

Complaints dealt with by the Communications Authority (“CA”) (released on 8 December 2023)

The CA has considered the following complaint case –

[Television Programme “Super Trio – Halloween Special” \(嘩鬼無敵獎門人\) broadcast by Television Broadcasts Limited \(“TVB”\)](#)

The CA also reviewed the decisions of the Director-General of Communications (“DG Com”) on four complaint cases.

Having considered the recommendations of the Broadcast Complaints Committee, the CA decided that –

1. an **advice** should be given to TVB on the complaints against the television programme “Super Trio – Halloween Special” (嘩鬼無敵獎門人); and
2. the decisions of the DG Com on the complaint cases should be upheld. Details of the cases are set out in the [Appendix](#).

8 December 2023

Case – Television Programme “Super Trio – Halloween Special” (嘩鬼無敵獎門人) broadcast from 8:30pm to 9:30pm, 30 October 2022 on the Jade Channel of Television Broadcasts Limited (TVB)

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

- (a) the repeated verbal references to an online shopping platform (“the Platform”) and the display of its name in the programme were unacceptable, notwithstanding that the Platform was identified as a sponsor of the programme; and
- (b) the game segment where the contestants smashed eggs on each other’s safety helmet was violent.

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 programme under complaint was a game show broadcast from 8:30pm to 9:30pm, classified as “Parental Guidance Recommended” (PG) for occasional dangerous acts. Relevant aural and visual advice on the “PG” classification, as well as the announcement “The following programme contains indirect advertising” were broadcast before the start of the programme. The Platform was identified as a product sponsor in the end credits;
- (b) throughout the programme, the name and logo of the Platform could be seen from the stage setting and on screen for multiple times. Various products available for sale on the Platform were featured within the programme, during which their name, price information and quantity in stock were mentioned and displayed on the screen. The programme hosts also made various verbal remarks relating to the Platform;
- (c) in the game segment concerned, there were scenes featuring winners of the game smashing eggs on other contestants’ safety helmet or head; and
- (d) TVB submitted, among others, that there was no unnatural and/or frequent close-up shot of the name/logo of the Platform in the programme and that no advertising claims or promotional slogans were featured therein. Also, the use of fragile eggs in the game posed minimal harm to the contestants.

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

- (a) paragraph 2A(a) to (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 (a) their exposure or use is presented in a natural and unobtrusive manner having regard to the programme context and genre (“Natural and Unobtrusive Manner Requirement”), and there is no direct encouragement of purchase or use of product(s) or service(s) (“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 2A(b) and (c) above collectively referred to as “Identification Requirement”);

Relevant Provisions in the Generic Code of Practice on Television Programme Standards

- (a) paragraph 4(a) of Chapter 8 – programmes classified “PG” may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian. In a “PG” programme, no overly realistic, bloody or horrific depictions of violence are permitted. Any violence depicted must not be too frequent or impactful and must be essential to the story line or programme context;
- (b) paragraph 6 of Chapter 8 – aural and visual advice on the classification of programmes should be given before the start of the programme; and
- (c) paragraph 8 of Chapter 8 – an aural and visual statement must be given at the start of the programme describing the principal elements which have contributed to the classification and indicating their intensity and/or frequency. The information should be clearly worded so that viewers can make informed choices about what to watch and whether their children should be allowed to watch.

The CA’s Consideration

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

Product/Service Sponsorship

- (a) TVB complied with the Identification Requirement by broadcasting the required announcement before the start of the programme, and identifying the Platform in the end sponsor credits;

- (b) although various products were featured as prizes throughout the programme, there was no repeated mentioning of the price/availability of each product, and no description of the features of any products was given. There were some close up shots of the name/logo of the Platform, but those shots were not frequent or lingering. Overall, the featuring/exposure of the name/logo of the Platform and the products concerned within the programme, which was relevant to the genre and context of a game show, was natural and unobtrusive and hence complied with the Natural and Unobtrusive Manner Requirement. However, throughout the programme, the hosts made extensive verbal remarks relating to the Platform, which were explicit and prominent, seeking to encourage viewers that the Platform should be used to purchase relevant products. Such presentation failed to comply with the No Direct Encouragement Requirement, in breach of paragraph 2A(a) of Chapter 9 of the TV Advertising Code; and

Violence

- (c) it was unlikely that the game segment concerned, without any depiction of bloody or horrific scenes of violence, could be considered violent or unacceptable for broadcast in a “PG” programme not targeting children.

Decision

In view of the above, the CA considered the complaint regarding product/service sponsorship justified. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that TVB should be **advised** to observe more closely the relevant provision of the TV Advertising Code.

Appendix

Review of the Director-General of Communications' Decisions on Complaint Cases by the Communications Authority

Title	Broadcast Channel	Broadcast Date	Substance of Complaint	Decision Upheld
Radio Programme "Get Set, Go Stronger!" (強大人Get Set Go!)	CR 2	8.2.2023	Language & Bad Influence on Children	Unsubstantiated
TV Programme "Have A Big Laugh" (開心大綜藝)	TVB Jade	11.4.2021	Bad Taste, Incitement of Hatred, Denigration & Language	Unsubstantiated
TV Programme "Lo and Behold" (愛·回家之開心速遞)	TVB Jade	22.5.2023	Frightening & Disgusting Material	Unsubstantiated
TV Programme "Scoop" (東張西望)	TVB Jade	3.8.2023	Privacy & Unfairness	Unsubstantiated