

Appendix

Case 1 – Television Programme “The Generation Show” (年代秀) broadcast on the SZTV Channel of ATV on November 19, 2011 at 1:45pm – 3:15pm

A member of the public complained that the repeated references to a brand of mobile phone in the captioned programme, lasting for a duration of 6 – 7 seconds every time, at the bottom of the screen, amounted to indirect advertising for the brand.

The CA’s Findings

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

- (a) The programme under complaint was a game show broadcast on the SZTV Channel, a direct re-transmission channel carried by ATV in its domestic free television programme service;
- (b) a brand of mobile phone was identified as the sole title sponsor of the programme. The sponsor’s name in its original typeface was featured frequently in isolation in the rolling captions at the bottom corner of the screen during the entire programme. The host also mentioned the brand as being the sponsor of the programme several times;

- (c) since simulcast of the programme was made available on some Internet platforms, the host kept inviting viewers to browse those portals and the official forums of the programme provided by two social networking portals. His references to those portals/forums were accompanied by superimpositions of their respective logos on screen; and
- (d) ATV has taken remedial action to rectify the contents under complaint.

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

- (a) the frequent appearance of the captions bearing the sponsor's brand name on screen was a clear breach of the frequency and duration limits for sponsor identifications to be shown within programmes as set out in paragraph 8B(d)(i) & (ii) of Chapter 9 of the TV Advertising Code, to the extent that viewing pleasure would be adversely affected;
- (b) the frequent and prominent references to the names of the portals/forums, the services of which did not directly interact with the programme in real time, had given undue prominence to the relevant portals/forums which amounted to advertising material for these portals/forums;
- (c) undue prominence had been given to the sponsor and the aforesaid portals/forums which amounted to advertising and was prohibited under paragraph 3 of Chapter 11 of the TV Programme Code; and

- (d) ATV should have been more vigilant and taken a proactive approach to the compliance issue.

Decision

In view of the above and taking into account ATV's repeated lapses of similar nature, the CA decided that ATV should be **warned** to observe more closely the relevant provisions of the TV Programme and Advertising Codes.

Case 2 – Television Programme “Happy Birthday” (大牌生日會) broadcast on the SZTV Channel of ATV on December 12, 2011 at 4:40am – 5:40am

A member of the public complained that the captioned programme made repeated references to a brand of mobile phone on screen.

The CA's Findings

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

- (a) the programme under complaint was a variety show broadcast on the SZTV Channel, a direct re-transmission channel carried by ATV in its domestic free television programme service;

- (b) there was no reference to any brand of mobile phone as alleged by the complainant. However, a skin care product brand was identified as the sole title sponsor of the programme;
- (c) the front credit for the sponsor was integrated within the opening jingle of the programme;
- (d) the sponsor's name was frequently featured (i) in captions shown vertically and horizontally on screen and (ii) in isolation in the rolling captions at the bottom corner of the screen during the entire programme. The host also mentioned the brand as being the sponsor of the programme several times;
- (e) an eyewear brand was acknowledged several times by the host for offering viewers who won a game played in the programme a pair of sunglasses as prizes, followed by a flipcard showing the brand and its product; and
- (f) ATV has taken remedial action to rectify the contents under complaint.

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

- (a) the integration of the front sponsor credit within the programme was in breach of paragraph 7 of Chapter 9 of the TV Advertising Code;
- (b) the frequent appearance of the captions bearing the sponsor's brand name on screen exceeded the frequency and duration limits for sponsor

identifications within programmes as set out in paragraph 8B(d)(i) & (ii) of Chapter 9 of the TV Advertising Code;

- (c) the frequent visual and/or aural prize references were excessive and amounted to advertising material which was in breach of paragraph 5 of Chapter 12 of the TV Programme Code;
- (d) undue prominence had been given to the aforesaid commercial names which amounted to advertising and was prohibited under paragraph 3 of Chapter 11 of the TV Programme Code; and
- (e) ATV should have been more vigilant and taken a proactive approach to the compliance issue.

Decision

In view of the above and taking into account ATV's repeated lapses of similar nature, the CA decided that ATV should be **warned** to observe more closely the relevant provisions of the TV Programme and Advertising Codes.

Case 3 – Television Programme “大娛樂家” broadcast on the SZTV Channel of ATV on January 21, 2012 at 9:30am – 10:30am, 1:30pm – 2:30pm, 8:30pm – 9:30pm and on January 22, 2012 at 1:55am – 2:55am

A member of the public complained that references to the title sponsor in the captioned programme which were superimposed in the form of a spinning logo at the bottom of the screen exceeded the stipulated broadcast frequency and duration limits.

The CA's Findings

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

- (a) the programme under complaint was a game show broadcast on the SZTV Channel, a direct re-transmission channel carried by ATV in its domestic free television programme service;
- (b) a skincare product brand was identified as the sole title sponsor of the programme. There was a spinning logo showing the programme title on one side and the sponsor's logo and/or name on the other side which was intermittently displayed at the bottom corner of the screen during the entire programme. The host also mentioned the brand several times as being the sponsor of the programme; and
- (c) ATV has taken remedial action to rectify the contents under complaint.

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

- (a) the frequent appearance of the sponsor's logo and/or name on screen exceeded the frequency and duration limits for sponsor identifications within programmes as set out in paragraph 8B(d)(i) & (ii) of Chapter 9 of the TV Advertising Code;

- (b) undue prominence had been given to the sponsor which amounted to advertising and was prohibited under paragraph 3 of Chapter 11 of the TV Programme Code; and
- (c) ATV should have been more vigilant and taken a proactive approach to the compliance issue.

Decision

In view of the above and taking into account ATV's repeated lapses of similar nature, the CA decided that ATV should be **warned** to observe more closely the relevant provisions of the TV Programme and Advertising Codes.

Case 4 – Radio Programme “The Summit” (光明頂) broadcast on the CR1 Channel of Hong Kong Commercial Broadcasting Company Limited (“CR”) on April 6, 2012 at 11:00 pm – 12:00midnight

A member of the public complained that the programme host repeatedly attacked the job nature of telesales, suggested scolding the caller's mother when receiving telesales calls, commented that such job was inferior and said that he felt regret for mothers of people working in this industry.

The CA's Findings

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

- (a) the programme was a personal view programme. In the concerned episode, the hosts talked about the deteriorating standard of services in Hong Kong; and
- (b) when talking about some telesales calls which did not start tactfully, a host remarked that one should ignore such call, scold the mother of the caller and terminate the call, that one should therefore quit such inferior job; and the host felt regret for mothers of telesales people for their being scolded in each telesales call.

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

- (a) the expression “賤業” (English translation: Inferior job) used by the host to refer to telesales was offensive and amounted to insult and denigration against telesales. The remark “問候令壽堂” (English translation: Literally, greet one’s mother) was a pun on a Cantonese foul expression. The host’s suggestion of scolding telesales calls with a Cantonese foul expression was offensive and insulting; and
- (b) the remarks were thus in breach of paragraphs 6 and 7(b) of the Radio Programme Code.

Decision

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