

**Minutes of the Complaints Committee Meeting
Tuesday 15 October 2024 at 10:30am
Gate House**

Present

Lord Edward Faulks – Chair
Bulbul Basu
Sarah Baxter (*remotely*)
Andy Brennan
Manuela Grayson
Carwyn Jones
Alastair Machray
Asmita Naik
Mark Payton
Allan Rennie
Ted Young

In attendance:

Charlotte Dewar, Chief Executive
Alice Gould, Head of Complaints
Emily Houlston-Jones, Head of Complaints
Michelle Kuhler, PA & minute taker, (*remotely*)

Also present: Members of the Executive:

Ellie Richards Coldicutt
Sarah Colbey
Tom Glover (*remotely*)
Natalie Johnson
Rebecca Munro
Marcus Pike
Molly Richards
Sophie Thomsett (*remotely*)

Observers:

Jonathan Grun, Editors Code Committee
Sarah Havlin, Consultant

1. Samaritans' session

Lorna Fraser, Professor Ann John from Swansea University and Professor Keith Hawton from Oxford University gave a presentation to the Complaints Committee on the work of the Samaritans.

2. Apologies for Absence and Welcomes

The Chair welcomed Sarah Havlin to the meeting.

Apologies were received from David Hutton.

3. Declarations of Interest

There were no declarations received

4. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 3 September 2024.

5. Matters arising

There were no matters arising.

6. Update by the Chair – oral

Discussed recent developments and the upcoming IPSO 10 year conference.

7. Complaints update by the Head of Complaints – oral

Emily Houlston-Jones gave the Committee an update on complaints of note.

8. Complaint 00929-24 Vazon Vapes v The Guernsey Press and Star

The Committee discussed the complaints and ruled that the complaints should be upheld breach of Clause 1 (i). **A copy of the ruling appears in Appendix A.**

9. Complaint 03814-24 Two Complainants v bucksfreepress.co.uk

The Committee discussed the complaint and ruled that the complaint should not be upheld. **A copy of the ruling appears in Appendix B.**

10. Complaints not adjudicated at a Complaints Committee meeting

The Committee confirmed its formal approval of the papers listed in **Appendix C.**

11. Any other business

A Committee member made a request for a recent complaint to be brought back to the next Committee meeting as part of a thematic review.

12. Date of next meeting

The date of the next meeting was subsequently confirmed as Tuesday 26 November 2024.

APPENDIX B

00929-24 Vazon Vapes v The Guernsey Press and Star

Summary of Complaint

1. Vazon Vapes complained to the Independent Press Standards Organisation that The Guernsey Press and Star breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "‘Pocket money’ vapes still on sale to children", published on 29 January 2024.
2. The article – which appeared online only – reported on the issue of vapes being accessible to children and being sold at low prices on the Isle of Guernsey. It reported that "vaping nicotine products [we]re on sale locally for as little as 19p, with the Bailiwick still without any regulations on the sale and promotion of vapes". The article reported that there had not been further progress made by the Isle of Guernsey in relation to regulating vapes since the previous May when the Health and Social Care department had reviewed the regulations. It said this had left "vapes without regulation and within the reach of children, clearly selling at ‘pocket money’ prices".
3. The article referred specifically to the shop Vazon Vapes, the complainant, and its website, which it reported advertised nicotine salts "for 19p", vape liquid "from 23p", and "disposable vapes from 49p". The article further reported that "when visiting the [Vazon Vapes'] website, a date of birth for an age of over 18 was required, however it was easy to put in an incorrect year, and no proof of identity was required". The article also reported that "Vazon Vapes, which used to run a physical shop in Contree Mansell until the end of 2022, was approached for comment by email, but did not respond". The article also referred to another vape seller.
4. The publication sent the following email to the complainant on 25 January 2024, four days prior to the article's publication:
"I understand that your business is mostly online and so I am hoping to get your thoughts on a few things:
 - *Does your online shop comply with UK regulations, or do you offer more variety because of the lack of legislation in Guernsey?*

- *What is the maximum strength of vape/liquid that you offer?*
 - *Do you ID people under the age of 18? If so, how does this work online?*
 - *Do you often get customers under the age of 18 trying to buy vapes? How does your business deal with this?*
 - *Would you like to see regulations on the sale of vapes and vape liquids in Guernsey? If so, what do you think this should include? (for example, nicotine strength, age restrictions etc.) I noticed that some of your vape liquids are on sale for as little as 19p.*
 - *Is it a concern that nicotine is accessible at such a small price?*
 - *This price is easily payable by young children, would they be able to access these products?*
 - *How are you able to sell at such a low price?*
 - *Do sales increase when you offer products at these prices? It would be great to hear what you think about this and would be helpful if you would get back to me by 3pm tomorrow (Friday)".*
- The complainant did not reply to this email.

5. The complainant first complained to the publication directly on 29 January, the same day the article was published. It set out its concerns about the article, but did not confirm the age verification checks it had in place. It then made a complaint to IPSO. The complainant said the headline and text of the article was inaccurate in breach of Clause 1 as its shop did not sell vapes to children – and never did. It also said it was not aware of vapes being on sale to children in Guernsey. It said it used the following four age verification and identification methods to prevent sales to under 18s:

- *In person age verification and in person ID checks – the identification provided was checked in person by trained staff during the time it operated a physical store.*
- *Age Check by merchant acquirer – this method checked age by using information from the company operating the bank card and information from databases like Experian. The age check was performed before the card payment is processed – if the card holder was under 18, the transaction would not be completed and the goods could not be purchased.*
- *Age verification application – a person must enter their age and be over 18 in order to enter the website.*
- *Terms & Conditions Check Box application – customers are required to agree to the terms and conditions confirmation of the website before they can check-out.*

6. The complainant also said the article was inaccurate where it reported that “it was easy to put in an incorrect year [as part of a person’s date of birth], and no proof of identity was required” on the Vazon Vapes website. The complainant did not consider that breaking its Terms of Use to view its website was equal to being able to purchase from a website without the need for any identification and re-iterated that it did not sell items from its website to those under 18 years of age. It stated that when it operated a physical store, it was also able to verify a person’s age in person.

7. Further to this, the complainant said the article inaccurately reported that it was “clearly selling [products] at ‘pocket money’ prices”, as the listed prices were from the clearance section of the website, and there was not a section called “pocket money prices”.

8. The complainant also said the article breached Clause 1 as it was not given a reasonable opportunity to respond to the email sent by the publication prior to the publication of the article. The complainant said it received an email to its customer email address at 17:33 on 25 January and that the reporter requested a reply before 15:00 the next day. The complainant did not consider this was a reasonable amount of time to respond.

9. The publication did not accept a breach of Clause 1. It said the article did not report that the website was selling, or had sold, vapes to children, or that the complainant was operating outside of the law, but rather that all available evidence appeared to indicate that children could access the products if they wished to. The publication added that it had approached the complainant for comment prior to publication via email, and had also tried to call it, but did not receive a response until after the article’s publication. Prior to the complainant making its complaint to IPSO and on the same day as receiving the complaint, the publication responded directly, and offered to publish a comment from the complainant. During IPSO’s investigation and 7 days after being made aware of the complaint by IPSO, the publication offered to print a correction on pages 2-5 of the newspaper, and as a footnote to the article or beneath the headline.

10. The complainant disputed the original wording offered, so the publication amended and finalised the offer on 26 June 2024 to: *“On 29 January 2024 we published an article entitled “Pocket money” vapes still on sale to children’, which made reference to*

purchasing online from Vazonvapes.com and the age verification procedures on its website.

Since publication, the Guernsey Press has been made aware by Vazon Vapes of its age verification process for the website.

It said that customers had largely been ID'd in person when the company ran a physical shop from 2015-2022, but that all customers were age-checked online at the point of sale by the merchant acquirer. If the merchant acquirer cannot confirm the cardholder is 18 years of age, the card transaction will fail and an order will not be generated.

The Guernsey Press did not verify, by attempting to make a purchase, that vapes and vaping products were available to anyone under the age of 18 from Vazon Vapes website.

We apologise to Vazon Vapes for the inaccuracies published and for any disruption the article may have caused".

11. The publication did not accept it had breached Clause 1 in relation to the claim that "it was easy to put in an incorrect year [as part of a person's date of birth], and no proof of identity was required". It said that it did not appear to be in dispute that it was possible, now, for a customer to lie about their age to access the products for sale on the complainant's website. It said it had tried this on three separate occasions and was able to proceed to the website. In relation to the age verification procedures, the publication said it did not appear from its research that there were additional checks at the point of payment beyond the verification of a payment method.

12. The publication did not accept it had breached Clause 1 by reporting that the complainant was "clearly selling [products] at 'pocket money' prices". Where there were vapes on sale for less than 50p, the publication did not consider it was inaccurate or misleading to describe them as "pocket money prices".

13. The publication also did not accept it had breached Clause 1 where it had reported that the complainant "was approached for comment by email but did not respond". It said that the complainant had been approached for comment, and had not responded before the article's publication several days later.

14. The complainant did not accept the amended correction proposed by the publication as it conceded only the fact that the publication did not verify the claims by purchasing an item from the website.

Relevant Clause Provisions

Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and – where appropriate – an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

15. The Committee first considered whether the headline and the text of the article inaccurately reported that children could buy vapes from the complainant. The headline reported as fact that vapes were “on sale to children” and the text of the article referred directly to the complainant’s business. The Committee noted that the article mentioned two of the methods the complainant considered could verify a purchaser’s age: signing the terms and conditions and putting in a date of birth upon entry to the site – but stated that these could be bypassed and “no proof of identification was required”. The merchant acquirer age-check was not referred to in the article.

16. When considering if the publication had taken care not to publish inaccurate information, the Committee noted the steps the publication had attempted in order to see if a child could purchase a vape from the complainant – the publication had, on multiple occasions, entered a false date of birth in order to enter the website. However, the publication had not purchased any items using a card registered to a person under the age of 18 to verify any further age-verification methods used. The Committee also considered the publication’s approach to the complainant for comment. The request took place several days prior to the article’s publication, but gave a deadline of less than 24 hours, and specifically asked the complainant “do you ID people under the age of 18? If so, how does this work online?” The Committee noted that

the complainant did not respond to the publication at the time of request, nor did it clarify how the age verification process worked when it complained to the publication directly after the publication of the article – it first made this clear in its later complaint to IPSO. The Committee was mindful of the nature of the story itself – which was not time sensitive, and to the steps taken by the publication to verify the age verification process prior to publication. Absent of any attempt to purchase products from the complainant’s website, the Committee did not consider the publication had taken sufficient care to ensure it did not publish inaccurate information regarding whether children were able to purchase vapes from the complainant. The Committee considered the publication had a responsibility to investigate the claims further given the size of the complainant’s organisation and the nature of the claims within the article. As such, there was a breach of Clause 1 (i).

17. Having determined the article was misleading to omit that the complainant used a merchant acquirer age-check as a method of age verification in the context of setting out that children may be able to easily buy vapes using the website, the Committee next considered whether the article required correction under the terms of Clause 1 (ii), which requires the correction of significantly inaccurate, misleading, or distorted information.

18. The Committee had regard for the article as a whole, which focused on the possibility of children being able to buy vape products for low prices on the Isle of Guernsey. It referred to the complainant’s website directly and reported that it was able to put in a false date of birth to gain access, implying that a child could be able to do this as well and potentially purchase vaping products directly from the complainant. As the complainant had demonstrated the merchant acquirer age-check verification method may have prevented the sale of its products to those under the age of 18, when purchasing with their own payment card, the Committee considered this to be a significant inaccuracy. As such, a correction was required.

19. The Committee next considered whether the correction offered by the publication was sufficient to address the terms of Clause 1 (ii). The wording of the correction put the correct position on record – it made clear the method used by the complainant to verify the age of those purchasing from the website and noted that the publication had not purchased any products from the website. The Committee considered the correction was offered sufficiently

promptly – the publication had offered to publish a comment from the complainant the same day it complained, and had offered a correction approximately one week after it had been made aware of the correct position in relation to the age-verification process as explained by the complainant.

20. When considering the placement of the correction, the Committee was mindful of the wording of the headline and article itself – whilst the claim that vapes were on sale to children did appear within the headline, the complainant was not named in the headline and the article referred to the Isle of Guernsey as a whole – not just the complainant. As such, the Committee did not consider a standalone correction was necessary. In these circumstances, and where the article had not been amended on this point, the Committee considered publishing the correction beneath the headline, as offered by the publication, would be duly prominent. Therefore, there was no breach of Clause 1 (ii).

21. The Committee considered whether the article was inaccurate in breach of Clause 1 to report that vapes were on sale at “pocket money’ prices”. The Committee acknowledged the complainant’s position that the prices of these products were low due to being within the clearance section of the website. However, the article did not state that the website had a section called “pocket money’ prices”, and the characterisation of “pocket money’ prices” was clear, given that the article focused on vaping products being accessible to children and the prices were below 50p. As such, there was no breach of Clause 1 on this point.

22. Lastly, the Committee considered whether the article inaccurately reported that the complainant “was approached for comment by email, but did not respond”. As it was not in dispute that the complainant was contacted for comment by email and did not respond, the Committee did not consider the article was inaccurate to report that the complainant had been approached but did not respond, in breach of Clause 1.

Conclusions

23. The complaint was partially upheld under Clause 1(i).

Remedial action required

24. The correction which was offered clearly put the correct position on record and was offered promptly and with due prominence, when published beneath the headline, and should now be published.

Date complaint received: 26/02/2024

Date complaint concluded by IPSO: 05/11/2024

APPENDIX B

03814-24 Two complainants v bucksfreepress.co.uk

Summary of Complaint

1. Two complainants complained to the Independent Press Standards Organisation that bucksfreepress.co.uk breached Clause 2 (Privacy) and Clause 6 (Children) of the Editors' Code of Practice in an article published in November 2023.
2. The article contained an image of the complainants' son wearing a white shirt, black trousers, a backpack and carrying a duffel bag. He was the only person in the picture and appeared to be walking. The image was a grainy still from CCTV footage, captioned, "Police CCTV appeal after voyeur films a teenage girl in changing room".
3. The article reported "police have launched an appeal after a voyeur filmed a teenage girl in leisure centre changing rooms" and that police had "released CCTV of an individual who may have vital information relating to a voyeurism incident". It said, "the victim, a girl in her teens, was in a changing cubicle when she suddenly saw a hand holding a mobile phone underneath the cubicle wall with the camera pointing towards her." The article included a quote from an investigating officer who had said, "I would like to speak to the individual in this image as I believe they could have vital information about this incident. If you recognise them or have any other details which you think could help our investigation, please report online or call us".
4. The complainants first contacted the newspaper directly to raise concerns about the article's publication on 21 March 2024. After this contact, the newspaper contacted the relevant police force. The force confirmed that an individual was arrested and released without charge in connection to the incident. On 19 April, the newspaper removed the CCTV image of the complainants' son and added the following to the article: "Update: Police said an individual was questioned but released without further charge."

5. The complainants said the article breached Clause 6. They said publishing the image of their son, who was under 16, led to his identification at school. They said this had led to him being bullied, which had clearly impacted his time at school in breach of the Clause. They noted their son had not been charged with an offence. The complainants also said the article was in breach of Clause 6 because the newspaper had published a photo of their son in the context of a police investigation, which they said was a matter which related to his welfare. They said this photograph had been published without their consent, and could lead to unnecessary public attention and hinder their son's educational experience and personal development.

6. They also said the article was in breach of Clause 2 because it said their son's connection to the incident was private, and the article had identified him as having been involved in some capacity.

7. The publication did not accept a breach of the Code. Turning first to Clause 6, it said that – following the update to the article – it contained no information which could identify the complainants' son, such as his name, address or photograph. It said this meant it would be highly difficult and unlikely that a member of the public would be able to link the complainants' child to the story. The publication said the image was supplied as part of a police appeal for information regarding a serious offence, and that images shared by the police can be reported by the press as a matter of public interest and are covered by qualified privilege. It further noted the incident remained an unsolved police case.

8. The publication did not accept a breach of Clause 2. It said the article was based on a police press release circulated with the intention to find a party who might be able to assist the investigation into an alleged voyeurism incident, and its reporting was therefore in the public interest.

9. While the publication did not accept a breach of the Code, it said that any alleged breaches of the Code could be justified under the public interest exemption as set out in the Editors' Code. It said the article was based on a public police appeal for information regarding an alleged voyeurism incident, with the view to alerting the public of a serious incident and finding out further information relating to it. It said it is imperative the press remain free to publish such appeals from the police without fear of being punished. It said it was its duty as a responsible publisher to inform the public of

investigations and incidents. It emphasised the leisure centre was used by thousands of people a year, including children, young people and families. It said the swimming pool had already been targeted by voyeurs in the past and reporting on another incident of this nature was very much in the public interest. It said voyeurism is a serious crime and there had been an increase of voyeurism cases in the local area.

10. In defending the public interest of the article, the newspaper set out the circumstances which led to its publication. It said it did not have a record of the discussion of the public interest prior to the publication of this specific article, though it deemed anything which came from an official channel such as from police to be in the public interest. This was due to the nature of their appeals, which it said “by their very virtue” cover things that are in the wider public interest such as crimes and investigations. It said publishing the image was proportionate to the public interest because the appeal was seeking to track down the person photographed to assist with the police’s inquiries, and it is routine for the police to distribute images in this way. It said the allegedly identifying information which breached the Code – including the photograph – specifically had to be published as part of their appeal because the force wanted to identify the person pictured, and that this material provided by the police was protected in law by qualified privilege. It said the Attorney General had previously said the press should not fear publishing material distributed by the police as part of their enquiries. The publication said that this meant publishing the image served the public interest in a proportionate way.

11. The complainants said the police had confirmed no further action was to be taken in relation to the alleged incident. They also said that the police had since removed reports of the alleged incident, including the appeal which had led to the article’s publication, from their online platforms. They said that – given the publication accepted it would be difficult for any member of the public to definitively identify the person pictured – the article could not have served a significant public interest, as the article would not have led to the identification of the individual whom the police wished to question.

12. The complainants agreed that press freedom is a fundamental right. However, they said this freedom must be balanced against the potential harm which may be caused to vulnerable individuals. They said the article served as a tool for bullies and was exacerbating

their child's suffering. They said the fact that the police decided against taking any further action showed the matter had been resolved, and the removal of the photograph from the police website underscored that the information was not intended for prolonged public dissemination. They said while the image had since been removed, the fact it was publicly accessible for over six months meant that many people had the opportunity to connect the article- which continued to be published- directly to the complainants and their child, and that the photograph's extended presence prior to its removal had caused undue distress and invasion of privacy.

Relevant Clause Provisions

Clause 2 (Privacy)*

- i) Everyone is entitled to respect for their private and family life, home, physical and mental health, and correspondence, including digital communications.
- ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.
- iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.

Clause 6 (Children)*

- i) All pupils should be free to complete their time at school without unnecessary intrusion.
- ii) They must not be approached or photographed at school without permission of the school authorities.
- iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.
- iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

The Public Interest

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:

- Detecting or exposing crime, or the threat of crime, or serious impropriety.
 - Protecting public health or safety.
 - Protecting the public from being misled by an action or statement of an individual or organisation.
 - Disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject.
 - Disclosing a miscarriage of justice.
 - Raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public.
 - Disclosing concealment, or likely concealment, of any of the above.
2. There is a public interest in freedom of expression itself.
3. The regulator will consider the extent to which material is already in the public domain or will become so.
4. Editors invoking the public interest will need to demonstrate that they reasonably believed publication – or journalistic activity taken with a view to publication – would both serve, and be proportionate to, the public interest and explain how they reached that decision at the time.
5. An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.

Findings of the Committee

13. The purpose of Clause 6 is not to prevent children from being referenced in news coverage, nor to stop the reporting of important issues which involve young people. However, it recognises the uniquely vulnerable position of children, which must be balanced against the rights of publications to report on matters which are in the public interest.

14. The publication had published the image in good faith to assist the police with their inquiries into a specific alleged incident at a leisure centre, where there had been a recurring issue of voyeurism which was clearly a matter of concern to the local community. The publication did not say they had been aware that the pictured individual was a child at the time the decision was reached to

publish the report of the police appeal. The Committee noted that the image was grainy and there were no clear indicators in the picture itself as to the age or height of the individual. It was not, therefore, obvious from the picture that it featured a child.

15. The Committee noted that, had the image contained some indication that the pictured individual was a child, or if the police had made the publication aware of the fact, then the question of whether the public interest in publishing the appeal photograph was sufficient to override the normally paramount interests of the child would have arisen. However, in this case, there was nothing – in the Committee’s view – to indicate the photograph was of a child, nor did it appear that the publication had been made aware of this fact prior to being contacted by the complainants.

16. Taking the above into account, the Committee did not consider the obligations of Clause 6 applied at the time the decision was made to publish the article, given that it was not clear that a child was involved in the coverage. The Committee did not find that there was a breach of Clause 6.

17. The Committee noted the strong public interest which ordinarily exists in notifying the public about ongoing police inquiries. It further noted that the police clearly considered releasing the image to be an appropriate means of assisting its investigation. Nevertheless, decisions about the public interest are ultimately a matter for the publication to consider and they should not rely solely on the view of the police. Whilst the Committee’s starting point will be that there is a strong public interest in publishing such inquiries from the police, in cases where the Code is potentially breached a publication will, therefore, be expected to demonstrate that it believed that the publication of information would serve and be proportionate to the public interest at the time of publication.

18. The Committee next considered whether there was a breach of Clause 2. The information under complaint was released by the police prior to the publication of the article. Clause 2 stipulates that the Committee will consider the extent to which the material complained about is already in the public domain when considering whether there has been an intrusion into an individual’s private life. Where the information in the article – both the image and the information about the incident – had entered the public domain via a police appeal prior to publication, the Committee did not consider

that there was a reasonable expectation of privacy over the information. There was no breach of Clause 2.

Conclusions

19. The complaint was not upheld.

Remedial action required

20. N/A

Date complaint received: 21/05/2024

Date complaint concluded by IPSO: 11/11/2024

APPENDIX C

Paper no.	File number	Name v publication
3202	01575-24	Neeves v thesun.co.uk
3203	01567-24	Neeves v Mail Online
3179	22651-23/22653-23/22654-23	Mann v mirror.co.uk/ dailystar.co.uk/birminghammail.co.uk
3180	22279-23	Mann v Mail Online
3181	22652-23	Mann v metro.co.uk
3201	01572-24	Nottinghamshire Police v Nottingham Post
3205	01206-24	Matthews v Sunday World
3206	01242-24	Finlay v Sunday World
3208	01382-24	TCG Medical and Derek Gordon v liverpoolecho.co.uk
3226	01552-24	Energy & Climate Intelligence Unit v The Daily Telegraph
3227	01576-24	Neeves v Daily Mail
3212	01118-24	Barrowman v Daily Mail
3225	03843-24	Montford v The Times
3200	01561-24	Kelly v Mail Online
3229	03617-24	Şenvardar v The Mail on Sunday
3221	01232-24	Worgan v Wales on Sunday
3218	03496-24	Newcastle Building Society v The Northern Echo