

Case 1 – Television Programmes “Late News” (夜間新聞) and “Main News and Weather Report” (新聞及天氣報告) broadcast on the World Channel of Asia Television Limited (ATV) on 20 and 27 December 2010 at 11:00pm – 11:18pm & on 7 February 2011 at 7:30pm – 8:00pm

A member of the public lodged three complaints about the three captioned news bulletins broadcast on the ATV World Channel. The substance of the complaints was that –

- (1) a regular item “Starwatch” (Item) scheduled on the above-mentioned news bulletins on Mondays promoted the commercial release of the movies “Gulliver’s Travels”, “Love and Other Drugs” and “Yogi Bear” respectively;
- (2) the feature of the above promotional materials in news programmes might be in breach of the provisions governing impartiality, sponsorship, indirect advertising and the prohibition of advertising matter in news programme or newsreel in Codes of Practices; and
- (3) the Item as presented might also deprive viewers of the opportunity to receive newsworthy information of public interest in one of the two main daily news bulletins provided on ATV World, thus in possible breach of the licence requirement that governs the broadcast of comprehensive news bulletins of not less than 15 minutes duration.

BA’s Findings

In line with 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 bulletins under concern, there was a regular item “Starwatch” which featured showbiz news with trailer of the respective movies. Lengthy movie trailers¹, which included movie excerpts, interviews with movie characters and the film director, were shown in the Item. The Item also included references to the movie titles and release dates, the display of the movie’s website and the inviting remarks of the reporter and in the voice-over². The BA also noted that the movies and the respective film companies shown in the Item were not identified as sponsors of the news programmes.

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

- (a) the duration and presentation of the Item in the news bulletins including various references to the concerned movies had the effect of giving undue prominence to the concerned movies and amounted to advertising materials. The impartiality of the news bulletins might have also been jeopardised due to the undue prominence given. The news bulletins were, therefore, in breach of paragraph 7(f) of Chapter 9 and paragraph 3 of Chapter 11 of the Generic Code of Practice on Television Programme Standards (TV Programme Code) which stipulate that no advertising matter should be included in a news programme and the prohibition of undue prominence to products and services of a commercial nature in a programme;
- (b) as ATV had clarified that the Item was not broadcast in return for any consideration and that there was no sponsorship arrangement in place, the

¹ The duration of the movie trailers for “Gulliver’s Travels”, “Love and Other Drugs” and “Yogi Bear” were 2’21”, 1’28” and 3’00” respectively.

² Examples of such remarks include “Gulliver will be stomping into Hong Kong on Thursday”; “Critics seem to like the pairing of Hathaway and Gyllenhaal, describing them as the ‘perfect love match’ and see if you agree when ‘Love and Other Drugs’ hits Hong Kong this Thursday”; “If you haven’t seen it yet, you can check out a new 3D film: Yogi Bear”; and “All-in-all, ‘Yogi Bear’ is just entertaining fun for the whole family”.

courtesy credits alone, given to the respective film companies for copyright reasons, were factual and did not render the Item a “sponsored” one within the respective news programmes; and

- (c) the news bulletins, excluding the Item, lasted more than 15 minutes in duration, hence viewers had not been deprived of the opportunity to receive newsworthy information of public interest.

Decision

In view of (a) above, the BA considered that ATV should be **warned** to observe more closely the relevant provisions in the TV Programme Code.

Case 2 – Television Programme “UEFA Europa League 2010/11: CSKA Moscow vs PAOK” (歐霸盃足球聯賽: 莫斯科中央陸軍對 PAOK) broadcast on 23 February 2011 at 0:50am – 3:00am on the Cable Soccer Betting Channel of Hong Kong Cable Television Limited (HKCTV)

A member of the public complained about the television programme “UEFA Europa League 2010/11: CSKA Moscow vs PAOK”. The substance of the complaint was that the discussion among the hosts on the female host’s plump figure when she was young was indecent and the female host’s utterance of a Cantonese foul expression in response, was disgusting and would exert a bad influence on youth.

BA’s Findings

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

The BA noted that the programme was a livecast of the captioned soccer match, and the channel concerned provided soccer programmes with soccer betting information. The channel was available for viewing by the general audience, not restricted for adults only. During a chit-chat, the female host recalled that she looked young with baby fat back in 2004 when the Soccer Betting Channel was launched. While one of the hosts disagreed, the others joked about her plumpness then. One of the hosts further made fun of the female host by making the remarks that the key of the female host was flat when she sang (個音 flat 㗎). He punned on the words “音”(voice) and “陰”(genitalia) as well as “flat” and “fat”, making innuendoes of the female genitalia. The female host

refuted the host by uttering a Cantonese foul expression on the spur of the moment.

Taking into consideration the facts of the case, the BA considered that the inclusion of the Cantonese foul expression, which was considered downright offensive by general audience, was unacceptable for broadcast at any time on the concerned channel which was not restricted for viewing only by adults. Furthermore, the BA considered that the joke about the hostess' plumpness, including the remark punning on the female genitalia, was of an adult nature and carried strong sexual connotations. It could not be considered contextually justified amid the commentaries of a soccer match. It might be considered indecent and of bad taste, which was not ordinarily acceptable to the viewers of the concerned soccer programmes on a channel for general audience. The way the hosts dwelt on the puns without being aware of the impropriety of their use in the programme was unacceptable. The hosts were insensitive to the possible offence that the downright offensive foul expression and the adult joke might bring to viewers.

Decision

In view of the above, the BA decided that HKCTV should be **warned** to observe more closely paragraph 2(a) of Chapter 3, paragraphs 7 and 8 of Chapter 4 of the TV Programme Code.

Case 3 – Television Programme “Smart Daily Life” (醒目生活至輕鬆) broadcast on the TVS Channel of ATV on 8 - 17 June 2010 at 2:50pm - 3:20pm

A member of the public was dissatisfied with CTEL’s decision in classifying a complaint about the television programme “Smart Daily Life” (醒目生活至輕鬆) as a minor breach. The substance of the complaint was that the programme presented alcoholic liquor as prizes for contest, which would have an adverse effect on children.

BA’s Findings

In line with 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 –

- ATV failed to provide the recording of the concerned programme for investigation. Under the circumstances, the BA Secretariat could not proceed further with the investigation of the complaint;
- pursuant to the BA’s direction issued under Condition 17.5 of ATV’s Domestic Free Television Programme Service (TVPS) Licence, ATV shall retain recordings of materials broadcast on its service for a period of 90 days and supply recordings of good quality of all materials on its service as the BA may direct and require for examination; and
- in response to the Secretariat’s investigation, ATV submitted that a technical

error occurred during the retrieval of the recording. By the time the error was noticed, the record of the concerned programme had been erased from the computerised recording system. ATV had tried to obtain the recording from the channel provider but was unsuccessful. ATV had reviewed its operational procedures, refined its system and reminded its staff to exercise extra care in handling such matters to avoid recurrence of similar incidents in the future.

The BA considered that –

- (a) ATV was in breach of Condition 17.5 of ATV's Domestic Free TVPS Licence due to its non-compliance with the BA's direction on retention and supply of recordings of broadcast materials to the BA. This was considered a serious lapse that hindered the BA's investigation of the complaint under concern; and
- (b) due to ATV's operational lapse, the BA could not carry out investigation in the absence of the relevant recording and was therefore not able to substantiate whether ATV was in breach of paragraph 2(e) of Chapter 6 of the Generic Code of Practice on Television Advertising Standards. Nevertheless, the BA expressed its grave concern over ATV's commitment as a responsible licensee to ensure compliance of its direct-retransmission channel with the relevant broadcasting regulations.

Decision

The BA decided that ATV should be **advised** to observe more closely the relevant condition in its Domestic Free TVPS Licence regarding the retention and supply of recordings of broadcast materials to the BA and reminded of its

duty as a responsible licensee to ensure that the contents of its direct-retransmission channels are in compliance with the BA Codes of Practice in the future.