

Appendix

Case 1 – Television Programme “我愛返尋味” broadcast on the TVS Channel of ATV from December 2011 to March 2012 at 7:20 pm – 8:10 pm

Two members of the public complained that the programme contained a lot of advertising materials for products and services like restaurants, cooking oil, soymilk maker, etc. A brand of olive oil was specifically mentioned by one of the complainants.

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, among others, as follows –

- (a) the programme under complaint was a gourmet programme broadcast on weekends on the TVS Channel, a direct re-transmission channel carried by ATV in its domestic free television programme service;
- (b) four episodes were spot checked. In the episode broadcast on 10 December 2011, a restaurant chef demonstrated five dishes. Positive remarks were given on the ingredients and the dishes. Every time after the demonstration, acknowledgement was given to the restaurant in the voice over and captions, with the address of the restaurant provided in detail. There was also a map at the start of the programme indicating the location of the restaurant; and

- (c) in the other three episodes, favourable and detailed comments about the alleged brand of olive oil and a brand of soybean milk maker were repeatedly made, together with prominent display of the brands' products. In addition, the two brands sponsoring the programme were identified by way of sponsor credits shown at the bottom of the screen during the course of the programme.

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

- (a) regarding ATV's argument that the commercial references shown in the programme did not target Hong Kong market, the relevant provisions in the codes of practice does not exempt the incorporation of advertising material in a programme in view of its target market; and
- (b) the abundant favourable remarks on the restaurant's dishes and the sponsors' products, the frequent acknowledgement of the restaurant, prominent products shots and the sponsor credits placed within programme amounted to advertising material for the restaurant and the two sponsors and had contravened paragraph 1 of Chapter 11 of the TV Programme Code and paragraphs 7 and 10(a) of Chapter 9 of the TV Advertising Code governing indirect advertising and sponsorship.

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 in the TV Programme and Advertising Codes.

Case 2 – Television Programme “Have Fun Everyday” (fun轉每一天) broadcast on the TVS Channel of ATV on 23 March 2012 at 5:30pm – 6:00pm

A member of the public complained that the programme advertised for a jewellery brand and a male artiste.

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, among others, as follows –

- (a) the programme was a lifestyle programme broadcast on the TVS Channel, a direct re-transmission channel carried by ATV in its domestic free television programme service;
- (b) there was an eight-minute segment filmed at the shop of a jewellery brand. A host introduced a collection of the brand’s jewellery with the specific collection name given. He made a lot of positive cross references between the jewellery collection and a male artiste who had been recently appointed as the collection’s image representative;
- (c) detailed descriptions and positive remarks about the brand’s jewellery were presented with close-up product shots. There were also extensive shots of the brand’s jewellery displayed in the shop and deliberate showing of a poster bearing the brand name; and
- (d) the brand was acknowledged in the end credits of the programme.

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

- (a) the positive cross references between the artiste and the brand's jewellery collection, the extensive close-up shots of the brand's jewellery and poster bearing the brand name, as well as the abundant positive remarks on and recommendations to buy the brand's jewellery had given undue prominence to the brand; and
- (b) the prominent exposure given to the brand and its products had mingled extensive and blatant advertising materials within the programme, which was in breach of paragraphs 1 and 3 of Chapter 11 of the TV Programme Code which prohibit indirect advertising.

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 in the TV Programme Code.

Case 3 – Television Programme “賢妻良母” broadcast on the SZTV Channel of ATV on 15 March 2012 at 4:40pm – 5:15pm

A member of the public complained that the programme contained violence but it was not classified and did not carry any warning caption.

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, among others, as follows –

- (a) the programme under complaint was a drama series broadcast during the family viewing hours on the SZTV Channel, a direct re-transmission channel carried by ATV in its domestic free television programme service; and
- (b) the episode under complaint contained depictions of a man holding his mother-in-law in bondage, kicking and beating her up with a baton, and strangling, slapping and hitting his wife.

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

- (a) the portrayals of violence, in particular the shots of the mother-in-law who was tied on the chair and pushed over onto the ground, might cause injury if imitated by children;
- (b) the portrayals of the domestic violence in a contemporary setting might cause alarm or distress to young children. The depiction of no blood stain on the victim being repeatedly hit with a baton might be considered by adults as unreal but young children might be misled that such violence would not cause serious consequence;

- (c) the concerned depiction of violence, though not prolonged and unreal, was unsuitable for broadcast on a domestic free television programme service during the family viewing hours when there was a large audience of children and guidance from parents or guardians might not be available; and
- (d) the broadcast of the programme was in breach of paragraph 2 of Chapter 2, paragraph 8 of Chapter 6, and paragraphs 1, 2 and 8 of Chapter 8 of the TV Programme Code governing the family viewing policy applicable to domestic free television programme services, depiction of violence and provision of advice on programme nature and content.

Decision

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

Case 4 – Radio Programme “Rightable Wrong” (有冇搞錯) broadcast on the Radio 2 Channel of RTHK on 5 April 2012 at 12:00 midnight – 2:00am

A member of the public complained that the hosts’ detailed description of the methods of cheating in examinations was irresponsible in a programme targeting young persons and that their frivolousness in handling the topic might trivialised cheating as acceptable behaviour.

The CA's Findings

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

- (a) the programme was a light-hearted talk show broadcast at late night. In a segment, the hosts invited listeners to share their experience on cheating in examinations, which was meant to be a humorous sharing of some naughty behaviour and regarded as a negative example to remind listeners not to cheat;
- (b) most of the callers were young persons and some were students. Callers were asked to express regret after talking about their cheating experience. Nonetheless, the hosts appeared to get carried away during the phone conversations and made the reminders in a frivolous and ridiculing tone; and
- (c) RTHK agreed to the view that the hosts' frivolousness had defeated the purpose of a proper reminder and that the detailed description of the cheating methods could result in imitation. The station had therefore taken actions to prevent similar lapse in the future.

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

- (a) the programme, though broadcast at late night, was targeting young listeners. The hosts should have handled the topic more discreetly so as to avoid any undesirable impact on its listeners; and

- (b) the programme was in breach of paragraphs 6 and 17 of the Radio Programme Code which stipulate that broadcasters should handle their programmes in a responsible manner and should be aware of the circumstances such that large number of children and young persons might be listening.

Decision

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