

Mr Alex Lothian v Sunday Mail

Clauses noted: 1, 10

Mr Alex Lothian of Fife complained to the Press Complaints Commission that an article headlined 'Ship of fools', published in the Sunday Mail on 14 October 2007, was inaccurate in breach of Clause 1 (Accuracy).

The complaint was upheld.

The article reported that the complainant was helping the owners of the HMS Bounty as the ship toured Europe. Mr Lothian said the piece repeated allegations, published in the newspaper in 2003, that he had previously complained about to the PCC. To resolve that complaint, the newspaper – while not admitting that its article was inaccurate – had agreed to keep on file a note setting out the complainant's denial of certain points. The complainant said that, in spite of this, the new article repeated the allegations without his denials. In particular, it stated that he had previously 'duped Navy chiefs' and 'tricked a maritime charity into believing he was a retired senior Royal Navy officer'. The complainant said he had never made inaccurate claims about his Navy career; he was not 'banned from trading in shipping'; and there was not anything untoward about the coastal patrol scheme referred to in the piece.

The newspaper said the article was accurate, as was the 2003 piece. However, it offered to clarify that the complainant denied ever having purported to be a recently-retired Royal Navy officer. The offer was rejected by the complainant.

Adjudication

The newspaper had, in 2003, agreed to keep on file the complainant's denial of various claims it had previously made about him. It also said that the points would be 'referred to as being disputed should the paper return to this or any other story concerning him again'. This undertaking had not been met, and the latest piece repeated three of the original claims without recording the complainant's denials. Despite the newspaper's contention that the allegations were true, the Commission concluded that by omitting the complainant's position on the matter – contrary to the undertaking – the article was misleading. The Commission regarded the failure to adhere to an offer made during the course of a previous PCC investigation as a serious matter and a rare example of bad practice. It upheld the complaint under Clause 1 (Accuracy) of the Code.

The complainant was also concerned that the newspaper had been sending copies of the 2003 article to his associates to obtain information about him, without saying that the piece had been the subject of complaint. The complainant considered that this amounted to misrepresentation in breach of Clause 10 (Clandestine devices and subterfuge) of the Code of Practice.

The newspaper said its reporter had not set out to misrepresent the position but said it would revise its working practices to ensure journalists made clear if articles were subject to complaint. The Commission considered this to be a suitable response to the complaint under Clause 10. There were no issues to pursue under this part of the Code.

Adjudication issued 15/12/2007