

2. Minutes

The minutes of the meetings held on 6th July 2011 and the extraordinary meeting of 26th July 2011 were approved as a correct record of the meetings and for publication.

3. Matters arising

(i) Complaint No. 10-5964 A man v Daily Mail (PCC Paper No. 5201)

Peter Wright took no part in the discussion of this complaint and left the room.

The Chairman informed the Commission that – following additional correspondence with the parties – this case has been resolved through an agreement to publish an apology.

(ii) Johann Hari

The Commission was given an update on this matter, after it had agreed at the previous meeting for the Chairman to write to the editor about the allegations. The Commission was informed that the internal investigation was ongoing and would report by the end of September.

4. Complaints

(i) Complaint No. 10-4027 Triesman v The Mail on Sunday (PCC Paper No. 5143)

Peter Wright remained out of the room for this brief discussion.

The Commission was to adjudicate on this matter at the meeting, but had been informed by both parties that there remained a possibility of resolution. As such, the Commission agreed for the complaint to be stayed and – should the complaint not be resolved – considered at the next meeting.

- (ii) Complaint No. 11-3141 Thomson v Daily Record (PCC Paper No. 5196)

Peter Wright joined the meeting again. Tina Weaver took no part in the discussion of this complaint and left the room.

After discussion the Commission reached a decision on this complaint and it was issued to the parties. However, subsequent to the meeting, additional issues were raised by the parties and the matter would be considered further in due course.

- (iii) Complaint No. 11-12373 Haji-Ioannou v Financial Times (PCC Paper No. 5197)

Tina Weaver rejoined the meeting.

Following discussion of this case the Commission ruled that the newspaper had offered a sufficient form of remedial action to address the breach of Clause 1 of the Code. There was no breach of Clause 12. It issued the following adjudication:

Sir Stelios Haji-Ioannou complained to the Press Complaints Commission that an article headlined “Greek chorus from Stelios does EasyJet a disservice”, published in the Financial Times on 11 May 2011, contained inaccuracies in breach of Clause 1 (Accuracy) and discriminated against him in breach of Clause 12 (Discrimination) of the Editors’ Code of Practice.

The newspaper had offered a sufficient form of remedial action under Clause 1. The complaint under Clause 12 was not upheld.

The article, which appeared in the Lombard column, commented on remarks made by the complainant about EasyJet, with particular reference to its failure to pay dividends. The article stated: “Stelios’s disgruntlement with EasyJet’s ‘absurd’ failure to pay a dividend for 11 years is curious, given that he was the chairman until 2009. His enthusiasm for a return of cash beyond the resumed dividend payments scheduled for next year may meanwhile reflect the mixed fortunes of his other businesses”.

The complainant said that this passage was inaccurate on two counts. Firstly, the complainant had resigned as Chairman of EasyJet in 2002, rather than 2009. While he had founded the company in 1995, and remained its largest shareholder, he had not held a majority position in the company since 2002. In addition, EasyJet had not made a dividend payment since its IPO in 2000: dividend payments could not, therefore, be “resumed”. The complainant added that it was inaccurate for the article to refer to him as “Greek”: he was a British citizen by birth, and did not hold Greek citizenship. He had dual nationality, that of the UK and Cyprus.

The complainant also argued that the article had referred to his race prejudicially in breach of Clause 12. He said that the article had attempted to portray him as an ‘untrustworthy foreigner’ (whose views should not be given weight) in the context of the Greek financial crisis. While the complainant accepted that many people used the shorthand “Greek” when referring to Greek Cypriots, he considered that the reference to a “Greek chorus” in the headline, in the context of the copy, was deliberately prejudicial. The reference to the “mixed fortunes of his other businesses” added to the impression that he, like Greece, needed ‘bailing out’. Moreover, the article had compared him to an “elderly relative”, despite the fact that he was on average one decade younger than the average board member. In his view, reference to his heritage was irrelevant and should not have featured in an article discussing the capital structure of EasyJet.

The newspaper accepted that there had been a regrettable error in regard to the date the complainant ceased to be Chairman, and apologised for the mistake. A contemporaneous piece in the same edition had contained the correct information. In addition, it accepted that the reference to payments being “resumed” required clarification. Following the complaint, the newspaper removed the relevant two sentences from its online version of the article, and offered to publish the following correction and apology in the same column:

On May 11, I wrongly stated that Sir Stelios Haji-Ioannou had remained chairman of EasyJet until 2009. In fact, he stepped down in 2002. His criticism of the lack of dividends from the company should be seen in that context. EasyJet has never paid a dividend, so my reference to ‘resumed’ payments scheduled for next year was, strictly, inaccurate. Apologies.

The newspaper did not accept that the reference to the complainant as “Greek” was inaccurate. The complainant had been born in Greece and appeared to be proud of his Greek heritage: the Stelios Philanthropic Foundation website made clear that the complainant “strives to further inspire entrepreneurship in Greece, his own birthplace” and stated that he was the “son of the late Loucas Haji-Ioannou, the Greek shipping magnate”.

The newspaper entirely rejected the complainant’s claim that the article had discriminated against him. It had been entitled to comment on the complainant’s conduct, which amounted to a critical running commentary of EasyJet’s board. The two analogies it had employed in the article – to an elderly relative and a Greek chorus – were literary conceits and had stemmed from this attitude. Their use was not prejudicial or pejorative in breach of Clause 12.

The newspaper said that the word “Greek” alone did not carry pejorative overtones, and there had been no accompanying epithet or description in the article. The newspaper said that it had not intended to, and did not, stigmatise the complainant as an ‘untrustworthy foreigner’ and had made no reference to Greece’s fiscal troubles, expressly or implied.

The complainant said that the newspaper may have thought that the “Greek chorus” reference was no more than a clever, colourful metaphor, touching on his ethnic background (less than accurately) and indicating that he had been vocal in his views about the company. The complainant said that the reference had to be considered objectively: it was no defence to say that it was tongue-in-cheek as readers looked for meaning and would have recognised the negative and offensive connotations in the current international economic climate.

While the complainant welcomed the newspaper’s apology, and the deletion of the references from the online article, he was not satisfied that his overarching concerns had been addressed.

Adjudication

The article had contained a significant error in regard to the date the complainant had resigned as Chairman of EasyJet. In the context of an account of the complainant’s position in regard to payment of the company’s dividends (which implied that he could have influenced this himself until 2009), this was clearly misleading and raised a breach of Clause 1 of the Editors’ Code of Practice. The reference to “resumed” payments may also have misled readers.

As such, it was necessary for the newspaper – as stated under the terms of Clause 1 (ii) of the Code – to offer to publish a correction and apology. It had done so in line with the terms of the Code. In the Commission’s view, this represented a sufficient form of remedial action. It considered that the apology should be published as soon as possible.

There was one final issue to consider under Clause 1: the reference to the complainant as “Greek”. This, the Commission decided, did not raise a breach of the terms of Clause 1. The complainant had accepted that many commentators outside Greece and Cyprus, his own staff and sometimes he, for the purposes of convenience, had referred to himself in such a manner, even if he was technically a British citizen by birth and held dual citizenship. He publicly has referred to his birthplace as Greece. There was always need for care to be taken in referring to a person’s nationality (which this case demonstrated), but the Commission did not consider that describing the complainant as Greek on this occasion raised a breach of Clause 1 of the Code.

Clause 12 (i) states that newspapers “must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability”. It also states, under Clause 12 (ii), that “details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story”.

There were two references to the complainant’s background in the article: in the headline (“Greek chorus from Stelios”); and in the text itself (“Might the Greek entrepreneur be annoying but right, as elderly relatives often are?”). Part of the complainant’s argument that the newspaper had referred to him prejudicially and pejoratively under Clause 12 rested on the implications of the term “Greek” for readers of a publication which focused on financial matters: in his view, simply referring to the country (which at the time had been the focus of global attention for financial problems) would resonate with readers and encourage distrust of him personally. The Commission noted this position. However, it did not agree that these references raised a breach of Clause 12 (i), for the following reasons.

First, the newspaper’s reference in the headline had clearly sought to employ metaphor based on both the complainant’s background, and the context of his dispute with EasyJet. The use of the term “Greek chorus” conveyed, in the Commission’s view, the meaning of someone commenting on central action as an interested (and related) observer. This metaphorical phrase was in common use (not only in regard to those connected to Greece), and the Commission did not agree that this could be seen as especially prejudicial or pejorative towards the complainant.

Second, the newspaper had not made reference in the text at any point to the financial crisis in Greece. It could not be correct to say that a financial newspaper should not make references to Greek nationality in any article (even those which did not refer to financial difficulties in the country). The word “Greek” was not pejorative per se.

Third, the newspaper’s comparison of the complainant to an “elderly relative” was explained in the piece and did not, in the Commission’s view, relate in any way to the complainant’s race. There was no breach of Clause 12 (i).

The judgement over the relevance of any reference to an individual’s background can be difficult for the Commission to make. The complainant’s argument was that the article had brought in his background for no good reason: it was irrelevant to the matter under discussion. The Commission acknowledged his view. However, the Commission had to have regard for the fact that the complainant had been happy for previous references to his background to be public knowledge; the fact that the complainant had been born in Greece was effectively part of his public persona (referred to on his own website). In the Commission’s view, such brief references to the nationality of a public figure, in a descriptive article about him, were not irrelevant. As such, the Commission did not consider that the newspaper had breached Clause 12 (ii).

While the complainant may have considered the comment piece to be hostile to him personally, the Commission did not agree that the views expressed by the columnist discriminated against him in breach of Clause 12. This part of the complaint was not upheld.

- (iv) Complaint No. 11-2565 Mensch v New Statesman (PCC Paper No. 5195)

Following discussion of this case the Commission ruled that the magazine had offered a sufficient form of remedial action to address a breach of the Code. It issued the following adjudication:

Louise Mensch MP complained to the Press Complaints Commission that three blog posts headlined “Rise of Sarah Palin’s ‘mama grizzlies’”, “Cameron, the Tea Party and a little backbench problem” and “Palin is coming to London”, published on the New Statesman website on 30 September 2010, 2 October 2010 and 7 June 2011, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors’ Code of Practice.

The magazine had offered a sufficient form of remedial action.

The blog posts focused on conservatism in the United States, with particular reference to Sarah Palin and the Tea Party. The 30 September 2010 blogpost previewed an article in the magazine, stating that the complainant, together with another MP, “love[d] Palin power” and “reveal[ed] their admiration for Sarah Palin and her troupe of ‘mama grizzlies’ in the Tea Party”. The complainant was said to have described Ms Palin as a “remarkable figure”: “I watched her acceptance speech at the Republican party conference and it seemed to me that it was a glorious moment, a birth of a new political star”. The article also said that she “identifies closely with Palin’s socially conservative agenda”. The 2 October 2010 blogpost, which contained a photograph of Christine O’Donnell, repeated this final claim, stating that “not all Tories lament the rise of the American right”. The 7 June 2011 blogpost stated that “several of Cameron’s MPs”, including the complainant, were “keen admirers” of Ms Palin, repeating the “remarkable figure” quote.

The complainant said that, following an interview with the magazine, her views on Sarah Palin and the Tea Party had been misrepresented. At the time of original publication in 2010 she had chosen not to complain to the PCC, instead writing an article on the Conservative Home website. The republication of the information in a blogpost in 2011 had prompted her to complain formally.

The complainant said that the magazine had made her out to be a cheerleader for both Ms Palin and the Tea Party, which was inaccurate and misleading. She accepted that she had made the reference to Palin's acceptance speech and the "birth of a new political star" (a view shared by almost every commentator at the time); however, she had made it quite clear that, as an early supporter, it was painful to see how the campaign had imploded. While she considered that Palin's reinvention after quitting as Governor was impressive, the complainant had outlined that she did not agree with her choice of candidates, especially Christine O'Donnell (who had been pictured specifically at the top of the blog). She did not back them, or identify with them: "I admired her grit and the fact she'd come back from such a nadir, but didn't agree with her choices". She had specifically stated that there was a "very odd woman who's just been selected in Delaware". In addition, she had said that the Tea Party was a "hodge-podge" with some members "off their rockers".

In addition, the complainant did not identify with social conservatism, and had said so explicitly in the interview espousing a feminist and non-social conservative viewpoint. She shared only one socially conservative view: she was pro-life, but even then it was "not even in [her] mind to attempt" to try to ban abortion, again disagreeing with the Governor, the Tea Party and the American right. For the record, the complainant said the following: "I oppose the death penalty. I favour gun control. (Both anathema to Gov. Palin.) I support gay marriage. I am an out and out feminist. I do not support a blanket ban on immigration".

The magazine did not accept that it had misrepresented the complainant's views, providing a copy of the transcript of the interview which had taken place. The full article, which mentioned the complainant briefly, reflected her misgivings about Ms Palin, making clear that she "acknowledges that the campaign exposed 'various problems' (such as a glaring lack of policy knowledge), but is impressed by the comeback Palin has achieved since the 2008 election, and the power she wields". The article did not misrepresent her broadly positive opinion of Sarah Palin. Nonetheless, as a gesture of goodwill, the magazine was happy to offer the complainant an opportunity to reply in the form of a blogpost on its website.

The complainant was willing to accept the offer of a right of reply, provided that it was accompanied by the following correction underneath:

The New Statesman accepts that Louise Mensch MP does not support the Tea Party or the ‘Mama Grizzlies’, and that in her interview with us, when asked if she took inspiration from the Tea Party, she replied “No, absolutely not”. We also accept that she singled out Christine O’Donnell, whose photograph we used to illustrate our blogpost, as a candidate she would never have endorsed.

The magazine did not accept that a correction was warranted.

Adjudication

There were two central issues for the Commission to consider here: whether the various blogposts inaccurately represented the views the complainant expressed about the American right, especially Sarah Palin and the Tea Party, in the interview with the magazine; and whether it was inaccurate or misleading to claim that the complainant “identifies closely with Palin’s socially conservative agenda”. There was also the question of the use of the image of Christine O’Donnell.

The complaints rested largely on matters of interpretation. In particular, based on what the complainant said in her interview, was the magazine entitled to claim that the complainant, and others, had “reveall[ed] their admiration for Sarah Palin and her troupe of ‘mama grizzlies’ in the Tea Party”? And would readers have been significantly misled by the claim that she “identified closely” with the socially conservative agenda of Ms Palin?

It was accepted that the complainant had praised Ms Palin, as the “remarkable figure” quote demonstrated, even if she had also made reference to her flaws. The reference to social conservatism was qualified, in the text of the articles themselves, by the quote attributed to the complainant about her pro-life views.

Nonetheless, the Commission considered that the points raised by the complainant were valid. In effect, her position was more nuanced than the blog coverage suggested to readers. Her critical comments on Sarah Palin’s political career, for example, had not been adequately outlined, and nor had the magazine suggested – as the complainant had in the interview – that she did not endorse all Ms Palin’s choices (and did not take inspiration from the Tea Party).

It was also clear that the claim about her identification with the social conservatism attributed to Sarah Palin only related to one issue: the complainant’s pro-life position. The broad assertion that she identified “closely with Palin’s socially conservative agenda” was, therefore, misleading, as it could imply agreement over a range of views.

On balance, the Commission considered that readers may well have been misled by the summary of the complainant's opinions as presented by the blog postings. This represented a breach of Clause 1 of the Code.

Clause 1 (ii) of the Code states that significant errors or misleading statements should be corrected. In this case, the magazine had offered to publish a blog posting by the complainant. The question for the Commission was whether the magazine had offered sufficient remedial action by doing so. The Commission considered that it had, for the following reasons.

The issues raised by the complainant related to how her comments had been summarised and interpreted in blog postings. As such, the Commission felt that her concerns would be most proportionately and properly addressed in the same format. This would, in its view, be more appropriate than a correction as the complainant would be able to articulate the full breadth of her perspective on Sarah Palin, the Tea Party and other related matters. As such, the Commission decided that the most appropriate manner of correcting the record would be through the publication of an opportunity to reply from the complainant in another blog.

The Commission considered that this opportunity to respond should remain open to the complainant on receipt of this adjudication, should she wish to take it up. In its view, the blog should be framed in an appropriate manner, linked back to the original blog posts about which she had complained.

Finally, the use of the photograph of Christine O'Donnell, to accompany one of the blogs, did not raise a breach of the Code. While it was true that the complainant had been critical of her in her interview, the blog did not suggest otherwise or make any claims about the complainant's views on Ms O'Donnell at all. Indeed, the reference in the blog to Ms O'Donnell related specifically to the views of another MP.

(v) Complaint No. 11-2216 Brown v The Citizen (PCC Paper No. 5198)

Following discussion of this case the Commission ruled that the newspaper had offered a sufficient form of remedial action to address the breach of Clause 1 of the Code. There was no breach of Clause 5. It issued the following adjudication:

Ms Denise Brown complained to the Press Complaints Commission that two articles headlined “Dog’s killer found dead” and “Man who shoved dog off a cliff kills himself”, published on 24 March 2011 in The Citizen, were inaccurate and misleading in breach of Clause 1 (Accuracy) of the Editors’ Code of Practice. She also complained that the newspaper had intruded into her grief, and included excessive information about the suicide of her son, in breach of Clause 5 (Intrusion into grief or shock) of the Code.

The newspaper had offered a sufficient form of remedial action under Clause 1. There was no breach of Clause 5.

The articles were inquest reports on the death of the complainant’s son, who had taken his own life. The deceased had previously been imprisoned for six months after killing a dog in 2006.

The complainant said that the articles contained a number of inaccuracies, most significantly a claim that her son had “bragged about the incident to local youths” and that she had said that he “wanted to get away from the Forest because he was becoming involved in the drink and drugs scene there”. The coverage had also inaccurately referred to her marital status and where she lived.

The complainant also said that the newspaper’s decision to highlight her son’s past – particularly the description of him in the front page headline as a “dog’s killer” – had intruded into her and her family’s grief. The articles, in her view, suggested that her son had deserved what had happened to him. The complainant also said that the coverage had contained excessive detail in relation to the manner in which her son had taken his own life.

The newspaper said that – while it had no wish to upset a grieving family – it was fully entitled to refer to the previous conviction of the complainant’s son. This was a matter of public record and had been mentioned during the proceedings. In its view, the headline was not insensitive and the article did not imply that the complainant’s son had deserved his death. The information in regard to the method of suicide was not excessive.

The newspaper said that the court reporter had transcribed the notes directly onto a computer and incorporated the information directly into the story without retaining the original notes. As such, it was unable to corroborate most of the information which had been challenged by the complainant. The claim that the complainant's son had "bragged" about the act had been previously published at the time of the original conviction. Nonetheless, the newspaper accepted that the complainant's marital status and local area were incorrect, offering to publish a correction on all four points which had been raised. This offer was rejected by the complainant.

Adjudication

As a matter of important journalistic principle, newspapers are clearly entitled to cover inquest proceedings, which take place in public. It is their role to ensure that the public at large are informed of the circumstances of unusual or unexplained deaths, which can often include suicides.

It is essential, however, that reports of inquests accurately make clear to readers what has occurred during the proceedings, in accordance with the terms of Clause 1. In this case, the articles had included basic errors in regard to the marital status and address of the complainant, which indicated a lack of sufficient care on the part of the newspaper. In addition, the newspaper had not been able to corroborate a quote attributed to the complainant, for example through the provision of reporters' notes. The Commission considered that the overall manner in which the newspaper had covered the inquest raised a breach of Clause 1 (i) of the Code. One lesson from this complaint for the editor, and the industry more widely, should be the need to retain contemporaneous notes as evidence for the accuracy of reporting.

In the circumstances, it was certainly incumbent on the newspaper, under the terms of Clause 1 (ii), to publish a correction on the issues raised by the complainant, which it had offered to do. In the Commission's view, the newspaper's proposal represented an offer of sufficient remedial action to the complaint under Clause 1. This correction should now be published – provided that the complainant does not object – following the Commission's adjudication.

There is an additional requirement on newspapers in regard to inquest reports: the need to handle publication "sensitively". While it was regrettable that the complainant had been upset by the coverage, the Commission took the view that the coverage in the newspaper did not raise a breach of Clause 5.

The newspaper had relied on information given during the inquest: it was not in dispute, for example, that the proceedings had made reference to her son's conviction for causing the death of a dog in 2006. The repetition of the information which had already appeared in the public domain did not raise a breach of this Clause. The newspaper's reference to the complainant's son in the headline was an accurate, if bald, statement of his previous actions which had been reported at the time. While the article was certainly prominent, appearing on the front page, the Commission did not consider that the publication of the article meant that the newspaper had not handled the matter with the appropriate sensitivity.

Clause 5 (ii) states that when reporting suicide, care should be taken to avoid excessive detail about the method used. The purpose of this Clause is to prevent copycat acts. In this case, the article had only referred to the material with which the complainant had hanged himself. The Commission found that the reference under complaint did not represent an excessive detail such that would represent a breach of the Code.

- (vi) The Commission formally approved (subject to individual queries on specific complaints raised with the office) the following PCC Papers, which had contained draft adjudications for Commissioners' ratification or otherwise 5150, 5151, 5152, 5153, 5154, 5155, 5156, 5157, 5158, 5159, 5160, 5161, 5162, 5163, 5164, 5167, 5168, 5169, 5170, 5171, 5172, 5173, 5174, 5175, 5176, 5177, 5178, 5179, 5180, 5181, 5182, 5185, 5186, 5187, 5188, 5189, 5191, 5192, 5193, 5194. All papers had been circulated since the previous Commission meeting.

5. Discussion paper - Sufficient remedial action: publication of corrections after a Commission decision (PCC Paper No. 5200)

Following a recent case, the Commission discussed the principles behind decisions when it rules that there has been a breach of Clause 1 of the Code yet sufficient remedial action has been offered by a newspaper or magazine in the form of a published correction, clarification or apology. After discussion, it agreed that Clause 1 (ii) of the Code imposes a positive obligation on the publication to ensure that an inaccuracy is corrected on receipt of such a decision, unless the complainant specifically objects to its publication.

6. Chairman and Director's meetings (PCC Paper No. 5202)

Commissioners received an update on appointments undertaken by the Chairman and Director.

7. Any other business

(i) Leveson Inquiry

Michael Smyth, Chairman of the PCC's Reform Committee, updated the Commission with details of how the PCC was responding to the Inquiry. He made clear that the office was working to full capacity to submit a complete account of the work of the PCC, and an early demonstration of its views on reform, to the Inquiry by 16th September. This was likely to run to over 100,000 words.

(ii) Code Change (PCC Paper No. 5207)

The Commission ratified a proposed change to the preamble to the Editors' Code – suggested by the Editors' Code Committee – requiring that the prominence of upheld adjudications be agreed with the Director before publication.

(iii) Farewell to the Chairman

The Commission thanked the Chairman for her contribution to self-regulation and said goodbye to her with all good wishes for the future.

8. Date of next meeting

Wednesday 19 October 2011 at 2.00 pm at Halton House, 20/23 Holborn, London EC1N 2JD