THE FOOTBALL ASSOCIATION REGULATORY COMMISSION

THE FOOTBALL ASSOCIATION LIMITED

AND

RIO FERDINAND

DECISION OF THE FOOTBALL ASSOCIATION

REGULATORY COMMISSION

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1. Mr Ferdinand is charged with misconduct contrary to FA Rule E3 in respect of a comment posted on his Twitter account "rioferdy5" on the 14th July 2012.
"@CarltonEbanks I hear you fella! Choc ice is classic hahahahahahha!! "
This is in response to the following tweet by @CarltonEbanks:
"@rioferdy5 looks like Ashley Cole's going to be their choc ice. Then again he's always been a sell out. Shame on him."

2. Mr Ferdinand was contacted by The Football Association on the 16th July 2012 in respect of the "tweet", and invited his response to it.

3. The response is dated the 19th July 2012 from John Alexander, Club Secretary of Manchester United Football Club, and included Mr Ferdinand's response.

4. Mr Ferdinand was informed by letter dated the 30th July 2012 that he was being charged with misconduct contrary to FA Rule E3 Incident of Misconduct (Schedule C) Non Standard Case on the 30th July 2012.

5. Mr Ferdinand submitted his reply on Form NS dated 2nd August 2012 denying the charge and requested a personal hearing.

6. The Football Association was represented at the Regulatory Commission by Mr Dario Giovannelli.
Mr Ferdinand was assisted by Mr Alexander.

7. We have had sight of the following documents:-

- Jenni Kennedy's letter dated the 16th July 2012
- John Alexander's email dated 19th July 2012
- A screen shot from Mr Ferdinand's Twitter Account @rioferdy5 showing the comments particularised above
- A screen shot from your Twitter account @rioferdy5 showing a comment posted by you and subsequently deleted
- Screen shots from your Twitter account @rioferdy5 showing Mr Ferdinand's tweets from 6th July through 20th July 2012
- Statement of Lord Herman Ouseley dated 27th July 2012

8. <u>The Charge</u>

Rule E3(1) reads as follows:- A participant shall at all times act in the best interests of the game and shall not act in any manner which is improper or brings the game into disrepute or use any one, or a combination of, violent conduct, serious foul play, threatening, abusive, indecent or insulting words or behaviour.

Rule E3(2):- In the event of any breach of Rule E3(1) including a reference to any one or more of a person's ethnic origin, colour, race, nationality, faith, gender, sexual orientation or disability (an "aggravating factor"), a Regulatory Commission shall consider the imposition of an increased sanction, taking into account the following entry points:

For a first offence, a sanction that is double that which the Regulatory Commission would have applied had the aggravating factor not been present.

For a second offence, a sanction that is treble that which the Regulatory Commission would have applied had the aggravating factor not been present.

Any further such offence(s) shall give rise to consideration of a permanent suspension.

These entry points are intended to guide the Regulatory Commission and are not mandatory.

The Regulatory Commission shall have the discretion to impose a sanction greater or less than the entry point, according to the aggravating or mitigating factors present in each case.

9. Rule E3 is a prohibition on any conduct that is contrary to the interests of the game, or that is improper, or bring the game into disrepute. The need addressed by Rule E3 is to uphold the image of the game.

10. Determination of the Charge
The question this Regulatory Commission has to determine is whether Mr Ferdinand's conduct constitutes one of the prohibited types of conduct.

11. The tweet was posted on Saturday the 14th July 2012, the day following the decision in the case of Regina v John Terry. Mr Ashley Cole was a defence witness. The "tweet" was deleted as a result of the negative reaction by other twitter users to it. The Football Association clearly states that this is not an allegation that Mr Ferdinand is a racist, concedes that he is not a racist but contends that his conduct in endorsing @CarltonEbanks tweet in a public forum is a term of abuse and brought the game into disrepute.

12. The Regulatory Commission heard evidence from Lord Herman Ouseley, via telephone conference – in addition to the written submission, and Mr Rio Ferdinand. Lord Ouseley's evidence was that the use of the word "choc ice" is an offensive and insulting term such as coconut or bounty used to question a person's identity, based on the notion that they have a dark outer skin but inside they act as a white person. Lord Ouseley accepted in cross-examination that there are other interpretations of the words. Mr Ferdinand stated the words "choc ice" was a reference to race, has the same meaning as bounty or coconut but it means the person is fake. He accepted that the words of the tweet were insulting and conceded that the term could only be used when referring to a black or mixed race person and not a person with white skin. Mr Ferdinand therefore admitted that the term "choc ice" referred to Mr Cole's colour ethnic origin or race.The charge is proven and the breach of FA Rule E3 was aggravated by reference to Mr Cole's colour, ethnic origin or race.

13. Mr Ferdinand has been using his open twitter account for over 2 years without attracting the attention of the Football Association, has 3 million followers and has posted nearly ten thousand messages in an attempt to keep his followers up to date on his professional and personal life, in addition to promoting his charitable foundation and business interests. It is clear from the evidence that @CarltonEbanks was referring to Mr Cole's role in the trial.

14. The admissions are clear breaches of Rule E3(1) and (2). The aggravating factor will serve to increase the penalty.

15. Sanction
A number of factors have to be considered in determining the penalty. This is Mr Ferdinand's first offence. He has a clear disciplinary record. He was the Football Association's "Poster boy" and role model to other professional footballers in the use of Twitter, and has a track record in fronting anti-racism campaigns in football. It was in response to a tweet

rather than an original tweet. A breach of FA Rule E3 (2) leads to a doubling of the starting point. In arriving at the financial penalty we have had reference to Mr Ferdinand's net salary as declared on the reply form and the mitigating features outlined above reduce the penalty by approximately 25%.

16. The Order of the Regulatory Commission is:-
Mr Ferdinand be Fined the sum of £45,000
Full Costs of the hearing, which is to be notified by the Football Association.

17. Right of Appeal
In accordance with Schedule D Mr Ferdinand shall have the right of appeal against this decision and or penalty ordered. If he wishes to exercise that right he must file a Notice of Appeal to the Football Association by 12 noon on the first working day following receipt of the written reasons.

Blondel Thompson
Chairman of the Regulatory Commission

Thura Win, JP
FA Council Member and Member of the FA Judicial Chairman's Panel

Brian Talbot
Football Panel Member

Signed on behalf of the Regulatory Commission on the 13th August 2012.