

ADJUDICATION

Mr Clive Bates, Director of ASH, 16 Fitzhardings Street, London W1, complained that an article published in the Sunday Telegraph on 8 March 1998 headlined "Passive smoking doesn't cause cancer - official" and an accompanying editorial headlined "A setback for nanny" contained inaccuracies in breach of Clause 1 (Accuracy) of the Code of Practice.

The pieces said that a summary of a study by the International Agency for Research into Cancer (IARC) had been withheld as it had showed that there might be no link between passive smoking and cancer and that it might even have a protective effect. The complainant said that both the World Health Organisation and the Chief Medical Officer had criticised the article as being misleading. He said that the fact that the summary had not in isolation shown a definitive link between passive smoking and cancer had wrongly been interpreted as proving that there was no link. He said that both the summary and the study had shown a positive correlation but on account of the small sample size it was not possible to show with 95% confidence that there was a definite link. The complainant sent a copy of the summary of the work upon which the articles were based and maintained that when the study was finally published it would say the same.

The editor pointed out that the pieces had not said that the full study had been 'suppressed' only that publication in a scientific journal had been withheld. He said that the summary of the study had not shown any statistically significant link and that this had been slimmed up in the headline. The journalist had made repeated attempts to contact the WHO prior to publication but no one would discuss the matter. Articles in subsequent editions had reported the criticisms of the newspaper and explained how the newspaper had reached its conclusions.

In considering this complaint, it was not for the Commission to make any finding on whether or not passive smoking causes cancer. The Commission's only job was to assess if the Code had been breached and the nature of any possible resolution of the complaint.

In exploring ways of resolving the matter the Commission noted that the salient part of the complaint related to an allegation that the newspaper had misleadingly reported the contents of the summary of the study. It therefore seemed appropriate that the newspaper should publish a new article, referring readers to the original article, when the full report was published. The newspaper undertook to do so. As the complaint was strictly a third party one the Commission also asked the newspaper if it might ask whether the World Health Organisation - the body chiefly referred to in the article - would submit a letter for publication. Again, in the interests of an amicable resolution, the editor agreed.

However, before the WHO had responded to this enquiry, the full report was published, and the newspaper fulfilled its earlier commitment by publishing a story

headlined "Study fails to link passive smoking with cancer" which explained that the scientists had found a 16-17% relative risk of contracting lung cancer if you lived or worked with a smoker, but that this was statistically non-significant. The article also quoted from the complainant's press release and said that his original objection had largely been about the headline "Passive smoking doesn't cause cancer - official".

The piece explained that the word 'official' related to the provenance of the research - the WHO. The article also quoted from an interview that the complainant had given to the newspaper.

Although the Commission always considers the headline of an article in conjunction with the text, in this case it appreciated the complainant's concern about the use of the word 'official'. However, as it was not for the Commission to come to any view before publication of the survey about what might or might not have been in the full study - or how it should have been interpreted - it considered that the most sensible way of resolving the matter was for the editor to publish a further piece when the study was published, which he had done. The Commission, in examining the entire coverage of the report, therefore considered that the substance of the complaint by ASH had been resolved. There was no further matter under the Code to pursue.

The complaint was not upheld.

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