

Mark Steyn, GB News, 4 October 2022, 20:00; 5 October 2022, 02:00 Summary

This programme included an interview between presenter Mark Steyn and a guest, Dr Naomi Wolf. During the interview, Naomi Wolf made serious claims about the Covid-19 vaccine, including that its rollout amounted to a pre-meditated crime – “*mass murder*” – and was comparable to the actions of “*doctors in pre-Nazi Germany*”. Ofcom received 422 complaints that alleged these comments were “dangerous” and included “misinformation” that went “unopposed”.

Ofcom investigated under Rule 2.1 of the Code which states that “Generally accepted standards must be applied to the contents of television and radio services...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.

We took into account that Naomi Wolf was presented as a figure of authority, with particular knowledge and expertise in the safety of the Covid-19 vaccines. We considered that this would have lent greater credibility to her claims that amounted to the promotion of a serious, unchallenged conspiracy theory. We were particularly concerned about the significant and alarming claim that “*mass murder*” was taking place through the rollout of the Covid-19 vaccinations. We found that comments made by Naomi Wolf had the potential to impact on viewers’ decisions about their health and were therefore potentially harmful.

We were concerned that Naomi Wolf was given the opportunity to present her claims without challenge or other contextualisation, for example through other contributions in the programme or by the presenter who appeared to support many of her comments. There was also no scrutiny of the evidence she claimed to hold to support her claims. We concluded that the programme did not provide adequate protection to viewers from the potentially harmful content, in breach of Rule 2.1 of the Code.

Ofcom has made clear that, in line with the right to freedom of expression, broadcasters are free to transmit programmes that include controversial and challenging views about any topic, including Covid-19 vaccines or conspiracy theories. However, alongside this editorial freedom, the Code imposes a clear requirement that if the broadcast of any content – an unchallenged conspiracy theory, in this case – has the potential to be harmful, the broadcaster must ensure that its audience is adequately protected.

This breach of Rule 2.1 of the Code follows another recent breach also involving potential harm to viewers (under Rule 2.2). Ofcom is requesting that GB News Ltd attends a meeting to discuss its compliance approach in light of these two significant Code breaches.

Type of case	Broadcast Standards
Decision	In breach
Service	GB News
Date & time	4 October 2022, 20:00; and 5 October 2022, 02:00 ¹
Category	Harm
Summary	This programme featured potentially harmful comments about the Covid-19 vaccine without adequate protection for viewers. In breach of Rule 2.1 of the Broadcasting Code.

Introduction

GB News is a television channel that primarily broadcasts current affairs discussion programmes. It also includes hourly news bulletins and describes itself as “Britain’s News Channel”. The licence for GB News is held by GB News Limited (“GB News Ltd” or “the Licensee”).

Mark Steyn was broadcast Monday to Thursday between 20:00 and 21:00 and repeated between 02:00 and 03:00 the following morning². In the programme, presenter Mark Steyn gave his view on various news stories and discussed these with guests.

Ofcom received 422 complaints about comments made during an interview between the presenter and guest, the author and journalist, Dr Naomi Wolf, that complainants said were “dangerous” and included “misinformation” that “went unopposed”.

The first half of the programme was concerned with a range of issues including policing and the migrant crisis. Following an interview with guest Caroline Farrow, Mark Steyn referred to the upcoming part and noted that he would be speaking with Naomi Wolf “*on an ever more horrifying public scandal*”. Approximately halfway through the programme, in a section of the programme titled *Shifting Narratives*, Mark Steyn discussed the status of the Covid-19 vaccination programme in various countries. He referred to changes in vaccination policy in Scandinavian countries and introduced his guest, Dr Naomi Wolf, at 20:32, by saying:

Mark Steyn: *“It’s last call at the ‘Jab-er Jab-er Saloon’³, at least in Scandinavia. Sweden will no longer jab children, Denmark’s abandoned the jabs for*

¹ This was a repeat of the previous evening’s broadcast with no changes made to the programme’s content.

² On 6 February 2023, Mark Steyn said he would not be returning to present on GB News.

³ Mark Steyn began this segment by singing “*Jabber jabber jabber jabber jabber jabber jab said the monkey to the chimp*”, while miming receiving a vaccination. The programme then showed a clip of Debbie Reynolds singing the song “*Aba Daba Honeymoon*” from the film “*Two Weeks with Love*”.

those under 50, Norway's ended them for most people under 65. The narrative shifts every day, thanks in part to the efforts of a few dogged contrarians like my next guest. So naturally, California is now making it illegal for doctors to disagree with the official version upon pain of losing their medical licence. Well, they're Californians. They're crazy. We all know that. But in Australia, the Parliament of Queensland is introducing a disturbingly similar bill. There they are on the green benches, uh, of our beloved Westminster system [pictures of Australian Parliament are shown]. And yes, Australians are also crazy, but they're our Commonwealth cousins, so the nuttiness is moving closer. And for what it's worth, Baroness Hallett's official inquiry into the UK Covid regime held its first hearing today and she promises that it's not gonna take years like the usual royal commission does. Dr Naomi Wolf was ahead of the game on a lot of this. She is the author of 'The Bodies of Others: The New Authoritarians, Covid-19 and The War Against the Human'. Just first of all, Naomi, things you said a year ago and got you denounced as a conspiracy theorist are now actually being accepted by governments. Do you think things are going your way as it were?"

Naomi Wolf: *"Well it's sad that it takes a year for the rest of the world to catch up with what used to be called journalism, right? I'm not a contrarian. I'm not a conspiracy theorist. I'm a journalist. And I did a year ago exactly what I've done for 35 years, which until 2020 led me to be a darling..."*

Mark Steyn: *"Yes that's true".*

Naomi Wolf: *"...of the established media. Um, but in, in 2020 and into 2021 when I was reporting accurately on women's health problems that women were reporting subsequent to the mRNA Covid-19 injections, specifically menstrual problems, I was denounced and smeared. Global smear campaign actually, it was pretty scary, and, um and I was called all kinds of names. And indeed, as you point out in the last month NIH [National Institutes of Health], Washington Post, CNN, all of them are confirming that, in fact, millions of women have been harmed in terms of their menstrual health by these mRNA injections. So that's pretty sad. But I'd rather women had the information and could protect themselves going forward. And what happened to me is insignificant compared with that".*

Mark Steyn: *"Yeah, let's talk about that because, you know, the thing about these vaccines is they cause almost every conceivable kind of damage. You've been talking about women. They also do terrible things to healthy young men. But let's just stick with the women's thing because you've been a famous feminist in the Western world for quite a while. These things, as you say, they affect women's menstrual cycles, they're finding the mRNA showing up in breast milk of feeding mothers. Uh, there's disturbing trends in fertility. I've just looked at the numbers from Switzerland and*

Germany and various other continental countries, but I take it it's pretty similar here and in the US. Um, why is it that feminists aren't interested in what seems to be an obvious women's health issue?"

Naomi Wolf: *"Yeah, I mean feminists, look, you just had a couple of segments showing that in Britain, as in the United States, civil society has been wholly co-opted by bad actors trying to destroy British civil society, trying to destroy US civil society. My book argues that this is a script. It's been enacted all over the world, especially aimed at the West. So unsurprisingly, the people who used to be feminists, you know, the Boston Women's Health Collective, the National Organisation of Women, the American College of Obstetrics and Gynaecology, the doulas, all the people who are supposed to stand up for women's health, were silent. They, you know, all these civil society institutions and the media took the money. Whether it was Bill and Melinda Gates' money which went to entities like the BBC, which is why the BBC has attacked me and you know, now you, or whether it's a billion dollars from the CARES Act⁴ in the United States that went to trusted messengers to co-opt them to overcome vaccine hesitancy. And I found out, very frighteningly, that it wasn't just the CDC⁵ that was colluding with Twitter. This was revealed through an America First legal lawsuit a couple of weeks ago to silence me and other people. But in my case, with this accurate tweet about women's menses being harmed but also a more recent action by the attorneys general of Missouri and Louisiana have found that the White House was involved. So at the highest levels there's silencing going on. And it's very parallel to what you showed with this vicar's wife in Britain⁶. At the highest levels, people are being instructed to silence, suppress, coerce, bully [sic] the truth about this particular issue".*

Mark Steyn: *"What's amazing to me is the effect it's had actually on the medical community. I mean, even before you get to this crazy law in California, where you can get struck off if you actually have an alternative view to the official version, I mean, I don't know what that's going to do for the standards of medicine. You, it reminds me. I don't want to exaggerate, but it does remind me of Stalinist Russia, where every time Stalin had a mild ailment, he had to get a non-ideo... All the doctors had to be ideological, which meant they were crap. And so he had to get, he had*

⁴ The Coronavirus Aid, Relief, and Economic Security Act is legislation passed in the US in response to the economic impact of the Covid-19 pandemic.

⁵ Centers for Disease Control and Prevention.

⁶ This refers to an earlier part of the programme in which Mark Steyn interviewed Caroline Farrow, a British woman and wife of a priest arrested for "an allegation of malicious communications" for comments she made regarding her views on gender.

to get some non-ideological doctor if he had anything wrong with him. I mean, we're moving into a situation like that, aren't we?"

Naomi Wolf: *"I think we're there. I mean, Mark, I'm Jewish and you know I can say this. I don't think you're going too far. I think you're going exactly where you should go. It was the doctors in pre-Nazi Germany in the early thirties who were co-opted by the National Socialists and sent to do exactly what we're seeing kind of replaying now. It was the medical organisations in the early thirties who were emboldened to be the arbiters of, you know, 'life worthy of life, life unworthy of life'. Um, and to, kind of, medicalise and pathologise dissent or difference. So we're seeing wholesale purchasing of the medical establishment in the United States, in Britain and in countries around the world to do things much more serious. But let me just give one example. You brought this up and you're so right, I have 3,500 experts at the War Room/Daily Clout⁷ Pfizer document research volunteer effort, medical experts, scientific experts going through the Pfizer documents. And indeed, they're finding horrific harms against human reproduction. 360 degree harms. Who should be stepping up to announce this? The AMA⁸? Who is announcing it is people like you and me: the last remaining independent journalists. But this is a scandal that the human race has never seen before of such magnitude".*

The presenter then discussed guests that had appeared on the programme and their experience of harms and side effects of the Covid vaccine. Naomi Wolf said:

Naomi Wolf: *"I know exactly how this, um, silencing is being enforced. Doctors and nurses are coming to us saying that if they even give their patients informed consent, meaning any hint of the massive risks attached, now confirmed, with these mRNA injections, um, they get letters saying they will be delicensed, and some of them are being delicensed. But, you know, you mentioned the suppression of sperm count that's absolutely correct and the journal Andrology reported that. But we are, our team, has broken stories even more horrific than that. For instance, Amy Kelly, our team project director, did a report based on the Pfizer documents showing that little boys and baby boys, um that their Leydig cells and Sertoli cells are damaged by the mRNA injections. That's the factory of masculinity. That's that's the factory of the hormones that turn boys into men. So this is why I'm not ashamed to say it at this point I've got so much evidence. This is why I believe these are bioweapons because they are literally sterilising people. They're poisoning breast milk. There's not just mRNA in breast milk. There's there's, uh, there's polyethylene glycol now in vaccinated mom's breast milk. They're damaging the placentas*

⁷ Naomi Wolf is co-founder and CEO of the "Daily Clout" website which, together with Steve Bannon's "War Room", created a campaign mobilising volunteers to review documents relating to the Pfizer vaccine trials.

⁸ American Medical Association
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of women so that they can so that we're seeing chromosomal abnormalities and they're negatively, they're, they're emasculating men, essentially”.

Mark Steyn: *“Just, just quickly because we mentioned those Scandinavian governments, they’re kind of on the fringe of the developed world. They're very highly developed and very agreeable societies. But there seems to be even now, a resistance even to look at this, uh, in the US, the UK and and the and the bigger players”.*

Naomi Wolf: *“I mean, it's not surprising, a mass, you know, a mass murder has taken place, and it's not over the evidence. You mentioned the drop in childbirth. There's a 20% drop in new babies being born around the world. There's a doubling of Scottish babies neonatal deaths...”*

Mark Steyn: *“No, they're reopening one of the investigations, I think”.*

Naomi Wolf: *“I mean, you know, from, yes, I hope it's not a whitewash, but this is a massive crime. Of course they want to sweep it under the rug because mass murder has not just taken place. It is still taking place, disabling people into the future, sterilising the next generation has, has taken place. But I would say it's linked to these episodes you just showed⁹ because there is a script and this is my argument in ‘The Bodies of Others’, to turn the West, to get rid of the West, essentially, to turn it into a version of the CCP¹⁰. It's a version of China, what you're seeing in Britain right now. It's a version of China, what you're seeing in America. And these, um, these injections are part of it, and the vaccine passport which was tied to the injections, are part of it. So they’re not going to stop, and they're not going to be honest”.*

Mark Steyn: *“This is a serious charge, one of mass murder. But it's a, it's a question that has to be asked because we're now almost two years into these vaccines. And the point, and we know they don't, at the very minimum, they were oversold and underperformed. But the question is, when did these public health commissars know that not only they-”*

Naomi Wolf: *“I'm sorry to interrupt. No, I mean you're talking. I'm one of the few people along with my 3,500 experts who have looked at the Pfizer documents. And I can tell you, they knew from a month after the rollout that they did not work. So the reason I say mass murder with such calmness is that if, if, and not only that the FDA¹¹ knew, because at the bottom of these documents, it says ‘FDA confidential’. The FDA has*

⁹ It was not clear to Ofcom which episodes Naomi Wolf was referring to.

¹⁰ Chinese Communist Party

¹¹ The US Food and Drug Administration
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custody of these 50,000 documents that Pfizer was forced to reveal, so they knew that they didn't work. They knew three months in that 1,200 people were dead, four of them the day they were injected, and they kept going. They knew in April of last year that children's hearts were being damaged a week after the injection and they kept going".

Mark Steyn: *"No and that is the most serious charge here. And we're in this mess because twits like the BBC guy who hosts Radio Three's freethinking show don't think you should even ask about this. It's a, it's the biggest public scandal this century if Western governments knew about the damage right at the beginning, right in those first weeks, and they still, and they're still insisting right now that everybody gets the 37th booster shot. Thank you very much, Naomi. We're gonna have more with Naomi later in the week".*

We considered this raised potential issues under the following rule of the Broadcasting Code ("the Code"):

Rule 2.1: "Generally accepted standards must be applied to the contents of television and radio services...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material".

Ofcom requested comments from GB News Ltd on how this content complied with this rule.

Response

GB News Ltd said that it understood its responsibility to comply with the Code and takes this obligation very seriously. It said that "it is quite evident to all viewers that GB News has a different approach from many other factual channels", adding that it "is committed to airing a wider range of views".

GB News Ltd said that since its 2021 launch, it had provided comprehensive news coverage of "the official view" but that it also provided "the widest possible range of opinion", including some "controversial and contrarian [views] as a way of provoking thoughtful questioning and debate and re-evaluation of important issues". It said that this programme was part of that approach and that Ofcom should take into account this "important contextual difference between GB News and other more traditional channels" which, it said "routinely shy away from difficult or disruptive views".

The Licensee stated that the purpose of *Mark Steyn* is to "debate and challenge the status quo", to question "official narratives of major public issues" and to be "opinion driven, questioning, combative, [and] suspicious of easy consensus". It added that the programme had taken a "strong interest in the progress of the Covid epidemic, the vaccine rollout and other key aspects of government policies in this area". It said the programme has "at no stage...adopted an 'anti-vax' approach and that has always been made clear to the audience" but that Mark Steyn has "strongly criticised the purely binary position...that the official narrative is the only legitimate version of events and anything that questions or challenges that must be dismissed as 'disinformation'". GB News Ltd said that Mark Steyn "consistently tested and questioned specific aspects of Covid policy and has focused on facts and

evidence from a wide range of sources that provide questioning and challenge to the official narrative” which, it argued, had not been covered by other media outlets. In relation to the programme’s coverage of “the balance of risk and benefit from vaccination” against Covid-19, it said that the programme had “devoted a great deal of time and research in trying to uncover the factual basis...and has regularly presented the evidence for its assertions”.

In relation to the audience’s likely expectations, the Licensee said that Mark Steyn “has a regular and loyal audience who understand the nature of the programme and Mr Steyn’s own approach” and that they would “take it into account when making up their mind about what Mr Steyn was saying”. It also added that if anyone had come across the programme “accidentally”, those people “would understand all this very quickly”.

In discussing the content, the Licensee said that it “by no means endorses or agrees with all the diversity of views that are offered on its channel, but it strongly supports the principle of broadcasting them”. GB News Ltd said that although, in this case, “[I]t is certainly possible that [Naomi Wolf and the presenter] might overstate the case now and then”, the “greater harm would surely be in silencing them” and, in turn, not hold governments to account. It added that it did not “assert the literal truth of every assertion made by Mark Steyn and Naomi Wolf and we do not believe we are required to”. It also argued that statements in the programme covered an important subject of public interest and were protected by “UK law and the European Convention on Human Rights” as part of the right to freedom of expression. GB News Ltd accepted that “Dr Wolf expressed herself in forceful terms” and in a way which “might upset people”. However, it argued that this was editorially justified and that, in relation to specific comments made in the programme, as a Jewish woman Naomi Wolf believed the comparison with doctors in Nazi Germany was “not excessive and a reasonable comparison”. The Licensee stressed that the claims made “were [Naomi Wolf’s] opinion, nothing more, nothing less” (emphasis added by Licensee) and that to not broadcast them would infringe upon Naomi Wolf’s right to express her opinions, GB News’ right to broadcast them and the audience’s right to receive them.

In relation to wider, societal context, the Licensee said that at the time of broadcast there was an ongoing debate “about the risk-benefit balance of vaccination, and much less consensus about the conclusions than there was 18-24 months ago”. In discussing this, it acknowledged Ofcom’s policies and guidance with regard to coverage of Covid-19, but said that it considered that this case should be distinguished from previous ones in which Ofcom had found broadcasters to be in breach of the Code. Specifically, it said that this programme was broadcast at a time when “the state of scientific knowledge and public health policy” and the level of scrutiny and informed debate about vaccines had progressed from the earlier stages of the pandemic. It stated that in 2020 and 2021 the UK Government “regarded it as a matter of urgency” that the public accept lockdowns and vaccination, and it said that “Ofcom issued guidance to broadcasters¹² that they should take care not to ‘undermine official advice’ in their coverage of Covid policy”. However, it argued that at the time of broadcast of this programme, the heavy promotion of widespread vaccination had ceased and public restrictions were no longer in place. It said that the emergence of scientific data, including “tens of thousands of pages of medical data in some cases”, had created a debate which has “moved out of the shadows, as it were, and moved into more mainstream discussion”. The Licensee said that evidence

¹² Over the course of the Coronavirus pandemic, [Ofcom published five notes to broadcasters regarding Coronavirus which included guidance on broadcast content](#).

about the efficacy of Covid-19 vaccines had been debated in mainstream medical, legal and governmental circles, while also adding that “[m]uch of this evidence (eg The Pfizer Papers) is strongly disputed as to its correct interpretation”. It added that the programme reflected the views of people that felt “angry and outraged” about the effect of the mass lockdowns, damage to the economy and the perceived lack of information about the risk of side effects from Covid-19 vaccinations.

In relation to Rule 2.1, GB News Ltd said that because the views included in the programme were not aimed at individuals or named organisations, no-one could have been harmed by them. It also said that it believed “the risk of harm, either real or imagined, from this programme was very low, and certainly minimal compared to the time when Ofcom was actively sanctioning channels for making controversial claims about Covid and the vaccines 18-24 months earlier” (emphasis added by the Licensee). In conclusion, it said that “adequate protection was provided to the audience through the responsible broadcast” and it “believe[d] the programme fully complied” with the Code.

The Licensee made further representations in response to Ofcom’s Preliminary View that the programme as broadcast was in breach of Rule 2.1. It said it was “disappointed” that Ofcom had, on a preliminary basis, considered the programme to be in breach of the Code and that it stood by the underlying argument set out in its original submission. In particular, the Licensee argued that the Preliminary View had “given too much weight [...] to any supposed harm that might have resulted from the remarks made on the programme and not enough to the rights of freedom of speech and freedom to broadcast”.

GB News Ltd said it accepted that “some viewers may have regarded the strong views expressed as offensive” but it believed that “an easy assumption of actual or potential harm should still be resisted”. The Licensee argued that, although there is a temptation to think that “outspoken and combative language advocating a view that seems outside the bounds of ‘polite discourse’ must be harmful in some way”, it believed this was a “mistake”. It considered the statements made in the programme “might, at the most, have given some viewers ‘pause for thought’ about the wisdom of having another vaccination” but maintained that this is “part of the value of diverse opinion and in any case cannot be considered in isolation”.

The Licensee argued that at the time of the broadcast there was a vast amount of widely available information about the wisdom or otherwise of vaccination, including the government’s own recommendations which were “amplified by an overwhelmingly supportive media”. It considered that “The Mark Steyn programme was just one small voice raising legitimate doubts as new information emerged - a passionate and plaintive voice certainly but still a small one”.

The Licensee referred to a statement included in Ofcom’s Preliminary View that throughout the Covid-19 pandemic “Broadcasters have shown a diverse range of content, including robust debates about the various strategies adopted by the UK Government, and other governments worldwide, to tackle the crisis, as well as analysis of scientific and medical claims.” However, in response it said that “GB News respectfully disagrees”. In the Licensee’s opinion one of the weaknesses of media coverage throughout the pandemic was that there were “precious few ‘robust debates’ about the key issues underlying government policies” (emphasis added by Licensee). While GB News Ltd accepted that “[i]t is absolutely right that news of government statements and decisions should be widely promulgated” it said that “tough and persistent questioning about the basic assumptions behind

those actions, rather than just narrow discussions about smaller details, has been largely absent". The Licensee considered this programme to be an exception to that rule as "[i]t addressed contentious and fundamental issues, confronting them head-on using forceful language that was evidently unpalatable to some".

The Licensee recognised Ofcom's position that a "wider media narrative" does not justify the absence of alternative voices because of the difficulty in quantifying such a narrative". However, it said that in this case no-one watching the programme could have been unaware that the government still believed in vaccines and was promoting their use, adding that "the programme made that point very clearly". GB News Ltd considered that in these circumstances the likelihood of any harm to the audience would be "purely theoretical, unprovable, and surely minimal", and that "[e]xpressions of concern and warning do not necessarily equate to harm". The Licensee said that GB News Ltd believes in wide ranging and robust debate and the plurality of views, subscribing to the idea of "the marketplace of ideas" with opinions battling for acceptance and being subject to scrutiny and challenge". It also emphasised that it preferred open debates to closed ones.

The Licensee agreed with Ofcom's position that the presence of an appropriately wide range of significant views provides "context and an element of audience protection when controversial matters are being discussed", and accepted that "such a range of views was absent in this case". It also added that "if an alternative view had been provided in the programme, it is more than likely that Ofcom would have come to a different conclusion". However, the Licensee maintained that the broadcast could only have caused minimal harm. Noting that critics might have found it "hard to love or tolerate" if they did not like the participants or what they were saying, it said that "being hard to love or tolerate does not necessarily make a programme harmful and we do not believe it was". The Licensee reiterated that "[o]ur position remains that the programme did not breach the Ofcom Code".

In conclusion, the Licensee said it welcomed Ofcom's continued assertion that no subject is too controversial or unpalatable to be aired with appropriate context and stated that it would "continue to broadcast programmes on that basis".

Decision

Reflecting our duties under the Communications Act 2003, Section Two of the Code provides protection for members of the public from the inclusion of harmful and/or offensive material.

Rule 2.1 requires that: "Generally accepted standards must be applied to the contents of television and radio services...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material".

When considering whether a broadcaster has provided its audience with adequate protection from potentially harmful material, Ofcom must have regard to the broadcaster's right to freedom of expression and the audience's right to receive information and ideas as set out in Article 10 of the European Convention on Human Rights ("ECHR").

In considering this case, Ofcom has had particular and careful regard to the broadcaster's right to freedom of expression and the audience's right to receive information and ideas without interference

in accordance with Article 10 of the ECHR. Freedom of expression is a fundamental human right. It constitutes one of the essential foundations of a democratic society. Ofcom recognises its importance and acknowledges the importance of public debate on issues of public concern. Any limitation on the right to freedom of expression must be strictly considered. Any limitation must be prescribed by law, pursue a legitimate aim and be necessary in a democratic society¹³. Parliament has given Ofcom the duty to secure the application of standards in licensed broadcast services that provide adequate protection to audiences from harmful material¹⁴. The legitimate aim pursued by the 2003 Act and the Code is to protect broadcast audiences from harmful material. The Code enables broadcasters to include challenging or contentious viewpoints in programmes, including controversial or critical comments concerning the policies and actions of governments or of public health bodies. However, as set out in Rule 2.1, broadcasters must ensure they provide adequate protection for the audience from the inclusion of potentially harmful material. It is for the broadcaster to decide how to secure such protection where necessary¹⁵.

When considering whether a programme has complied with Rule 2.1, Ofcom must assess the nature of the content and whether there is a reasonable likelihood of it causing members of the public actual or potential harm. Context is important and the extent of any protection required will depend on all the circumstances, including the service on which the material is broadcast, the degree of harm likely to be caused, the likely expectation of the audience and the effect of this material on viewers who may come across it unawares.

Throughout the Covid-19 pandemic, Ofcom licensees have broadcast vast amounts of content related to the virus which, in our view, has been a valuable source of information for audiences. Broadcasters have shown a diverse range of content, including robust debates about the various strategies adopted by the UK Government, and other governments worldwide, to tackle the crisis, as well as analysis of scientific and medical claims.

Ofcom has been clear that it is legitimate, and in line with broadcasters' and audiences' rights to freedom of expression, for programmes to question public policy surrounding the virus and discuss, for example, important matters relating to the Covid-19 vaccines, including their efficacy and possible side effects. However, it is essential that broadcasters continue to ensure their programmes comply with the Code and provide adequate protection to their audience from potentially harmful material.

We first examined the comments made by the guest, Naomi Wolf, in this programme to assess whether they were potentially harmful to viewers. As set out in our Guidance to Section Two, in considering whether a programme which contains health claims has the potential for harm, Ofcom takes into account a number of factors, such as the severity of the situation (i.e. whether the claims relate to the most serious medical conditions); whether the material was targeted at a particularly vulnerable audience; and whether the claims were made by a speaker who is portrayed as having

¹³ In order to establish that a limitation is "necessary", relevant and sufficient reasons must be provided to justify the restriction, the restriction must correspond to a pressing social need, and it must be proportionate to the legitimate aim pursued.

¹⁴ Section 3, Communications Act 2003

¹⁵ See Ofcom's published [Guidance to Section Two](#) provides examples to assist broadcasters.

authority. We also take into account factors such as contextual information and whether there was a degree of challenge or the inclusion of opposing views¹⁶.

As said above, Ofcom recognises the importance of broadcasters being free to debate and scrutinise policy decisions made in relation to the pandemic, including the efficacy of Covid-19 vaccines. However, Ofcom considered that Naomi Wolf's comments went beyond a discussion of this nature and included serious claims by Naomi Wolf that the vaccination rollout represented pre-meditated "mass murder" and that it also disabled and sterilised people. She said that there had been "wholesale purchasing of the medical establishment" and it had been left to "independent journalists" to reveal these "360 degree harms". She said that the vaccine was part of a strategy to turn the West into a version of the Chinese Communist Party (CCP). Specifically Naomi Wolf claimed that:

- *"It was the doctors in pre-Nazi Germany in the early thirties who were co-opted by the National Socialists and sent to do exactly what we're seeing kind of replaying now. It was the medical organisations in the early thirties who were emboldened to be the arbiters of, you know, 'life worthy of life, life unworthy of life'";*
- *"This is why I believe these are bioweapons because they are literally sterilising people". "I mean, it's not surprising, a mass, you know, a mass murder has taken place...";*
- *"...This is a massive crime. Of course they want to sweep it under the rug because a mass murder has not just taken place. It is still taking place, disabling people into the future, sterilising the next generation";*
- *"So the reason I say mass murder with such calmness is that if, if, and not only that the FDA knew, because at the bottom of these documents, it says 'FDA confidential'...They knew three months in that 1200 people were dead, four of them the day they were injected, and they kept going. They knew in April of last year that children's hearts were being damaged a week after the injection and they kept going".*

In considering any potential harm caused by the content, Ofcom took into account that at the time of broadcast, the World Health Organisation (WHO) had recently declared that the end of the Covid-19 pandemic was "in sight" as weekly deaths from the virus, worldwide, were at the lowest level since March 2020¹⁷. GB News Ltd also said the programme was broadcast at a time when the level of scrutiny and informed debate about vaccines had progressed from that of earlier stages of the

¹⁶ Ofcom has published research [Health and wealth claims in programming: audience attitudes to potential harm](#), setting out audience views on the potential harm arising from programmes involving health or wealth claims.

¹⁷ At a virtual press conference discussing the Covid-19 pandemic on 14 September 2022, WHO Director General Tedros Adhanom Ghebreyesus said that "we are not there yet. But the end is in sight". This was reported by several media outlets including [The Guardian](#) and [Reuters](#).

pandemic. We were mindful of the Licensee’s view that “the risk of harm, either real or imagined, from this programme was very low, and certainly minimal compared to the time when Ofcom was actively sanctioning channels for making controversial claims about Covid and the vaccines 18-24 months earlier” (emphasis added by Licensee)¹⁸.

The Licensee also considered “there was a vast amount of information available to everyone about the wisdom or otherwise of vaccination” and the debate had “moved out of the shadows, as it were, and moved into more mainstream discussion”. The Licensee said that it was reflecting the views of people that felt “angry and outraged” about the effect of the mass lockdowns, damage to the economy and the perceived lack of information about the risk of side effects from Covid-19 vaccinations.

The Licensee said that Mark Steyn “consistently tested and questioned specific aspects of Covid policy” and “focused on facts and evidence from a wide range of sources that provide questioning and challenge to the official narrative”. The Licensee also stated that “[t]he programme has devoted a great deal of time and research in trying to uncover the factual basis of this part of the story [vaccine side-effects] and has regularly presented the evidence for its assertions”.

We were also mindful that the Licensee had said that “an easy assumption of actual or potential harm should...be resisted”, its assertion that it was a “mistake” to think that “outspoken and combative language advocating a view that seems outside the bounds of ‘polite discourse’ must be harmful in some way”, and its view that “[e]xpressions of concern and warning do not necessarily equate to harm”.

Ofcom agreed that at the time of broadcast, public policy relating to the virus was not impacting people’s lives in the same way as at the start of the pandemic when there were restrictions in place affecting many aspects of people’s lives.

Ofcom also acknowledged that on 4 September 2022, a few weeks before this programme was broadcast, 93.6% of UK adults aged 12 and over had received their first dose of a Covid-19 vaccination, 88.2% had received a second dose and 70.2% had received a booster or third dose¹⁹. Ofcom had regard to the Licensee’s argument that at the time of broadcast there was no heavy promotion of widespread vaccination. However, while Ofcom agreed there was limited publicity in the UK to encourage widespread vaccination among the general population, there was a targeted autumn booster rollout aimed at certain people, including those aged 50 years or over and people with other vulnerabilities who might be at greater risk from a severe outcome from the virus²⁰. For these more vulnerable individuals in particular, the decision as to whether or not to take up a vaccine might carry significant health implications. It was therefore vital that they were able to make properly informed choices based on appropriately presented and contextualised information.

As stated above, Ofcom acknowledges the importance of broadcasters discussing and debating policies relating to Covid-19, including the side-effects of the vaccines and matters relating to their

¹⁸ A full list of programmes dealing with the Covid-19 pandemic that have been found in breach of the Code is available on the [Ofcom website](#). The most recent of these was broadcast in April 2022.

¹⁹ See vaccination statistics available on the [UK Government Coronavirus dashboard](#).

²⁰ See: [A guide to the Covid-19 autumn booster](#).
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efficacy. The Code does not prohibit these important discussions. Ofcom disagreed with the Licensee's claim regarding the absence of robust debates on this subject and in fact, the broadcast of numerous debates and discussions on the side-effects and efficacy of the Covid-19 vaccines, including those shown regularly on GB News, clearly demonstrate that these important conversations took place and were not restricted by the Code or Ofcom's enforcement of it.

In our view, however, Naomi Wolf made serious claims about the possible side effects and safety of the vaccines. The potentially harmful impact of these claims on viewers was then increased by accusations levelled at those providing the vaccine programmes (including governments and medical organisations) who were said to be involved in the most serious, pre-meditated crimes, i.e. mass murder. Further, we also took account of the claims made by Naomi Wolf about the criminal conduct of public health authorities and their nefarious motivations, such as, *"It was the doctors in pre-Nazi Germany in the early thirties who were co-opted by the National Socialists and sent to do exactly what we're seeing kind of replaying now"*.

We also took into account that the claims were made by a guest who, in Ofcom's view, was presented as a figure of authority to viewers. The presenter introduced Naomi Wolf to viewers as an author and said she was *"ahead of the game on a lot of this [the global response to the Covid-19 pandemic]"*. Naomi Wolf informed viewers that *"I'm not a conspiracy theorist"* and described herself as a long-standing journalist of *"35 years which until 2020 led me to be a darling of the established media"*²¹, to which the presenter agreed.

While the Licensee did not present Naomi Wolf as a medical expert, she made repeated references in support of her claims to evidence she said she had seen being *"one of the few people along with my 3500 experts who have looked at the Pfizer documents"* and further that these were *"medical experts, scientific experts"*. Ofcom considered that this presented her to the audience as having particular knowledge and expertise in the safety of the vaccines which would have lent credence and authority to her claims.

Ofcom had particular regard to the Licensee's argument that the claims made "were [Naomi Wolf's] opinion, nothing more, nothing less" (emphasis added by the Licensee). Ofcom recognises Naomi Wolf's right to hold her views and opinions and also GB News' right to broadcast them and its audience's right to receive them. We emphasise that the Code does not prohibit these views and opinions from being broadcast. However, defining content as opinion does not remove the requirement under the Code for the broadcaster to ensure that audiences are appropriately protected from potentially harmful material.

We also took into account that the Licensee said that it was a "mistake" to think that "outspoken and combative language advocating a view that seems outside the bounds of 'polite discourse' must be harmful in some way", and its view that "[e]xpressions of concern and warning do not necessarily equate to harm".

However, we did not accept the Licensee's position. As referenced above, we considered Naomi Wolf had been presented as a figure of authority regarding vaccine safety and accordingly, in our view, her

²¹ Naomi Wolf is the author of several books, most notably *The Beauty Myth: How Images of Beauty are used Against Women* which was published in 1990 and received critical acclaim.

opinions would have been likely to carry weight with the audience. In particular, we took into account that there was an absence of any opposing views, challenge or proper contextualisation, which further served to reinforce her authority and the credibility of her claims. As set out above, the presenter at points agreed with Naomi Wolf and appeared to endorse her as a credible expert.

We did not therefore agree that these claims were simply “expressions of concern and warning”. We considered the claims – in particular that the vaccine rollout was a pre-meditated crime ie “*mass murder*” – amounted to the promotion of a serious, unchallenged conspiracy theory which was presented with authority. These claims had the potential to impact on viewers’ decisions about their health and were therefore potentially harmful. As a result, it was incumbent upon the Licensee, when broadcasting such content, to include adequate audience protection, in accordance with Rule 2.1.

It is an editorial decision for the individual broadcaster as to how adequate protection might be achieved and our Guidance states that there are various methods broadcasters can consider. Broadcasters may choose to include a range of information to ensure that potentially harmful content is appropriately contextualised including, for example, challenge by a presenter or other guests. While each case will be different, it is important that broadcasters recognise that in order for protection to be adequate, the level of audience protection should be commensurate with the level of potential harm.

In considering whether the programme provided adequate protection to its viewers, Ofcom recognised that GB News is a channel which describes itself as “Britain’s News Channel” which, according to the Licensee, is “committed to airing a wider range of views” compared to other channels. GB News Ltd said other channels “routinely shy away from difficult or disruptive views” and that ensuring their programmes were “opinion driven, questioning, combative, [and] suspicious of easy consensus” was an important contextual difference between it and other media outlets. In later representations the Licensee reiterated that “GB News believes in wide ranging and robust debate and the plurality of views”, preferring “‘open’ debates to ‘closed’ ones”. We were mindful of the expectations of regular viewers to *Mark Steyn* and acknowledged the Licensee’s argument that the programme aims to “challenge the status quo” and question the “official narratives of major public issues”. GB News Ltd said *Mark Steyn* “has a regular and loyal audience who understand the nature of the programme and Mr Steyn’s own approach” and that if anyone had come across the programme “accidentally”, those people “would understand all this very quickly”. We also took into account the Licensee’s argument that “[t]he Mark Steyn programme was just one small voice raising legitimate doubts as new information emerged – a passionate and plaintive voice certainly but still a small one”. We had careful regard to the Licensee’s arguments and agreed it is important for UK viewers to receive a wide variety of viewpoints although Ofcom has been clear that the Code applies to all Ofcom licensed broadcasters regardless of their size. We also agreed with the Licensee that it is both legitimate and essential that media organisations are able to debate issues of national importance and concurred with GB News Ltd that issues relating to Coronavirus and vaccinations would be considered by viewers to be such issues.

These factors do not remove the Licensee’s obligations under the Code however, or its responsibility to provide adequate protection to its viewers from potentially harmful material.

Ofcom carefully considered the Licensee's argument that it "by no means endorses or agrees with all the diversity of views that are offered on its channel but strongly supports the principle of broadcasting them". We also took account of the Licensee's remarks that Naomi Wolf and the presenter might have "overstated the case now and then" and that it did not "assert the literal truth of every assertion made by Mark Steyn and Naomi Wolf and we did not believe we are required to". Ofcom agreed that broadcasters are permitted under the Code to broadcast controversial views. However, this does not remove the Licensee's obligation to ensure that their programmes are compliant with the Code and provide adequate protection from potentially harmful statements as necessary. This is especially the case where current affairs programmes present serious, potentially harmful claims about matters of particular importance to people's lives such as their health.

We were particularly concerned that during the interview Naomi Wolf was given the opportunity to present her claims largely unchallenged with the presenter appearing supportive of many of her comments and without any other contextualising content. For example, the presenter said that Covid-19 vaccines had caused "*almost every conceivable kind of damage*" and that it is the "*biggest public scandal this century if Western governments knew about the damage right at the beginning...and they're still insisting right now that everybody gets the 37th booster shot*". Ofcom acknowledged that on one occasion the presenter said that the claim presented to viewers that the vaccination rollout was "*mass murder*" was a "*serious charge*" and he went on to agree with the guest that "*it's a question that has to be asked*". Naomi Wolf then repeated the claim by asserting: "*so the reason I say mass murder with such calmness is that if, if, and not only that the FDA knew...*". There was no scientific scrutiny of the evidence she claimed to have to support her claims, or any other contributions in the programme which challenged or otherwise contextualised them. While we acknowledged the Licensee's assertion that it had "provided comprehensive news coverage of government and health authority announcements" and that "[i]t could not possibly be said that the channel has neglected to tell its audience about 'the official view'", we did not consider content broadcast in unrelated programming to provide adequate context or challenge to Naomi Wolf's claims made in this interview. Ofcom welcomed the Licensee's recognition that "a wider media narrative does not justify the absence of alternative voices" and that a wide range of views "provides context and an element of audience protection when controversial matters are being discussed". Ofcom also noted the Licensee's admission that "such a range of views was absent in this case".

As set out above, we also considered that Naomi Wolf was presented as a figure of authority within the programme. Although the presenter made reference to Naomi Wolf being "*denounced as a conspiracy theorist*", we considered the programme did not present any further information to substantiate, challenge or otherwise appropriately contextualise Naomi Wolf's claims to viewers. Taking account of all the above we concluded that GB News Ltd did not provide adequate protection for viewers from the inclusion of potentially harmful material in this programme.

Conclusion

It is important to note that the Code does not prevent the broadcast of controversial or challenging opinions and this includes viewpoints which "challenge the status quo". Indeed, GB News, as well as a number of other broadcasters, have broadcast a range of programming that has been strongly critical of the response to the Covid-19 pandemic both in the UK and abroad.

In considering this case, Ofcom has had particular and careful regard to the broadcaster's right to freedom of expression and the audience's right to receive information and ideas without interference in accordance with Article 10 of the ECHR. Freedom of expression is a fundamental human right. It constitutes one of the essential foundations of a democratic society. Ofcom recognises its importance and acknowledges the importance of public debate on issues of public concern. Any limitation on the right to freedom of expression must be strictly considered. Any limitation must be prescribed by law, pursue a legitimate aim and be necessary in a democratic society²². Parliament has given Ofcom the duty to secure the application of standards in licensed broadcast services that provide adequate protection to audiences from harmful material²³. The legitimate aim pursued by the 2003 Act and the Code is to protect broadcast audiences from harmful material.

Ofcom considered that the interview with Naomi Wolf contained claims which amounted to the promotion of a serious, unchallenged conspiracy theory which was presented with authority. We were particularly concerned about the significant and alarming claim that "mass murder" was taking place through the rollout of the Covid-19 vaccinations which she repeated three times. These claims had the potential to impact on viewers' decisions about their health and were therefore potentially harmful. In accordance with Rule 2.1, the Licensee should have ensured that Naomi Wolf's potentially harmful comments were challenged or otherwise contextualised to provide adequate protection for the audience, which they were not. Ofcom further took account of the fact that these claims were broadcast on a regulated service as part of a factual programme on a current affairs channel.

Taking all the above factors into account, Ofcom did not consider that the programme included adequate protection for viewers from the inclusion of potentially harmful material and it was therefore in breach of Rule 2.1.

This breach of Rule 2.1 of the Code follows another recent breach²⁴ also involving potential harm to viewers (under Rule 2.2). Ofcom is requesting that GB News Ltd attends a meeting to discuss its compliance approach in light of these two significant Code breaches.

Breach of Rule 2.1

²² In order to establish that a limitation is "necessary", relevant and sufficient reasons must be provided to justify the restriction, the restriction must correspond to a pressing social need, and it must be proportionate to the legitimate aim pursued.

²³ Section 3, Communications Act 2003

²⁴ See Issue 469 of Ofcom's Broadcast and On Demand Bulletin:
https://www.ofcom.org.uk/data/assets/pdf_file/0034/254797/Ofcom-Decision-Mark-Steyn,-GB-News.pdf
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