

## Ward,RE

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**From:** Robyn Kelly <robyn.kelly@ipso.co.uk>  
**Sent:** 28 January 2015 16:32  
**To:** Ward,RE  
**Subject:** Our reference: 143815

Dear Mr Ward

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

The Committee members have asked me to thank you for giving them the opportunity to consider the points you raise. Their decision is that the newspaper failed to take care over the accuracy of the article, in breach of Clause 1 (i) of the Editors' Code of Practice, but has offered sufficient remedial action to remedy the breach. A full explanation for the decision is below.

If you are dissatisfied with the way in which your complaint has been handled - as opposed to the Committee's decision itself - you should write within one month to the Independent Reviewer.

Thank you for taking this matter up with us.

Yours sincerely

Robyn Kelly

## **Complaints Committee's decision in the case of Ward v Mail Online**

The complainant was concerned that the newspaper had breached Clause 1 (Accuracy) of the Editors' Code of Practice. It had published an article which reported Professor Richard Tol's allegation that he had become subject to a smear campaign by the complainant. The complainant considered that it was misleading to report Professor Tol's allegation because he had not engaged in a smear campaign. He was also concerned that the article had contained a number of additional inaccuracies. The complaint was received more than three months after publication. As such, it was considered as a complaint against the online article only, in line with the Press Complaints Commission's policy on delayed complaints. The complaint was on-going as of 8 September 2014, at the time of the closure of the PCC. It was therefore considered by the Complaints Committee of the Independent Press Standards Organisation in accordance with the procedures of the PCC.

Clause 1 (i) states that "the press must take care not to publish inaccurate, misleading or distorted information including pictures". Clause 1 (ii) states that "a significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published". Clause 1 (iii) states that "the press, while free to be partisan, must distinguish clearly between comment, conjecture and fact".

The complainant was concerned that the newspaper had reported that he "admits that the errors are 'small'". The complainant said that this added to the misleading impression that he considered the errors to be insignificant and that his attempts at drawing attention to them were part of a smear campaign. The Committee had sight of the relevant email exchange between the complainant and Professor Tol, in which he had described some of the errors as "small". However, he had also clearly regarded the mistakes as significant and requiring correction: he had said that there were multiple errors, that the calculations should be checked, and that he had "very serious concerns" about accuracy. On this point, the Committee found that the newspaper had failed to take care not to publish misleading information; the article was significantly misleading and requiring of remedial action. The Committee noted that the newspaper had offered to remove the phrase from the online article and append an explanatory footnote. This was sufficient to remedy the established breach of the Code. It was appropriate that the newspaper had postponed publication of the amendments, pending the Committee's decision. In light of the decision, the amendments should now be made promptly in order to remedy the established breach of the Code.

The Committee acknowledged the complainant's position that he had not been engaged in a smear campaign. However, it took the view that the claim that the complainant was engaged in a smear campaign against Professor Tol was plainly presented as Professor Tol's characterisation of his activities. The allegation was clearly distinguished as his own comment, in line with the newspaper's obligation under Clause 1 (iii) of the Code. It was accepted by the complainant that he had been party to an on-going dispute with Professor Tol regarding the latter's reluctance to correct errors in his work. While the Committee acknowledged the complainant's position that he had highlighted Professor Tol's reluctance to correct his work as part of his role as an IPCC reviewer, it remained the case that Professor Tol considered the continued claims against him to be a "smear", and the newspaper had been entitled to report this concern. Further, the newspaper had put the claim to the complainant, prior to publication, and included his comments on the matter in the article, noting that "he denied his actions were a smear campaign, insisting that he was merely fulfilling his role as an IPCC reviewer and claiming that he still did not know which 'errors' Tol was prepared to correct." The article had also quoted the complainant as saying that "if Tol thinks I am engaged in a smear campaign because I have pointed out his errors he is redefining what a smear campaign means. It is his behaviour that is unreasonable." The article had further noted the complainant's position that Professor Tol had made comments towards him which he considered to be aggressive. There was no failure to take care over the accuracy of this element of the article, nor any failure to distinguish comment from fact. Further, the Committee did not identify any significant inaccuracies which would require correction under Clause 1 (ii) of the Code.

The complainant considered that the article had given the clear impression that Professor Doug Arent had described an error found by the complainant as "a tiny, statistical error", which was inaccurate as Professor Arent had not made this comment. The Committee acknowledged that attributing this comment to Professor Arent was inaccurate. However, this comment was one of a number of assertions in the article that the errors in question were minor. The Committee took the view that this inaccurate attribution was not significant in the context of the article as a whole, such that a correction would be required under the terms of Clause 1 (ii).

The complainant was concerned that it was misleading to report that he had sent "an email disparaging Professor Tol's research to several leading IPCC scientists and officials," as it suggested that the email was sent out of malice. The complainant said that this email was sent as part of his duties as a registered reviewer for the IPCC. The Committee found that the article had appropriately established the complainant's role as an IPCC reviewer, and had

noted the “disparaging” emails in this context. The Committee was satisfied that the article was not misleading on this point.

The complainant was concerned that the article was inaccurate to report that Professor Tol had volunteered to correct “a handful of highly technical, minor numerical mistakes”. He said that Professor Tol had not “volunteered” to the complainant to correct these errors, and that the errors were significant, rather than minor. The Committee took the view that the article had not suggested that Professor Tol had communicated his willingness to correct the errors to the complainant. Further, it was agreed that some errors had been corrected. While the Committee recognised that the complainant had an opposing view on the seriousness of the errors, and had established a breach of the Code in the way the article had reported the complainant’s view, the newspaper had been entitled to characterise the mistakes as “minor”, and the Committee considered that whether an error is serious is, to a certain extent, open to interpretation. This phrase identified by the complainant did not raise a breach of Clause 1.

The complainant expressed concern that it was inaccurate of Professor Tol to say that “the errors made no difference to his conclusion that global warming of up to 2.5°C may have a net beneficial impact on the world economy”. The complainant’s view was that the error did affect Professor Tol’s conclusions and that this was demonstrated by the correction Professor Tol subsequently published in The Journal of Economic Perspectives. While it acknowledged that Professor Tol may have made some amendments to his report, and that Professor Tol and the complainant disagreed about the significance of the errors, the Committee noted that there was no suggestion that the article had been inaccurate in its reporting of Professor Tol’s comments as at the date of publication. The Committee was satisfied that there was no breach of Clause 1 on this point.

There were no further matters for the Committee to consider.

**Robyn Kelly**  
**Complaints Officer**

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