

Appendix

Case 1 – Television Programme “Dolce Vita” (明珠生活) broadcast on the HD Jade Channel of Television Broadcasts Limited (“TVB”) on 31 July 2013 at 5:55pm – 6:25pm

A member of the public complained that –

- (a) the introduction of a whisky house in the segment of an animation project featuring a late martial artiste was not editorially justified and was unsuitable for broadcast during the family viewing hours (“FVH”), viz. the period between the hours of 4:00pm to 8:30pm; and
- (b) a whisky brand was identified as the product sponsor of the same programme broadcast outside the FVH but not in the programme under complaint broadcast during the FVH. The sponsorship for the concerned liquor product was hidden in the programme under complaint, which was in breach of the relevant provision in the code of practice that prohibited commercial promotion for any liquor product during the FVH.

The CA’s Findings

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

Details of the Case

- (a) the lifestyle programme broadcast during the FVH covered the launch of an animated whisky commercial featuring a late martial artiste, followed by a visit to a whisky club in Beijing;
- (b) a whisky brand was identified as the product sponsor in the end credits of the same programme which was broadcast outside the FVH on 27 July 2013 and 1 August 2013 on the same channel, but not in the programme under complaint broadcast on 31 July 2013 during the FVH; and
- (c) TVB submitted that the programme broadcast during the FVH was not sponsored by the concerned whisky brand, and this version of the programme was different from that broadcast outside the FVH, as the sponsor credit acknowledging the sponsorship from the whisky brand was removed from the version broadcast during the FVH.

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

- (a) paragraph 2(c) of Chapter 6 – for ***domestic free television programme services***, the licensee should not include in its licensed service between the hours of 4:00p.m. and 8:30p.m. each day any liquor advertising or include in its licensed service between these hours any material in respect of which the licensee has invited, offered or accepted sponsorship or any form of commercial promotion for any liquor product.

The CA's Considerations

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

- (a) the coverage of the launch of a commercial in the concerned segment focused on the background and personality of the late martial artiste, and the ensuing visit to a whisky club where the event was held featured whisky drinking as a connoisseur activity. There was no reference to any liquor brand and no remark which encouraged consumption of alcohol. As such, the segment was not unsuitable for broadcast in a lifestyle programme not targeting children; and
- (b) TVB submitted that it had not received sponsorship for the concerned segment broadcast within the FVH. Nonetheless, it admitted that the same segment broadcast outside the FVH was sponsored by a whisky brand. Paragraph 2(c) of Chapter 6 of the TV Advertising Code stipulated that the licensee should not include in its licensed service within the FVH *any material in respect of which the licensee has invited, offered or accepted sponsorship for any liquor product*. As such, the concerned segment should not be broadcast during the FVH as there was programme material in respect of which TVB had accepted sponsorship for the liquor product featured therein.

Decision

In view of the above, the CA decided that TVB should be **advised** to observe more closely the relevant provision of the TV Advertising Code.

Case 2 – Television Programme “Big Boys Club” (兄弟幫) broadcast on the J2 Channel of TVB on 5 April 2014 at 12:30pm – 1:00pm

A member of the public complained that the depictions of the dismemberment of a victim of a murder case within the programme were overly detailed, bloody and violent, and might be instructional.

The CA’s Findings

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

Details of the Case

- (a) the programme was a talk show broadcast outside the family viewing hours (“FVH”) at 11:30pm-12:00 midnight and repeated at 6:30am and 12:30pm the next day. It was classified as “PG” (Parental Guidance Recommended) for occasional disturbing content; and
- (b) the topic of discussion in the concerned edition was a real murder case in which a 16-year-old girl was murdered and dismembered by a man. The hosts discussed the murder case throughout the programme.

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

- (a) paragraph 2 of Chapter 6 – depiction of violence should be handled with extreme care;
- (b) paragraph 3 of Chapter 6 – all depictions of violence should be relevant and necessary to the advancement of theme. Excessive depictions of violence or perverted practices are not acceptable;
- (c) paragraph 8 of Chapter 6 – at times outside FVH, any portrayal of violence must not be too frequent or impactful and must be essential to the programme context;
- (d) paragraph 4 of Chapter 8 – programmes classified as “PG” may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian; and
- (e) paragraph 4(a) of Chapter 8 – no overly realistic, bloody or horrific depictions of violence are permitted in a “PG” programme. Any violence depicted must not be too frequent or impactful and must be essential to the programme context.

The CA’s Considerations

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

- (a) despite TVB’s submission that details of the murder case were widely reported during the trial of the case, the hosts’ verbal depictions of the dismemberment of the victim were graphic with much detail, some of which were repeated unnecessarily. Together with the occasional sound effects of slashing and visual effects of blood stains, the overall

presentation of the programme was an overly realistic depiction of violence or perverted practices for a “PG” programme; and

(b) the concerned verbal depictions would, however, unlikely invite imitation.

Decision

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