



12 October 2009

Dear Sir/Madam

Further to our recent correspondence the Commission has now made its assessment of your complaint under the Code of Practice.

The Commission members have asked me to thank you for giving them the opportunity to consider the points you raise. However, their decision was that there was no breach of the Code and a full explanation is enclosed.

Although the Commissioners have come to this view, they have asked me to send a copy of your letter to the editor so that he is aware of your concerns.

If you are dissatisfied with the way in which your complaint has been handled – as opposed to the Commission's decision itself – you should write within one month to the independent Charter Commissioner, whose details can be found in our How to Complain leaflet.

Thank you for taking this matter up with us.

Yours faithfully

A handwritten signature in black ink, appearing to read "R. Hales", is written over a faint, larger version of the same signature.

Rebecca Hales
rebecca.hales@pcc.org.uk

CHAIRMAN
Baroness Buscombe

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**Commission's decision in the case of
Various v The Mail on Sunday/Mail on line**

The Commission received almost five hundred complaints in regard to an article in the Mail on Sunday on 13 September 2009 headlined 'The Tesla Roadster is the all-electric supercar that's as fast as a Ferrari but as quiet as a bicycle'. In particular, the article stated the following: "I stepped on the gas, waited until the split second before I overtook them, then gave them an almighty blast on the horn at the exact time I passed them at speed. The look of sheer terror as they tottered into the hedge was the best thing I've ever seen in my rear-view mirror".

In summary, the complainants said that the article: misrepresented cyclists; represented harassment of – and discrimination against – cyclists and ignored the fact they were vulnerable road users; and appeared to state that the columnist had knowingly committed a crime. Concerns had also been raised that the newspaper had paid a criminal – the columnist himself – for the article.

The Code of Practice does not prohibit columnists expressing their views – however controversial – as long as they are clearly distinguished from fact. In this case, the article clearly represented the columnist's personal view of cyclists, which he was entitled to outline in accordance with the general principle of freedom of expression. This freedom can mean the freedom to speak inappropriately, or to present opinions with which other people may not necessarily agree. While some readers of the column had clearly been aggrieved by the columnist's views, this did not automatically mean that Clause 1 (Accuracy) of the Code had been breached. The complainants had not pointed to anything specifically inaccurate in the article and, in all the circumstances, the Commission could not find any breach of this clause.

Clause 4 (Harassment) refers to physical harassment and the method in which journalists make enquiries as part of the newsgathering process. None of the complainants had been approached by the columnist and it followed that no breach of this clause could be established. While the complainants had argued that the article represented harassment of a particular group, this was not covered by the terms of Clause 4.

Many complainants had argued that – as the columnist had admitted to dangerous driving – Clauses 9 (Reporting of Crime) and 16 (Payment to criminals) had been engaged. The Commission did not agree with this assessment. Clause 9 relates to the identification of relatives or friends of those convicted or accused of crime and plainly had no relevance here. In addition, the columnist had not been formally accused of any crime. There could be no possible breach of Clause 16 either.

Clause 12 (Discrimination) prohibits prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability. The complainants had argued that the article was discriminatory and pejorative towards cyclists. However, no discriminatory reference had been made to a particular individual and – more significantly – cyclists were not identified as a vulnerable group under the terms of the Code. Against that background, the Commission could not find any breach of this clause.

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PRESS COMPLAINTS COMMISSION

While no breach of the Code of Practice had been established by the complaints, the Commission noted that the offending passage had been removed from the online article and that the columnist had published a full personal apology on his own website.

It was important to recognise that a vast majority of complainants felt that the article was inappropriate and offensive. However, this was not something which fell within the Commission's remit. Similarly, any possible illegal action by the complainant was a matter for the police, rather than the Commission.

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