

## Appendix

### **Case – Radio Programme “Made In Hong Kong” (Made In Hong Kong 李志剛) broadcast on the Radio 2 Channel of Radio Television Hong Kong (“RTHK”) from 1:00pm to 3:00pm on 3 May 2017**

A member of the public complained, among others, that the programme contained repeated references to the title as well as the performance dates and venue of a stand-up comedy show performed by the two guests being interviewed, which amounted to advertising.

### **The Communications Authority (“CA”)’s Findings**

In line with the established practice, the CA considered the complaint case and the representations of RTHK 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 a light-hearted magazine programme;
- (b) two guests, who were preparing for the alleged stand-up comedy show (the Show), were interviewed from 2:08pm to 2:30pm. They shared titbits about their preparation for the Show, revealed some contents of the Show and talked about their promotional events;
- (c) the title of the Show was mentioned four times and the tagline (which was part of the title of the Show) was repeated nine times during the

interview. Also, the venue and date of the Show were mentioned specifically, with elaboration that the theatre concerned was a very local performance venue and the second night of the Show would fall on Mother's Day; and

- (d) at one point, after being praised by the guests for her beauty, the programme hostess jokingly asked how much the ticket was and one of the guests replied that it was cheap and cost \$400 only. The guests also briefly remarked that tickets were on sale and invited listeners to go to the Show.

***Relevant Provision in the Radio Code of Practice on Programme Standards ("Radio Programme Code")***

- (a) paragraph 41 - no undue prominence may be given in any programme to a product, service, trademark, brand name or logo of a commercial nature or a person identified with the above so that the effect of such reference amounts to advertising. Such references must be limited to what can clearly be justified by the editorial requirements of the programme itself, or of an incidental nature.

**The CA's Considerations**

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

- (a) while the guests' sharing of titbits about the Show was editorially justified in the magazine programme concerned which often interviewed local artistes about their recent activities, the repeated

references to the full title of the Show and the phrase which formed an important part of the title of the Show throughout the interview were not incidental in nature and could not be justified editorially;

- (b) the explicit references to the venue and date of the Show, coupled with the remarks about tickets being on sale and the guests' appeal to the listeners for buying the tickets also went beyond the editorial requirements of the programme; and
- (c) undue prominence was given in the programme to the Show, the effect of which amounted to advertising.

### **Decision**

In view of the above, the CA considered that the complaint was justified. Taking into consideration the specific facts and circumstances of the case and the repeated breach of the provision on undue prominence by the same programme, the CA decided that RTHK should be **strongly advised** to observe more closely paragraph 41 of the Radio Programme Code.