

Appendix

Case – Television Programmes “Property Outlook” (樓盤傳真) broadcast from 9:00pm to 10:00pm on 10, 17 and 24 October 2020 on the Finance Info Channel of Hong Kong Cable Television Limited (HKCTV)

A member of the public complained about three editions of the captioned programme. The substance of the complaint was that the three editions of the programme contained indirect advertising for a bottled water product but there was no announcement about the programme containing indirect advertising before the programmes started.

The Communications Authority (CA)’s Findings

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

Details of the Case

- (a) the three concerned editions were programmes on the property market with their first broadcast on Saturdays;
- (b) two bottles of water of a brand (the Brand) were placed besides the two programme presenters in the three editions. There was no announcement before the programmes started (prior announcement), informing viewers of the inclusion of product sponsorship or indirect

advertising therein, notwithstanding that the Brand was clearly identified as a product sponsor in the end credits of each edition; and

- (c) HKCTV admitted the lapse which was caused by internal miscommunication.

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

- (a) paragraph 2A(c) of Chapter 9 – a licensee may include one or more product(s) or service(s) within a programme in return for payment or other valuable consideration provided that an announcement containing the wording “The following programme contains indirect advertising” is made to clearly inform viewers of the inclusion of product/service sponsorship in the programme before the programme starts; and
- (b) paragraph 21 of Chapter 9 – paragraphs 2A (save and except for the time restriction set out in paragraph 6), 12 to 14 and 17 to 20 of this chapter also apply to the licensees (i.e. domestic pay television programme service licensees).

The CA’s Considerations

The CA, having regard to the relevant facts of the case including the information submitted by HKCTV, considered that the absence of prior announcement in the three editions constituted a clear breach of the relevant provisions.

Decision

In view of the above, the CA considered that the complaint was justified and that HKCTV was in breach of paragraphs 2A(c) and 21 of Chapter 9 of the TV Advertising Code. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that HKCTV should be **advised** to observe more closely the relevant provisions.