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**ADJUDICATION NO: 20/A/2017**

**NAME OF PROGRAMME:** NEWS REPORT

**DATE AND TIME OF BROADCAST:** 04 JUNE AT 13:00

**BROADCASTER:** MULTICHOICE – CHANNEL 405  
(ANN7)

**COMPLAINANT:** DIMBLEBY

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**COMPLAINT**

**Complaint concerning the repeated broadcast of a distorted news item.**

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**APPLICABLE RULES**

**Clause 28 News**

- 28.1.1 Licensees must report news truthfully, accurately and fairly.**
- 28.1.2 News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by –**
- 28.1.2.1. distortion, exaggeration or misrepresentation;**
  - 28.1.2.2. material omissions; or**
  - 28.1.2.3. summarisation.**
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## ADJUDICATION

[1] A complaint was received concerning an alleged distorted news item broadcast by ANN7 on 4 June 2017.

[2] **The complaint was formulated as follows:**

“I have just been listening to the 12.30pm ANN7 news (Sunday, June 4) and heard the presenter say that Helen Zille had said that “colonialism was not at all bad”. This is what the station had to apologise for on May 5. This makes me wonder how sincere the apology was. See the e-mails below in which ANN7 said it had happened when a video editor inadvertently added the word “at” to a visual graphic. Today it was said vocally on a feature on Zille’s suspension, so the station cannot blame a video editor. ANN7 has never had any credibility, but it is getting worse and worse with its distortions of the news.”

[3] **The Channel responded as follows:**

ANN7 acknowledges and regrets the error pointed out here. Our fact-finding exercise has established that the anchor reading the 12:30 hrs bulletin misquoted Ms. Zille inadvertently. The anchor realises that she once misread the script and ended up misquoting Ms. Helen Zille.

It is important to note that 1) the script of the story had the right quote and 2) the quote was correctly produced as an accompanying graphics for the story. It must also be noted that except for the one instance mentioned above, the Zille story ran throughout Sunday(4th June), Monday(5th June) and Tuesday(5th June) without any error.

We, therefore, humbly submit that the mistake was neither intentional nor a result of any weaknesses in the processes. The mistake arose from a rare error by an anchor who has been served a warning notice for the same. ANN7 offers to run an apology on the ticker scroll in the above matter.

We are a young channel that is continuously evolving for the better and while ANN7 is committed to meeting the highest standards of ethical journalism and takes pride in the diversified voice it brings to South African media space, it is impossible to not notice unfortunate attempts to drag ANN7 into politics due to its ownership. ANN7 has faith that the institutions tasked with safeguarding the democratic structures and values will not allow vested campaigns to muffle an important opinion voiced by ANN7.

Please see link below for your reference -

<https://drive.google.com/file/d/0B3I57DWF0HJfZUR1ZWJFdk5ZZUk/view?usp=sharing>

[4] **The Complainant replied as follows:**

“It is not acceptable to run an apology only on the ticker scroll. It should also be read out by the news anchor. When I heard the misquote there was no accompanying graphic with it. The previous time ANN7 misquoted Helen Zille it was repeated for several days.

It is a joke for ANN7 to claim it is committed to meeting the highest standards of ethical journalism. It is the most unethical news broadcaster I have ever seen or heard. Most stories are twisted and distorted to present its biased views. It is continually getting worse and is a disgrace to the media profession. No one with any integrity could take it seriously.

## PREVIOUS BACKGROUND

- [5] **On 24<sup>th</sup> March and 14<sup>th</sup> April the Complainant lodged the following complaints:** “I would like to register a complaint about the news coverage of the TV station, ANN7. It is always biased and distorted. For example, the channel continually quotes on screen Helen Zille in her tweet as saying “colonialism was not at all bad” whereas she said “colonialism was not all bad”, which is completely different. Newspapers are forced to print corrections and apologise for their mistakes, but ANN7 seems able to get away with saying or printing anything it likes.”

In response to your reply, please note the following: ANN 7 in its news broadcast on Wednesday, April 12, at 9.35pm again claimed on the screen that Helen Zille had said that “colonialism was not bad at all” and repeated this the following night in its news headlines at 7.30. ANN 7 claims to present news that is “balanced, fair and transparent”, but instead is a “propaganda channel” as former Finance Minister Pravin Gordhan described it. See my original letter of complaint below.

**The Channel responded as follows on the 24<sup>th</sup> April:** Regarding the complaints against the ANN7 that it misrepresented what Helen Zille said, we have received the following apology addressed to the complainants and an offer to broadcast the apology. Please note that the channel has provided the attached clips demonstrating the correct and incorrect use of quotes. Is it possible to check with the complainants whether this is acceptable failing which we’ll provide a more detailed response?

*“We note the error with regret and humbly submit that the error was inadvertent and limited. The error crept in when a video-editor while refreshing the visual graphic mistakenly added the word ‘at’ to the original quote, “colonialism was not all bad”. Prior to the mistake, the channel was using the correct visual graphic.*

*Please find the correct version of visual graphic that the channel played on the 12th of March attached along with the incorrect version which only got introduced later while refreshing the visual. The incorrect version has now been completely removed from the system to prevent a repeat. While the error was unintentional, we however acknowledge the mistake and are willing to broadcast an apology.”*

**The Complainant replied as follows:** “I would like to see an apology on ANN 7 on the main news, not in some time of the day when hardly anyone is watching. I must also point out that the mistake was not limited, but was broadcast several times.”

The apology was broadcast on the 5<sup>th</sup> May at 19H30 and the matter was considered closed since the Complainant was satisfied.

## EVALUATION

- [6] Regarding the abovementioned previous contraventions of the BCCSA Code for the repeated broadcast of the same inaccurate statement in various news bulletins,

the Broadcaster blamed the repeated error on “a video-editor (who) while refreshing the visual graphic mistakenly added the word 'at' to the original quote, ‘colonialism was not all bad’”. It gave the assurance that “The incorrect version has now been completely removed from the system to prevent a repeat”. The BCCSA ordered the Broadcaster to broadcast an apology in their main news bulletin at 19h30, which was done. In its response to the present complaint, the Broadcaster blames the news presenter for the same error and offered to run an apology on the ticker scroll. This is unacceptable to the complainant.

- [7] The ultimate responsibility for what their presenters say on air always resides with broadcasters. In the present volatile political situation in the country and in the light of the previous contraventions regarding this controversial news story, which generated much public debate, one would expect the Broadcaster to be extremely cautious in follow-up broadcasts. In my opinion the Broadcaster was negligent in its briefing of the news presenter. It should have drawn the attention of the latter specifically to the wording of the particular news item so that it would not be distorted again. Due to the rapid social changes, instability and conflict in South Africa, citizens depend to a great extent on the mass media for reliable information and news organisations play an important role in their perception of reality. In essence, news broadcasters sell ways of thinking, seeing and talking about the world. Therefore, they are morally obligated and responsible to report news as truthfully, accurately, fairly, and in the correct context, as possible. It should be borne in mind that especially disadvantaged and illiterate audiences have no means of evaluating media content and may thus be extremely susceptible to the effects of news reports.
- [8] In its response, the Broadcaster also states the following: “*It is impossible to not notice unfortunate attempts to drag ANN7 into politics due to its ownership. ANN7 has faith that the institutions tasked with safeguarding the democratic structures and values will not allow vested campaigns to muffle an important opinion voiced by ANN7.*” In this regard, I need to mention that it is a properly

researched and known fact that media owners often determine the editorial lines and cultural stances of the media organisations they own and journalists usually write stories in accordance with internal organisational norms and policies. However, the complainant did not mention anything in this regard and did not refer to ownership at all.

[9] Particularly after considering the background related to the complaint, I have to conclude that the Broadcaster was in contravention of **Clause 28.1.2.1** of the Code of Conduct for Subscription Broadcasters and **therefore the complaint is upheld**. Although I have taken into account that the Broadcaster has conceded the error and has taken certain steps, the fact remains that it must, in law, accept responsibility for what its presenters say on air. Therefore, presenters should be well-informed about the Code of Conduct.

[10] **Submission on sanction:**

**The Complainant:** “Thank you for your adjudication. In considering an appropriate sanction I do not feel that a simple apology would be sufficient. The following aggravating factors should be taken into account: This is the second separate time that ANN7 has repeated its distortion of what Helen Zille said. The first time (on April 12) ANN7 said the error was “inadvertent and limited” (which was not true as it had been repeated several times earlier, but I was not able to give the exact times and dates) and “crept in when a video editor, while refreshing the video graphic, mistakenly added the word “at” to the original quote, “colonialism was not all bad”.

The second time ANN7 said “the anchor reading the 12.30 bulletin (on Sunday, June 4) misquoted Ms Zille inadvertently. The anchor realises that she once misread the script and ended up misquoting Ms Helen Zille”.

In both instances relatively junior but important staff members are blamed. They clearly need training in basic journalism and ethics and senior staff members should monitor news broadcasts and correct misinformation immediately, not wait for an official complaint to be made.

In addition, ANN7 said: “It is impossible to not notice unfortunate attempts to drag ANN7 into politics due to its ownership”. In the complaints there was no attempt to do this and no reference was made to its ownership.

I would also like to point out that ANN7 constantly fails to implement the applicable rules as quoted in Clause 28 News. Its news is not presented truthfully, accurately and fairly. Neither is it presented in a fair manner, without intentional or negligent departure by distortion, exaggeration or misrepresentations.

Its news broadcasts are usually accompanied by comments or text designed to denigrate anyone ANN7 does not agree with. Also when there is a discussion the “experts” and political commentators interviewed are usually the same people (Jimmy Manyi, representatives of Black First, Land First and others who all have the same opinions). There is no attempt at balance or to provide an alternative viewpoint.

ANN7 is the perfect example of what journalism training programmes teach their students how **not** to present news or discussion programmes.

In conclusion, I feel ANN7 should be forced to broadcast an appropriate correction and apology for twice (at least) misrepresenting Helen Zille’s comment, be reprimanded for repeating a distorted version of what Helen Zille said and pay an appropriate fine which should be determined by the BCCSA. This would indicate that these transgressions are taken seriously. The fine should be also mentioned as part of ANN7’s correction.”

**The Broadcaster: “RE: DIMBLEBY VS MULTICHOICE (CHANNEL 405): ARGUMENT IN MITIGATION**

1. We refer to the draft adjudication in the complaint by Mr Dimpleby against MultiChoice, channel 405 (ANN7) regarding the comments by a news presenter.
2. The draft adjudication concluded that the news broadcast contravened clause 28.1.2.1 of the Code of Conduct for Subscription Broadcasters.
3. As previously indicated, we admit the error and contravention.
4. In mitigation we request that the Adjudicator to take the following factors into account:
  - 4.1 The channel has already taken disciplinary action against the news anchor and issued a warning.
  - 4.2 The channel has offered an on-air apology. The apology has already been recorded and is attached for approval by the adjudicator.
  - 4.3 The apology is recorded as follows: "ANN7 regrets inadvertently an error while reporting Helen Zille's story that took place on the 4th of June 2017 in the 12pm news bulletin last Sunday. The anchor misquoted Zille as having tweeted that 'colonialism was not at all bad' were she had in fact tweeted and I quote 'colonialism was not all bad' unquote. ANN7 humbly submits that the error was inadvertent and care will be taken to prevent such mistakes in the future."
  - 4.4 Lastly that the error was on the part of the newsreader as opposed to the systems.
5. In view of the above, we submit that a reprimand in terms of clause 14.2 and a directive for correction in terms of clause 14.3 of the Powers of an Adjudicator will be appropriate sanctions.”

[11] I take note of the submissions regarding aggravation and mitigation filed by the Broadcaster and the Complainant respectively. However, the following facts must be taken into consideration:

- Today, 5 July 2017, the Broadcaster writes: “*The apology has already been recorded and is attached for approval by the adjudicator*”. However, the apology was already broadcast on 14 June 2017. The Broadcaster ignored the BCCSA’s requests (9 and 13 June) that it should confirm that a verbal apology would be broadcast. On 14 June (without knowing that the apology had already been broadcast) the BCCSA informed the Broadcaster that the matter is referred to an adjudicator.
- Since the BCCSA was not notified about the apology, it could not be approved and the Complainant could not be informed.
- This is a second complaint on the same issue and this time it could not be blamed on a system error, the news editor should have noticed it. As argued in paragraph [7], citizens depend on the mass media for reliable information and news organisations play an important role in their perception of reality. The consequences of negligent errors such as this one cannot be taken lightly.

**In the result, I came to the conclusion that the apology should be repeated and the Registrar informed at least 48 hours before it is broadcast so that the relevant parties may be informed thereof. For the re-occurrence of the same negligent error, a fine of R10 000 is imposed as sanction, which must be paid to the BCCSA within 15 days after receipt of this adjudication.**

**DR. LINDA VENTER  
BCCSA COMMISSIONER**