

Sent: Mon 27/08/2013

Subject: Complaint 131881

Dear Mr Jones

Further to our previous correspondence, the Commission has now made its assessment of your complaint under the Editors' Code of Practice.

The Commission members have asked me to thank you for giving them the opportunity to consider the points you raise. Their decision is that the editor has offered sufficient remedial action under the Code. A full explanation for the decision is below. You will see that the Commission has instructed the newspaper to publish a clarification in print and online without further delay.

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 Reviewer, whose details can be found in our How to Complain leaflet or on the PCC website at the following link:

<http://www.pcc.org.uk/about/whoswho/independentreview.html>

Thank you for taking this matter up with us.

Yours sincerely,

PCC

Commission's decision in the case of

Jones v Daily Mail

The complainant was concerned that the newspaper had failed to take care not to publish inaccurate information and had failed to distinguish conjecture from fact in breach of Clause 1 (Accuracy) of the Editors' Code of Practice.

The articles, headlined "Recycling: the great con trick" and "The great recycling con trick: How 12million tons of your carefully sorted waste is being dumped in foreign landfill sites", reported that DEFRA had admitted that recyclable waste that is shipped abroad is largely "beyond their control" and detailed how plans were being put in place to reduce illegal landfill as a result of exports.

The complainant said that by asserting, as fact, claims and speculation about the end destination of household recycling, the newspaper had misled its readers. The Commission noted that he had identified a number of alleged inaccuracies across the print and online coverage which could be summarised as follows: it was wrong to draw a connection between illegal exports of separated waste and the 12m tonnes of "green list" recycling – from both household and

commercial/industrial sources – that was lawfully exported for reprocessing; it was wrong to state that the 12m tonnes related to household recycling only; it was wrong to conclude that, because there is no detailed information about where all of the exported recycling goes to, this must mean it goes to landfill; it was wrong to suggest that (UK) reprocessors reject most recycling, or to draw conclusions from this claim regarding the behaviour of overseas reprocessors; it was wrong to draw a connection between outsourcing and a rise in recycling, or to claim that recycling “generates” waste; and it was wrong to state that “carefully separated” waste is being rejected, when the likelihood of recycling being rejected is inversely proportional to the care with which it has been separated by householders.

Clause 1 (Accuracy) states that the press must take care not to publish inaccurate, misleading or distorted information and demands that significant inaccuracies should be corrected promptly and prominently, once recognised. This Clause also requires newspapers to distinguish clearly between comment, conjecture and fact.

The Commission carefully considered each of the issues raised by the complainant.

The complainant had argued that the assertion in the front page article that “millions of tons of household rubbish painstakingly sorted by families for recycling is being dumped abroad” was misleading, as the newspaper had not given a source for this claim and did not indicate to readers that the “millions” figure was, at best, conjecture. He also said that the online headline, which stated that “12 million tons of your carefully sorted waste” is being sent to landfill overseas, was unsubstantiated and suggested, inaccurately, that there was a known figure for the amount of household waste sent to landfill abroad (when, in fact, not all such material is destined for landfill and there is no available figure for untraceable materials that may end up in landfill). Furthermore, the Commission noted his position that the total annual amount of recycling collected from UK households is just 10.7 million tonnes.

In response to the complaint, the newspaper had explained that it was relying on information supplied by the Environment Agency and supplied a copy of an email received from the agency’s news desk. The newspaper was entitled to rely on information provided by the Environment Agency. However, the Commission noted that the “around 12 million tonnes” figure referred to all “green list” recyclables exported from the UK annually, and there were no specific figures available to support the newspaper’s assertion, as fact, that 12 million of tonnes of waste sorted for the purposes of recycling sorted by UK families is being dumped in foreign landfill. While the Commission accepted that the Environment Agency recognises illegal waste exports as a problem requiring investigation and prosecution, it had not provided figures relating to household waste alone or, indeed, showing the final destinations of exported recyclables (which both parties had acknowledged could not possibly be traced).

Therefore, the Commission considered that the assertion about the amount of domestic recycling ending up in landfill abroad was inaccurate and misleading to readers in breach of Clause 1 (Accuracy) and, under the terms of Clause 1 (ii), the newspaper was required to correct this significant error. The Commission took the view that the newspaper’s proposal to publish the following wording (with due prominence in print on its page 2 corrections column and online), in addition to amending the online article appropriately and annotating its archive, represented an offer of sufficient remedial action under the terms of the Code:

“Following an article on April 6 which said that millions of tons of household recycling is being ‘dumped abroad’, we are happy to clarify that, while 12m tons of household and business waste is sent overseas for recycling, the proportion which ends up in landfill is unknown.”

The Commission instructed the newspaper to publish the correction immediately on receipt of this decision in order to set the record straight for readers.

The Commission turned to the complainant’s concern that it was misleading for the newspaper to refer to landfilled recyclable material as having been “carefully” or “painstakingly” sorted by members of the public. It noted his explanation that one of the reasons such waste is dumped is due to contamination with “non-target” material and such contamination is more likely when the waste is collected for recycling in a single bin which is then passed through a “Material Recycling Facility” (MRF). While the complainant considered that the contaminated waste was unlikely to have been sorted with care, the Commission took the view that observations regarding the level of care taken during sorting are essentially subjective and the newspaper was entitled, under the terms of Clause 1 (iii), to hold the editorial stance that its readers diligently sort their recyclables. There was no breach of the Code on this point.

The Commission turned to the complainant’s concern that DEFRA has not said that “in reality, processors reject most recyclable material, which then often ends up in landfill sites” as stated in the article. The Commission noted that the DEFRA report referred to by the newspaper in correspondence, and cited in the coverage, was commissioned by the Waste and Resources Action Programme (WRAP). In Section 2.2 of WRAP’s report of UK reprocessors, the majority said that “some” and a few said “hardly any” of the MRF output met their quality specification in terms of contamination levels.

In the complainant’s view the newspaper had moved from the report’s finding (that 60% of reprocessors think that MRF outputs are not good) to a different claim (that 60% of reprocessors reject MRF material because it is no good) and finally to the incorrect assertion that processors reject the majority of material, which typically ends up in landfill.

Although the Commission accepted that WRAP’s question to reprocessors concerned their attitude to the quality of MRF output, it did not think it unreasonable for the newspaper to assume that if their quality specification is not met the material is rejected for immediate reprocessing. The newspaper was free under the Code to interpret the results of WRAP’s survey and draw conclusions from that information. The Commission was satisfied that readers would not be significantly misled by the newspaper’s summary of DEFRA’s position and concluded that there was no breach of the Code on this point.