

## Appendix

### **Case – Television Programme “Scoop” (東張西望) broadcast from 7:30pm to 8:00pm, 25 November 2023 on the Jade Channel of Television Broadcasts Limited (TVB)**

One complaint was received about the captioned programme. The main allegations were that –

- (a) the programme contained biased and misleading allegations in a segment regarding a home appliances brand (the Brand) and did not give an appropriate and timely opportunity for the Brand to respond to the allegations before the broadcast of the programme, which was unfair to the Brand; and
- (b) the Brand was clearly identified in the segment under complaint, which resulted in reputational damage to the Brand.

### **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 an infotainment programme, which contained a segment featuring a couple (the Interviewees)’s dissatisfaction with the product/service of the Brand (the Segment);

- (b) the Segment contained remarks on the Interviewees' dissatisfaction with the shattering of tempered glass surface of a gas cooking range and the subsequent handling of the matter by the Brand (the Incident). There was also a voice-over briefly mentioning the Brand's response while showing the relevant email, and the text messages between the male Interviewee and the Brand on the Incident on screen. The Brand was mentioned several times by the male Interviewee, and shown in the screen capture of the Brand's webpages with logo and the text message between TVB and the Interviewee;
- (c) although the Segment mentioned that there would be a follow-up coverage on the Incident, the edition of the programme broadcast on 29 November 2023 only featured a segment on a similar incident concerning another brand and an interview with an expert on household appliances who explained possible causes of the shattering of tempered glass (the 29 November Segment); and
- (d) TVB submitted that the decision to broadcast the Segment promptly was based on editorial judgement and potential safety issues for public interest. TVB had made reasonable efforts to include views from both parties, including the Brand's response. The disclosure of the Brand would not harm the Brand's reputation or interest. After the broadcast of the Segment and the 29 November Segment, neither parties provided any information to TVB on the development of the Incident. Besides, it was not uncommon for TVB to disclose the names of companies/organisations under complaint in the

programme, especially considering that the companies concerned had responded to the issues responsibly and fairly.

***Relevant Provisions in the Generic Code of Practice on Television Programme Standards (TV Programme Code)<sup>1</sup>***

- (a) paragraph 9 of Chapter 9 – licensees have a responsibility to avoid unfairness to individuals or organisations featured in factual programmes, in particular through the use of inaccurate information or distortion. They should also avoid misleading the audience in a way which would be unfair to those featured in the programme;
- (b) paragraph 15 of Chapter 9 – licensees should take special care when their programmes are capable of adversely affecting the reputation of individuals, companies or other organisations. Licensees should take all reasonable care to satisfy themselves that all material facts are so far as possible fairly and accurately presented; and
- (c) paragraph 16 of Chapter 9 – where a factual programme reveals evidence of iniquity or incompetence, or contains a damaging critique of an individual or organisation, those criticised should be given an appropriate and timely opportunity to respond.

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<sup>1</sup> On 15 December 2023, the CA published in the Gazette the revised television and radio codes of practice on programme and advertising standards, which took effect on the same day. The relevant provisions in the TV Programme Code cited above were in effect at the time the programme under complaint was broadcast (i.e. 25 November 2023).

## **The CA's Consideration**

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

- (a) the relevant requirements under paragraphs 9, 15 and 16 of Chapter 9 of the TV Programme Code impose a responsibility on a licensee to exercise special care in factual programmes to avoid unfairness to individuals/organisations, and to allow those being criticised to have an opportunity to respond;
- (b) the Segment did not appear to contain inaccurate information or distortion about the Incident and/or the Brand. However, the presentation of the Segment, especially in the treatment of parties being criticised, would be important in considering whether fairness had been accorded to parties involved. The Brand's specific request for more time to investigate the Incident and to offer a comprehensive reply was ignored. TVB, based on the information at hand, proceeded to broadcast the Segment two days after receiving the request without editing out the utterances of the Brand or masking the Brand name/logo. The dissatisfaction voiced by the Interviewees and the fact that the Brand was clearly identifiable throughout the Segment could be regarded as a damaging critique of the Brand that was capable of adversely affecting the reputation of the Brand. TVB submitted that it had disclosed names of companies/organisation under complaint in other instances in the programme. However, this could not be regarded as a reasonable explanation since each case should be considered on the

circumstances of the case;

- (c) the Segment mentioned that there would be a follow-up coverage on the Incident but the 29 November Segment did not offer the Brand the opportunity to respond further, and TVB did not explain why it had not invited the Brand to give further response which the Brand had specifically requested for; and
- (d) on the basis of the above, there were reasonable grounds to take the view that TVB did not take reasonable care to avoid unfairness to the Brand and the Segment had the effect of misleading viewers in a way which would be unfair to the Brand. TVB's failure to provide the Brand an appropriate and timely opportunity to respond to the Interviewees' remarks/critiques could be regarded as not taking special care when the programme was capable of adversely affecting the reputation of the Brand.

## **Decision**

In view of the above, the CA considered that the complaint in respect of fairness and right of reply was justified and that TVB was in breach of paragraphs 9, 15 and 16 of Chapter 9 of the TV Programme Code. Having taken into account the specific facts, the circumstances of the case and other relevant factors, the CA decided that TVB should be **warned** to observe more closely the relevant provisions of the TV Programme Code.