

The Legislative Council
Bills Committee on Broadcasting Bill

Generic Code of Practice for Television
Advertising Standards - Identification of Advertisements

Purpose

This paper informs Members of the intention of the Broadcasting Authority (BA) to include a new provision in respect of identification of advertisements in the Generic Code of Practice on Television Advertising Standards (Advertising Code) which is currently under preparation by the BA.

Background

2. When Members considered the paper on Generic Codes of Practice for Television (Paper No. CB(2)2094/99-00(05)) on 30 May 2000, Members requested the Administration to provide further information about the proposed provision which is designed to ensure that an advertisement would be clearly identified as an advertisement.

Relevant Provisions in the Existing Codes

3. The existing codes of practice for television services (except satellite television services not primarily targeting Hong Kong) include a provision that all advertisements shall be clearly identifiable as advertisements. It is a fundamental principle that viewers are entitled to know whether they are watching paid advertisements or not.

Proposed Provisions in the Generic Codes

4. In the light of the proposed relaxation of the advertising time restrictions under the Broadcasting Bill (please refer to paragraph 9 of Paper No. CB(2)2094/99-00(05) for details), the BA considers that a new provision

should be introduced in the Generic Codes to require that an advertisement which is presented in the format of a programme should be clearly identified as an advertisement. This is to ensure that viewers would not be confused as to whether they are watching paid message or a programme proper, particularly in circumstances when the commercial nature of the advertisement is not so apparent. A proposed outline of the draft General Advertising Standards under the Generic Code of Practice is at Annex. It is to be noted that further revisions or amendments to the draft outline may be necessary following further discussion by the BA.

Information Technology and Broadcasting Bureau
1 June 200

**A Proposed Outline of the
Draft General Advertising Standards
under the Generic Code of Practice**

GENERAL PRINCIPLES

1. Legal, clean, honest and truthful.

SPECIFIC APPLICATIONS

***DOMESTIC FREE, DOMESTIC PAY AND OTHER LICENSABLE TELEVISION
PROGRAMME SERVICES***

2. Comply with the laws of Hong Kong.

Identification of Advertisements

3. Advertising material should be clearly identifiable as an advertisement. Distinctions must be maintained between advertisements and programmes.
4. Any advertisement that adopts a programme style (e.g. documentary, studio interview, cookery demonstration) should be carefully assessed to ensure that there is no risk of confusion with programme material. Where the style makes it not fully apparent that it is an advertisement, the advertisement must be flagged as such in a clearly legible manner at the beginning and at the end (e.g. by superimposed text).
5. For domestic pay television programme services and other licensable television programme services, advertisements built into satellite feed services may deviate from the standards set out in paragraph 3 when compliance is not feasible without interrupting the licensee's television programme services.

Good Taste

6. Disturbing material such as overly persistent repetition, and words and phrases implying emergency should be avoided. Every effort should be made to keep the advertisement in harmony with the content and general tone of the programme in which it appears.

Disparagement

7. Advertising matter should contain no claims that have the effect of disparaging competitors, competing products or services or other industries, professions, or institutions.

Truthful Presentation

8. Any descriptions, claims or illustrations should not mislead about the product or service advertised.

Repetition of Advertisements

9. For domestic free television programme services, the same or substantially the same advertisement should not be shown contiguously. The BA may determine whether an advertisement is substantially the same as another advertisement.

Acceptability of Advertising Matters

10. A licensee may exercise editorial discretion to reject untrue advertising representations or any representations which do not comply with legal requirements that apply to the advertiser.

NON-DOMESTIC TELEVISION PROGRAMME SERVICES

11. The licensee should observe the laws and programme and advertising standards of the relevant authorities of the intended recipient countries and places.
