

***A man v Luton on Sunday***

Clauses noted: 1

A man complained to the Press Complaints Commission that the article headlined "Vice girls move into High Town", published in Luton on Sunday on 12 October 2003, included a photograph that had been altered in a misleading fashion in breach of Clause 1 (Accuracy) of the Code.

The complaint was upheld.

The complainant said that a photograph accompanying the article, which was about the increasing problem of prostitution on the streets of Luton, was misleading since it did not depict a real scene. The image showed a street corner and a supposed vice girl on the pavement; but the complainant said that the picture had been either posed or put together as an amalgam of two separate images.

The newspaper acknowledged that the photograph had been created from two separate images and explained that the woman who had posed as a prostitute had been happy to be pictured. It emphasised that the problem of prostitution in the city was growing and highlighting the rise of the vice trade was in the public interest. The use of an illustrative photograph was quite legitimate in these circumstances even if it did not show a real-life scene. The newspaper assured the complainant that if it used the image (or similar photos) again to illustrate articles, it would make clear that they were posed by a model.

The complainant said that the publication of the image was intended to alarm and dismay and the newspaper had wilfully used an invented image to achieve its aim.

*Adjudication*

Clause 1 of the Code states that newspapers and magazines must take care not to publish inaccurate, misleading or distorted material including pictures. In this case, while the report itself appeared to be accurate, the editor had accepted that the image did not depict a real scene and had been put together from two separate photographs. The question for the Commission therefore was whether the photograph was significantly misleading. It concluded that it was. There was nothing to indicate to readers that the scene had been posed and, given that the subject matter concerned an important matter of local public interest, considered that the newspaper should have taken greater care – for instance by publishing a suitable caption – to ensure that readers were not misled.

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The Commission took this opportunity to remind editors that they must make clear to readers when they have altered photographs in any material way. If they are unsure about whether their changes are significant they should incline towards transparency and declare that the image has been altered or artificially assembled, as the newspaper should have done on this occasion. Although in this case the breach of the Code was not particularly grave, it raised a point of principle to which the Commission attaches high importance.

Relevant rulings

Harman & Harman v Folkestone Herald, 1999  
Scott v Daily Mirror, 1996

Adjudication issued 2003