

Appendix

Case 1 – Television Advertisement for “Panadol” (必理痛) broadcast at 8:32pm, 21 May 2025 on the Jade Channel of Television Broadcasts Limited (TVB)

A member of the public complained about the captioned advertisement, alleging that –

- (a) the claim “必理痛連續 30 年銷量 No.1 止痛藥品牌” (Panadol is the No.1 selling pain relief brand for 30 consecutive years) was misleading; and
- (b) while the phrase “No.1 止痛藥品牌” (No.1 pain relief brand) was mentioned aurally and displayed in subtitles, two cold and flu relievers from the same brand not covered by the best-selling claim were also shown in the corresponding footage, which misled viewers into believing that those cold relievers also held the number one sales position in the market.

The Communications Authority (CA)’s Findings

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

Details of the Case

- (a) the 15-second advertisement promoted a pain relief medication. In the first scene of the advertisement, the voice-over said “必理痛連續 30 年銷量 No.1 止痛藥品牌” (the “Claim”), while the caption “連續 30 年銷量 No.1” in large and prominent typeface, together with images of six packs of different pain relievers and two packs of cold and flu relievers, were displayed on the screen. Texts showing sources of the relevant sales surveys in support of the Claim (“根據尼爾森公司 1995 年 2 月 – 2020 年 1 月 (©2020 The Nielsen Company 版權所有); IQVIA 2020 年 2 月 – 2024 年 1 月 (©2024 IQVIA 版權所有); 銷售額及銷售數據 NielsenIQ 2022 年 2 月至 2025 年 1 月全港止痛藥藥片/膠囊零售調查報告 (©2025 NielsenIQ 版權所有)”) were displayed at the bottom of the screen in small typeface (referred to as the “Footnote”);
- (b) the Claim is a “best-selling” claim. While the category of brand leadership and the time period covered were included in the Claim, the advertisement did not specify the location of the sales ranking to which the Claim referred;
- (c) the brand concerned was ranked first in sales value and volume in the “tablets/capsules only” segment of analgesics category in Hong Kong during the specified periods (i.e. from February 1995 to January 2025);
- (d) as for the two cold and flu relievers, one product was in tablet form and could, among others, relieve headache and body aches according to its product description. The other product, however, was in powder form (rather than tablet/capsule form) and hence not covered by the sales

surveys referred to in the Footnote of the advertisement as mentioned in subparagraphs (a) & (c) above; and

- (e) TVB and the advertiser submitted, among others, that the location relating to the Claim was stated in the Footnote with the term “全港” (across Hong Kong). Furthermore, the Claim was referring to the brand concerned instead of any specific product, and the display of the powder form product was solely intended to illustrate its product variety. Hence, the content of the advertisement was not misleading.

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

- (a) paragraph 1 of Chapter 4 – all factual claims and best-selling claims should be capable of substantiation;
- (b) paragraph 3(b) of Chapter 4 – best-selling claims should not be used unless there is adequate and explicit specification (aural and/or visual) in the advertisement the product category, the location and the time period it covers in relation to the brand’s leadership; and
- (c) paragraph 7 of Chapter 4 – information conveyed must be accurate and not misleading by concealing or failing to make clear significant facts.

The CA’s Considerations

The CA, having regard to the relevant facts of the case including the representations of TVB and the advertiser, considered that –

Adequate and Explicit Specification for Best-Selling Claim

- (a) while the Claim has mentioned the category and the time period it covered in relation to the brand leadership, the location of the sales ranking was not specified in the Claim, nor anywhere in the advertisement in a clear and explicit manner for viewers' information. The location information displayed in the Footnote only served to indicate sources of the sales surveys for substantiating the Claim rather than an explicit specification of the location of the sales ranking. As such, the CA considered that the advertisement failed to provide adequate and explicit specification of the location covered by the best-selling claim, hence in breach of paragraph 3(b) of Chapter 4 of the TV Advertising Code; and

Substantiation of Best-selling Claim and Accuracy of Information in Advertisement

- (b) one of the products in the advertisement was in powder form (rather than tablet/capsule form), hence not covered by the substantiations provided by TVB / advertiser and should not be included in the advertisement alongside the Claim. The display of a product not provided with substantiation together with the best-selling claim “連續30年銷量 No.1” in large and prominent typeface could be misleading to viewers, hence in breach of paragraphs 1 and 7 of Chapter 4 of the TV Advertising Code governing substantiation of best-selling claim and accuracy of information in advertisements.

Decision

In view of the above, the CA considered that the complaint was substantiated. Having taken into account all relevant factors and specific circumstances of the case, the CA decided that TVB should be **strongly advised** to observe more closely the relevant provisions of the TV Advertising Code.

Case 2 – Television Programme “Midlife, Sing & Shine! 3” (中年好聲音 321 經典大戰) broadcast from 8:00pm to 9:00pm on 15 June 2025 on the Jade Channel of TVB

Three members of the public complained about the captioned programme, mainly alleging that –

- (a) the portrayal of singers displaying various sponsored products in a prominent manner while singing a love song was unnatural, obtrusive, contextually unjustified and distracted viewers from watching the performance; and
- (b) the blatant appeals for product sponsorship in the last segment of the programme were unacceptable for broadcast.

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 was a singing talent show and the last episode of the series. The aural and visual announcement “以下節目含有間接宣傳” (The following programme contains indirect advertising) was broadcast before the start of the programme. Ten brands were identified as product sponsors in the end credits;

- (b) in the last programme segment (the “Segment”), eight singers took turns to sing a Cantonese love song. During the performance, each singer held a sponsored product close to their faces. There were shots of singers gazing affectionately at and/or kissing the sponsored products while singing. Later on, all singers gathered on the stage, holding various sponsored products. Throughout the performance of the song, the sponsors’ logos/brand names on the product packaging were clearly discernible;
- (c) towards the end of the show, the hostess held up a box of tissue bearing the slogan “中年好聲音 廣告招募中” (Midlife, Sing & Shine! Advertising Recruitment in Progress) as she thanked the sponsors; and
- (d) TVB submitted, among others, that as the Segment was intended as an acknowledgment of the programme’s sponsors, the appearance of sponsored products and brand names/logos was justifiable and the overall presentation was natural and unobtrusive.

Relevant Provisions in the TV Advertising Code

- (a) paragraph 6 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 (a) their exposure or use is presented in a natural and unobtrusive manner having regard to the programme context and genre (the “Natural and Unobtrusive Requirement”), and there is no direct encouragement of purchase or use of product(s) or service(s) (the “No Direct Encouragement Requirement”); (b) the sponsor for the

product or service featured must be clearly identified in the front and/or end sponsor credits of the programme; and (c) 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 (requirements under paragraph 6(b) and (c) above collectively referred to as the “Identification Requirement”); and

- (b) paragraph 1 of Chapter 8 – unless permitted under Chapter 9 of the TV Advertising Code or otherwise permitted by the CA, advertising or non-programme material may be placed only at the beginning or end of a programme or in a natural break occurring therein.

The CA’s Considerations

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

Product Sponsorship

- (a) TVB complied with the Identification Requirement by broadcasting the required announcement before the start of the programme, and identifying the product sponsors in the end credits;
- (b) there were no verbal references to any brand names or favourable remarks about the sponsored products. While the performers expressed gratitude to product sponsors, they did not persuade viewers to purchase or use the sponsored products, nor did they mention the products’ prices,

retail outlets or availability. The presentation of the Segment complied with the No Direct Encouragement Requirement;

- (c) the portrayal of singers prominently displaying various sponsored products (e.g. proprietary Chinese medicine, medicated oil and health supplements, etc.) throughout the four-minute song, with brand names and logos clearly discernible, was neither relevant to the context of the performance nor naturally integrated into the programme. The overall presentation amounted to excessive exposure of the sponsored products concerned. Furthermore, the exaggerated gestures of singers gazing affectionately at and/or kissing the products were considered unnatural and obtrusive to viewing pleasure having regard to the programme context and genre. Such presentation failed to comply with the Natural and Unobtrusive Requirement, hence in breach of paragraph 6(a) of Chapter 9 of the TV Advertising Code; and

Advertising Material

- (d) regarding the scene of the hostess holding up a box of tissue bearing the slogan, the relevant shots were brief and no verbal or visual reference to any sponsored product was found. As such, the promotional effect for sponsorship was insignificant and did not sufficiently constitute advertising material unacceptable for broadcast in the programme concerned.

Decision

In view of the above, the CA considered the complaints regarding the unnatural

and obtrusive presentation of sponsored products substantiated. Having taken into account all relevant factors and specific circumstances of the case, the CA decided that TVB should be **advised** to observe more closely the relevant provision of the TV Advertising Code.