

Appendix

Case 1 – Television Programme “Scoop” (東張西望) broadcast on the Jade Channel of Television Broadcasts Limited (“TVB”) on 1 January 2016 at 7:30 pm to 8:00 pm

Two members of the public complained that the frequent appearance of the logo of a supermarket (the “Supermarket”) during the interview with two artistes amounted to indirect advertising.

The Communications Authority (“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 concerned programme was an infotainment programme on hot issues and showbiz gossips. The brand of the Supermarket was identified as the product sponsor in the end credits;
- (b) there was a segment featuring an interview with two artistes shooting an advertisement for the Supermarket in a sitting room setting. There were repeated medium shots of three placards carrying the Chinese and English names and logo of the Supermarket on the curtain behind the two artistes and of the stickers on the artistes’ arms, as well as repeated

prominent shots of a similar placard placed on the tea table in front of the two artistes; and

- (c) during the interview, the artistes talked about the shooting tidbits and their family life. There was no mention of the name or any products of the Supermarket in the interview.

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

- (a) paragraph 1 of Chapter 11 – indirect advertising which refers to the mingling of programme and advertising material or the embedding of advertising material within programme content, whether inadvertently or by design, is prohibited; and

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

- (a) paragraph 10(a) of Chapter 9 – the exposure or use of the sponsor’s product within a programme should be clearly justified editorially, not obtrusive to viewing pleasure and not gratuitous.

The CA’s Considerations

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

- (a) it was contextually justified to include in an infotainment programme an interview with artistes while they were shooting an advertisement and

there was no mention of the Supermarket's name and products during the interview. Nonetheless, the exposure of the placards showing the name and logo of the Supermarket, in particular the repeated shots of the placard placed on the tea table in front of the two artistes, was very prominent. Such exposure of the sponsor's name and logo in the segment was gratuitous and obtrusive to viewing pleasure, could not be justified by the editorial need of the programme, and amounted to indirect advertising; and

- (b) TVB's submission that it had no control over the location, sets and props of the interview was not a valid justification or relevant consideration since TVB, as a broadcasting licensee, had the responsibility to ensure that the material included in its licensed service complied with the Codes of Practice.

Decision

In view of the above, the CA decided that the complaints were justified. Having regard to the relevant precedent and TVB's repeated contravention of the sponsorship and indirect advertising provisions, the CA decided that TVB should be **warned** to observe more closely paragraph 1 of Chapter 11 of the TV Programme Code and paragraph 10(a) of Chapter 9 of the TV Advertising Code.

Case 2 – Radio Programme “Lunch Special” (一點叮一叮) broadcast on the CR 1 Channel of Hong Kong Commercial Broadcasting Company Limited (“CRHK”) on 30 December 2015 at 1:00 pm to 2:00 pm

A member of the public complained that when introducing the latest medical findings on a quick test for mental illness, the remark of a programme hostess that people with mental illness would inflict harm on others was unfair to and discriminating the mentally ill.

The CA’s Findings

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

Details of the Case

- (a) the concerned programme was a music programme. During breaks between songs, the programme hostess mentioned the results of some medical researches published in 2015, and one of the medical researches revealed that there were more bacteria in the oral cavities of patients with schizophrenia. She remarked that the concerned discovery would help doctors make a diagnosis by simply testing the saliva of the patients and allow the patients to receive treatment more promptly. The hostess then said “話晒有精神問題嘅人會危害其他人嘅安全㗎嘛” (people with mental problems would put other people’s safety at risk) (“the concerned remark”); and

- (b) according to information published by local hospitals, people with mental illness are not violent in general, and mental patients including those with schizophrenia are not more dangerous than other people in society.

Relevant Provision in the Radio Code of Practice on Programme Standards (“Radio Programme Code”)

- (a) paragraph 7(b) – a licensee should not include in its programmes any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of, among others, mental disability.

The CA’s Considerations

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

- (a) the concerned remark would give general listeners an impression that people with mental problems would put other people’s safety at risk; and
- (b) although the concerned remark was uttered once in passing and appeared to be unintentional, the hostess should have been more careful and sensitive when discussing the subject matter.

Decision

In view of the above, the CA considered that the complaint was justified. Having regard to the relevant precedents, the CA decided that CRHK should

be **advised** to observe more closely paragraph 7(b) of the Radio Programme Code.