

2023-111 Toney v National Post

March 12, 2024

The National NewsMedia Council has dismissed a complaint with reservation about language use and context in an October 16, 2023, article, “Here’s a list of key Hamas operatives killed by Israeli forces,” published by the National Post.

Jason Toney, the director of media advocacy with Canadians for Justice and Peace in the Middle East, filed a complaint stating concern that the article distributed by the content provider the Jewish News Syndicate, and re-published by the National Post, was improperly categorized as a news article. The complainant argued that the piece indicated a clear perspective and pointed to use of language and lack of context.

In particular, the complainant took issue with the framing and word choice in the article’s lede, which states, “In the wake of the mass murder perpetrated by the Hamas terror organization, whose death squads raided southern Israel and killed 1,400 Israelis on Oct. 7, while kidnapping 199 people, as confirmed by the Israel Defense Forces Spokesperson’s Unit on Monday, the IDF has been eliminating a growing number of Hamas terrorists.” The complainant compared it to the language used in other news reports on similar developments at the time and noted that the article in question lacked important context.

The news organization responded by noting that while the article may be from a particular perspective, it is fact-based and was therefore appropriately labelled as news. It contrasted the article to commentary from other third-party content providers on its website, which, it pointed out, was appropriately labelled as opinion content.

The complainant reiterated that the piece should be labelled opinion, citing the content provider’s “contact us” page, which calls on its audiences to support its “continuous pro-Israel coverage.”

The news organization pointed out that while readers may wish to see particular perspectives and context included in pieces, it is not necessarily required, nor possible, to include all context in one story. The news organization added that while it stands by the coverage provided by the

content provider in this case, it also regularly publishes articles by their own reporters and other news agencies, such as the Associated Press, which provide additional context on the situation at hand.

In its review of the materials submitted by both parties, the NNC evaluated the complaint in two parts. In one, the NNC reviewed the complainant's concerns around the labelling of the story as 'news' given the concerns raised around language use. In the second part, the NNC examined the complainant's wider concerns about lack of context.

While the NNC recognizes that the complainant raised concerns with a number of articles published by the same content provider, the NNC assesses complaints about specific breaches of journalistic standards in individual articles and does not deal with overarching trends in reporting. For these reasons, the scope of the complaint in this case is limited to concerns over language use, context, and labelling of the specific article.

The NNC has consistently supported the prerogative of news organizations to select the news and opinion stories, including content provided by third parties, to present to its audiences. The use of third-party content, including wire services, allows news organizations to provide their audiences with valuable perspectives and information gathered 'on the ground' that may otherwise be missed or delayed.

That said, the NNC has previously stated that news organizations are responsible for the content they publish. News organizations take care to ensure that content provided by third parties meets journalistic standards consistent with their own. While not always required, newsrooms may, for example, edit content to ensure consistent style and language, and update articles as more information becomes available.

The NNC has also been clear that news reporting is distinct from opinion writing. In contrast to news reports, opinion writing may use strong language to express unique or unpopular perspectives, and must be labelled appropriately to signal to readers that it is an opinion.

Council observed that, in this case, the article did not display the characteristics of an opinion article in that it did not present an argument nor was it written as commentary. That said, Council recognized that the content provider explicitly states on their website that they are dedicated to providing readers with pro-Israel coverage. In this way, Council observed, the article may be viewed as written from a clear perspective.

Council further noted that the content provider distinguishes between news and opinion on their own website. In this case, the article was labelled as news. Council therefore considered whether the language was in line with standards and practices in news reporting. In particular, they considered the words used in the statements in question, such as “eliminating,” “terrorists,” and “death squads.”

Standard practice generally allows journalists to choose the scope of a story and word choice. At the same time, the Canadian Press Style Guide notes that facts are best presented in a straightforward manner when reporting the news. The guidelines state that news reports should avoid “overcharged words” and inflammatory statements, and strive to report events and statements in an even tone.

The Canadian Association of Journalists’ ethics guidelines, furthermore, upholds the view that columnists, commentators, and editorial boards may endorse specific causes in their published work. Reporters, however, do not.

In reviewing the article, the NNC observed that the language in question was used to report information that was provided by a military spokesperson. The NNC recognizes that government agencies may use specific terms to describe a situation from a particular perspective. In light of this fact, the NNC has regularly stated that news organizations take care when using language to describe sensitive matters, such as violent conflict. For example, in cases where terms may be disputed or charged, statements and opinions should be properly attributed in context.

The NNC recognizes that the same perspective could have been directly attributed or communicated in a simpler, ‘plain language’ style, such as those described by the Canadian Press Style Guide.

In its review of the complaint, Council noted the article’s original publication date. It was noted that the article was published in the week following the October 7, 2023 attack in Israel. Council considered the fact that the article was produced in the context of a rapidly-evolving and emotionally-charged environment.

Council agreed that the content provider is transparent in their stated perspective of providing “pro-Israel coverage,” as it clearly states on its website for readers. Rather than disqualifying the source as a legitimate content provider for its stated perspective, Council considered this fact a relevant detail for readers.

That said, going forward, Council recommended the newsroom consider ensuring consistent language use across its content and providing additional context for readers to assess the information provided by organizations advocating particular perspectives.

For example, Council would support the news organization in appending the article with a brief description of the source of the content. In this case, the additional information may be useful for readers to understand the content provider's language use and perspective in context, as the content provider itself has indicated on its own website.

With regards to the portion of the complaint related to the lack of context in the article, the NNC noted that the majority of the material submitted by the complainant was related to content outside the scope of the specific complaint.

That said, to avoid concerns over language use and context, the NNC strongly cautions against relying on a single source or sources from a single agency when presenting information to readers. In this case, the NNC agrees with the news organization that not all context or perspectives may be reflected in a single story, particularly when covering complex issues with significant historical background. However, as noted, best practice calls for care when covering particularly sensitive subjects, which includes attention to language use and source selection.

While Council understands the complainant would have preferred to see specific perspectives and wording reflected in the article, it is not the NNC's mandate to serve as an editor or to dictate specific editorial coverage to any of its members, as that would undermine the editorial prerogative of news organizations and principles of press freedom that the NNC supports.

For the reasons outlined above, Council dismissed the complaint with the reservation that additional information about the content provider could have been presented to readers directly to understand the published statements in context.