

Ms Connie Booth v Camden New Journal

Clauses noted: 1, 10

Ms Connie Booth of London complained through solicitors Berwin Leighton Paisner that an article headlined "Don't mention the classic comedy series" published in the Camden New Journal on 23 October 2003 was inaccurate in breach of Clause 1 (Accuracy) and contained material which had been obtained in breach of Clause 11 (Misrepresentation) of the Code of Practice.

The complaint was rejected.

The complainant's solicitors said that, after working as an actress, the complainant worked as a psychotherapist and recently helped to set up a support group for single mothers. She contacted the newspaper to enquire about advertising and the newspaper suggested a feature article on the group. An interview was arranged with the complainant with the express condition that a photograph of her was not to be used. When the article appeared, four promotional photographs of the complainant were used and the piece focused on her life and acting career rather than the group itself. The complainant recalled no discussion about her previous career during the interview and therefore considered that the article had been obtained through misrepresentation.

Furthermore, the complainant's solicitors argued that the article was inaccurate when it stated that "like many an actor before her, she has found solace in therapy". This gave the false impression that the complainant had emotional issues which needed to be addressed through the sessions.

The newspaper stated that it had not used misrepresentation in order to interview the complainant nor did it obtain any photographs through subterfuge. It had telephoned the complainant to request an interview and indicated that it would be very difficult not to mention her past career. According to the newspaper, the complainant agreed that her former career could help in attracting publicity for the group. The newspaper said that the issue of photography was not mentioned until the actual interview was taking place when it asked whether it would be possible to take a recent photograph of the complainant; this opportunity was declined after the complainant had consulted her colleagues. All the photographs used were from freely available library sources. The newspaper said that readers would not have formed the impression that the complainant had spoken about her past activities since the article made clear that she did not wish to talk about such matters nor have her photograph taken.

With regard to the alleged inaccuracy, the newspaper said that the text of the article made clear that the complainant "found solace in therapy – but as a practitioner not a patient" and that this was not misleading. The quotations were an accurate reflection of what the complainant told the journalist.

Adjudication

It was clear to the Commission that the complainant was happy to speak to the newspaper regarding her current career. The Commission was not in a position fully to establish the precise nature of any arrangement made between complainant and newspaper in advance of publication, although it was apparent from the article itself that the newspaper was aware that the complainant did not wish for the piece to include references to her previous career or photographs of her.

The Commission, however, did not consider that what was essentially a dispute over copy approval for the subsequent content of the article could raise an issue under Clause 11, which is principally designed to prevent journalists from misrepresenting themselves in order covertly to obtain information that would not otherwise be available. The decision – whether taken before or after the interview – to include publicly available material about the complainant's former career was a matter of editorial discretion. Ultimately, the complainant had consented to be interviewed by the

newspaper in order to promote her work; the manner in which the newspaper then presented that interview did not raise a breach of Clause 11 of the Code.

With regard to the alleged inaccuracies, the Commission did not consider that readers would have been significantly misled by the use of the phrase "solace in therapy" and was satisfied that no published response was required on this point. The Commission took the view that the connection which was made between acting and psychotherapy represented the journalist's comment – which could be published under the terms of Clause 1 – and that the presentation of such a link did not raise a breach of the Code.

Adjudication issued 2004