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Is it time to regulate podcasts?

ABSTRACT: This chapter looks at podcast regulation and explores whether the industry would benefit from putting tighter rules in place. It looks at what podcasting could look like with a regulator; whether podcast creators can see regulation working for them; and whether podcasters can learn from other regulated industries.

Through real-world examples this chapter discusses why the question of tighter control on the podcast industry is in the spotlight now. It looks at what different levels of regulations or rules could be, while also considering what impact that could have on the freedom of podcast creators.

It explores three different approaches; no regulation; regulation with a regulator; and a softer form of regulation. It looks at the advantages and disadvantages of all three before offering some thoughts on the best way to ensure podcasts remain accessible for all, where creators have the freedom to create content that audiences want to hear without the restrictions other forms of media need to apply, while also protecting the audience from mis/dis information with the potential of reaching millions of listeners.

KEYWORDS: podcasts; regulation; misinformation; disinformation; libertarian

The problem – The rise of podcasts, their reach and influence

There's been a podcast boom over the last five years, with the industry establishing itself as a leading media platform. There are more than 500 million people listening to podcasts around the world in 2024 with that figure predicted to rise to 651 million by the end of 2027. In the United States alone, there are an estimated 129.9 million podcast listeners and advertising spend on podcast adverts hit around 4 billion dollars in 2024.

The US has the most monthly listeners, followed by China (117.1 million), Brazil (51.8 million), Mexico (27.5 million), Germany (22.1 million) and the UK (18.3 million) (Yuen, 2024).

It's clear that the podcasting industry is growing and becoming a big business for creators and advertisers. It's beginning to compete with similar media for audience and revenue. But unlike similar media such as radio and TV it doesn't have a set of rules, formats and gatekeepers aimed at protecting listeners from incorrect and potentially harmful content.

Its lack of rules is one of its appeals. It has a low level of entry; which means anyone can create a podcast. This has led to many really niche podcasts being created, offering variety and choice for listeners, building communities, and giving a voice to some people who say that mainstream media hasn't been for them. Some people feel podcasting as it is now, is free from the ties of government and corporate business, which, they argue, bind the mainstream media. However, the fact that anyone can create a podcast has led to misinformation and conspiracy theories being shared, unchecked and unverified, through podcasts.

This lack of rules has seen some people refer to podcasting as the «wild west»: a space where you can say and do what you want with little or no consequences. That view I argue is not accurate. Creators are bound by rules, including copyright and libel laws, and to an extent advertising regulation. There's also self-regulation, comprising our morals and ethical views, which vary vastly from person to person. However, compared to the rules that broadcasters must adhere to in many Western countries such as the U.K, Australia and some European countries, podcasting is currently regulation free.

However, as more people listen to podcasts and their influence grows, it's led to questions around whether some form of regulation is needed (Moss, 2022; Global News, 2022; Paterson, 2024).

Supporters of regulation want audiences to be protected from content that is misleading and offensive. Many of those who take this view say creators have too much "un-checked" freedom allowing for dis- and mis-information to be shared. Disinformation and misinformation constitute a serious problem. The former comprises false information deliberately spread to deceive people. Misinformation is the spreading of false information without specific malicious intent. In 2023 a survey conducted in sixteen countries (all chosen because a national election was foreseen in 2024) found that more than 85% of people were worried about the impact of online disinformation, with 87% saying disinformation has already had a major impact on political life in their country; and had fears it would impact the upcoming election (UNESCO/IPOS, 2023).

Podcast listeners are loyal. There are several reasons for this: the intimacy of how the listener chooses to listen; the accessibility; the community; and the fact that listeners search out content.

Podcasts are often listened to by people on their own when doing solo activities; exercising; on a commute; doing housework; or in a personal space. They invite the host into their lives. This one-to-one connection can make the listener feel as though the host is speaking directly to them or that they are part of a private conversation. Most people listen to podcasts on their mobile phone through earphones (70%) (Backlinko, 2024) which creates a direct and immersive experience. This intimacy is further enhanced by the conversational tone many podcasts adopt. They speak to you like they're your mate, you know them. This builds trust and loyalty, sometimes misplaced loyalty from some

listeners. People taking for fact what is being said without challenging what the podcast host and their guests are saying.

This becomes a particular issue around news and politics podcasts when listeners just hear one side of the argument (usually the side that they agree with). It creates "echo chambers" where listeners don't hear opposing viewpoints, which is key to a democratic society. When this happens they are more likely to be taken in by false information and ideologies.

I conducted a small-scale study[1] in October 2024 in which I sent a questionnaire to 53 podcast creators. I found that over half (56%) of them said that the industry needs a regulator, while 29% said it does not and 15% were unsure. 39% of my interviewees said they would like to see rules on content around podcast standards to prevent mis/dis information. Interestingly 87% said they would favour creating a voluntary code of practice for which podcast creators could sign up.

This chapter will look at the arguments for taking a libertarian approach and remaining free from regulation. It will explore regulation and the arguments for that, before exploring if there are other options that can help keep listeners safe but avoid removing the creative freedoms that make podcasting different from other forms of media.

The case for a libertarian approach to podcast regulations

At the core of the libertarian argument is the fundamental right to freedom of expression. Podcasts provide a platform for diverse voices and perspectives, enabling individuals to share their ideas without fear of censorship. Imposing regulations on podcast content could stifle this freedom, leading to a uniformed media landscape where only certain viewpoints are allowed. By maintaining an unregulated environment, those behind a libertarian approach believe it ensures that all voices, regardless of their popularity or mainstream acceptance, have the opportunity to be heard.

They argue that freedom of expression is a cornerstone of democratic societies and allows for the exchange of ideas, fosters innovation, and promotes social progress. In the context of podcasts, this freedom is particularly important because it enables marginalised voices to reach a broader audience. This is a view that was shared in a UK newspaper article in 2023 (Aroesti, 2023), marking 20-years of podcasts. The hosts of the award-winning podcast *Brown Girls Do It Too*, Poppy Jay and Rubina Pabani conclude they would not be employed in «the business of making people laugh» if it wasn't for the podcast industry.

The lack of regulations and gatekeepers in the podcasting industry has

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[1] Follow-up interviews with individual podcast creators will be conducted in the next stage of the study.

created an environment of innovation and creativity. Podcasters are free to experiment with different formats, topics, and styles without the constraints of restrictive formats, codes of conduct and regulatory oversight. This freedom has led to a rich and diverse array of content that caters to a wide range of interests and niche preferences. A quick search for niche podcasts and I end up listening to episode 642 of *The Pen Addict* (2024). The podcast is described as «a weekly fix for all things stationery». In this episode I heard about how Brad loves his new pen that has been handed painted by a company setup by a husband-and-wife team in South Africa. I then travelled around Ireland with Emer and Esther as they ate Sunday roasts (*Emmer and Ester's Sunday Roast* 2024). There are also more than ten active podcasts releasing episodes exploring beekeeping. All this content is at your fingertips without creators having to get licenses and permission. Libertarians argue introducing regulations could hinder this creative freedom, resulting in a less dynamic and innovative industry. They argue innovation thrives in environments where creators are free to take risks and explore new ideas.

Being free from regulation does allows creators to produce content that they believe "the audience" wants to listen to. Those who subscribe to a libertarian view often argue podcasters will self-regulate. They will create content that the audience wants to listen to. If no one is listening, then the creators will change the content or the podcast will end. The listener has the choice of what they consume and support. This is one of the differences a podcast has over radio; there are no gatekeepers and editors, like producers, who work to company formats and who may have their own opinions on what "the listener" wants or should be listening to. Take the *Dawn and Drew Show* (Micelia & Domkus, 2021), one of the early successful podcasts, that ran from 2004 until 2021. The married couple would often go into the most intimate details of their sex life, alongside some other more mundane parts of married life. In 2016 the couple were inducted into the Academy of Podcasting Hall of Fame. Having listened to some of the early episodes (and working in radio during the 2000s), I know that this kind of content would not have been commissioned by radio producers, something Jeremy Wade Morris acknowledges in his book *Podcasting* (Morris, 2024). But the audiences loved it. Episodes were regularly downloaded around 9000 times, a lot for the mid 2000s.

When it comes to the point of mis/disinformation, those against regulation argue that if a podcast spreads misinformation or engages in harmful practices, listeners can simply stop tuning in, leading to a natural decline in the podcast's popularity and influence. Additionally, platforms that host podcasts, such as Apple Podcasts and Spotify, already have community guidelines and content policies in place to address violations. Those in favour of no regulation argue that this market-driven approach ensures accountability without the need for government intervention.

Market self-regulation relies on the principle that consumers are capable of making informed choices. In the podcasting industry this means that listeners

can discern between credible sources and those that spread misinformation. Many in favour of no regulation argue that reviews, ratings, and word-of-mouth recommendations play a crucial role in this process, helping listeners identify high-quality content. Furthermore, podcast platforms have a vested interest in maintaining the integrity of their services, and they often take action against content that violates their guidelines. This self-regulatory mechanism is effective in promoting accountability and ensuring that harmful content does not gain traction. But this does rely on those leaving the reviews to have a good understanding of media and political literacy and for platforms to have the desire and staffing numbers to remove content.

A key concern for those making the libertarian argument is the potential for government overreach. Once regulations are introduced in one area there is a risk that they could expand into other areas, leading to increased control over personal freedoms. In the case of podcasts, initial regulations aimed at combating misinformation could evolve into broader content restrictions, undermining the very principles of free speech and open discourse. By resisting the introduction of regulations, they believe it protects against this slippery slope and preserves individual freedoms to create.

In addition, those against regulation for the podcasting industry say even well-intentioned rules could lead to unintended consequences, such as the suppression of dissenting voices or the stifling of creative content. By maintaining an unregulated environment, they believe it safeguards against these risks and ensures that the podcasting industry remains a space for open and free discourse.

The intimate nature of podcasts, where listeners often develop a strong sense of trust in hosts, is used as a reason for regulation. However, this trust also places a responsibility on podcasters to maintain their credibility. Podcasters who consistently provide valuable and accurate content will naturally build a loyal audience, while those who spread misinformation will lose credibility and listeners over time. This self-regulating dynamic reinforces the importance of trust and accountability without the need for external intervention.

Trust is a fundamental component of the relationship between podcasters and their listeners. This trust is built over time through consistent, high-quality content and transparent communication. Those against regulation argue podcasters who prioritise accuracy and integrity are rewarded with loyal audiences, while those who engage in deceptive practices are held accountable by their listeners. This self-regulating mechanism is effective in promoting responsible content creation and ensuring that the podcasting industry remains trustworthy and credible.

In conclusion, a libertarian approach to podcast regulations emphasises the importance of freedom, innovation, market self-regulation, and individual responsibility. While concerns about misinformation and echo chambers are valid, the solution lies not in government intervention but in fostering a culture of critical thinking and media literacy. By maintaining an unregulated envi-

ronment, it's believed we preserve the dynamic and diverse nature of the podcasting industry, ensuring that it remains a vibrant platform for free expression and creativity.

The podcasting industry has thrived in an unregulated environment, offering a wealth of content that caters to diverse interests and perspectives. This success is a testament to the power of freedom and innovation. By resisting calls for regulation, those in favour of a more libertarian approach say we protect the fundamental principles of free speech and open discourse, ensuring that podcasts continue to be a valuable and dynamic medium for years to come.

There's no denying these freedoms and innovations have not only enriched the medium but have also attracted new listeners who might not have engaged with traditional media. Having an unregulated environment has encouraged experimentation and creativity. If the podcast industry is going to move towards any form of regulation or tighter rules this must be a consideration.

The case for the regulator

Many countries are exploring how to protect people online from harmful content while balancing the freedom of speech of a democratic society. In most countries there are no specific regulations for podcasts; unlike with radio and TV, which often fall under the rules of regulators. However, the tightening of online laws by governments has the potential to impact podcast creators. People opposing tighter online rules claim this threatens privacy and freedom of speech but those in favour say it will protect online users and also help keep podcast competitive with other forms of media.

However, before we get to the debate about whether there should be a regulator, we need to consider the question of who should be responsible should rules not be followed: the creators or hosting platforms?

In traditional media like radio and television, broadcasters are considered the publishers and are ultimately responsible for the content they air. This model ensures a clear line of accountability. However, podcasts operate differently. The creators produce the content, but in many cases it's the platforms that often distribute it to the audience. This complicates the issues of responsibility. Should the onus be on the podcast creators to ensure their content meets regulatory standards or should the platforms that host and distribute the podcasts bear the responsibility?

One argument is that podcast creators should be held accountable for their content, like how authors are responsible for their books. This approach emphasises the creator's role in maintaining the integrity and accuracy of their work. They are the people creating the content; they are the people making the editorial decisions; they are responsible for the content and can choose what goes into the podcast; so, it makes sense that they are responsible. A

regulator that provides clear rules to follow and consequences should they be broken would put the responsibility on creators to ensure content is factually accurate.

On the other hand, platforms like Spotify or Apple Podcasts have the technological means to monitor and regulate content more effectively. They could implement automated systems to flag inappropriate content or provide clearer guidelines for creators. It could be argued they are in a stronger position to enforce regulations, so should be held accountable. There could be a case for both being responsible. In my research with podcast creators, 32% ranked creators top when it comes to who should be responsible for identifying and countering dis/misinformation in podcasts, while 30% said the main responsibility should be with the platforms[2].

In the UK, the Online Safety bill has been passed into law, requiring technology companies to remove illegal and harmful content or face fines from the media regulator, OFCOM. The regulator is working on codes and best practice, and these are likely to be released in 2025. It's understood it will be like the *Digital Services Act* introduced in the European Union in 2023, requiring tech companies to take down illegal content, work to make sure that type of content doesn't appear in the first place and give users more control to block unwanted content. There will also be age verification checks that platforms will need to do. Some groups opposed to the law, e.g. the Open Rights Group in the UK (Open Rights Group, 2023) argues it will infringe free speech by forcing tech companies to either sanitize their platforms or infringe on people's privacy, with platforms requiring official documents to prove age or using some kind of privacy-intrusive face scans to estimate the age of the user. It also gives big tech companies a lot of power to decide what content they think should be removed. Consideration needs to be given as to what protections are in place to ensure tech companies are not going to start removing content they don't agree with under the disguise of it being harmful or offensive. There needs to be very clear guidelines to prevent overreach from tech companies.

Those in favour of a regulator (or for podcasts to be regulated) argue it will ensure the accuracy and reliability of information being produced by podcast creators. They say with the rise of misinformation and fake news, a regulatory framework will help make sure the content listeners hear is trustworthy and verified information. This is particularly important for podcasts that cover news, health, politics, and other important topics. They point to the broadcast industry in countries like the UK and Australia which have regulators. OFCOM (UK's regulator) and the Australian Communications and Media Authority (ACMA) oversee content standards for television and radio. Their roles are to protect audiences against harmful and offensive material and uphold due impartiality and accuracy, something supporters of tighter rules for podcasts and social media argue is lacking in digital media.

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[2] Details available from the author at c.d.hartley@leeds.ac.uk.

In Canada, the *Broadcasting Act* has been amended to include C-11 (*Canada's Online Streaming Act*) (Canadian Government, 2023). It gives the Canadian Radio-television and Telecommunications Commission (CRTC) broad authority to regulate platforms like they do with radio and TV. It requires streamers such as spotify and Apple to register with the CRTC. Some fear that if rules become too restrictive, then they will leave, and the podcasting industry relies on these companies for distributing content.

Also, amongst the changes streamers must «clearly promote and recommend Canadian programming». This is a requirement of Canadian radio and TV and those in favour of the changes say it will help level the playing field between the traditional media and new online streamers and platforms.

Although podcasts are not specifically mentioned within C-11, it refers to «audio content». Some of the bigger podcast creators worry this will lead to platforms that host their podcast changing the "algorithms" to apply with the rules to promote more Canadian and indigenous content, resulting in their podcast reaching fewer people. This could hit listening figures and revenue. Others against this feel it could be regulation «through the back door».

With around half a billion people listening to podcasts in 2024, the industry is making big money for advertisers. The global podcast industry was estimated to be worth around 24-billion dollars in 2023 (Zion Market Research, 2023) and this has led to people wanting to standadise the reporting of audience figures. They argue that a regulator could help with this, making a fairer playing field for all, particularly smaller creators who may struggle to compete with larger, well-funded productions. By establishing clear standards and practices, a regulator can ensure that all podcasters operate on a fair and equal footing.

The calls for a regulator are strengthened further when you hear the argument that misinformation and conspiracy theories are often encouraged by creators and presenters who know the power of a viral social media clip in attracting new listeners. Research for the podcast hosting platform Spotify (Spotify, 2024), suggests that 42% of listeners discover podcasts through channels like Instagram, Tik Tok, and Facebook. There are thousands of articles online with advice to podcast creators about increasing listeners through a presence on social media. Podcasters who can get their material to travel on these platforms have the potential of growing their audience; reaping financial and popularity rewards. Knowing this, along with the potential financial benefits of big audiences through the advertising you can receive, leads to some creators encouraging guests and presenters to push narratives and conspiracy theories in the hope of going viral.

Those critical of the freedom and lack of rules for podcast creators point to the false narratives and extreme views being made to thousands and sometimes millions of listeners as a strong reason why tighter restrictions are needed. They say that audiences are being introduced to people as so called "experts" without them having the credentials to support the claim, with potentially devastating consequences and a lasting impact.

There is merit in this argument. Podcasting has a low barrier of entry which means anyone with a microphone and computer can become a podcaster. This I argue can be a strength of the medium because it removes the gatekeepers that some people feel have too much power in traditional media, but it can lead to the accidental and sometimes deliberate spread of false information that the checks and balance required to meet the regulation for the mainstream media tries to prevent. Take for example, the coverage of the police search for Nicola Bulley, in Lancashire, England, in 2023. Speculation and conspiracies shared in podcasts by creators and so-called experts contributed to police issuing a statement asking for it to "stop" as it was impeding the investigation and having a damaging impact on the local community and Nicola's family (Milmo, 2024). Nicola was a mum of two living in a small Lancashire village. She disappeared while walking the family dog, shortly after dropping her children off at school. A major search operation was launched including specialist police officers. Her body was found 23 days later in the River Wyre, just one mile from where she was last seen on 27th January 2023. In that time online sleuths visited the village and shared conspiracy theories online including on individually created podcasts with hundreds of thousands of listeners.

A similar example happened in June 2024, fueled by rumours and speculation on social media, when podcast creators and so-called experts were dedicating episodes of podcasts to the search to find missing British teenager, Jay Slater, who disappeared after a music festival in Tenerife. Again, the speculation online, including on some podcasts, led to the Guardia Civil carrying out a "secret search" for his remains; after announcing to the public that they had called off the search. Jay Slater went missing while on holiday in Tenerife. Podcast creators produced episodes dedicated to theories being shared on social media. Some alleged that he had been kidnapped after stealing an expensive watch from gangsters; others suggested he had stolen drugs or had left the island on a yacht. Jay's mum told the media this hadn't helped the investigation or her family.

It is not just the true crime genre of podcasts that is implicated in mis/disinformation. The argument for tighter rules is strengthened further when you look at the disinformation published by some podcasts during the Coronavirus pandemic. Misleading statements in podcasts warning of the dangers of having a covid-19 vaccine were shared by podcast creators and guests claiming to be "experts", with little or no qualifications, despite scientific studies showing vaccines protect the public (Hsu & Tracy, 2021).

In an episode of the American far-right, Tucker Carlson's podcast, guest Darryl Cooper was introduced as the «most important historian working in the United States today» (Carlson, 2024). Cooper went on to deny the Holocaust, with many historians debunking the claims in media articles following the episode (Koureas, 2024). The interview with Cooper was heard by more than 34 million people. The low barrier to entry of podcasts means anyone can share an opinion or a theory on a podcast, turning them into a broadcaster,

without the rules that broadcasters need to abide by, and this can result in real-world problems.

Sections of society who feel the mainstream media is not reflecting their views are turning to podcasts (and alternative media). Many see podcasts as liberating, giving "real people" a voice, with hosts speaking to and for them, something the traditional media doesn't do in their opinion. This is one factor why podcasts are trusted more by listeners than other digital media: people are choosing to listen to hosts often sharing views they already agree with. The US election in 2024 is an example of the influence appearing on a podcast can have, with both candidates being guests on different podcasts. Kamala Harris appeared on the podcast *Call Her Daddy*, while Donald Trump was interviewed by various podcasters including Joe Rogan.

Some political experts claim the Republican's strategy to have Donald Trump appear on popular, mostly "supportive" podcasts, such as *The Joe Rogan Experience*, were a key factor in his return to the White House. Some in the Democrats Party point to the decision for Kamala Harris not to appear on Joe Rogan's podcast as a «major blunder» for the campaign (Franklin & Nicolaou, 2024).

For context, *The Joe Rogan Experience* is the biggest podcast in the US. It gets an audience of more than 30 million people: more than many shows on the television networks. It also has a high percentage of young men who listen; the young male vote played a big part in deciding the US election outcome.

Politicians choosing to go on podcasts highlight how the political media landscape is changing as influencers and podcast hosts gain more power and influence. This power dynamic shift from mainstream media to podcasters is being mirrored across the podcast genres, too. It comes at a time trust in mainstream media is low; partly because of mis/disinformation and conspiracy theories online about the media; partly because of a lack of transparency from the mainstream media.

Many in favour of regulation argue it could enhance the overall quality of podcasts. This is subjective, but they say by setting standards for production, content and advertising, a regulator could help maintain a level of professionalism across the industry. They argue it would not only enhance the listening experience for listeners but also support podcasters in producing high-quality content that meets industry standards.

In conclusion, I think one of the strongest arguments for a regulatory body is that it brings accountability, making the industry more transparent. It would provide a platform for addressing listeners' complaints and concerns, such as the family of Nicola Bulley or Jay Slater. It would make the content creators more responsible for what they create and allow for the challenge of misleading advertisements in a prompt manner.

The introduction of a regulatory body for podcasts could have some significant benefits for both creators and listeners. It could address mis/disinformation. It could enhance the credibility and quality of podcasts and allow for more transparency in the industry. However, a regulator would undoubtedly

take away some freedoms and possibly stifle range and creativity. There are problems to be considered about the mechanics of how it would be enforced; regulatory sign-up means there would need to be new policies which again could impact on those who feel mainstream media and mainstream society don't represent them. Then there is the question: do you regulate the platforms or the podcast creators?

The case for soft regulation

Podcasts are different from other media. Their accessibility, low-level to entry, variety and how people listen to them make them unique. We need to protect these characteristics. Having a wide range of different voices, opinions and thoughts is a gain for democracy. Creators are free to make content they believe the listeners want to hear. However, that needs to be balanced with protecting listeners from harmful content. This is where the argument for "soft regulation" begins. It allows creators to keep the freedom to create but also makes creators accountable for harmful content they publish.

In my research study just over half of the podcast creators (51%) said current laws are not enough to protect audiences from dis/misinformation. In addition, 87% said podcast creators have a responsibility to make sure the content they produce is factually correct and accurate with the same percentage saying they would see value in introducing a voluntary code of conduct or guidelines for podcast creators.

Rather than imposing strict regulatory measures or allowing a libertarian approach where mis/disinformation can go unchallenged, there is a case for a system of soft regulation, comprising of guidelines and a code of best practice, which podcast creators can develop and sign-up to. This approach balances the need for maintaining quality and ethical standards with continuing to allow creative freedom.

This approach sees guidelines created by a range of stakeholders, including podcasters, listeners, industry experts, and advocacy groups. They could cover accuracy in balanced reporting, respect for privacy, and the avoidance of harmful or offensive content. It could include guidelines on how to report audience figures and other aspects of advertising. By signing up to the code of conduct podcasters agree to uphold the principles, building a culture of responsibility and trustworthiness within the industry. It can provide a framework for accountability.

Podcasts that sign-up to this approach would be verified and encouraged to display a certificate or badge, signaling their commitment to ethical standards. This can create pressure on other podcasts to adopt a more balanced and accurate approach in order to be trusted by their audience. There can be incentives such as award ceremonies, promotional opportunities, access to exclusive resources and partnerships.

This approach relies on an effective monitoring and feedback system. It would need a lot of promotion and encouragement for podcasters to sign up and would need a lot of support from some of the bigger, more established podcasts, who could argue they already have trust from their audience (whether misguided or not). Some of these may need bigger incentives. A system for reporting breaches and an independent body to oversee them would also be required. To be successful this would need widespread support of the podcasting industry; including podcast creators and platforms.

This multi-pronged approach would need an advisory group, comprising of the stakeholders mentioned above. In addition to the guides and framework it could encourage, support and provide work on increasing media literacy.

For a long time now, some people have accused mainstream media of biases and agendas. In 2017 research for Reuters showed that many media outlets were seen as having an agenda and encouraging an increasingly polarised set of opinions. There is truth in this. Take the US media landscape: broadcaster backing candidates. In the UK, newspapers back political parties. I would suggest that we have witnessed podcasts, and their hosts do something similar. The difference though is the intimacy of a podcast, the echo chambers and the social media communities that are born out of it, where a lot of mis/disinformation is then shared to many more people. You see newspapers choosing political sides, or when people watched TV channels in the past, it didn't lead to social media posts, algorithms pushing content to people who think the same as you, the communities being built that just believe one perspective. Mainstream media meant you came into contact with more opposing views. More conversations were had in public so more viewpoints were heard (Newman & Fletcher, 2017). The report concluded that journalists and news organizations needed to be clearer about «distinguishing news from opinion».

In the US trust in media is again at a record low, with just 31% expressing a «great deal» or «fair amount» of confidence in the media to report the news «fully, accurately and fairly» and for the third consecutive year, more US adults have no trust at all in the media (36%) than trust it a «great deal» or «fair amount» (Brenan, 2024). Trust in mainstream media around the world is continuing to fall (Tobitt, 2024). Mis/disinformation on social media and on podcasts are a part of this, but other factors including a lack of media literacy in society, artificial intelligence, and people's fear of fake content are others.

I would also argue that a lack of transparency by journalists and news organisations has played its part in mainstream media not being trusted. Now more than ever, journalists need to be transparent with their reporting; this means providing real context for their findings and sharing details of how they have come to any conclusions they make, in the locations where false information is being shared.

News organisations around the world have identified this issue and are encouraging journalists to show «their workings out» and to explain how they have investigated claims and come to any conclusion. Bigger news organisa-

tions, such as the BBC, Washington Post, and others are dedicating departments to this. In 2023 the BBC launched *BBC verify* (Turness, 2023) to provide audiences with a look behind the scenes of journalism, showing the rigorous checks required to get a story to the public through the editorial standards. These teams use the platforms where mis/disinformation is being shared, along with the traditional linear media, to give the audience a deeper understanding of how the news story has been put together.

What has been unwelcome news for media literacy and democracy is the departure of some mainstream media from social media platforms identified as places where mis/disinformation is spread. Organisations such as National Public Radio (US) and *The Guardian* (UK) have removed their accounts from X (formerly Twitter). *The Guardian* when they left the platform in 2024 cited «long-standing concerns» about far-right conspiracy theories and racist content. I believe for these opinions, along with the fake news, to be challenged balanced reporting and explanations on how conclusions have been made need to be available where the harmful and false information is.

Podcasts are a great vehicle for this information. When done in a creative way they allow people to get a deeper understanding, and can start to rebuild trust. This was done by the Gibraltar Broadcasting Corporation (GBC) during the McGrail Trial looking into allegations of corruption and bullying within government and the police force.

GBC used its *Inside GBC* podcast to explain some of the legal issues in reporting certain facts; to explain in more detail editorial decisions; how GBC made sure its reporting was fair and balanced; giving the audience a stronger understanding of what was being reported by GBC's journalists online, on radio and TV, during the daily news bulletins and programmes.

The podcast *Inside GBC* was introduced by CEO James Neish shortly after he took office in October 2022. The aim was to bridge the gap between the public service broadcaster and the audience, giving people personal access to behind the scenes. It was introduced to help build trust between the audience and the broadcaster as trends showed a decline in trust. The transparency in its news coverage was a contributing factor in a rise from 4% of people rating their news coverage as excellent in 2022, to 20% in 2024. People satisfied or very satisfied with GBC's news is at 83% in the recent figures (GBC News, 2024).

Another example is *The Sound of Politics* podcast hosted by Professor Stephen Coleman, from the University of Leeds, which I produce. Stephen has spent many years studying political communication and the techniques politicians use to deliver their messages.

The podcast uses clips of politicians in action to demonstrate the points he is making, before speaking to other guests to hear their insight and perspective (University of Leeds, 2024).

One of the ways people can challenge mis/disinformation without regulation is using the influence and trust of podcasts; placing well informed argu-

ments in front of people, with clear examples, in an engaging and accessible way; using the more popular formats that mis/disinformation is distributed through to counteract it with truth. Journalists, academics, and podcast creators with an appetite for tackling mis/disinformation need to work together to disseminate research in engaging ways.

As is clear from the Canadian model, algorithms play a big part in what people view online. The algorithms build a picture of what you are interested in from what you choose to click on. Under the C-11 Act Canada is pushing big tech companies to use algorithms to help promote Canadian content. The algorithm rules are set slightly differently to achieve this. I argue that this model in theory could be used to highlight and support the fight against mis/disinformation online and in podcasting. With certain subjects such as news, politics and health, algorithms could be used to direct people to alternative points of view. Take the Joe Rogan interview on his podcast with Donald Trump during the 2024 US election. There were 32 fact-checked false claims (Dale, 2024). As soon as this is officially recognised as being the case, platforms could attach a disclaimer explaining this podcast has been flagged for being factually incorrect. Then the algorithms could push content that directs people who have listened to Joe Rogan's podcast to an alternative more balanced and considered podcast. Possibly one that has signed-up to the podcast code of conduct. This further adds to the incentives for podcast hosts to be part of the soft regulation framework but also encourages hosts to produce content that is accurate.

In conclusion, soft regulation offers a balanced approach to maintaining ethical standards in the podcasting industry while preserving the creative freedom that makes podcasts unique. By developing comprehensive guidelines and a code of conduct that podcasters can voluntarily sign up to, the industry can enhance credibility, promote diversity, and foster a culture of responsibility. Managing this system involves developing clear guidelines, providing education and support to both podcasters and the audience, and implementing mechanisms for monitoring and feedback. While there are challenges to ensuring widespread adoption and addressing non-compliance, these can be managed through effective communication, a balanced approach to flexibility and standards, and maintaining independence. Adopting this approach will help protect the industry from those who discredit it through mis/disinformation and also increase trust with listeners that the content is not fake news or going to be harmful for them.

Conclusion

The debate around whether podcasts should be regulated has many sides to it. While the libertarian viewpoint advocates for no regulation, emphasising the importance of free speech and creative freedom, it overlooks the potential

harms that can arise from the spread of mis/disinformation and harmful content. On the other hand, blanket enforced regulation could be restrictive for creators, see gatekeepers being introduced to podcasting and be a barrier for entry for some.

A form of soft regulation, supported by a framework and guidelines created by various stakeholders within the podcast industry, presents a balanced approach. This model would involve collaboration between podcast creators, platforms, listeners, and regulatory bodies to establish standards that protect against harmful content while preserving the unique and creative nature of podcasts. Such a framework would not be overly restrictive, allowing podcast hosts to maintain their creative freedom and continue producing diverse and engaging content.

Moreover, this approach would be complemented by increased efforts to improve media literacy among listeners. By equipping audiences with the skills to critically evaluate the content they consume, we can mitigate the risks associated with misinformation and harmful content. Media literacy podcasts and outreach work being promoted through algorithms can empower listeners to distinguish between credible sources, understand the context of the information presented, and make informed decisions about the content they engage with.

In summary, a soft regulation framework, supported by industry stakeholders and enhanced by media literacy initiatives, offers a pragmatic solution to the challenges posed by the podcasting landscape. It strikes a balance between protecting the public from harmful content and preserving the creative freedom that makes podcasts a unique and valuable medium. This approach not only addresses the limitations and arguments of both the libertarian and regulation viewpoints but also ensures that the podcasting industry can continue to thrive and innovate in a responsible manner.

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