

Appendix

Case – Television Programme Promotions for “You Are Not Alone” (「直播靈接觸」宣傳片) broadcast at various timeslots from 11:13pm on 9 April 2024 to 2:33am on 10 April 2024 on the Jade Channel, and from 10:59pm on 9 April 2024 to 1:36am on 10 April 2024 on the then J2 Channel of Television Broadcasts Limited (TVB)

A total of 168 complaints were received about all three versions of the captioned television programme promotions (the Promos). The main allegations were that –

- (a) the Promos contained disturbing scenes and jump scares without prior warning, which were unnerving/horrifying and/or inducing fear in viewers;
- (b) TVB was irresponsible in making fun of viewers, which was unacceptable/inappropriate and/or of bad taste; and
- (c) the Promos were unsuitable for viewing by children or the elderly.

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) each version of the Promos began with some regular excerpts of an ongoing programme broadcast on the then J2 Channel, followed by visuals imitating signal disruption and then a four-second scene featuring dimly lit realistic settings of eerie atmospherics and appalling sound effects, with a fleeting shot of a female figure in red dress and long hair;
- (b) TVB subsequently withdrew the Promos from broadcast in response to public concerns over the Promos; and
- (c) TVB submitted that the Promos were presented with scary elements similar to those accepted in past television advertisements or horror films broadcast outside the family viewing hours. The less than one second appearance of the female figure greatly diminished the likelihood of causing significant distress or fear to viewers and there was no explicit material in the Promos that would require specific warnings or labelling. The Promos were not to make fun of the viewers but to cater for a specific group of viewers who had an interest of the topic concerned, and were scheduled to broadcast at times when viewers might be more accustomed to or accepting of scary elements.

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

- (a) paragraph 1 of Chapter 2 – as a matter of principle, programmes should always be scheduled with an awareness of the likely audience in mind. Great care and sensitivity should be exercised to avoid shocking or offending the audience;
- (b) paragraph 1 of Chapter 3 – licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast;
- (c) paragraph 12 of Chapter 3 – the promotion of belief in harmful superstition and supernatural beliefs should not be permitted. Care should be taken to avoid creating undesirable emotional disturbances such as undue fear and anxiety, particularly in children and young viewers; and
- (d) paragraph 2 of Chapter 8 – licensees should consider, where appropriate, the use of clear and unambiguous warnings or labelling where there is a significant risk that viewers, particularly children, may otherwise be unprepared for material that may shock or offend them.

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 abrupt and peculiar appearance of the four-second scenes in the Promos had the effects of shock and horror, particularly on some first-time viewers, resulting in their feelings that the Promos were offensive. TVB should have provided appropriate prior warnings or labelling for the Promos as there was a significant risk that viewers might otherwise be unprepared for material that might shock or offend them;
- (b) whether broadcast material containing scary elements was accepted or not should be considered based on its own specific circumstances. TVB's withdrawal of the Promos from broadcast shortly after noticing public concerns showed that TVB was aware of the negative effects of the Promos on viewers;
- (c) the Promos appeared to aim to capture the attention of viewers in order to achieve promotional effect for the new programme; and
- (d) the Promos were broadcast during late hours and were not targeting children and young viewers.

Decision

In view of the above, the CA considered that when broadcasting the Promos, the licensee had the responsibility to avoid offending viewers or creating undesirable emotional disturbances in viewers and to provide warnings/labelling for viewers who might be unprepared for material that

may shock them. The complaints were substantiated and TVB was in breach of paragraph 1 of Chapter 2, paragraphs 1 and 12 of Chapter 3, and paragraph 2 of Chapter 8 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 **advised** to observe more closely the relevant provisions of the TV Programme Code.