



Program name	Total hours broadcast	Australian factor	Quality factor	Drama score*
TCN cont.				
Halifax f.p.: Lies Of The Mind	2.0	3.0	3.5	21.00
Halifax f.p.: My Lovely Girl	2.0	3.0	3.5	21.00
Halifax f.p.: The Feeding	2.0	3.0	3.5	21.00
Halifax f.p.: Words Without Music	2.0	3.0	3.5	21.00
Kiss The Night	1.4	3.0	3.5	14.87
Last Bullet	2.0	3.0	3.5	21.00
Law Of The Land	6.0	3.0	2.2	39.60
Mull	1.5	3.0	3.5	15.75
My Two Wives	1.5	3.0	2.2	9.90
Out Of The Body	1.7	3.0	3.5	17.49
Reckless Kelly	1.7	3.0	3.5	17.49
See Jack Run	1.6	3.0	3.5	16.62
Singapore Sling: Midnight Orchid	2.0	3.0	3.5	21.00
Singapore Sling: Old Flames	2.0	3.0	3.5	21.00

Program name	Total hours broadcast	Australian factor	Quality factor	Drama score*
TCN cont.				
Singapore Sling: Road To Mandalay	2.0	3.0	3.5	21.00
Solo	1.1	3.0	3.5	11.37
Wrong World	1.0	3.0	3.5	10.50
Total:				709.36
TEN				
Blackwater Trail	2.0	3.0	3.5	21.00
Echo Point	62.8	3.0	1.1	207.08
Garbo	2.0	3.0	3.5	21.00
Heartbreak High	27.0	3.0	2.2	178.20
Last Days Of Chez Nous	2.0	3.0	3.5	21.00
Neighbours	120.0	3.0	1.1	396.00
Romper Stomper	2.0	3.0	3.5	21.00
Total:				865.28

* any apparent discrepancy between the drama score and its constituent parts is due to rounding.

The ABA finds five Seven network stations in breach of the commercial television industry code of practice over the broadcast of 'Agro's Cartoon Connection'.

Agro's Cartoon Connection in breach of TV code of practice

The ABA has found five Seven network stations in breach of the commercial television industry code of practice over the broadcast of 'Agro's Cartoon Connection'.

Following an investigation into an episode of the program broadcast on 6 December 1995, the ABA found the Seven network licensees had breached the requirements of the code in regard to the

presentation of sponsored material (host selling) within the program. The ABA found promotions and competitions for Glow Zone Hot 'n' Cool Caps, the movie *Babe* and I & J Agro's Fish Fingers were not adequately distinguished as promotional material.

The ABA also found a commercial for the movie *Bushwacked* broadcast in the course of the program did not meet the requirements of the

code for commercials directed to children and a program promotion for 'MacGyver' broadcast on SAS, TVW and BTQ contained depictions of violence unsuitable for a G classification zone.

As a result of the ABA's investigation, the Seven network has implemented new policies for the presentation of sponsored segments in the program and the promotion of 0055 telephone numbers

associated with competitions in the program.

If there are further breaches of the code in relation to these issues, the ABA has a range of sanctions available to it, including making compliance with the code a condition of a broadcaster's licence and issuing notices to ensure compliance with the Broadcasting Services Act.

The ABA's report on its investigation provides guidance



TELEVISION INDUSTRY CODE

to television networks, parents and public interest groups on the ABA's interpretation of the code and application of the Children's Television Standards and sets out guidelines that should help determine whether a commercial is directed to children,' said Mr Peter Webb, ABA Chairman.

Complaint

Under the Broadcasting Services Act, the ABA is required to investigate formal complaints about programs if a broadcaster fails to answer a complaint within 60 days, or if a person receives a response they find unsatisfactory.

In March 1996, the ABA received a formal complaint from Young Media Australia about the episode of 'Agro's Cartoon Connection' broadcast on 6 December 1995. The complainant was not satisfied with Channel Seven's response to its complaint.

The complaint concerned the suitability of program promotions, alleged non compliance with the Children's Television Standards in regard to three commercials broadcast in the program, the endorsement of products by the program's hosts, the overall 'commercial' content of the program and the promotion of 0055 telephone services to a child audience.

Commercial television industry code of practice

Commercials directed to children which are broadcast in breaks within or between programs must comply with the code which states: 'All commercials directed to children must exercise special care and judgement and comply with Children's Television Stand-

ards 17-21'. For details of these standards, which cover the content of advertisements, pressure in advertisements, clear presentation, disclaimers and premium offers and competitions, see below.

The presentation of sponsored host selling must comply with the code in regard to material broadcast within program breaks, and 'during or within' a program. The code states: 'A commercial, community service announcement, program promotion or station promotion must be readily distinguishable by the viewer from program material. This applies to material broadcast between programs, during or within a program, (and) as a visual or audio superimposition over a program'.

The code does not require non-program material broadcast other than in program breaks to be labelled or otherwise differentiated. However, the code states:

... where material may not be readily distinguishable by viewers from program material (e.g. where sponsors pay licensees for information to be presented in a segment of a program) licensees must adequately distinguish the material.

Legal framework

In conducting the investigation of the complaints, the ABA considered which provisions of the code and the Children's Television Standards apply to commercial content during 'Agro's Cartoon Connection' and whether the host endorsement of products comes within the code or the Children's Television Standards.

The ABA is of the view that sponsored material broadcast during or within a program is not a 'commercial' within the

meaning of the code. Therefore, section 6 of the code which deals with classification and placement of commercials, including commercials directed to children, does not apply to this material.

Commercials directed to children must comply with the Children's Television Standards. In its report, the ABA has identified the matters it considers to be determining factors in assessing the audience to which a commercial is directed and has provided examples of the determining factors which are used in considering whether a commercial is directed to children.

The ABA decided sponsored host selling in 'Agro's Cartoon Connection' was 'non-program material' broadcast 'during or within' the program. Such material must be readily distinguishable by the viewers of 'Agro's Cartoon Connection'. The program has as its main viewing audience children under the age of twelve. Care must, therefore, be taken to adequately distinguish sponsored program material broadcast within the program.

The ABA found that 'Agro's Cartoon Connection' must comply with the code which sets limits on the amount of non-program matter which can be broadcast within program breaks or between programs.

Investigation findings

The ABA looked at a number of issues relating to the broadcast of 'Agro's Cartoon Connection' on 6 December 1995, raised by the complainant.

The ABA found a program promotion for 'Grace Under Fire' and a program segment 'Agro's Wheel' did not breach the code.

The ABA found a Kellogg's

Coco Pops commercial/'Ren & Stimpy' premium offer and a Sharp Sports Locker competition commercial did not meet the terms of the code, but as the Seven network had placed reasonable reliance on the classification of these items by the Commercial Acceptance Division of FACTS, the ABA did not find a breach.

The ABA will raise its concerns about the current classification procedures for commercials directed to children with FACTS CAD.

The ABA found a program promotion for 'MacGyver' contained depictions of violence unsuitable for a G classification zone and that a breach had occurred in relation to SAS, TVW and BTQ. The ABA considered that this matter has been resolved between the Seven network and the complainant.

The ABA found that a commercial for Daniel Stern's *Bushwacked* movie breached the requirements of the Children's Television Standards as the basic rules of the competition were not clearly stated in a manner to enable young children to fully understand them. The details of the competition included the number of tickets available and call costs for 0055 telephone numbers for entry. The advice for children to ask parental permission before calling the 0055 number was displayed in writing only for a period of three seconds.

The ABA found that, in regard to promotions and competitions for Glow Zone Hot 'n' Cool Caps, the movie *Babe* and I & J Agro's Fish Fingers, the promotional segments of the program were segments essentially directed to children. The ABA considered these segments of the program did not



adequately distinguish the promotional material, as required by the code, in order for children viewing the program to be able to sufficiently recognise and understand the material presented as a promotion for a product, paid for by a sponsor.

The practice of host selling/host endorsement of products and services by principal personalities or characters in G classified programs directed to children is not precluded under the provisions of the code. The ABA noted that children viewing 'Agro's Cartoon Connection' were presented with information about products, by program presenters, in a manner which amounted to uncritical endorsement of products or services. The ABA considered the presentation of promotional material in this way may mislead or deceive children.

The ABA also considered the issue of the 'overall "commercial" content' in the program. The complainant alleged that in the '2 hours 30 minutes' of program, 'nearly 50 minutes of this time was taken up by paid commercials, program promotions, host selling, and competitions'.

The ABA is of the view that material broadcast during or within 'Agro's Cartoon Connection' is not 'non-program matter' and therefore the hourly limits for non-program material set out in the code do not apply to the sponsored segments of the program.

The ABA has noted the complainant's concerns regarding the promotion of 0055 telephone numbers in competi-

tions directed to children within program segments. The ABA considered the billboards for competitions contained a barely legible message for children to ask parental permission before calling the 0055 numbers and oral messages were not always provided. The ABA concluded that the billboards did not present information in an accurate manner which is clearly accessible to the child viewer.

Action by broadcasters

The ABA received advice from the Seven network that, from 13 September 1996, a new policy in regard to the presentation of sponsored segments within the program had been implemented. The new policy ensures that the program's host and presenters do not 'sell' or endorse products within the program and that sponsored segments will be presented as discrete segments. Proposed rules in relation to host selling to children have been included in the draft changes to the Code for the current review by FACTS.

Seven network also informed the ABA it had implemented a new policy in regard to the promotion of 0055 telephone numbers for competitions in the program. The policy is to ensure that billboards provide clear and legible details of the charges and voiceovers will be used to provide the basic terms of the competition and for children to seek parental approval before dialling the telephone number.

The ABA notes that rules regarding the promotion and use of 0055 numbers for competitions directed to children have been included in the draft changes to the code in the current review by FACTS. ☐

Children's Television Standards 17 -21

Content of Advertisements

17. No advertisement may mislead or deceive children, and nothing in these standards shall be taken to limit the obligation imposed by this standard.

Pressure in Advertisements

18. (1) A licensee may not broadcast any advertisement designed to put undue pressure on children to ask their parents or other people to purchase an advertised product or service.

(2) No advertisement may state or imply:

(a) that a product or service makes children who own or enjoy it superior to their peers; or

(b) that a person who buys an advertised product or service for a child is more generous than a person who does not.

Clear Presentation

19. (1) Advertisements must accurately represent the advertised product or service.

(2) Claims made in advertisements must not be ambiguous.

(3) (a) Advertisements in which children are depicted using products (including toys and games) must fairly represent the performance which a child of the age depicted can obtain from these products.

(b) If the size of the product is not clear in a live action advertisement it must be made clear by reference to something which a child can readily recognise.

(4) If accessories (for example batteries,

transformers or doll's clothes) are needed to operate or enjoy a product depicted in the advertisement then:

(a) this must be able to be clearly understood by children;

(b) reference to price must clearly differentiate between the price of the product and the price of the accessories.

(5) Prices, if mentioned, must be accurately presented in a way which can be clearly understood by children, and not minimised by words such as 'only' or 'just'.

(6) An advertisement for a food product may not contain any misleading or incorrect information about the nutritional value of that product.

Disclaimers and Premium Offers

20. (1) Any disclaimer must be presented conspicuously.

(2) A premium offer should not stimulate any unreasonable expectation of the product or service advertised. If a premium is offered, then:

(a) any reference to the premium must be incidental to the main product or service advertised; and

(b) any conditions which must be met before obtaining the premium must be clearly presented.

Competitions

21. If competitions for children are referred to in programs or advertisements, a summary of the basic rules must be stated. Any statement about the chance of winning must be clear, fair and accurate.

Copies of the report, *Investigation Report: Agro's Cartoon Connection*, are available from the ABA, tel: (02) 9334 7700, price \$10.