

Quarterly Report of Appeals, Complaints and Advice

The BBFC is the regulator of commercial and internet content delivered via the mobile networks of EE, O2, Three and Vodafone.

In the interest of transparency, the BBFC publishes all of its adjudications in relation to cases reported to it of purported underblocking or overblocking, along with requests for advice on whether particular content should go behind parental controls or adult filters.

We keep this list updated as and when new cases are reported to us and publish updates every three months.

In all cases, the BBFC conveys its adjudication to (i) the complainant, appellant or person or body seeking advice; (ii) the Mobile Broadband Group; and (iii) the relevant mobile network operator(s).

The adjudication that a website contains no material that we would classify 18 does not necessarily mean that we believe it is suitable for younger children.

In the following cases, the adjudications represent an assessment of the content according to the dates listed below. Any subsequent changes to content have therefore not been viewed by the BBFC, although we reserve the right to change our adjudication should altered content be brought to our attention subsequently.

December 2014

19 December 2014

Website

thatfox.co.uk

Issue

A mobile network operator contacted the BBFC for advice about the suitability of the website for people under 18.

Adjudication

The BBFC viewed the website on 19 December.

We noted that it was an information resource focusing on the LGBT community and covering issues such as depression, suicide and anorexia. Some of the blogs contained extended notes on people's struggles with such issues, and while their experiences had been harrowing the focus of both their stories and the site as a whole was positive. Along with supportive messages posted in relation to the articles, links were provided to organisations such as The Samaritans, MIND and Bipolar UK along with other self-help and support groups. No content on the site promoted suicide, anorexia or self-harm.

As such, given the context of the material's presentation we found no content that we would classify 18.

22 December

Website

wisdomofwhores

Issue

A member of the public contacted the BBFC to complain that the site was blocked by adult filters despite, in the complainant's view, containing no material that would restrict it to access by adults only.

Adjudication

The BBFC viewed the website on 22 December 2014.

We noted that the site was a blog by Elizabeth Pisani, an epidemiologist and writer. The blog reflected her public health interests, in particular HIV/AIDS, and carried numerous articles concerning prostitution, trafficking and pornography, specifically the health of sex workers and performers in the porn industry. There were also links to other websites covering similar topics.

While the site did include some references to sexual activity and sexually transmitted infections, the information was generally provided within the context of news stories, public health issues, HIV/AIDS awareness and prevention, and commonly with a scientific slant. As such, we found no content which would lead us to classify the website 18.

Website

hydrodaze.co.uk

Issue

A mobile network operator contacted the BBFC for advice about the suitability of the website for people under 18, following a complaint from the website owner that it had been placed behind adult filters despite containing no material which in the complainant's opinion would cause access to be restricted to adults only.

Adjudication

The BBFC viewed the website on 22 and 23 December.

We noted that the site sold various items related to hydroponics, including lighting equipment, filters, grow kits, tents and so on. There were statements on the front page of the site that the company send products with discreet packaging and shipping, and the company's delivery policy further noted that 'All parcels are discreetly wrapped'.

It was clear from our viewing that one of the site's purposes was the supply of products which could be used for the illegal cultivation of cannabis. On this basis, we concluded that we would not classify such a site below the adult (18) level.

January 2015

5 January 2015

Website

onlinespyshop.co.uk

Issue

A mobile network operator contacted the BBFC for advice about the suitability of the website for people under 18, following a complaint from the website owner that it had been placed behind adult filters despite containing no material which in the complainant's opinion would cause access to be restricted to adults only.

Adjudication

The BBFC viewed the website, onlinespyshop.co.uk, on 5 and 6 January 2015.

We found that the website offered apps and products for sale which, among other uses, allowed the monitoring of phone calls, emails and messages on mobile devices and computers. We also noted the use of confidential / sanitised credit card transaction references which suggested potential covert and unauthorised monitoring. While there was also reference to the various legal uses of the products, covert and potentially unlawful applications were also prominent. For example, a banner headline appeared on the website with the wording, "Because not knowing is worse than knowing...Is your wife or partner making a fool of you?"

As the website promoted the sale of spying products, and the likely use of some of these had the clear potential to contravene The Regulation of Investigatory Powers Act 2000 and other relevant legislation such as The Computer Misuse Act 1990 and The Data Protection Act, the BBFC concluded that it would not classify the site.

The website owner subsequently made further changes to the website on two occasions in February, removing certain sections following additional BBFC advice. At the time of writing the website still contained material that the BBFC considered potentially liable to contravene the legislation listed above.

14 January 2015

Website

thehavens.org.uk

Issue

A mobile network operator contacted the BBFC for advice about the suitability of the website for people under 18, following a complaint from the website owner that it had been placed behind adult filters despite containing no material which in the complainant's opinion would cause access to be restricted to adults only.

Adjudication

The BBFC viewed the website on 14 January 2015.

We noted that the website provided information about a network of specialist sexual assault referral centres in London. It provided information and support for those affected by sexual assault and rape. It detailed the process of visiting one of the centres, which may involve counselling, tests and treatment. External links to organisations such as charities and the Metropolitan Police were also provided.

While the subject matter discussed on the site might not be suitable for younger children, it was clearly designed to support the victims of rape and sexual assault, and all related material was presented in a responsible manner. As such we found no content which we would classify 18.

02 February

Websites

mybedes.org, bedes.org

Issue

A member of staff at an educational institution contacted the BBFC to complain that the websites had been placed behind adult filters despite containing no material which in the complainant's opinion would cause access to be restricted to adults only.

Adjudication

The BBFC viewed the 'mybedes' intranet section of the site on 2 February 2015, as well as the main website which had also been placed behind adult filters.

We noted that the intranet section was an internal educational and information site for students and staff of the school, with various resources, including papers and video links, for education and student information. We found no content which would lead us to classify the site 18. With the main site providing information on the school and what it offered, it too contained no content requiring such restriction.

03 February

Websites

guntrader.co.uk, gunstar.co.uk

Issue

A mobile network operator contacted the BBFC for advice about the suitability of the websites for people under 18, following a complaint from a member of the public that they had been placed behind adult filters despite containing no material which in the complainant's opinion would cause access to be restricted to adults only.

Adjudication

The BBFC viewed the websites on 3 February 2015.

We noted that both sites offered the selling and trade of various guns, ranging from

BB guns up to shotguns and rifles. Guntrader stated that the aim of the website was 'To provide appropriately licensed members of the public with the easiest way to buy or sell a gun', while Gunstar stated that 'We are a shooting and related field sports advertising web site service established by sport shooting enthusiasts and web/software developers.' Both sites offered links to other gun vendors. There were forums which discussed related interests, including specific hunting issues. In regard to the trade of weapons, both websites had clear legal disclaimers present (for example, the Guntrader site noted that 'You must either conduct the sale face to face and write the information about the gun onto their licence or send the gun to their local dealer. You MUST inform your local police force you have disposed of the gun.').

The Classification Framework does not cover sites which supply age restricted goods or services unless any adult filters in place block on the basis of the types of content listed in Part B of this schedule. Given the presentation of the above sites, the BBFC found no material which it would classify 18.

18 February 2015

Website

Prettycity.co.uk

Issue

The website owner contacted the BBFC to complain that the site was blocked by adult filters despite, in the complainant's view, containing no material that would restrict it to access by adults only.

Adjudication

The BBFC viewed the website on 18 February 2015.

We noted that the site was a digital portfolio featuring various images and external links to Twitter and Vimeo among others. While the site did include some nudity it was clearly stylised and was not placed within a sexualised context. As such, we found no content which would lead us to classify the website 18.

03 March

Website

clear-uk.org

Issue

A mobile network operator contacted the BBFC for advice about the suitability of the website for people under 18, following a complaint from the website owner that it had been placed behind adult filters despite containing no material which in the complainant's opinion would cause access to be restricted to adults only.

Adjudication

The BBFC viewed the website on 3 March 2015.

We noted that the website was lobbying for a change in UK law in relation to the use of cannabis. There were numerous news stories, and articles related to events such as visits to parliament. While many of these covered the potential decriminalisation of cannabis in a responsible manner, some of the information could be argued to promote cannabis use. We also found video material that included sight of real drug use. One video, the documentary film 'Super High Me', contained extended sight of such drug use and was classified 18 by the BBFC in 2008. As such the BBFC would not classify the site below 18.

Following this adjudication the website owner asked the network operator for further clarification. We looked at the clear-uk.org website again on 13 and 18 March 2015. We noted that the video 'Super High Me' had been removed, but there remained articles which discussed the use of cannabis as a pleasurable activity and reviews of products which promoted the experience of using cannabis. We considered that such content promoted and encouraged the misuse of illegal drugs, and as such we would continue not to classify the site below 18.

20 March 2015

Website

pulsin.co.uk

Issue

The website owner contacted the BBFC to complain that the site was blocked by adult filters despite, in the complainant's view, containing no material that would restrict it to access by adults only.

Adjudication

The BBFC viewed the website on 20 March 2015.

We noted that it was a website selling various food products such as snack bars and protein powders. One section on the website sold hemp protein powders in various sizes, and the accompanying information detailed the health benefits of using such products. In the Q&A section on the site it was explicitly stated that these products contain food grade hemp seed which is tested for a psychoactive ingredient and does not cause any doping issues. Furthermore it was noted that 'there are no pharmaceutical drugs in our factory'.

As such the BBFC found no content on the site which we would classify 18.

BBFC

31 March 2015