

### *A man v Sunday World*

Clauses noted: 1, 3, 10

A man complained to the Press Complaints Commission that two articles published in the Sunday World on 13 September and 20 September 2009, headlined "Private members club" and "Bukkake gigolo" respectively, were inaccurate, intrusive and that the newspaper had used hidden cameras and subterfuge in breach of Clause 1 (Accuracy), Clause 3 (Privacy) and Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice.

The complaint was upheld.

The articles exposed a "shocking new group sex craze" ('bukake') which was taking place in Ulster, based on the newspaper's own undercover investigation centring on the complainant. The coverage included claims that: the complainant charged an entrance fee to attend such events and made "big money" doing so; the complainant and his wife were a "sex-for-sale" couple; and the complainant was a "secret male escort"/"gigolo".

The complainant said that all these claims were untrue. He organised the events, which were not illegal, as a hobby and did not profit from them. They were staged for the sole purpose of producing footage to be sold on the professional female models' websites. While he and his wife had featured in pornographic material available on the internet, they did not make themselves sexually available to members of the public for money. The complainant was also concerned that the newspaper had used subterfuge as part of its investigation, which intruded into his privacy. The coverage featured stills from footage shot using a hidden camera by the newspaper's undercover reporter who had attended part of one event.

The newspaper said that there were strong grounds to believe that the complainant organised such events as part of a business. Its reporter had been obliged to pay in order to attend the event in question and screengrabs of the purchases had been provided. The public availability of footage taken from such events meant that they could not be considered to be private. It had been justified in exposing the event on grounds of protecting public health: a senior medical officer had said that the participants were at risk from sexually transmitted diseases.

The complainant said that there was no public health issue: the female professional performers involved were certified to industry standards, while the male performers were either certified or practised safe sex.

### *Adjudication*

While the newspaper was entitled to report on the sex industry in its local area, and offer its own robust comment and criticism about some of the associated practices, it was not free to pursue any journalistic approach to do so. There had to be sufficient public interest to justify the conduct of the journalists and the content of the articles.

On this occasion, the reporter had used a hidden camera to film the complainant, without his consent, in a private place in which a number of participants were about to be involved in consensual, legal sexual activity. The newspaper had used stills from this footage in its articles. Both the filming and the published images constituted a serious intrusion, which required a high level of public interest to justify. The newspaper could not reach that level in its defence, arguing only that practice of bukake raised a possible health risk. The Commission took that into account, but did not believe this defence was able to justify specifically the use of the hidden camera on this occasion. The newspaper was in a position to expose the existence of bukake parties (and the attendant health risks) without using such undercover footage.

The newspaper had also not provided sufficient evidence to support its assertion that the complainant was making "big money" from bukkake events. It had not provided any evidence at all that the complainant hired himself out as a "gigolo", or that his wife had "paid-for sex with strangers". On this basis, the Commission considered that the articles had been in breach of Clause 1.

This case revealed a bad editorial lapse on the part of the newspaper, compounded by an unacceptably slow response to the PCC investigation.

Adjudication issued 26/07/2010