

Appendix

Television Advertisement for “GuJingGong Liquor” (古井貢酒) broadcast on the CCTV-1 Channel of ATV on 19 February 2013 at 8:00pm

A member of the public complained that a liquor advertisement was broadcast during the family viewing hours (“FVH”) on the CCTV-1 Channel (the “Channel”) of ATV.

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 concerned liquor brand was a sponsor of a programme shown at the specified time on the Channel broadcast on ATV’s domestic free television programme (“domestic free TV”) service;
- (b) a 15-second advertisement for the liquor and a brief reference to the liquor’s sponsorship of the programme was found at 8:00pm; and
- (c) ATV submitted that the Channel was directly re-transmitted on its service and ATV did not have direct control over its broadcasts, and

ATV had informed the Channel of all the relevant provisions governing domestic free TV services in Hong Kong including the restriction on liquor advertising.

Relevant Provision in the TV Advertising Code

- (a) paragraph 2(c) of Chapter 6 – no liquor advertising or any material in respect of which the licensee has invited, offered or accepted sponsorship for any liquor product should be broadcast on a domestic free TV service between the hours of 4:00pm and 8:30pm.

The CA's Considerations

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

- (a) ATV, being a domestic free TV licensee, should be fully responsible for ensuring that any material broadcast on its licensed service would comply with the relevant provisions, regardless of whether the channel concerned was directly re-transmitted or not;
- (b) there was a clear breach of the relevant provision which was a basic requirement in the TV Advertising Code; and
- (c) there had been a number of previous lapses concerning the direct re-transmission channels broadcast on ATV's domestic free TV service. The CA noted that ATV had taken some additional actions to prevent similar breaches of the relevant provision.

Decision

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