

Channel Seven breaches Children's Television Standards

Channel Seven Sydney Pty Ltd (Channel Seven) has breached the provisions of the Children's Television Standards 2009 (CTS 2009) that restrict the use of popular personalities and proprietary characters endorsing commercial services during Children's (C) programming periods.

Channel Seven broadcast a Hogs Breath advertisement during a C programming period in May 2010. The ad showed two V8 Supercars drivers, Craig Lowndes and Jamie Whincup, and the Hogs Breath Cafe 'Hogster' promoting and endorsing the restaurant's food service.

The ACMA considered Lowndes and Whincup to be popular personalities, and 'Hogster' to be a proprietary character, meaning Channel Seven breached the popular characters and personalities advertising restrictions, which were added to the CTS 2009 following an ACMA review. This is the ACMA's first investigation of these new provisions.

'The ACMA is serious about the protection of children during children's programming,' said ACMA Chairman Chris Chapman. 'Research shows that the persuasive content of advertisements is enhanced by popular characters and personalities. Accordingly, in the new Children's Television Standards, the ACMA strengthened advertising restrictions during children's programs, specifically in the use of popular characters and personalities.'

The ACMA recognises that these provisions are new and that this is the first breach finding of this kind. Channel Seven has undertaken a range of measures including referring the matter to Commercials Advice to re-classify the Hogs Breath advertisement and others that may not have complied with CTS 2009, while ensuring that their internal procedures are designed to prevent further errors. As a result, the ACMA will not take further action. ☎

The investigation report is on the ACMA website at www.acma.gov.au (go to About ACMA: Publications & research > Publications > Broadcasting publications > Broadcasting investigations reports > Television operations investigations > Television operations – NSW commercial TV investigations).

Information about the CTS 2009 is also available on the ACMA website (go to For the public: Content & advertising > Broadcasting: Broadcasting content regulation > TV content regulation > Children's television standards).

ACMA issues two formal warnings on spam

The ACMA has given formal warnings to SNX Pty Ltd (trading as Premier Auto Wholesale) and Home Loan Selection Services for sending marketing messages without consent, in contravention of the *Spam Act 2003*.

Premier Auto Wholesale sent SMS messages to mobile phone numbers obtained from online advertisements for used cars. The ACMA found that the numbers in the ads were accompanied by a statement that marketing messages were not welcome. Home Loan Selection Services failed to demonstrate that it had consent to send emails promoting its business.

ACMA Chairman Chris Chapman said that e-marketers need to understand that the publication of an email address or telephone number on a website is not an open invitation to send messages. ☎

Complaints about email and SMS spam can be made at www.spam.acma.gov.au. SMS spam can be forwarded to the ACMA's Spam SMS service on 0429 999 888.