

Appendix

Case 1 – Television Programme “Dolce Vita” (明珠生活) broadcast on the HD Jade Channel of Television Broadcasts Limited (TVB) on 8 October 2011 at 7:00 pm – 7:30 pm

Two members of the public lodged complaints against the television programme “Dolce Vita” (明珠生活). The substance of the complaints was that –

- (a) the commercial exposure and favourable remarks contained in the episode had gone beyond what was acceptable of a programme with product sponsors;
- (b) the segment on wealth management services sponsored by a bank was irrelevant to the genre of the programme, the extensive exposure of the bank’s logo and the remarks made by the bank’s representative and an artiste attending the bank’s event contained promotional effect, and the artiste’s recommendation that all investments should be handled by bank was ridiculous and irresponsible; and
- (c) the segment on a specific watch brand was not distinguishable from an advertisement.

BA’s Findings

In line with 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

noted the facts of the case as follows –

- (a) the programme under complaint was a lifestyle programme, in which a bank and a watch brand, among others, were clearly identified as the product sponsors in the end credits;
- (b) in the segment on an event hosted by the bank, there were frequent shots showing the bank's name, its logo and the name of the bank's wealth management service in the backdrop of the stage. The bank's representative and an artiste were interviewed in front of the backdrop on the topic of wealth management service. The artiste talked about her expectation of wealth management services and remarked that she would listen to her banker on how to invest and would choose a bank with a thorough understanding of the Asian market; and
- (c) in the segment on the watch brand, there were footages of the inauguration of a new boutique for the watch brand. It contained shots of the entrance bearing the shop's name, close-up shots of different collections of the brand's timepieces showing the brand name, detailed information about the features of the timepieces and substantial favourable remarks concerning the timepieces.

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

- (a) though the bank's name was not mentioned, there was a distinct association of the wealth management service introduced in the programme with that provided by the bank in the context of the host's report on the bank's promotional event and the consecutive interviews with the bank's representative and the artiste in front of the backdrop

bearing the bank's name and logo prominently. The segment concerned appeared to be designed to showcase the banking services of the sponsor. The presentation of the segment, including the prolonged and gratuitous shots of the stage backdrop clearly showing the bank's name and logo prominently throughout the segment, was gratuitous and could not be clearly justified by the editorial need of the programme;

(b) the segment on the watch brand appeared to be designed to showcase the timepieces of the sponsor. While the information regarding the details of unique design and meticulous mechanism of luxurious watches might be of interest to viewers, it could not justify the extensive exposures of the sponsor's products with prominent shots of its brand name. The presentation of the products, including the shots clearly showing the brand name of the products and the favourable remarks rendered by the hosts and voice-over, was gratuitous and could not be clearly justified by the editorial need of the programme; and

(c) the overall effect of the above segments appeared to have amounted to advertising materials. Thus, TVB was in breach of paragraph 1 of Chapter 11 of the Generic Code of Practice on Television Programme Standards (TV Programme Code) and paragraph 10(a) of Chapter 9 of the Generic Code of Practice on Television Advertising Standards governing indirect advertising and exposure of sponsor's products.

Decision

In view of the above, the BA decided that TVB should be **warned** to observe more closely the relevant provisions in the TV Programme and Advertising Codes.

Case 2 – Television Programme “Hannibal” (沉默的殺機) broadcast on the Pearl Channel of TVB on 30 September 2011 at 9:30 pm – 00:20 am

Two members of the public lodged complaints against the television programme “Hannibal” (沉默的殺機). The substance of the complaints was that the programme was horrifying, perverted, unnerving, disgusting and bloody. The complainants alleged that the programme was unsuitable for broadcast at the scheduled time, and that the “PG” (Parental Guidance Recommended) classification was inadequate.

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 TVB. The BA noted the facts of the case as follows –

- (a) the feature film was about the crimes committed by a cannibalistic serial killer;
- (b) the programme under complaint was labelled “PG” for occasional disturbing scenes and violence; and
- (c) there were scenes depicting a drugged man, who had hanged himself,

slitting his own face using a piece of broken glass; a man being bitten on the face by the serial killer; and some men being devoured by hungry boars. There was also a scene showing a man with his skull cut open, part of his brain tissue removed and fried in a pan, and the man being fed with his own brain. The open wound of his head could be seen in plain view.

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

- (a) the depictions of various perverted acts in the programme might be considered sadistic and horrific by an average viewer. Children would unlikely be mature enough to handle the realistic depiction of eating human flesh, rendering the film not suitable for their viewing even under parental guidance due to its psychological impact. It was, therefore, inappropriate for the film to be classified as “PG” programme and broadcast at the scheduled time (i.e. 9:30 pm) when children might still be watching; and
- (b) the BA considered that the programme was not suitable for children’s viewing even under parental guidance, and that the licensee had not provided sufficient and reliable information about the programme to enable viewers to make an informed viewing choice. Hence, TVB was in breach of paragraphs 1 and 4(a) of Chapter 8 of the TV Programme Code governing programme information, programmes classified “PG” and depictions of violence in “PG” programmes.

Decision

In view of the above, the BA decided that TVB should be **strongly advised** to observe more closely the relevant provisions in the TV Programme Code.

Case 3 – Radio Programme “No. 4 Mount Davis” (摩星嶺四號) broadcast on the CR 2 Channel of Hong Kong Commercial Broadcasting Company Limited (CR) on 20 November 2011 at 1:00 am – 3:00 am

A member of the public lodged a complaint about the radio programme “No. 4 Mount Davis” (摩星嶺四號). The substance of the complaint was that the host’s remarks broadcast at around 2:06 am discriminated against the Catholic Church.

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 CR. The BA noted the facts of the case as follows –

- (a) the programme under complaint was a light-hearted talk-show broadcast after midnight. When two hosts chatted about the ceremony to celebrate the arrival of a lock of hair of Blessed John Paul II in Hong Kong, one of the hosts mispronounced John Paul II’s name as “John 拖” (Note : the Cantonese pronunciation of the Chinese word “拖” sounded like the word “Paul”) and made fun of the mistake by uttering the expression “開拖” (means fighting in Cantonese). He then asked the other host whether the Church had

preserved the hair of Pope Benedict XVI as relics and jokingly uttered the remark “剪陰毛” (English translation: cutting the pubic hair).

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

- (a) the programme had not handled the religious topic with sensitivity and care. Although the mention of pubic hair might not be unacceptable for broadcast in the late-night talk show, the host’s treatment of the religious topic in a frivolous manner was of bad taste and might be considered disrespectful and denigrating to Catholics. The joke made in the programme was a denigration of the Catholic tradition to preserve relics of holy persons for veneration;
- (b) though the host subsequently remarked that he withdrew the joke, the remark was made in a light-hearted manner which could not excuse him for making such an offensive remark. Hence, CR was in breach of paragraphs 7(a) and 7(b) of the Radio Code of Practice on Programme Standards (Radio Programme Code) governing material of bad taste and likely considered to be denigrating or insulting to any persons or groups on the basis of religion; and
- (c) as regards the joke on the name of John Paul II and the expression “開拖”, the BA considered that the contents could be acceptable in the context of the late-night talk show.

Decision

In view of the above, the BA decided that CR should be **strongly advised** to observe more closely the relevant provisions in the Radio Programme Code.

Case 4 – Radio Programme “The Summit” (光明頂) broadcast on CR1 Channel of CR on 21 November 2011 at 11:00 pm – 12:00 midnight

Two members of the public lodged complaints against the radio programme “The Summit” (光明頂). The substance of the complaints was that the host’s remarks that vote-rigging was acceptable, and that one might contravene the laws as long as there was no evidence to prove him guilty and that the host had stolen many books but had never been caught were irresponsible and promoted illegal act.

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 CR. The BA noted the facts of the case as follows –

- (a) the late-night talk show was a personal view programme; and
- (b) during the discussion on the news on vote-rigging, the host ironically remarked that people did not totally observe the rule of law nowadays and that one might contravene the laws as long as he was not caught. He went on to say that though he had stolen many

books, he had never been caught and uttered the expression “吹呀” (so what). He generalised by saying who had not stolen things before. He then said that he had confessed stealing things before and was not encouraging others to commit illegal acts.

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

- (a) the host, boasting that he had never been caught even though he had stolen books before, might have adverse influence on young people in the community. The host’s remarks had conveyed the message that vote-rigging and theft were acceptable as long as the person committing such acts did not get caught. The host’s expression “吹呀” and the remark about theft being a common-place phenomenon had condoned such conduct;
- (b) although the expressions were presented as the host’s personal views, he had impliedly encouraged stealing by conveying the message that stealing is part of the growing-up process; and
- (c) in light of the above, CR was in breach of paragraph 9 of the Radio Programme Code which stipulated that criminal activities should not be presented as acceptable behaviour.

Decision

In view of the above, the BA decided that CR should be **advised** to observe more closely the relevant provision in the Radio Programme Code.