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'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'.

The ABA found the Seven network licensees had breached the requirements of the code for the presentation of sponsored material (host selling) within the program.

The ABA found promotions and competitions for Maggi 'Wiggle Giggle Watches', 'The Magic of Nutella', Sanitarium and the 'Disney Classic Video Collection' were not adequately distinguished as promotional material. These segments were broadcast before the introduction of new policies by the Seven network for the presentation of sponsored material.

The ABA found the broadcast of a segment 'It's Crikey', featuring a 'game' involving vehicles stopped at traffic lights, showed a lack of judgement by the Seven network in the treatment of a dangerous practice. In the segment, Crikey the clown used a long pole, with a plate fixed at one end, to transfer cards to another

vehicle. The ABA found it could be extremely dangerous for any child to attempt to imitate this behaviour. As such, the ABA found the segment was unsuitable for inclusion in a G classified program and unsuitable for children to watch without the supervision of an adult. The ABA also found the pole to be a 'dangerous plaything' under the terms of the code.

The program's producer has decided to phase out the 'It's Crikey' segment of the program. The segments will be discontinued at the end of July 1997.

The complaint

In November 1996, the ABA received a formal complaint from Young Media Australia about the episode of 'Agro's Cartoon Connection' broadcast on 24 May 1996. The complainant was not satisfied with Channel Seven's response to its complaint.

Under the 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.

The complaint concerned the suitability of program promotions, alleged non-compliance with the Children's Television Standards (CTS) concerning competitions in the program, the endorsement of products by the program's hosts, commercials for products broadcast in program breaks either before or after host selling segments, the overall 'commercial' content of the program and the promotion of 0055 telephone services to a child audience.

Investigation findings

In addition to the findings already mentioned, the ABA investigated a number of other matters raised by the complaint.

The ABA found a program promotion for 'MacGyver' did not breach the code.

The ABA considered that a Nutella 'commercial' was a sponsorship announcement



for a segment of the program rather than a commercial. Therefore, the requirements of the code concerning commercials directed to children did not apply to the material.

The ABA was satisfied that the placement of a commercial for the Disney video — 'Around the World with Timon and Pumba' in the program break following a hosted segment of the program, featuring the video, did not breach the code.

The ABA found the promotional segment 'Agro's Wheel' did not breach the code.



Host selling

The practice of host selling/ host endorsement of products by principal personalities or characters in G classified programs directed to children is not precluded under the provisions of the code. The ABA noted, however, 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 promoted products. As in its previous investigation of this issue in regard to 'Agro's Cartoon Connection', the ABA considered the presentation of promotional material in this way may mislead or deceive children.

The ABA also considered the issue of commercial content broadcast in the program. The complainant alleged that host selling was used as a technique to 'boost advertising content'. The ABA is of the view that material broadcast during or within 'Agro's Cartoon Connection' is not 'non-program matter'. Therefore, the hourly limits for non-program material set out in the code do not apply to sponsored segments of the program.

The ABA has noted the complainant's concerns about the promotion of 0055 telephone numbers in competitions directed to children. In the episode broadcast on 24 May 1996, the ABA considered the billboards setting out the terms and conditions for the use of 0055 numbers and messages for children to ask parental permission before calling the 0055 numbers for competitions contained barely legible writing. Oral messages were not always provided or spoken clearly. The ABA concluded that the billboards did

not present information in an accurate manner which was clearly accessible to the child viewer.

The ABA also noted the complainant's concerns about the use of competitions on the program and children's expectations of winning. The complainant was concerned that the competitions, in particular the 'Agro's Wheel' segment, raised unrealistic expectations of winning in children. The ABA noted that the presenter of this segment did not imply or say the viewers would win the promoted prizes. The ABA also notes that research on this issue is limited.

New host selling policies

The ABA also viewed three episodes of the program broadcast on 4 and 18 December 1996 and 19 February 1997 to assess the effectiveness of the Seven network's voluntary policies for host selling and the use of 0055 telephone numbers for competitions in the program. The ABA noted that the program has introduced discrete segments for competitions with billboard and voice-over introductions. The billboards for competitions provided clear, easy to read messages and voice-overs were used to tell children to seek their parents' permission before entering competitions with 0055 telephone numbers.

The ABA noted that although host selling on the program had been greatly reduced, there were three instances in the monitored programs. The ABA was of the opinion that the Seven network had not fully implemented its policy to remove host selling from the program. However, the reduction of host selling and the introduction of discrete competition segments have

reduced the level of commercialisation on the program.

The ABA found that a competition segment, 'Candy Bear Movie Guide', broadcast on 18 December 1996, presented misleading information about the purpose of the segment. The promised movie preview for *101 Dalmatians* was the same trailer used to promote the movie for a different competition during the program of 4 December 1996. The ABA considers the segment may have raised false expectations for children about the 'sneak peek' of the movie they were about to view. This is not a matter covered by the code.

The ABA found that Terasa used a hammer, a potentially dangerous item, as a plaything during a hosted segment in the program of 19 February 1997. The segment featured Terasa hitting Agro on the head three times with a hammer. The depiction was dangerous, was not absolutely justified by the context and was not depicted in such a way as to minimise the likelihood of imitation, as required by the code.

Action by Seven

On 13 September 1996, the Seven network introduced a new policy for the presentation of sponsored segments within the program. This policy prohibits host selling and the promotion of products featuring principal characters during the program.

The Seven network also introduced, from 13 September 1996, a new policy for the presentation of 0055 telephone numbers for competitions on the program. This includes ensuring billboards provide clear and legible details of charges and the use of voice-overs to provide basic competition terms and for chil-

dren to ask permission from parents before calling the number.

The Federation of Australian Commercial Television Stations (FACTS) has reviewed the code. The new draft code includes proposed rules prohibiting host selling and for the promotion and use of 0055 telephone numbers in programs and commercials directed to children.

The Seven network raised the complainant's concerns with the program's producer.

The Seven network has also raised the ABA's concerns about the issue of the use of potentially dangerous items as toys with the program's producer and with the presenter.

The code

The presentation of sponsored host selling must comply with the code concerning 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 the program) licensees must



adequately distinguish the material.

Material that is classified G: must not contain any matter likely to be unsuitable for children to watch without the supervision of a parent.

In addition:

Dangerous playthings may only be depicted where absolutely justified by the story line or context, and must be depicted in such a way as to minimise the likelihood of imitation.

Legal framework

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

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.

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 Con-

nection'. The program has as its main viewing audience children under the age of 12. Care must, therefore, be taken to adequately distinguish sponsored program material within the program.

The ABA found that the program 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.

The Acting Minister for Communications and the Arts, Warwick Smith, announced several new appointments to the ABA on 23 July 1997.

New appointments to ABA

Professor David Flint AM, Chairman of the Australian Press Council and Australian national president of the World Jurists Association, has been appointed Chairman of the ABA. He will replace outgoing Chairman, Mr Peter Webb, from 5 October 1997.

'Professor Flint is a distinguished academic, acknowledged internationally for his work in commercial and media law. He brings a wealth of experience in media affairs,' Mr Smith said.

'I'd like to take this opportunity to thank Mr Webb for his contribution to the ABA.'

The ABA's General Manager Policy and Programs Mr Gareth Grainger has been appointed as the Deputy Chairman of the ABA. Mr Grainger was responsible for developing pay TV drama guidelines, the online services inquiry and the review of Australian Content Standard on commercial television.

'Mr Grainger has extensive experience in broadcasting regulation and his appointment will provide valuable continuity to the ABA's decision making process,' Mr Smith said.

Mr Michael Gordon-Smith, Executive Director of the Screen Producers Association of Australia, has been appointed as a full-time member of the ABA.

Mr Gordon-Smith has been a leading figure in promoting structural reform in the Australian audio-visual production industry and advancing the role of the independent production sector.

'He has considerable knowledge and experience of the film production industry which is playing an increasingly important role in producing Australian content, for both free-to-air and subscription television services,' Mr Smith said.

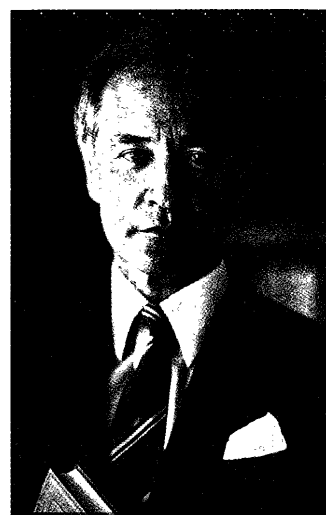
Mr Ian Robertson, a Managing Partner at Holding Redlich Solicitors in Sydney, has been

appointed as a part-time member of the ABA. Mr Robertson is a director of Film Australia and former director of Asia Television Ltd (Hong Kong), McPherson Newspapers, Syme Electronic Communications, AAV New Zealand and Metropolis Audio.

'Mr Robertson has impressive knowledge and experience in media law, communications and media management, which will enhance the ABA's skills base,' Mr Smith said.

Mr John Rimmer, a consultant to Multimedia Victoria, Head of the Australia Council's New Media Arts Fund and Director of Acuity Consulting, has been appointed as a part-time member of the ABA.

The former Executive Director of the Office of Communications and Multimedia in the Department of Premier and Cabinet in Victoria, Mr Rimmer was responsible for implementing the *Victoria 21* strategy which aims to encourage the multimedia, information



Professor David Flint

and communications industries.

'I'm sure Mr Rimmer's experience in multimedia and information technology will greatly assist the ABA in negotiating the complex issues related to technological convergence, including the regulation of online services,' Mr Smith said.

All new ABA appointments are for three years.