

Case – Television Advertisement for “ParknShop” (百佳超級市場) broadcast on the Jade Channel of TVB on 23 January 2014 at 11:15 pm and on the HD Jade Channel of TVB on 1 February 2014 at 8:50 pm and 4 February 2014 at 10:00 pm

A member of the public lodged two complaints against the participation of children talents in three versions of the advertisement which promoted alcoholic beverages.

The CA’s Findings

In line with the established practice, the CA considered the complaint case and the representations of TVB and the advertiser in detail. The CA took into account the relevant aspects of the case, including the following –

Details of the Case

- (a) the advertisement promoted different special price products of a supermarket chain. All three versions of the advertisement were restricted for broadcast outside the family viewing hours (“FVH”) (i.e. the period between 4:00 pm and 8:30 pm); and
- (b) they adopted a similar presentation format, with an opening featuring children in costumes of various food products in a supermarket setting, followed by flipcards of different products. Each of the three versions contained one flipcard promoting alcoholic beverages. An image of a costumed child was superimposed on each of the product flipcards, except for the flipcard promoting alcoholic beverages in the version

broadcast on 4 February 2014. All the three versions ended with a group shot of the costumed children.

Relevant Provisions in the Generic Code of Practice on Television Advertising Standards (“TV Advertising Code”)

- (a) paragraph 2(a) of Chapter 6 – the advertising of liquor or alcoholic liquor should only target the adult audience and no children should be allowed to participate in the presentation of these advertisements;
- (b) paragraph 2(n) of Chapter 6 – advertising by retail liquor outlets for alcoholic products should adhere to the advertising standards on alcoholic drinks; and
- (c) paragraph 5(c) of Chapter 7 – children should not be permitted to participate in the presentation of advertisements for alcoholic liquor.

The CA’s Considerations

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

- (a) the supermarket chain selling and promoting alcoholic liquor should be regarded as a retail liquor outlet, although liquor was only one of the products it sold. The three versions of the advertisement, each of which featured a flipcard promoting alcoholic products, were considered as an advertisement for alcoholic liquor. The concerned advertisement by a retail liquor outlet for alcoholic products ought to comply with the advertising standards on alcoholic drinks;

- (b) the three versions of the advertisement, which all involved the participation of children in their presentation, were in contravention of the concerned provisions; and
- (c) the advertisement was broadcast outside the FVH and did not feature children consuming alcoholic drinks. As such, it did not appear to have a strong effect of encouraging young persons to consume alcoholic beverages.

Decision

In view of the above and that it was TVB's first lapse of such nature, the CA decided that TVB should be **advised** to observe more closely the relevant provisions of the TV Advertising Code.