

Case 1 – Television Programme “Today’s News” (今日最新聞) broadcast on the TVS Channel of Asia Television Limited (ATV) on August 13 & 14, 2010 at 9.30pm-10pm

A member of the public complained about the television programme “Today’s News” (今日最新聞). The substance of the complaint was that the references to the title sponsor of the programme, which was a brand of washing machine, had exceeded an aggregate of 15 seconds for every 10 minutes of a programme segment.

BA’s Findings

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

The BA noted that –

- (a) the captioned programme was a current affairs programme and that particular brand of washing machine was its sponsor; and
- (b) regarding the presentation of the programme, (i) the front credit for the sponsor was integrated within the opening and the end credit was screened preceding the rolling end credits at the end of the programme; (ii) the same sponsor credit mentioned in (i) above was broadcast repeatedly during the course of the programme; (iii) the sponsor’s name was featured regularly in isolation in the rolling captions at the bottom of the screen; and (iv) whenever the host was shown reporting news items in the studio, the cover

of a laptop computer bearing the relevant trademark and reference to its product could be seen.

The BA, having regard to the relevant facts of the case, considered that –

- (a) the repeated references to the sponsor in the programme did not seem to be editorially justified and undue prominence was given to the title sponsor in the programme to the effect that such references would be considered as advertising;
- (b) although TVS was a direct re-transmission channel and the breach was caused by regulatory differences between Mainland and Hong Kong over broadcast contents, ATV should have the responsibility to comply with the regulation of the BA. Thus, ATV had contravened the relevant provisions, viz. paragraph 3 of Chapter 11 of the Generic Code of Practice on Television Programme Standards (TV Programme Code), paragraph 1 of Chapter 8 and paragraph 7 of Chapter 9 of the Generic Code of Practice on Television Advertising Standards (TV Advertising Code) concerning the prohibition of undue prominence to products and services of a commercial nature in a programme, and placement of advertisement and front and end sponsor credits in the programme concerned; and
- (c) although the brand of washing machine was the sponsor of the programme, its name had not appeared in the programme as a sponsored title. As such, the BA Code regarding time limit for title sponsorship was not applicable.

Decision

In view of the above and taking into consideration that this was the first lapse of its kind by ATV; that ATV had not received consideration for the promotional references; and that ATV had undertaken to take measures to prevent any future

lapse, the BA decided that ATV should be **advised** to observe more closely the relevant provisions in the TV Programme and TV Advertising Codes.

Case 2 – Television Programme “TVS News” (南方報道) broadcast on the TVS Channel of ATV on August 13 & 14, 2010 at 11.45pm-12.10am

A member of the public complained about the television programme “TVS News” (南方報道). The substance of the complaint was that undue prominence was given to a product of commercial nature in the news programme which should not accept sponsorship.

BA’s Findings

In line with the established practice, the BA considered the complaint case in detail, including the recommendations of its Complaints Committee and the representations of ATV. The BA’s findings are set out below.

The BA noted that in the news programme under complaint, whenever the anchor was shown reporting news items in the studio, the cover of a laptop computer bearing the commercial brand of a television manufacturer was shown. The promotional slogan and service hotline of the manufacturer could also be seen on screen.

The BA considered that the inclusion of the commercial brand of a television manufacturer, a promotional slogan and service hotline of the manufacturer had the effect of giving undue prominence to the commercial product. The reference to the commercial brand and the product could not be considered as editorially justified and amounted to advertising material which was prohibited from being placed in programmes. Therefore, ATV was in breach of paragraph

3 of Chapter 11 of the TV Programme Code and paragraph 1 of Chapter 8 of the TV Advertising Code.

As for the alleged sponsorship of the concerned news programme, ATV had confirmed that the programme was not a sponsored one and it had not received any consideration. Hence, no case was made out in respect of this allegation.

Decision

In view of the above and taking into consideration that this was the first lapse of its kind by ATV; that ATV had not received consideration for the promotional references; and that ATV had undertaken to take measures to prevent any future lapse, the BA decided that ATV should be **advised** to observe more closely the relevant provisions in the TV Programme and TV Advertising Codes.

Case 3 - Television Programme “To Experience the Taste of Tai Pan 2010” (大班冰皮月餅特約：追擊潮食新口味) broadcast on the Jade and HD Jade Channels of Television Broadcasts Limited (TVB) on September 6-10 & 13-14, 2010, 10.30pm

A member of the public was dissatisfied with the decision of the Commissioner for Television and Entertainment Licensing in classifying a complaint about the television programme “To Experience the Taste of Tai Pan 2010” (大班冰皮月餅特約：追擊潮食新口味) broadcast on the Jade and HD Jade Channels of TVB on September 6-10 & 13-14, 2010 at 10.30pm as unsubstantiated. The main allegation was that the programme advertised for a brand of snowy mooncake.

BA's Findings

In line with the established practice, the Broadcasting Authority (BA) 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) the alleged snowy mooncake brand was the programme sponsor and product sponsor of the concerned mini-programme series; and
- (b) in the mini-programme series, the hosts introduced different flavours of snowy mooncakes and invited artistes to try. There were shots of the hostess holding conspicuously carrying bags of Tai Pan mooncakes. Mooncake boxes bearing the name of the alleged brand were prominently displayed.

Taking into account the overall context of the programme, the BA considered that the programme under complaint had a noticeable effect of promoting the snowy mooncake of the alleged brand. The shots of the host holding carrying bags of Tai Pan mooncakes and mooncake boxes bearing the name of Tai Pan found in every episode of the programme series could not be considered as incidental. The blatant exposure given to the sponsor's product could not be argued to be clearly editorially justified. The programme was designed solely for advertising the snowy mooncakes of the brand to the extent that the whole programme was tantamount to an advertisement as it did not contain any other information or programme content. The exposure or use of the sponsor's products within the present programme was beyond what was accepted under the relevant provision governing product sponsorship. It was considered

gratuitous and obtrusive to viewing pleasure. The programme was in breach of paragraph 10(a) of Chapter 9 of the TV Advertising Code regarding the exposure or use of sponsor's product/service in programmes.

Decision

Having regard to the circumstances of the complaint case, the BA considered the complaint justified. The BA decided that TVB should be **warned** to observe more closely the relevant provision in the TV Advertising Code.