



**FINANCIAL
TIMES**



ADJUDICATION

GREG CALLUS

EDITORIAL COMPLAINTS COMMISSIONER

Financial Times Limited

INTRODUCTION

1. Mr Paul Dunn has complained to the FT about an article (“the Article”) by Tim Harford headlined “*Five Pandemic Truths That Defy Intuition*” published in the *FT Weekend*, and available online since 23 July 2021 at the URL: <https://www.ft.com/content/a8cof5f2-d27c-4b13-a1a4-440710bc6967> .
2. The complaint is one of inaccuracy, and therefore I treat it as being a complaint under Clause 1 of the IPSO Code as annexed to the FT Editorial Code of Practice.

The Article

3. The relevant passages of the Article are as follows, although it should be read in its entirety for its true meaning and effect [paragraph numbers added]:

[4] So try this. Imagine that 1 per cent of the unvaccinated population will end up in hospital with Covid over a given time period. In a city of a million people, that would be 10,000 hospital stays. Now let’s say that 950,000 people get fully vaccinated, that the vaccine is 95 per cent effective against hospitalisation, and that the vaccine doesn’t reduce transmission (although it does).

[5] Here’s the arithmetic: 500 of the 50,000 unvaccinated people end up in hospital. A total of 9,500 of the vaccinated people would be at risk of a hospital visit, but the vaccine saves all but 5 per cent of them. These unlucky 475 still go to hospital.

[6] The hospital contains 500 unvaccinated and 475 vaccinated people – almost half and half – which makes it seem as though the vaccine barely works. Yet when 95 per cent of people take a 95 per cent effective vaccine, hospital visits fall from 10,000 to fewer than 1,000.

...

[11] This is all about the social stakes involved. While you can’t see who’s been vaccinated or who has ignored a ping from the contact tracers, you can see who’s wearing a mask.

[12] *I think it is considerate to wear a mask, an act that evidence suggests may protect me, probably protects others and certainly reassures them. For most people, wearing a mask is only a minor annoyance, so why not do it?"*

The Complaint

4. The complaint to the FT says as follows:

1) *In this article Mr Harford tries to use ridicule to make people wear masks by suggesting that they 'probably protect'. On Sunday the 18th July 2021 in the Daily Telegraph Dr Colin Axon – who has advised the Government during Covid – stated that a mask of cloth or the paper versions used by many are ineffective and are just “comfort blankets”. He and many others recognise that a virus is nano micron in size and therefore material cannot stop anything of this small size; indeed a trial using a condom also proved non-effective against the Covid virus. One test that was done for these cheap face coverings is often quoted as proven to give 60% barrier but it is known that this was a test using a mannequin and that the mask was glued to the mannequin’s face and gave around 1% value on that trial day. Why is it important to stop this misleading advice? Because people who want to stay safe need to know that this is ineffective and those that are working such as bus drivers and shop assistants et al would be wholly in their right to sue their advisors and employers if as a result of acting protected they should both carry or acquire the infection. And I would add that Mayor Sadiq Khan is one of those that should be held to account by the TFL employees.*

2) *The article further suggests that the vaccine will stop the transmission of the virus yet the ONS statistician for virology stats, Sara Croft, appeared on daytime news (Friday, July 2021) and after giving the latest updates on outbreaks etc stated that there is no evidence that the vaccines halt transmission. Others are concerned that those who have had a vaccine may carry and mutate the virus to a more potent and transmissible version. This*

balance is not presented and instead along with the mask wearing, he implies that the right thing to do is be vaccinated regardless; and would wish to see the vulnerable treated. However, the vaccines are still in emergency provision for a reason: they were all tested on a healthy group between the ages of 30-55. This is why the EU was cautious about giving the vaccine of AstraZeneca et al to its aged or vulnerable population. And Blood Cancer UK have provided a study to say that the benefit of inoculation (as what we have is not a vaccination in the traditional sense) to those with reduced immune systems is a lot lower than for the healthy recipients.

On this last point, the quote of 95% benefit is very misleading because it was developed as a percentage on a small and safe subgroup – a balanced article by a professional mathematician would have considered these points had he wanted to present a truthful picture, and it is for this reason I believe he has falsely presented, knowingly, misleading information.

3) Finally, to compound the article, Mr Harford tries to use numbers to underline his mis-truths. He argues that hospitalisation would be ten-times greater if people were not inoculated; but what figures does he use to prove this. I have checked the ONS data for hospitalisations and I think I see where he found his “1%” value of the population being the likely figure. He has taken the number which is actually around 0.00625 and as statisticians like to do, rounded this up to the nearest %age that is 0.01. However, for sensitive data on this scale Mr Harford should know that three decimal places would be more accurate and therefore the number of people at risk would be 6,000 hospitalised in his one-million example - 6,000 not the 10,000 he used.

In a total population i.e those over 55 and those with weakened immune systems the likely benefit reduced impact protection would more likely shift from the most optimistic figure of 95% (which by the way is not the value of Oxford/Astra Zenica vaccine and which it seems the majority have had as it is cheaper) to a more likely less than 50%. Given that the aim is to vaccinate the full population in his article to make a gross number of hospitalisations that is ultimately greatly reduced, and many medical people are saying that under

18s and even under 30s carry a risk of Myocarditis plus other issues, there is a swathe of people who should not at this stage be given the current vaccine. But let's try and play the game and say that of the 950,000 it is 40% beneficial against hospitalisation, then it is 1% of 570,000 vaccinated which end up hospitalised (5,700) plus 400 from the unvaccinated which equals 6,100.

Now the medical world and politicians should be asking "do no harm" and do the benefits outweigh the risks? At 6,000 versus 6,100 I would doubt that this motion would be carried.

Indeed, it all becomes baffling and make-believe, though the figures I come up with are just as likely and attempted to use the method within the authors model, but with reduced optimism on behalf of the Covid campaign.

There are also articles written by medically advised people that the Spike Protein which the inoculation generates to create protection is the cause of the illness and body response so this makes the inoculation/vaccine a dangerous product to give to so many people. Basically, we are giving the cause and not encouraging a creative response barrier."

5. The complaint was rejected by Hugh Carnegy, the FT's Senior Editor for Quality & Accuracy, saying:

"I have read your complaint carefully and discussed it with colleagues. We reject your assertion that the article, which was a column expressing an opinion, was misleading, or was written with any intention to mislead.

On your specific points:

1) In the column, Harford writes: I think it is considerate to wear a mask, an act that evidence suggests may protect me, probably protects others and certainly reassures them.

This, and his other remarks about masks, were entirely reasonable statements for a columnist to make. Readers might disagree but as a clear expression of opinion, there was nothing misleading about it.

2) Harford did not suggest, as you state, that vaccines stop transmission. He wrote: "Let's say... that the vaccine does not reduce transmission (although it does)." Again, this was an entirely reasonable statement that was in no way misleading.

3) The section at the beginning of the article on the common misreading of hospital numbers clearly presents a hypothetical case to debunk a fallacy. The key passage begins: 'Imagine that...' Harford was using hypothetical numbers to illustrate his point, not to extrapolate real-life figures. No reasonable reader would have understood otherwise. The column was neither inaccurate nor misleading and we do not believe any further action is justified."

6. The complainant exercised his right to appeal to me as Complaints Commissioner on 19 August 2021. This is my last Adjudication in that role, as I am due to leave the *Financial Times* at the end of this month, and that has meant I have taken a little longer to produce this Adjudication than I had intended. I thank the complainant for his patience.
7. The complainant has also complained on appeal about the way his complaint was handled at first instance, describing Hugh Carnegie's reply as 'laughable' and 'reprehensible'. I reject this aspect of the appeal. It is either right or wrong, but there was nothing inappropriate whatsoever about the response.

FRAMEWORK

Clause 1 of the IPSO Code

1. Clause 1 of the IPSO Code, as it applies to the FT by virtue of the FT Editorial Code of Practice, provides as follows:

- “1.1 *The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.*
- 1.2 *A significant inaccuracy, misleading statement or distortion must be corrected promptly and with due prominence, and - where appropriate - an apology published. In cases involving [the FT Editorial Complaints Commissioner], due prominence should be as required by the regulator.*
- 1.3 *A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.*
- 1.4 *The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.*
- 1.5 *A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.”*
2. The bulk of Adjudications I have produced in my almost-7-years as Commissioner have concerned Clause 1, and I have endeavoured to build up a consistent body of precedent (not binding, but useful in ensuring consistency) as to how Clause 1 operates.
3. In the *Berkley Adjudication*¹ at [8] (repeated thereafter in several other Adjudications), I explained the important difference between Clause 1.1 (a duty to take care prior to publication) and Clause 1.2 (a refusal to correct *significant* errors post-publication):

“However, it is important to understand what exactly constitutes a breach of Clause 1 (Accuracy):

[...] Clause 1.1 will only be breached if the Press has not taken care to avoid publishing inaccurate information. It is a rule against slapdash journalism that is negligent about setting out the facts. It is not a rule which is breached by the mere presence of any inaccuracy however minor. It is breached only by such inaccuracies that a careful newsroom could and should have avoided publishing.

¹ https://ip-about-us.cdn.prismic.io/ip-about-us/f55b6c78-5a61-41e2-8116-cob099deacb6_2015-01-28_matt-berkley-adjudication.pdf

[...] Clause 1.2 will only be breached if the Press has refused to properly correct, clarify or apologise for a ‘significant inaccuracy, misleading statement or distortion’. Clause 1.2 is therefore different to Clause 1.1 in two material respects: first, the inaccuracy must be ‘significant’; and second, the breach is not one of negligent omission, but intentional refusal to amend”.

4. I have also repeatedly applied what I first held in the *Portes Adjudication*² at [23]-[27], namely that there are three different types of error in Clauses 1.1 and 1.2: ‘inaccuracy’ (in the strict sense), ‘misleading’ and ‘distortion’:

“23. Although headed “Accuracy”, Clause 1 actually concerns itself with three forms of error: statements of fact may breach by being either inaccurate, misleading, or distorted. The forms of remedy available if Clause 1 is breached are: correction, clarification, and apology. It is implicit in both the distinction between ‘inaccurate’ and ‘misleading’, and in the distinction between a ‘correction’ and a ‘clarification’ that a statement of fact may be entirely correct, and yet still breach Clause 1.

24. Whether a statement is ‘inaccurate’ (in the narrow sense of factually wrong, and requiring a correction) can be judged by comparing the published information to a provably true version of the information. If they differ, and the difference is ‘significant’, a correction will be directed.

25. A statement will be ‘misleading’ where the objective reasonable reader of the FT would take away an erroneous belief about the subject of that statement, even though the statement was true. The words “John Doe has been caught in bed with woman who isn’t his wife” may be perfectly true because John Doe has never married, but if a reasonable reader would take away that John Doe is both married and having an extra-marital affair, the statement is misleading. Significant misleading statements will require clarification, not correction, given that the information is not intrinsically inaccurate.

26. What then of ‘distorted’? It clearly is intended to mean something distinct from ‘misleading’. My provisional view is that whereas a misleading statement misinforms the reasonable reader about the factual content of that statement, a ‘distortion’ is an assembly of statements that are neither inaccurate, nor misleading, but collectively give an impression that a reasonable and fair- minded person in

² https://ip-about-us.cdn.prismic.io/ip-about-us/829a5ae2-1b74-44d2-b719-8716a4283ba2_2015-05-11_ferguson-adjudication-with-ps.pdf

possession of all the facts would not have. To say of Adolf Hitler that he was a vegetarian, liked dogs, painted watercolours, and never cheated on his wife might not be inaccurate or misleading in any of the specifics, but would give the most grossly distorted view of his character.

27. An alleged distortion therefore requires me to find the limits of fair and reasonable views of an article's subject matter, to see if the article (although the facts are true) is a distortion of the picture generally. Partly for the reasons discussed above, I will be much more wary of doing so where the complaint is about an OpEd (where readers should expect a columnist to be giving a particular, subjective view on 'the truth') than in the news sections (where there is a reasonable presumption of objectivity and fairness)."

5. There has since been some refinement of the third form of error in Clause 1, most-recently in the *Issa Adjudication*³ at [70]-[71]:

"70. What then of 'distorted'? I had occasion in the Libi Adjudication to reconsider the [Portes Adjudication] definition of 'distortion' based on submissions from the FT Senior Legal Counsel, Nigel Hanson, which I accepted had some force:

"The further objection is that my definition of 'distorted' requires the 'reasonable reader' to be in possession of 'all the facts', which is itself a subjective definition (what are 'all' the facts? Who decides what facts must be included in the mix?) and cuts against editorial judgment and freedom. I can appreciate the concern, but this may be a matter of infelicitous phrasing, rather than a real obstacle to adjudication.

The FT's submission is that 'distortion' means "a statement or series of statements that, when a publication is read and considered in its entirety, bear(s) for the ordinary and reasonable FT reader in possession of important relevant facts pertaining to the particular matter in question and in-existence and available prepublication, a meaning that significantly and insupportably twists or misrepresents the true position or state of affairs". This represents that 'distortion' is still (being in Clause 1) a species of 'inaccurate' or 'misleading' information. I accept this submission.

³ https://ip-about-us.cdn.prismic.io/ip-about-us/63444947-a6cf-43f4-9bb2-7c5d87b69a59_Issa+Adjudication.pdf

It is important to recognise that while the latitude afforded editorial will be at its greatest in opinion pieces, there is also a wide discretion afforded to editorial as to the picture painted with true facts. Where there are not many or major elements of a story that are false, it will be very rare that a news article will be outside the bounds of that editorial discretion. It is not for me to substitute my view for that of the editor.”

71. It should be clear from the earlier Adjudications on this issue that ‘distortion’ does not mean merely ‘something with which a complainant disagrees’. It has a much more extreme meaning more akin to ‘something with which no fair-minded and objective person would agree’.”

Determination of ‘Meaning’

6. In order to determine whether an article, or a statement within an article, is ‘inaccurate’ or ‘misleading’ I must first determine what it means.
7. In the *Wessendorff Adjudication*⁴, at [11]-[15], I borrowed from English defamation law the ‘single meaning rule’ (derived from an objective assessment of the words/images published as they would appear to an ‘ordinary and reasonable reader of the FT’ read in context). The use of a legal fiction – the ordinary and reasonable reader – does not mean that every reader who takes a different view is ‘unreasonable’ or even ‘unordinary’. The legal fiction is exactly that: a cypher for finding meaning.
8. Those principles have been re-articulated by Nicklin J in *Koutsogiannis v The Random House Group* [20120] 4 WLR 25 at [10]-[15] esp. [12], are as helpful Adjudicating a complaint under Clause 1 as they would be to a libel judge or a judge considering ‘inaccuracy’ in the context of data protection⁵. Applying them directly gives consistency to both complainants and the FT possible:

⁴ https://ip-about-us.cdn.prismic.io/ip-about-us/8e9b1bc7-b305-44e6-a64c-327788c74f33_wessendorff_adjudication.pdf

⁵ See, for example, *NT1 & NT2 v Google LLC* [2018] EWHC 799 (QB) at [79]-[87].

“i) The governing principle is reasonableness.

ii) The intention of the publisher is irrelevant.

iii) The hypothetical reasonable reader is not naïve but he is not unduly suspicious. He can read between the lines. He can read in an implication more readily than a lawyer and may indulge in a certain amount of loose thinking but he must be treated as being a man who is not avid for scandal and someone who does not, and should not, select one bad meaning where other non-defamatory meanings are available. A reader who always adopts a bad meaning where a less serious or non-defamatory meaning is available is not reasonable: s/he is avid for scandal. But always to adopt the less derogatory meaning would also be unreasonable: it would be naïve.

iv) Over-elaborate analysis should be avoided and the court should certainly not take a too literal approach to the task.

v) Consequently, a judge providing written reasons for conclusions on meaning should not fall into the trap of conducting too detailed an analysis of the various passages relied on by the respective parties.

vi) Any meaning that emerges as the produce of some strained, or forced, or utterly unreasonable interpretation should be rejected.

vii) It follows that it is not enough to say that by some person or another the words might be understood in a defamatory sense.

viii) The publication must be read as a whole, and any 'bane and antidote' taken together. Sometimes, the context will clothe the words in a more serious defamatory meaning (for example the classic "rogues' gallery" case). In other cases, the context will weaken (even extinguish altogether) the defamatory meaning that the words would bear if they were read in isolation (e.g. bane and antidote cases).

ix) In order to determine the natural and ordinary meaning of the statement of which the claimant complains, it is necessary to take into account the context in which it appeared and the mode of publication.

x) No evidence, beyond publication complained of, is admissible in determining the natural and ordinary meaning.

xi) The hypothetical reader is taken to be representative of those who would read the publication in question. The court can take judicial notice of facts which are common knowledge, but should beware of reliance on impressionistic assessments of the characteristics of a publication's readership.

xii) Judges should have regard to the impression the article has made upon them themselves in considering what impact it would have made on the hypothetical reasonable reader.

xiii) In determining the single meaning, the court is free to choose the correct meaning; it is not bound by the meanings advanced by the parties (save that it cannot find a meaning that is more injurious than the claimant's pleaded meaning)."

(I shall refer to these as Principles (i) to (xiii) below)

Fact vs Opinion

9. Because so much hinges upon it in the law of defamation (in particular, whether the defence of Honest Opinion is available), determinations of meaning also tend to include an assessment of whether a statement (or part of a statement) is a statement of 'opinion' or a statement of 'fact'. If the defendant wants to avail himself of the defence of Honest Opinion, he needs to establish the part of the statement that is opinion, and where he has set out the facts upon which he bases his opinion.
10. In a Clause 1 Adjudication, if a statement is a statement of fact it can adjudicated as an 'inaccuracy', but if it is a statement of opinion, I will only interfere if the opinion is outside of the range of opinions a reasonable person could hold. The FT is entitled to exercise its wide editorial discretion to promote opinions with which I or others profoundly disagree: I can only interfere and order corrections and clarifications under Clause 1 if there is something inaccurate *as a fact*.
11. The leading recent case on statements of opinion is the Court of Appeal (Sir Geoffrey Vos MR, Dame Victoria Sharp P, Warby LJ) in *Corbyn v Millett* [2021] EWCA Civ 567, which summarises the applicable authorities at [7] to [24]. At [23] it adopted in respect of the first condition at s.3(2) the analysis which had applied to the fact/comment distinction at common law:

"... The common law on the distinction between fact and comment was summarised by Lord Nicholls in Cheng v Tse Wai Chun Paul [2000] HKCFA 35, [2001] EMLR 777 [17] as follows:- "... the comment must be recognisable as comment, as distinct from an imputation of fact. If the imputation is one of fact, a ground of defence must be sought elsewhere, for example, justification or privilege. Much

learning has grown up around the distinction between fact and comment. For present purposes it is sufficient to note that a statement may be one or the other, depending on the context. Ferguson J gave a simple example in the New South Wales case of Myerson v Smith's Weekly Publishing Co Ltd (1923) 24 SR (NSW) 20, 26: 'To say that a man's conduct was dishonourable is not comment, it is a statement of fact. To say that he did certain specific things and that his conduct was dishonourable is a statement of fact coupled with a comment.'"

DECISION

Use of Figures

12. The easiest aspect of this complaint to deal with first is the third part, which complains of the use of figures: 1% for hospitalisation and 95% effectiveness of a vaccine. I have no hesitation in dismissing this aspect of the appeal.

13. Reading the Article and applying the principles of single meaning, the inexorable conclusion is that the figures given in paragraphs [4]-[6] of the Article are hypothetical figures used for the purposes of demonstrating a calculation.
 - a. Paragraph [4] begins: "So try this. Imagine that 1 per cent of the unvaccinated population will end up in hospital with Covid over a given time period." (emphasis added). The underlined words mean this cannot be read other than as a hypothetical.

 - b. Paragraph [4] concludes: "Now let's say that 950,000 people get fully vaccinated, that the vaccine is 95 per cent effective against hospitalisation, and that the vaccine doesn't reduce transmission (although it does)." (emphasis added). Again, the underlined words make clear that further hypothetical assumptions are being added to the hypothetical example.

14. If Tim Harford had been saying 1% of the population will be hospitalised, and that the vaccine was 95% effective, those would have been statements of fact which could have been tested against the true position to see if they were inaccurate. But on a proper application of the principles of the single meaning rule, it is beyond peradventure that this was a hypothetical. He used what were expressed to be hypothetical figures for the purposes of the arithmetic example in Paragraphs [5] and [6].
15. On this aspect of the appeal, I dismiss the complaint: there is no breach of Clause 1 of the IPSO Code in using clearly-labelled hypothetical numbers for the purposes of a thought-experiment or for rhetorical purposes.

Vaccine Transmission

16. However, in paragraph [4], Tim Harford interjects a comment in the final sentence. His *hypothetical* fact is that “*the vaccine doesn’t reduce transmission*” but he breaks from that to indicate that this hypothetical is wrong by saying in parentheses “*(although it does)*”.
17. This is an unambiguous statement of fact *about the true world*, not the hypothetical. This statement means “the vaccine does reduce transmission”. That statement, as a statement of fact, can be verified or falsified by comparing it to true information (or the best information available).
18. The complainant appears to complain on the basis that Tim Harford has said the vaccine ‘halts’ transmission. That is not the meaning of this part of the Article. The “(although it does)” clearly refers to the previous statement which invites the reader to assume “the vaccine doesn’t reduce transmission” (emphasis added). The meaning therefore relates to ‘reducing’, not ‘halting’ transmission.
19. The best and most-recent evidence I can find on the issue of vaccine efficacy against transmission of Covid 19 is a paper published by Anika Singanayagam PhD & ors on 29 October 2021 by *The Lancet* at this URL: [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(21\)00648-4/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(21)00648-4/fulltext) . This was a year-long study (13 September 2020 to

15 September 2021) of Secondary Attack Rates (“SAR”) comparing vaccinated and unvaccinated cases looking at 602 community contacts of 471 individuals with Covid 19 in the UK, looking at both alpha and delta variants.

20. Previous research had indicated that, as against alpha variant, the vaccine had reduced household transmission by as much as 40-50% and reduced peak viral load. However, the findings of the authors in this study suggest that as against delta variant *“The SAR in household contacts exposed to the delta variant was 25% (95% CI 18–33) for fully vaccinated individuals compared with 38% (24–53) in unvaccinated individuals”* Furthermore, peak viral load did not appear to differ significantly (although viral load decline was faster amongst vaccinated cases than unvaccinated).

21. My understanding of the paper, as best as I am able, is that the vaccine does indeed impair transmissibility of Covid 19, but that as we have moved from alpha to delta variant being the dominant variant, the effect of the vaccine on mere transmissibility has been reduced somewhat (although it has other benefits of quicker decline in viral load, and avoiding most serious symptoms leading to hospitalisation and death).

22. Accordingly, the statement of fact “the vaccine does reduce transmission” is not inaccurate, and I find no breach of Clause 1 of the IPSO Code in respect of it.

Mask-wearing

23. On the third element of this complaint, the relevant passage is paragraphs [11]-[12] of the Article:

[11] This is all about the social stakes involved. While you can't see who's been vaccinated or who has ignored a ping from the contact tracers, you can see who's wearing a mask.

[12] I think it is considerate to wear a mask, an act that evidence suggests may protect me, probably protects others and certainly reassures them. For most people, wearing a mask is only a minor annoyance, so why not do it?”

24. The single meaning is that:

“(1) The evidence suggests that wearing a mask:

- (a) may protect the wearer;
- (b) probably protects others;

(2) By wearing a mask you certainly reassure others, because (unlike vaccination status) it gives an outward sign of the measures taken by the wearer to combat Covid 19”

(3) Therefore, people should wear masks.

25. I think that, applying the principles set out above, the underlined passage in part (2) and all of part (3) is unequivocally an opinion of Tim Harford’s. The remainder of part (2) is fact, but indisputably true.

26. However, but for the word ‘suggests’, I would have no hesitation saying that part (1) comprises two statements of fact about the available evidence.

27. However, those statements of fact are in-terms set at a low level of confidence:

- a. Masks “may” protect the wearer;
- b. Masks “probably” protect others.

I also need to consider the effect of the word ‘suggests’ (which implies that the evidence is being appraised by Tim Harford, rather than him merely reporting what it says).

28. I can see why Hugh Carnegy might have thought that ‘suggests’ made this all a statement of opinion, but I disagree. I think part (1) remains a statement of fact, but that the ‘suggests’ slightly softens the confidence level.

29. The evidence on the efficacy of mask-wearing during the Covid 19 pandemic has been mixed and controversial. I do not intend to survey all of it, even if I were equipped to do so.

30. To establish a breach of Clause 1 by inaccuracy of part 1(a) of the meaning I have found, the complainant would have to satisfy me that the evidence showed that it is wrong to say “Masks may protect the wearer”. In other words, I would have to be convinced that there is no prospect that any protection against Covid 19 is bestowed upon the wearer of a mask. I am not prepared to so find. The evidence is not sufficiently clear for unequivocal statements: saying that they ‘may’ protect the wearer is not inaccurate.
31. I have had a greater problem assessing part 1(b). “The evidence suggests that wearing masks probably protects other people” is a very general statement. Having reviewed some of the available recent research online, I consider the bulk of it generally supports mask-wearing as having some social benefit, but the caveats to such research (its restrictions and limitations, but also what constitutes ‘a mask’ in each case) makes it very difficult to make an objective assessment of benefit.
32. My conclusion is that the bulk of scientific and medical evidence which is available online appears to support the general proposition that “wearing masks probably protects others from Covid 19” to some degree. Therefore, as part 1(b) is a statement of fact about “what the evidence suggests”, I do not find it inaccurate and a breach of Clause 1 of the IPSO Code.

CONCLUSION

33. Therefore, I dismiss this appeal. There has been no breach of Clause 1 of the IPSO Code as incorporated into the FT Editorial Code of Practice.

GREG CALLUS
Editorial Complaints Commissioner
Financial Times
6 December 2021