

## **Appendix**

### **Case 1 – Television Programme “The Chef’s Choice” (天天飲食) broadcast on the CCTV-1 Channel of Asia Television Limited (“ATV”) on 2, 7, 16 and 23 October 2014 at 4:38pm – 4:55pm**

A member of the public complained that the display of the sponsor’s logo in the concerned programme exceeded the stipulated frequency and duration limits, and amounted to advertising.

#### **The CA’s Findings**

In line with the established practice, the CA considered the complaint case and the representations of ATV 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 cooking programme of the concerned channel which was acquired by ATV for direct re-transmission on its domestic free television programme services (“free TV services”). The concerned brand was identified as a title sponsor of the programme. The duration of each edition of the programme was about 15 minutes without any break, in which the chefs cooked one or two dishes using the sponsor’s seasoning products; and
- (b) there were shots of the cooking panel with the sponsor’s products shown. The sponsor’s logo could be seen on the products, on the

apron or clothing of the chefs and the host, on the packaging of the sponsored products and on the placards in the setting of the kitchen. In addition, the sponsor's logo frequently appeared alongside the title of the programme, the names of the chefs and the host, the names of the dishes and the recipes.

***Relevant Provisions in the Generic Code of Practice on Television Advertising Standards ("TV Advertising Code")***

- (a) paragraph 1 of Chapter 8 – unless otherwise permitted by the CA, advertising material may be placed only at the beginning or end of a programme or in a natural break occurring therein;
- (b) paragraph 2 of Chapter 8 – advertisements built into programmes of channels acquired for direct re-transmission which are produced primarily for reception outside Hong Kong but which do not contribute to any advertising revenue of the licensee may deviate from the standards set out in paragraph 1 where the licensee can demonstrate that compliance is not feasible without interrupting the licensee's television programme services;
- (c) paragraph 2A of Chapter 8 – paragraph 2 above **does not apply to free TV services unless** –
  - (a) the licensee has provided a declaration to the CA that the channel is produced primarily for reception outside Hong Kong and does not contribute to any advertising revenue of the licensee;

- (b) announcements are displayed to adequately inform viewers that advertisements may be placed within programmes;
- (c) the aggregate advertising time during advertising breaks of the channel does not exceed the stipulated limits; and
- (d) paragraph 8B(d) of Chapter 9 – references to sponsored programme title and the display of sponsorship references alongside the sponsored material within programmes are subject to the broadcast frequency and duration stipulated below –
  - (i) the appearance of sponsor identification for title sponsorship and any sponsorable material should not be too frequent to the extent that viewing pleasure would likely be adversely affected; and
  - (ii) for a programme without breaks of 7 minutes or more in duration, the duration of each sponsor identification appearing each time should not exceed 15 seconds. The aggregate duration of the allowed sponsor identification within such programme may be calculated on a pro-rata basis at the ratio of 30 seconds per every 7 minutes.

### **The CA's Considerations**

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

- (a) the extensive display of the materials bearing the sponsor's logo in the

kitchen had given undue prominence to the sponsor and amounted to advertising materials within the programme;

- (b) some sponsor identifications were displayed far longer than the 15 seconds limit per display, and the aggregate duration of the sponsor identifications in each edition of the programme exceeded the stipulated duration limit; and
- (c) while CCTV-1 was an acquired channel for direct re-transmission in ATV's free TV services, no announcement was displayed to inform viewers that advertisements might be placed within the concerned programme.

## **Decision**

In view of the above, the CA considered the complaints justified. Given that ATV received an advice from the CA for a similar lapse in September 2014, the CA decided that ATV should be **strongly advised** to observe more closely paragraphs 1 and 2A(b) of Chapter 8 and paragraph 8B(d) of Chapter 9 of the TV Advertising Code.

**Case 2 – Television Programme “News Roundup” (晚間新聞) broadcast on the Jade Channel of Television Broadcasts Limited (“TVB”) on 14 January 2015 at 11:05pm – 11:55pm**

A member of the public complained that in the news report about the results of a survey conducted by the Public Opinion Programme of the University of Hong Kong (“HKUPOP”) on people’s instant reaction to the 2015 Policy Address by the Chief Executive, the results of a similar survey conducted by HKUPOP in 2014 were erroneously cited.

**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) according to the report of the concerned survey published on HKUPOP’s website, the figures cited verbally and visually in the concerned news item were the results of the survey conducted in 2014 instead of 2015, and the comparison of the survey results with those of the previous year was made between the figures for 2013 and 2014, instead of those between 2014 and 2015; and
- (b) TVB admitted that the lapse was caused by human error and confirmed that no correction had been made subsequent to the broadcast.

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

- (a) paragraph 1A of Chapter 9 – the licensee shall make reasonable efforts to ensure that the factual contents of news are accurate; and
- (b) paragraph 7(e) of Chapter 9 – correction of factual errors in news should be made as soon as practicable after the original error.

**The CA’s Considerations**

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

- (a) the concerned news item contained clear factual errors;
- (b) the Policy Address announced on the date of the news report was a subject of significant public importance. The survey concerning the public’s instant reaction to the Policy Address was understandably a subject of interest to the viewers. The misquoted figures might have affected viewers’ comprehension of the public reaction to the latest Policy Address; and
- (c) the reporting of a wrong set of survey results, the lack of awareness of the errors made and hence the absence of any rectification afterwards reflected the station’s failure to ensure the accuracy of the factual contents in the concerned news item.

## **Decision**

In view of the above, the CA decided that TVB should be **strongly advised** to observe more closely paragraphs 1A and 7(e) of Chapter 9 of the TV Programme Code.

**Case 3: Television Programme “Scoop” (東張西望) broadcast on the Jade Channel of TVB on 15 September 2014 at 7:30pm – 8:00pm**

A member of the public complained against the captioned programme. The substance of the complaint was that in the report on substandard lard from Taiwan, it was remarked that a local chain restaurant had used the substandard lard products manufactured by a company in Taiwan and the exterior shot of the concerned restaurant was shown, despite that the concerned restaurant was not on the list of traders using the concerned substandard lard products issued by the Centre for Food Safety (“CFS”).

**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 under complaint was an infotainment programme on social issues and showbiz gossips;
- (b) in the concerned segment on substandard lard, footage of several shops with their names discernible, including the concerned local chain restaurant, was shown in split screen for about eight seconds against a voice-over stating that those shops (without mentioning their names) had used the substandard lard product of a company in Taiwan;



- (c) the concerned local chain restaurant was not on the CFS's list of traders that might have distributed or used lard/lard products manufactured by the concerned company in Taiwan; and
- (d) in the edition of the same programme broadcast on 17 September 2014, the programme hostesses announced that the footage of the concerned local chain restaurant was included in the segment broadcast on 15 September 2014 (viz. the concerned edition of the programme under complaint) by mistake and that according to CFS's announcement on 14 September 2014, the concerned local chain restaurant did not use the lard product of the concerned company in Taiwan.

***Relevant Provision in the TV Programme Code***

- (a) paragraph 9 of Chapter 9 – the licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme.

**The CA's Considerations**

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

- (a) based on media reports, the concerned local chain restaurant's statement on 8 September 2014 and the CFS's press release on the same date, there was insufficient evidence to confirm that the concerned local chain

restaurant had used the substandard lard from the concerned company in Taiwan; and

- (b) the presentation of the footage of the concerned local chain restaurant against the voice-over that it had used the substandard lard from the concerned company in Taiwan in the programme, albeit brief, conveyed inaccurate information, which would be unfair to the concerned local chain restaurant.

## **Decision**

Taking into consideration that TVB had made a clarification in a later edition of the concerned programme about the wrong inclusion of the footage of the concerned local chain restaurant in the programme, the CA decided that TVB should be **advised** to observe more closely paragraph 9 of Chapter 9 of the TV Programme Code.