

***A woman v News Shopper (Bromley)***

Clauses noted: 1, 9

A woman complained on behalf of her son that an article headlined "Vandals, yobs, thugs" published in the News Shopper on 2 October 2002 used a photograph of her son in a way that was likely to mislead readers in breach of Clause 1 (Accuracy) of the Code of Practice. Subsequently, she complained that an article headlined "We're yobsmacked" published in the News Shopper on 27 November was inaccurate in breach of Clause 1 (Accuracy) of the Code and identified her as a relative of a convicted criminal in breach of Clause 10 (Reporting of crime) of the Code.

The complaint was partly upheld.

The initial article reported that CCTV was being used to catch criminals in Bromley and encouraged readers to 'shop a yob'. The complainant said that the inclusion of a still from CCTV footage showing her son (and labelled 'guilty') was misleading. She acknowledged that her son had been found guilty of a crime relating to football hooliganism but his conviction was unrelated to the use of CCTV in the Bromley area or the News Shopper's 'shop a yob' campaign.

The newspaper said that the photo was illustrative and its use was not misleading. It published the complainant's letter to the Commission in a subsequent article about the case.

The complainant said that the publication of her letter was in breach of Clause 10 (i) of the Code as she was an innocent relative of a convicted criminal and she had been identified very clearly without her consent.

The newspaper believed that it was right to publicise the case. A complaint from a convicted criminal about the appearance of his photo in a newspaper was a matter of public interest, even if made via his mother.

***Adjudication***

In considering the initial complaint the Commission noted that the complainant's son had been convicted of a criminal act and had been caught on CCTV during a football riot. Although his conviction did not appear to have resulted from publicity relating to the newspaper's 'shop a yob' campaign, this had been made clear in an earlier piece (May 15), which also included his photo in exactly the same form as in the article under investigation. No complaint had been lodged about the use of the photo on this previous occasion and the Commission concluded that the item was, therefore, established in the public domain. It could not uphold the complaint under Clause 1 in these circumstances.

Moving on to examine the complaint under Clause 10 the Commission was dismayed that the newspaper had subsequently, and without consent, published the complainant's letter of complaint along with her partial address and her name. It did not accept that there was any public interest in identifying the complainant, who, despite complaining on behalf of a convicted criminal, remained an innocent relative deserving of the Code's protection.

While it acknowledged the editor's desire to publicise the results of any complaint against his publication the Commission considered that it was quite improper to publish details while an investigation was ongoing. The Commission will not tolerate complainants being ridiculed in this manner and it had no hesitation in upholding the complaint under Clause 10 of the Code.

Adjudication issued 2003