

Dear Mr Reynolds,

As you are aware, the Complaints Committee of the Independent Press Standards Organisation has recently considered your complaint. A copy of its decision is enclosed.

Having upheld your complaint, the Committee has made a requirement for the newspaper to take remedial action. This is set out in paragraphs 15 – 17 of the decision.

Should you have any comments about the remedial action required, or in relation to any disputed point of fact, please contact me as soon as possible - and by 30 July 2021 at the latest. The newspaper has also been provided with the opportunity to comment.

In addition, you are entitled to request that the decision be reviewed should you believe that the process by which the Complaints Committee's decision was made was substantially flawed. Should you wish to request a review, that request must be made in writing, explaining the grounds on which you believe the decision should be reviewed, within 14 days of the date of this letter. The Committee's decision – both the outcome and the terms of its ruling – remains confidential until it is published by IPSO, and we ask that you do not disclose it to others.

At the conclusion of the 14-day period – or following the resolution of any concerns raised during the comment and review stages – we will contact the newspaper to notify it that it should proceed with the remedial action required. The decision will also be published on IPSO's website.

Please do not hesitate to contact me should you have any questions.

With best wishes,

Emily Houlston-Jones

Complaints Officer

Decision of the Complaints Committee 00798-21 Reynolds v The Daily Telegraph

Summary of Complaint

1. Peter Reynolds complained to the Independent Press Standards Organisation that The Daily Telegraph breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "'Super skunk' cannabis led to surge in mental health crises", published on 29 January 2021.
2. The article, which was based on data released by NHS Digital, reported that "'Super skunk' cannabis has contributed to a record 100,000 people admitted for NHS treatment for drug-related mental health or behavioural disorders." The article included quotations from two experts: a professor of psychopharmacology and a consultant addiction psychiatrist. One of the experts was described as saying that "over the Covid pandemic the use of nightclub drugs such as ecstasy had declined while there had been an increase in cannabis and ketamine, both of which are more addictive". The other expert was described as commenting that "fewer people were getting the necessary support to prevent them reaching a crisis point and needing NHS treatment, following 40 per cent cuts in services".
3. The article also appeared online, in substantially the same form, under the headline "Record 100,000 NHS admissions for drug-related mental health treatment revealed".
4. The complainant said that the article was inaccurate in breach of Clause 1. He said that it was misleading to focus on cannabis to the extent that the article did, with the headline of the print version stating that "'[su]per skunk cannabis' [had] led to a surge in mental health crises" and both versions of the article reporting that "super skunk" had "contributed" to a record number of admissions. He considered this to be inaccurate as admissions where cannabis was referred to on a patient's intake form as a primary diagnosis had actually dropped between 2018/19 and 2019/20.
5. The complainant also said that the article was inaccurate as it conflated primary and secondary diagnoses where drug use had been noted on intake paperwork; he noted that drug use had been referred to as a primary diagnosis in just over 7,000 cases, whereas it had been referred to as a secondary diagnosis in over 93,000 cases. He said that this rendered the article significantly inaccurate, as a reference to drug use as part of secondary diagnosis does not necessarily mean that it was drug use which led to the patient being admitted, merely that it was relevant to their episode of care. An example the complainant provided was an individual who suffered a broken leg and was also a regular cannabis user; in such a hypothetical scenario, cannabis use may be referred to as a secondary diagnosis on the intake form, even if the use had no bearing on the primary diagnosis of a broken leg.
6. The publication said it did not accept that the article had breached the Editors' Code of Practice. It first said that the article did not report that cannabis or "super skunk" had directly led to hospital admissions; rather, the article made clear that cannabis and "super skunk" had "contributed to a record 100,000 people admitted for NHS treatment for drug-related mental health or behavioural disorders." It went on to note that where drug use is recorded as a factor in an admission – whether in a primary or a secondary diagnosis – this indicates that it is a

relevant or contributory factor, and the article was not inaccurate for reporting the overall admissions figure where drugs were a recorded factor. It noted that the report itself collated these figures, under the heading “NHS hospital finished admission episode with a primary or secondary diagnosis of drug related mental and behavioural disorders”. The publication then said that the article wasn’t solely based on data from NHS Digital; it also included quotations from experts in the field, which it said – in conjunction with the data – meant that it was accurate to extrapolate that “super skunk” had “led” and “contributed” to “a record 100,000 people admitted for NHS treatment for drug-related mental health or behavioural disorders.”

7. The publication went on to note that cannabis is the most widely-used illegal recreational drug in the UK and, for this reason, that it was entitled to focus on the contribution made by cannabis and “super skunk” to the record figures. The publication also provided a study, which showed that “skunk” was the most widely-available form of cannabis available in the UK, based on police seizures. It said that such statistics “also need to be viewed in conjunction with the conclusions of numerous academic and scientific studies which have shown an increased risk of psychosis and other serious mental health problems associated with smoking skunk.”
8. The complainant said that it remained his position that the article was inaccurate in breach of Clause 1. He also noted that the term “super skunk” had “no basis in any evidence, botany, pharmacology, any science or any fact” and that it was “not relevant to the hospital admissions records which include all cannabinoids”, such as those reported on by the article. Nevertheless, the complainant said that he would be willing to resolve his complaint on the basis that the newspaper publish a readers’ letter from him, rebutting the inaccuracies of the article and explaining the benefits of a legally regulated cannabis market.
9. The publication said that it would not be content to resolve the complaint in this manner, and requested that IPSO’s Complaints Committee make a determination as to whether the Code had been breached.

Relevant Clause Provisions

Clause 1 (Accuracy)

- i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.
- ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.
- iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for.
- iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.

Findings of the Committee

10. Under the terms of the Editors’ Code of Practice, newspapers are entitled to choose which pieces of information to publish, provided the Code is not otherwise breached. This extends to deciding which pieces of information to focus on. For this reason, the newspaper’s choice to

focus on the contribution of “super skunk” cannabis to NHS admissions did not, in and of itself, raise a breach of Clause 1. However, while a newspaper is entitled to choose which pieces of information to focus on, it must still ensure that it takes care not to publish inaccurate, misleading, or distorted information, or headlines not supported by the text.

11. The print headline reported that “‘Super skunk’ cannabis led to surge in mental health crises”. This made a clear causal link between “super skunk cannabis” and increased “mental health crises” that was not supported either by the text of the article – which stated only that the substance had “contributed” to a record number of admissions -- or the data-set upon which the article was partially based. The article did not state that super skunk was the cause of the “record number of admissions”, and the headline was not supported by the text of the article. The Committee also considered that the quotes included in the article did not form a sufficient basis for stating definitively that “super skunk” had “led” to a “surge” in hospital admissions, where the quoted experts did not attribute the increase in hospital admission to cannabis or “super skunk” specifically. Furthermore, the data indicated that admissions for mental and behavioural disorders due to the use of cannabinoids alone had fallen in the past year compared to the previous year. The publication had not taken care not to publish inaccurate information, and there was a breach of Clause 1 (i).
12. The published inaccuracy was significant where the data indicated that super skunk cannabis had not led to a surge in mental health crises, where the claim appeared prominently in the headline, and where it misled on a matter of public health; it therefore required correction under the terms of Clause 1 (ii). The publication had not offered to publish any corrective action; as such there was a further breach of Clause 1 (ii).
13. The Committee turned next to the question of whether the article had breached Clause 1 by conflating primary and secondary diagnoses where drug use had been noted on intake paperwork. The Committee noted first that it was the responsibility of the publication to accurately report on data from NHS Digital; it was not responsible for the accuracy of the data itself. To this end, the Committee examined the original data on which the article was based, and noted that – while it did distinguish between primary and secondary diagnoses of drug use – the data report itself collated these figures, and the collated figures were included in the report under the heading “NHS hospital finished admission episode with a primary or secondary diagnosis of drug related mental and behavioural disorders...”. Where the report itself collated the figures and where the article was based on the data included in the report, the Committee found that it was not inaccurate nor misleading for the article to collate primary and secondary diagnoses of drug related mental and behavioural disorders, and refer to them collectively as “drug-related mental and behavioural disorders”. There was no breach of Clause 1 on this point.

Conclusions

14. The complaint was partly upheld under Clause 1(i) and Clause 1(ii).

Remedial action required

15. Having upheld a breach of Clause 1, the Committee considered what remedial action should be required. In circumstances where the Committee establishes a breach of the Editors' Code, it can require the publication of a correction and/or an adjudication, the terms and placement of which is determined by IPSO.
16. It considered that the publication of a correction would be sufficient to put the correct position on the record, where the article itself was not inaccurate in breach of Clause 1.
17. The Committee then considered the placement of this correction. It noted that the breach of Clause 1 arose only from the print headline, therefore the correction should only be required to appear in the print edition of the newspaper. Where the original article appeared on page 10, the Committee found that the correction should appear on the same page, further forward, or in an established Corrections and Clarifications column. The wording of the correction should make clear that there is no definitive link between "super skunk" cannabis and increased NHS hospital admissions for the 2019/20 reporting period.

Date complaint received: 30/01/2021

Date complaint concluded by IPSO: 23/07/2021