

## **COMPLAINT ADJUDICATION**

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**Robert A. Brown**  
and  
**The Ferret (online)**

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### **Clause 1. Accuracy**

**1.1. Publishers must take all reasonable steps to ensure accuracy.**

**1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.**

**Complaint Dismissed**

**No breach of Code**

**Before IMPRESS Regulatory Committee A**

**Ato Erzan-Essien, Chris Elliott, David Leigh, Debrah Harding and Walter Merricks (Chair)**

**08 September 2020**

## 1. Summary of Complaint

- 1.1. The Complainant is Robert A. Brown (“the Complainant”), a third party seeking to ensure the accuracy of published information. He has confirmed to IMPRESS that he is not an affected party or the representative of an affected party.
- 1.2. The Respondent is The Ferret Media Ltd, which publishes online as The Ferret, and is an investigative journalism platform co-operative for Scotland and beyond, that has been regulated by IMPRESS since 16 June 2016.
- 1.3. The complaint concerns an article that first appeared in The Ferret (online) on 9 April 2020 with the headline, “*Does Vitamin D help to fight off Covid-19?*”, under the collective category of an article series titled, “*Fact check: debunking myths about coronavirus*”.
- 1.4. The complaint is assessed against the IMPRESS Standards Code, the relevant clauses are:

*Clause 1 (Accuracy)*

*1.1. Publishers must take all reasonable steps to ensure accuracy.*

*1.4. Whilst free to be partisan, publishers must not misrepresent or distort the facts.*

## 2. Background

- 2.1. The article concerned social media posts that claimed doctors were advising the Scottish Government to, “send Vitamin D tablets to every household as it helps the body fight off coronavirus”.
- 2.2. The article went on to say, “This has not been proven”, and referred to articles published by The Association of British Dieticians (BDA) and the Trinity College Dublin Study, providing links to both articles.
- 2.3. The article included a hyperlink on the term “social media” which directed the reader through to a tweet that stated “...A doctor advises the Scottish Government should consider sending vitamin D tablets to every household after research has found the nutrient may help the body fight off the coronavirus and could prevent people having to go to hospital.”

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- 2.4. The article concluded with a link to the Scottish Government's guidance concerning Vitamin D intake; the guidance had been updated by the Scottish government to account for coronavirus.
- 2.5. The article does not rate the claim on its six-point fact checking scale which ranges from 'True' to 'FFS!' (For Facts Sake). Instead, the Publisher has stated that the claim in the headline of the article, "Does Vitamin D help to fight off Covid-19?" was "unsupported".
- 2.6. The article was updated on 29 July 2020 to include the following claims after an advisory statement by Public Health England was published on 29 June 2020:

*Public Health England has stated there is currently "no evidence to support taking vitamin D supplements to specifically prevent or treat Covid-19".*

*A review of evidence by Public Health England reported four studies which have found a correlation between low levels of Vitamin D and development of Covid-19. However, factors such as body mass index (BMI) or underlying health conditions were not adjusted for.*

### **3. The Complaint**

- 3.1. The Complainant contacted The Ferret on 1 June 2020 and made a complaint on the grounds of accuracy. The Publisher rejected the complaint, as it did not consider that the complaint breached the IMPRESS Standards Code.
- 3.2. The Complainant subsequently made a complaint to IMPRESS, and after seeking clarification of the basis for the complaint, IMPRESS confirmed the substance of the complaint as follows, a full copy of which was provided to the Committee.
- 3.3. The Complainant argues that a breach of Clause 1.1, and 1.4 of the IMPRESS Standards Code has occurred.
- 3.4. Regarding Clause 1.1., the Complainant does not consider that all reasonable steps were taken to ensure the accuracy of the claim that the proposition in the headline, "Does Vitamin D help to fight off Covid-19" is "unsupported".
- 3.5. The Complainant considers that there are multiple studies and articles that show a correlation between low Vitamin D and the severity and mortality of

Covid-19. The Complainant considers that this link was shown through the preprints that he provided to the Publisher.

- 3.6. It is the Complainant's position that all reasonable steps to ensure accuracy would have included corroborating the claim with further research.
- 3.7. Regarding Clause 1.4., the Complainant considers that the Publisher misrepresented and distorted the facts concerning the social media post and The Irish Longitudinal Study on Ageing (TILDA), study through the omission of information.
- 3.8. Regarding the social media post, the Complainant claims that by omitting the word 'may' in the article, the Publisher distorted the meaning of the original tweet where the term "may" did appear:

*"A doctor advises the Scottish Government should consider sending vitamin D tablets to every household after research has found the nutrient [may] help the body fight off the coronavirus and could prevent people having to go to hospital."*

- 3.9. The Complainant further considers that the Publisher misrepresented the TILDA study through the omission of the statement by Professor Rose Anne Kenny, Principle Investigator of TILDA, concerning the connection between Vitamin D and COVID-19. The Statement Read:

*"Though we do not know specifically of the role of Vitamin D in COVID infections, given its wider implications for improving immune responses and clear evidence for bone and muscle health, those cocooning and other at-risk cohorts should ensure they have an adequate intake of vitamin D."*

- 3.10. The Relevant Statements are:

*Posts on social media claimed doctors were advising the Scottish Government to send Vitamin D tablets to every household as it helped the body fight off coronavirus.*

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*A recent study found a lack of Vitamin D could have a "significant negative impact" on a person's immune response to infections, However, the research did not cover the role of Vitamin D relating to Covid-19.*

3.11. The Complainant makes further comment, that he considers that it is in the public's interest to receive accurate information concerning COVID-19. The Complainant considers that the impact of misinformation concerning COVID-19 and Vitamin D could have an impact on the public's understanding, public health advice and future allocation of research resources.

#### **4. Response of Publication**

4.1. IMPRESS invited The Ferret (online) to provide additional information in response to the Complainant. The Publisher's response is summarised below, a full copy of which was provided to the Committee.

4.2. Regarding Clause 1.1., the Publisher considers that all reasonable steps were taken to ensure accuracy.

4.3. The Publisher explains that the 'fact check' was a part of a regularly updated article containing various claims about coronavirus during the height of the lockdown period in Scotland and the UK. Furthermore, the Publisher considers that the impact of Vitamin D on coronavirus was widely debated and featured in newspapers around the time that the fact check was published.

4.4. The Publisher explains that the following steps were taken to ensure accuracy: the Publisher claims that it assessed various studies and advice from expert bodies before publication, including but not limited to: the Association of British Dieticians, the Irish Longitudinal Study on Ageing, the Scottish Government, the WHO, the NHS and the CDC.

4.5. Furthermore, the Publisher explains that the article was updated on 29 July, following a Public Health England advisory statement published on 29 June 2020.

4.6. The Publisher claims that the Fact-Checking service 'acts as a layperson's guide to issues in the public domain'. The Publisher considers that it was justified in rating the disputed claim as falling into the category of "unsupported" as it did not consider that there was 'solid evidence' to support it, and that the claim could not be conclusively judged as true or false. The Publisher did not consider that there was strong enough evidence nationally or internationally, at the time of publication, which advocated for the use of Vitamin D as a cure or treatment for COVID-19.

- 4.7. The Publisher claims that as part of the investigation of the complaint, it considered the bundle of evidence that was submitted by the Complainant. The Publisher understood that the preprints (scientific papers which preceded peer-review and publication) provided by the Complainant were done so with the Complainant himself stating, by way of caveat, that future research was required.
- 4.8. Furthermore, the Publisher noted, that in a recent review of evidence published on 29 June 2020, Public Health England found that there was “no evidence to support taking Vitamin D supplements to specifically prevent or treat COVID-19”.
- 4.9. Regarding 1.4., the Publisher does not consider it misrepresented or distorted the facts.
- 4.10. The Publisher says that the article referred to social media posts claiming that doctors were advising the Scottish Government to send Vitamin D tablets to every household as it helped the body to fight off coronavirus and that there were reports of this in the media at the time.
- 4.11. The Publisher says that the article referred to both the BDA and TILDA and provided a link to the study. The Publisher does not consider that there was enough information in the study to suggest that Vitamin D was proven to help those with coronavirus.
- 4.12. The Publisher does not consider that it misrepresented the Scottish Government guidance, as the guidance concerned the need for Vitamin D because people were being advised to stay indoors, which would impact on sunlight exposure, as a main source of Vitamin D; the guidance did not concern links between Vitamin D and Covid-19.
- 4.13. Moreover, the Publisher considered that it was important that, as a fact-checker, it did not mislead the public by overstating the impact of a claimed cure or treatment for a disease.
- 4.14. The Publisher provided further comment, stating that if new information came to light which altered its conclusions, the article would be updated to reflect that change.
- 4.15. A full copy of the Publisher’s response, and further comments were considered by the Regulatory Committee in determining the outcome of the complaint.

## 5. Compliance

5.1. The Ferret complied with the requirements of the IMPRESS Regulatory Scheme (Paragraph 3.2) by acknowledging the complaint within seven calendar days, issuing a final decision letter within 21 calendar days, and by informing the Complainant of his right to refer the complaint to IMPRESS.

## 6. The Committee's Findings

6.1. The Guidance on the IMPRESS Standards Code states that the Code does not create an absolute duty on publishers to publish only incontrovertibly true facts, rather, that Publishers must take all reasonable steps to ensure accuracy. The Committee considered that in coming to its view on the claim "*Does Vitamin D help to fight off Covid-19?*" as being 'unsupported', the Publisher had used various sources that were reliable, and further, that the Publisher had represented the position of those sources in an accurate way. The Committee, therefore, considered that the Publisher was entitled to form its view that the claim "*Does Vitamin D help to fight off Covid-19?*" was 'unsupported' and, in doing so, that it had taken reasonable steps to ensure the accuracy of the facts it relied on to support that view.

6.2. The Committee understood that the Complainant took a different position to that of the Publisher. However, it was not an appropriate use of the complaints process for a complainant to seek to require a publisher to substitute the complainant's view for that of the publisher. Further, it was not the role of a Regulatory Committee to settle such debates in the context of changing scientific consensus.

6.3. Regarding Code Clause 1.4 (misrepresentation or distortion), the Committee considered that the omission of the word "may" in the article did not materially impact on the meaning of the relevant statement or the thrust of the article. Therefore, the Publisher had not misrepresented or distorted the facts.

6.4. There had been no breach of Clause 1 of the IMPRESS Code.