

***A woman v Kent Messenger***

Clauses noted: 1, 6

A woman complained to the Press Complaints Commission that an article published in the Medway Kent Messenger was inaccurate in breach of Clause 1 (Accuracy) and intrusive in breach of Clause 6 (Children) of the Code of Practice.

The complaint was upheld.

The article reported that a woman (who was not related to either of the children in question) was organising an event to raise money for a 16-year-old boy and his 14-year-old cousin – the complainant's daughter – to go to Florida. The article stated that both teenagers were 'seriously ill', had spent their lives 'in and out of hospital', and that the girl suffered from a muscle-wasting disease.

The complainant said that her daughter actually suffered from a far less serious condition and had never spent a night in hospital. She had appeared in the photograph only to give moral support to her cousin. Although the complainant was present when the photograph was taken, she had told the photographer that she would need to speak to the journalist before any article was printed. No-one from the newspaper contacted the complainant before publication, however, and a subsequent clarification concerning the nature of her daughter's illness was completely inadequate.

The newspaper apologised for any distress that had been caused. It said that it had been contacted by the fundraiser, who was seeking publicity for the fund-raising event, and it was she who had given them details of the daughter's condition. Given that the newspaper had dealt with the fundraiser on a number of occasions over similar matters, it was not unreasonable for it to have assumed that she was speaking with the full authority of the parents concerned.

***Adjudication***

While the newspaper's motives in publicising the fundraising initiative appear to have been honourable, the references in the article to the state of the girl's health did seem to be seriously inaccurate. As soon as this became apparent, the newspaper should have published a prominent correction and apology. Bearing in mind the age of the girl, and both the gravity of the error and the fact that it was avoidable, the Commission agreed with the complainant that the published clarification was wholly inadequate. This was a significant breach of Clause 1.

There was also a breach of Clause 6. It was not sufficient to argue that the information about the girl's health had been provided by the fundraiser. She was clearly not in a position under the Code to give consent for it to appear. The result of the newspaper's failure to seek proper parental consent was an intrusion into the private life of a 14-year-old.

Finally, however, given that the complainant was present when the photograph of her daughter was taken, there was no breach of the Code in relation to the manner in which the picture was obtained.

**Relevant rulings**

Price v The Observer, 2000

Messrs McCluskey Browne on behalf of their clients v Sunday Mail, 2000

Adjudication issued 2005