

**Mr James Rae v Sunday Mail**

Clauses noted: 1

Mr James Rae of Ayr complained to the Press Complaints Commission through The McKinstry Company solicitors that an article published in the Sunday Mail on 4 April 2004 headlined "Stop stalking me" was misleading in breach of Clause 1 (Accuracy) of the Code of Practice.

The complaint was upheld in part.

The article reported that a schoolgirl, "terrorised by a man who was cleared of a sex attack against her when she was 13", had obtained a court order to stop him stalking her. It stated that the complainant had been banned from "going near" the girl at the centre of the story after carrying out a "sustained series of sick stunts in a two-year vendetta" against the girl's family.

The complainant's solicitors contended that the article was misleading because the court order referred to in the piece – an interim interdict that had not been challenged by the complainant – applied only to the girl's mother. The girl herself had not sought to obtain an interdict.

The newspaper stood by the accuracy of the report and said that the complainant had been approached for his comments three days before the piece appeared but had declined to speak to the reporter. The newspaper was free to report the fact that a court order had been granted against the complainant, and it contended that although the order had been granted in respect of the mother, its practical effect was also to protect the daughter since it prevented the complainant from visiting the family home where the girl lived.

*Adjudication*

The Commission noted that during the course of its investigation the newspaper had not disputed that the relevant court order had been obtained by the mother at the centre of the story against the complainant, and not by her daughter. Even though the Commission had some sympathy with the view that the daughter was likely to be afforded some protection as a result of the order preventing the complainant going to the family home, it remained – in the Commission's view – materially inaccurate to state that the girl had 'won a court order to stop [the complainant] stalking her'. There had been no attempt to correct this inaccuracy, and the result was a breach of Clause 1.

The Commission also considered that the article may have misled reader in relation to when the interdict against the complainant had been obtained. While the article gave the impression that the serving of the order had happened recently, it had in fact been granted some eight and a half months before publication – and some five months before the complainant was acquitted of the alleged sex assault.

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The complainant also complained that the article failed to report that some months prior to the interim interdict being granted against the complainant, he himself had been granted a final decree interdict against the girl's mother. This had been obtained as a result of her conduct towards him following the end of their relationship in 2002. In addition, the article gave the impression that incidents alleged by the girl and her mother to have taken place in July 2003 had definitely occurred. In fact, they were denied in their entirety by the complainant.

The newspaper said that the complainant, when approached, had not mentioned the interdict previously granted against the mother, although it said that it was not obliged to publish this information. It added that the report made plain that the complainant had been cleared of carrying

out an alleged sex assault on the girl. Nevertheless, the newspaper said it had noted the complainant's concerns on its files.

The complainant's solicitors explained that their client had not wished to speak to the newspaper's reporter because he had previously experienced negative reporting in the local press.

The Commission rejected these additional complaints. It did not consider that the newspaper was obliged by the Code to refer to the fact that he had previously obtained an interdict against the mother. The selection of material for publication is generally a matter for editorial discretion. Moreover, the Commission was satisfied that the claims of stalking had been presented in accordance with the Code as the allegations of the mother and her daughter, and noted that in any case the complainant had been given a chance to respond to those claims. The Commission noted that the article made clear that the complainant had been found guilty of only one crime in relation to the family at the centre of the story – namely, the vandalising of the mother's car.

Adjudication issued 2004