trained scientist ... and to convince me and other scientists in the West that herbs really work, I need to find evidence that’s more solid than this.”

The Committee was therefore satisfied that no product had been endorsed nor the audience misled as to its efficacy. The Committee did not uphold the complaint.

FINDING: NOT UPHELD

Complaint 8

The Committee acknowledged that the purpose of publicity material was to attract an audience by concentrating on the most engaging elements of a programme and that there was some licence to accentuate those parts of the programme. The Committee noted that the press release about the first programme, on acupuncture, had provided a very clear, accurate and informative description of the brain-imaging experiment. The Committee considered the material to be a fair appraisal of the programme's content. The Committee noted that the only reference to the open-heart surgery, in the last paragraph, although factually correct, did not mention the local anaesthetic used, but considered that its position, at the very end of the release, was an indication that it was not overhyped.

The Committee was satisfied that the publicity material was appropriate to the series and did not mislead the reader.

FINDING: NOT UPHELD

Complaint 9

The Committee considered the issue of the organising and writing of the letter to *The Guardian* in regard to the guideline on accountability:

“The BBC is accountable to its audiences. Their continuing trust in the BBC is a crucial part of our contract with them. We will act in good faith by dealing fairly and openly with them.”

The Committee recognised that the programme had the right to put its side of the case in the face of critical articles in the newspapers. It also accepted there was nothing wrong in writing and organising signatories to endorse the contents of the letter. However, the Committee agreed that it would have been appropriate for the BBC to have also signed the letter. It acknowledged that the programme had admitted to the error of including the names of two signatories without their permission and, while the Committee agreed that this was an error that should not have occurred, recognised that the programme had acted appropriately once the mistake had been made.

The Committee therefore, while acknowledging that the programme had a legitimate right to write and organise the letter to defend the series, agreed that it was wrong for them not to have acknowledged that the letter was from the BBC. The Committee therefore upheld the complaint on the grounds that the letter did not satisfy the requirement to deal with audiences fairly and openly. The Committee's view was that this breached trust with the audience. The Committee agreeing that it was important for all programme makers to deal fairly and openly with the audience.

FINDING: UPHELD

Complaint 10

The Committee did not recognise the issue raised in the complaint as the programme makers had already admitted to some misjudgements. It also noted that the BBC had put in place a complaints structure in order to address potential breaches of editorial standards and ensure that, if a breach occurred, suitable action would be taken to ensure that it would not be repeated.

FINDING: NOT UPHELD

Finally, the Committee, in considering the series as a whole, felt that the style and tone of presentation could have led viewers to the view that it had emphasised the positive effects of some of the treatments covered. It noted that the series examined the science and efficacy of alternative medical treatments, the provision of which by the NHS is a matter of political controversy. Notwithstanding this, the Committee believed that overall the series had not been biased or partial. This view was reached, as with all appeals regarding television programmes, following a viewing of the programmes. The Committee also noted that the script had recognised the difference between anecdote and evidence and the programme makers had responded to a number of the suggestions from the series consultants.

The Committee felt that it was important to emphasise that science programmes, particularly concerning medicine, must make a clear distinction between real evidence and an unsupported account of a process or treatment that would be of direct interest to many of the viewers.

FINDING: The Committee upheld two out of the ten complaints raised against the series. The two complaints upheld concerned accuracy (misleading the audience) and trust (dealing fairly and honestly with the audience).