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இலங்கை பத்திரிகை முறைப்பாட்டு ஆணைக்குழு
Press Complaints Commission of Sri Lanka

e-Newsletter

Vol 02: No: 07 - August 2012

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Comment, conjecture, rumour and unconfirmed reports are not facts

-Code of Practice for Newspapers and Magazines (Ireland), Principle 2.2

Mr. John Horgan, Press Ombudsman of Ireland shares his views on "Comment, conjecture, rumour and unconfirmed reports." This is and will remain a really difficult issue, he adds.

The interpretation and application of this Principle has been a matter of considerable controversy. A number of complaints have been upheld by me and on appeal by the Press Council about newspaper articles where a rumour etc. was stated in a headline as a fact, either because it had no formal attribution or because the necessary word or words in the headline had not been enclosed in single quotation marks - a typographical device accepted as meaning that the statement is an allegation or that the body of the article makes it clear that that it is an unconfirmed report or rumour.

It has sometimes been decided that where the attribution is contained in the first or second paragraph of the article, this is sufficient notice to the reader of the provisional nature of the statement in the headline, but in other cases in which the attribution has been clarified further into the article, or on a subsequent page, this has been held to be insufficient.

It is worth remembering also that in some newspapers - those in which a headline will cover all or most of the entire front page - it is not necessary even to purchase the newspaper to get the message that what is stated in the headline is being presented as fact.

The basic view is that any headline should be fully supported by the material in the article as a whole. If the headline has been "sexed up" to such an extent that it is not justified by the content of the article as a whole, then the headline may be a breach of this Principle of the Code, Headlines that have been found to be contested or argu-

able expressions of editorial opinion about the content of a factually-based news story have also been found to be in breach of Principle 2 of the Code.. There are substantial difficulties of interpretation here, as - whereas opinion articles have a large measure of protection under our Code, including protection for contested statements - the traditional demarcation line between news articles and opinion articles is increasingly under pressure.

What I have just written refers only to the issue of whether material has been "attributed" or not. Further and equally difficult questions arise in relation to the mode of attribution and the detail required.

Culturally speaking, British and Irish journalism is minimalist when it comes to attribution. There is frequent attribution to unnamed "sources," "confidential sources," etc., with the reader being given no information whatsoever about the source that would facilitate an assess-

ment of the source's reliability. For instance, one article that said simply "reports said..." without disclosing the fact that the "reports" concerned had in fact comprised an article published the previous day in a rival contemporary newspaper.

The interpretation of Principle 2 of the Code in Ireland is also relevant. The presumption is that as long as a statement in an article whose accuracy has been contested by a complainant has been attributed by the newspaper to a

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New DAA Chief: Self-regulation working, but more awareness needed

● *Microsoft still planning browser with "Do-Not-Track" default*
By: Jason Del Rey, Advertising Age Digital

It's been a stressful few months for the Digital Advertising Alliance (DAA), the consortium of ad trade groups trying to self-regulate around online privacy and the maker of those little triangular ads offering consumers information on tracking. That's because Microsoft continues to plan on releasing the latest version of its Internet Explorer browser with a "Do-Not-Track" signal turned on as by default.

What that means for the entire online ecosystem remains to be seen, particularly as there's yet to be industry consensus on what "do not track" even means.

In the meantime, the DAA has recently hired Mr. Lou Mastria, most recently the chief privacy officer at Canoe Ventures, as its new leader. Advertising Agency talked to him recently about the Internet Explorer issue and whether self-regulation is enough.

Advertising Age: What's your current stance on the Microsoft Internet Explorer issue?

Mr. Lou Mastria: We've been consistent about supporting browser-based do-not-track as long as it's a complement to the icon program. One of the fundamental things not being talked about is that the icon program provides consumers with choice in real time, not some setting made on my browser two years ago that I've subsequently forgotten about. A real-time choice like that has to do with relevancy, has to do with context of that consumer at that particular point in time.

Our program properly balances the need for privacy, control, transparency and trust on the internet with the ability for businesses to monetize. We don't think that shutting off the data flows that enable that balance to occur is an appropriate response.

Ad Age: But people like my wife, who aren't in media or advertising, have no idea what that icon means or what may even be behind it. So is that enough?

Mr. Mastria: Look, that's the right question to ask, and awareness going forward will continue to be a big part of this. Part of the DAA program is not only rolling

out the icon but rolling out a consumer-education campaign that we started. I think we're averaging about 1 million visitors a month to YourAdChoices.com, which describes what's going on. So we think that over time folks like your wife, my wife, the education component will reach them and start to show them what kind of happens.

Ad Age: Any possibility of changes to what the icon looks like? Is something like that needed?

Mr. Mastria: I think the real issue here is dealing with changes day in and day out. We're empaneling a committee on how does this work on the app side in the mobile environment. We are responding to change which is emblematic of self-regulation programs that can evolve very quickly. Will there be changes to the program? Yeah, there will be some fine-tuning. Ultimately the core principles of the program will continue to be the bedrock.

Ad Age: Isn't part of the issue with self-regulation exactly that? That it's self-regulation and why should consumers trust it?

Mr. Mastria: That's absolutely right, but the beautiful thing about how the DAA is structured is that we have as one of our seven principles enforcement. It's been less than a year, and the Better Business Bureau has acted on 12 cases.

Ad Age: So what's the DAA's next move when it comes to Microsoft?

Mr. Mastria: We have to see what comes next. Right now, as you pointed out, there are still very big open questions about how this gets implemented. But our focus remains the same. If there are browser-based mechanisms, they should be a complement to the market. You shouldn't disable this free and vibrant internet.

Ad Age: Do you envision a scenario where companies don't honor the Microsoft default?

Mr. Mastria: We made a commitment to honor browser-based mechanisms earlier this year at the White House. We certainly hope Microsoft understands what they're putting at risk in terms of the consumer experience of the web. And that's all we can say today.

(Courtesy: Ad Age Digital – August 17, 2012)



*Mr. Lou Mastria, Head
Digital Advertising Alliance*



The icon

UK PCC upholds complaint from N-Dubz star against *Heat* magazine

The Press Complaints Commission of UK has ruled that *Heat* magazine breached Clause 1 (Accuracy) of the Editors' Code of Practice following a complaint from Richard Rawson (also known as "Fazer") of N-Dubz. The complaint followed publication of an article headlined "Fazer told me he didn't have a girlfriend - then we kissed", which was trailed on the magazine's cover with a claim that the complainant had "cheated" on his girlfriend at the time.

The article was an interview with a woman who claimed Mr Rawson had kissed her at a nightclub; she also claimed that he had denied to her that he had a girlfriend. Mr Rawson accepted that he had danced with the woman, but strongly denied that any kiss had occurred or that he had told her that he did not have a girlfriend. He said that the magazine should have approached his representative for comment before publication, rather than informing him of the claims only after the edition had gone to print.

The magazine said it had not approached the complainant's representatives for comment because it was confident of its story. It provided an affidavit signed by the woman and a witness statement from a freelance journalist who had taken photographs used to illustrate the story, in which he confirmed that he had witnessed the alleged kiss.

The Commission was unable to reconcile the conflicting versions of events provided by the complainant and the publication. It considered the matter under the terms of Clause 1 (i) of the Editors' Code of Practice, which states that "the press must take care not to publish inaccurate, misleading or distorted information..." It noted that the magazine had been unable to provide direct corroborating

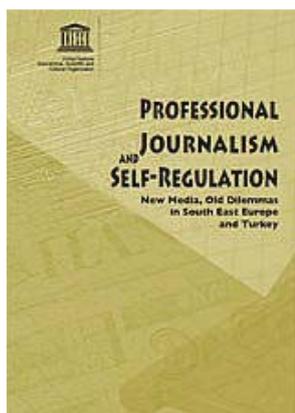
evidence of the kiss, such as a photograph, and concluded that the magazine's decision not to contact the complainant's representative about the story - which included "detailed claims about the complainant, including that he had been deceptive and unfaithful to his girlfriend" - prior to publication represented a failure to take care over the accuracy of the story under the terms of the Code. It upheld the complaint.

Charlotte Dewar, Head of Complaints and Pre-publication Services said: "Although the Code does not impose specific requirement of 'prior notification', seeking comment from the subject of a story before publication may be a necessary step to ensure the accuracy of any resulting coverage. While the Commission was not able to reconcile conflicting claims from witnesses about what had happened at the club, it decided that in the full context - which included the nature of the claims and the prominence with which they were trailed to readers - the magazine's decision not to seek comment from the complainant's representative about the incident before publication breached the terms of Clause 1."

The complainant also raised concerns under Clause 3 (Privacy) of the Editors' Code about the publication of the photographs of the complainant and the woman dancing at the club. The Commission noted that the evening on which they had been taken had been a "press night"; in a witness statement provided by the complainant, the complainant's stylist had commented that it would have been "stupid" for the complainant to have kissed the woman in the presence of journalists. The Commission concluded that the complainant - a well-known musician - did not have a reasonable expectation of privacy in such a context and did not uphold the complaint under Clause 3.

(Courtesy: UK PCC – August 14, 2012)

Professional journalism and self-regulation: New media, old dilemmas in South East Europe and Turkey



This publication compiles articles authored by distinguished experts and covers Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey as well as Kosovo (as defined by Security Council Resolution 1244).

This book examines the implementation of media accountability mechanisms created, operated and followed by media professionals on a voluntary basis. It was officially launched by UNESCO at the Conference on Journalism Ethics and Self-Regulation in Europe, held on 27 January in Paris.

The publication was produced as part of the 30-month project, Alignment to International Standards in the Media Sector of South East European Countries, implemented by UNESCO with funding from the European Commission and in close collaboration with the South East European Network for the Professionalization of Media (SEENPM), the Organization for Security and Co-operation in Europe (OSCE), and the Alliance of Independent Press Councils of Europe (AIPCE).

(Courtesy: United Nations Educational, Scientific and Cultural Organisation - UNESCO)

Comment, conjecture, rumour and unconfirmed reports *(Continued from page 01)*

source of any kind, then it is protected under the Code because of the inference that the statement is not necessarily factual (although it may be) but is an unconfirmed report, and is published, not on the authority of the paper itself, but on the authority of whatever source may be involved. I think it would be generally agreed that the newspapers in all our countries would be very much slimmer, less interesting, and less useful to society, if any Code prohibited the publication of rumours. I am not opposed to the publication of rumours - these are sometimes an essential way of flushing out the truth.

However, the issue is not whether or not rumours should be published, but whether and how, as part of its implicit bargain with its readership, a publication should make clear the fact that they are rumours, and how much information about the credibility of a confidential source can be given to readers without compromising that source's confidentiality.

There has been a perceptible change in practice in some of our newspapers since the creation of the Code and in the light of our decisions. This has been particularly noticeable in crime reporting, where in the past all sorts of statements, presented as fact, were commonly published about people with criminal backgrounds or records,

but without attribution or evidence of any kind, in the knowledge that these individuals were unlikely to sue for defamation and unlikely to win if they did. Some persons with criminal records have successfully complained to us about such statements about them in newspapers. The same issue has arisen much more rarely in cases of investigative reporting about business, politics etc. Other cultures are quite different.

In the USA, sourcing rules are very explicit, and even extend in some cases to a requirement that the reporter indicate precisely why, in the case of confidential sources, anonymity has been granted.

At a recent conference in Cardiff, a paper was given that illustrated the cultural condition of UK journalism in this regard - particularly the tendency for some newspapers to succumb to the temptation of becoming "news aggregators," or publishers of "vanilla news," by republishing without addition, alteration, or attribution, and sometimes without checking, material from other and rival publications in their own pages.

Sourcing from the internet, whether acknowledged or not, has not, so far, presented as a problem in this context, although I feel that it is only a matter of time before it does so.

PCCSL presents new Rules and Procedures to DRC



The Press Complaints Commission of Sri Lanka (PCCSL) presented to the Dispute Resolution Council (DRC) a new set of Rules and Procedures. Here members of the DRC headed by Chairman Sam Wijesinha (right) in conversation with the members of the DRC and the PCCSL Secretariat. (Photograph by Milroy Anthony)

Up Coming events

● "Media, Ethics and Good Governance"

At On Golden Pond, The Taj Samudra on Tuesday, September 11, 2012
at Time: 08.30 - 10.00 am

● Panel discussion on 'Communication Model of Epistemology Theory'

At the SLPI Auditorium 96, Kirula Road, Colombo 05 on Wednesday,
September 12, 2012 at 3.00 pm.

● SLPI-PCCSL Promotional Programme

At the Nest Line Holiday Resort Badulla on Friday & Saturday, September
14 - 15, 2012 at 9.00 am to 4.45 pm each day.

● Annual General Meeting of the PCCSL

At the SLPI Auditorium 96, Kirula Road, Colombo 05 on Tuesday, October
02, 2012 at 3.45 pm.

Board of Directors PCCSL

Mr. Kumar Nadesan (Chairman), Mr. Nimal Welgama, Mr. Sinha Ratnatunga, Mr. Manik de Silva, Mr. N. M. Ameen, Ms. Seetha Ranjane, Mr. Siri Ranasinghe, Mr. Sundara Nihathamani de Mel, Mr. G. Koththigoda and Prof. Ajantha Hapuarachchi.

PCCSL Secretariat

Mr. Sukumar Rockwood, CEO and Complaints Officer English Print Media, Mr. Kamal Liyanaarachchi Complaints Officer Sinhala Print Media and Mr. Ameen Hussain Complaints Officer Tamil Print Media.