

**Case 1 – Television Programme “Entertainment News” (娛樂新聞報道)
broadcast on the J2 Channel of TVB on 30 September 2010 at 7:00pm-
7:30pm**

A member of the public complained about the television programme “Entertainment News”(娛樂新聞報道). The substance of the complaint was that the captioned programme on TVB J2 carried promotional material for the programme “Just Between Friends” (係 Friend 至講) of TVB Pay Vision Limited (“TVBPV”) and amounted to indirect advertising for TVBPV’s domestic pay television programme service.

BA’s Findings

In line with the established practice, the Broadcasting Authority (“BA”) had considered the complaint case in detail, including the recommendations of its Complaints Committee and the representations of TVB. The BA's findings are set out below.

The BA noted that –

- (a) TVB and TVBPV were separate licensees providing a domestic free TV and a domestic pay TV service respectively in Hong Kong. TVB E-News was a channel produced by TVB which was only offered in Hong Kong as part of TVBPV’s domestic pay TV service;
- (b) the programme “Just Between Friends” (係 Friend 至講) was an entertainment programme broadcast on the TVB E-News Channel of TVBPV. In the closing of the programme “Entertainment News”, which was simulcast live on TVB’s J2 Channel and TVBPV’s E-News Channel,

footage of the upcoming episode of TVB PV's programme "Just Between Friends" was broadcast as previews. The footage concerned ended with the caption "係 Friend 至講 娛樂新聞台 10 月 3 日(日) 晚上 8:00" (Just Between Friends, TVB E-News Channel, 3 October (Sunday), 8:00pm) providing the broadcast date and time of the programme on TVB E-News Channel of TVB PV; and

- (c) TVB admitted lapse and explained that the promo for TVB PV's programme "Just Between Friends" was erroneously inserted at the end of the concerned programme broadcast on TVB J2.

The BA considered that the inclusion of a promo for "Just Between Friends" of the TVB E-News Channel in a programme on TVB J2, a domestic free TVPS channel, would have the effect of promoting TVB PV's domestic pay TVPS and therefore amounted to indirect advertising, which was in contravention of paragraph 1 of Chapter 11 of the Generic Code of Practice on Television Programme Standards (TV Programme Code).

Decision

In view of the above, the BA considered the complaint justified. Taking into consideration that TVB's previous lapse of a similar nature just a year ago in January 2010 (Note 1). TVB was warned to observe more closely the relevant provision in the TV Programme Code.

Case 2 - Non-compliance with Restriction on the Scheduling of Advertisement for Alcoholic Beverage by Asia Television Limited ("ATV")

ATV reported to the BA on its failure to comply with the prohibition on the

broadcast of advertisement for alcoholic beverage during the family viewing hours, i.e. from 4:00p.m. to 8:30p.m., on World Channel on 1 November 2010.

Paragraph 2(c) of Chapter 6 of the Generic Code of Practice on Television Advertising Standards (“TV Advertising Code”) stipulates that, inter alia, for domestic free television programme services, the licensee should not include in its licensed service any liquor advertising between the hours of 4:00p.m. and 8:30p.m. each day.

BA’s Findings

The BA had considered the following representations of ATV before arriving at the decision –

- (a) the broadcast of the advertisement for alcoholic beverage “Kam Ponche Wine” within the restricted hours of 4:00p.m. and 8:30p.m. was due to a human error; and
- (b) ATV had taken the initiative to report the lapse to TELA and had pledged that it would exercise greater care to prevent similar lapses in future.

Decision

The BA considered that the lapse of ATV was in breach of paragraph 2(c) of Chapter 6 of the TV Advertising Code. As this is the first incidence of such breach by ATV, the BA decided that ATV should be **advised** to observe more closely the relevant provision.

(Note 1) In January 2010, the BA decided that TVB be strongly advised to observe more closely paragraph 1 of Chapter 11 of the TV Programme Code for

carrying promotional material for the TVBPV's programme "X
Entertainment" (非常娛樂) in the programme "Entertainment News" (娛樂
新聞報道) broadcast on TVB J2 on 24 September 2009.