

Appendix

Case – Television Programme “Wing Nim Services Special: Remembrance Love” (澳門永念庭特約：念親·情永在) broadcast on the Jade & HD Jade Channels of Television Broadcasts Limited (“TVB”) on September 19-23, 2011 at 10:58 pm

A member of the public lodged a complaint against the television programme “Wing Nim Services Special: Remembrance Love” (澳門永念庭特約：念親·情永在). The substance of the complaint was that the content of the programme series amounted to advertising for a company specialised in burial services, which rendered the series in breach of the relevant provisions governing sponsorship and unacceptable services for sponsorship.

The CA’s Findings

In line with established practice, the CA considered the complaint case and the representations of TVB in detail. The CA noted the facts of the case as follows –

- (a) the company, which operated a commercial columbarium in Macau, was identified as both the programme sponsor and product sponsor (the Sponsor) of the one-minute programme series comprising five episodes (the Series);

- (b) the Series introduced the commercial columbarium operated by the Sponsor in Macau which, according to information on the Internet, targeted Hong Kong customers. It adopted the format of a drama with a simple plot about a family's selection of a niche for their deceased husband/father at the Sponsor's columbarium, which was intercut with a presenter's introduction of the relevant commercial columbarium services at the Sponsor's columbarium; and
- (c) the Series featured the facilities and services of the Sponsor's columbarium in an elaborate manner. The first episode highlighted the convenient transportation from Hong Kong to Macau and the family's arrival at the Sponsor's columbarium, with shots of the Sponsor's name at the main entrance. The remaining four episodes were entirely filmed at the Sponsor's columbarium, with the family commenting on the merits of the columbarium and the presenter's introduction of relevant services provided by commercial columbaria in detail. There were a couple of shots showing the Sponsor's logo in the background and various remarks favouring or endorsing the Sponsor's services.

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

- (a) extensive exposure was given to the Sponsor's facilities and services through the family visiting different parts of the columbarium and making favourable comments and description of its design, facilities and services. The Sponsor's name/logo was shown in a conspicuous manner. Coupled with the sponsorship identification displayed at the beginning, during and at the end of each episode, viewers could easily be

induced to associate the facilities and services featured in the Series as those of the Sponsor;

- (b) the Series was clearly designed to showcase the Sponsor's services as the filming of four out of five episodes of the Series was done at the Sponsor's columbarium. The characters' references to the specific facilities and services of the Sponsor as a lead-in had rendered the relevant content as a whole, including the presenter's detailed introduction of the commercial columbarium services, to be promotional material for the Sponsor's columbarium services. The extensive exposure and favourable remarks given to the Sponsor's columbarium were gratuitous and were not editorially justified. The CA considered that 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 (TV Advertising Code) governing indirect advertising and exposure of sponsor's services within programmes; and
- (c) as regards the acceptability of the Sponsor as a sponsor of the Series, TVB submitted that the Sponsor did not operate any business related to undertaking or in association with death or burial services other than columbaria and that nothing except columbaria services was mentioned in the Series. As references to columbaria services in the Series had been handled in a restrained manner, the CA considered that the sponsorship of the Series was acceptable under the TV Advertising Code.

Decision

In view of the above and taking into consideration the repeated cases of indirect advertising, the CA decided that TVB should be **seriously warned** to observe more closely the relevant provisions in the TV Programme and Advertising Codes.