

Ofcom Broadcast and On Demand Bulletin

Issue 408
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Bullet 100

Type of case	Broadcast Standards
Outcome	In Breach
Service	Republic Bharat
Date & time	19 February 2020, 17:03
Category	Undue prominence
Summary	This news programme included commercial branding for a financial exchange company. Breach of Rule 9.5 of the Broadcasting Code.

Introduction

Republic Bharat is a satellite television channel broadcasting rolling news and current affairs programmes in the UK, predominately in Hindi. The licence for this service is held by Worldview Media Network Limited (“Worldview Media” or “the Licensee”).

Ofcom identified references to financial exchange distributor Ebixcash during the news programme Bullet 100. The logo of this company was displayed on the two presenters’ laptop computers, both of which were visible during the programme.

We requested information from the Licensee about any commercial arrangements associated with the Ebixcash logos displayed during the programme. Based on the information provided, we considered that the material raised potential issues under Rule 9.5 of the Code:

- Rule 9.5: “No undue prominence may be given in programming to a product, service or trade mark. Undue prominence may result from:
- the presence of, or reference to, a product, service or trade mark in programming where there is no editorial justification; or
 - the manner in which a product, service or trade mark appears or is referred to in programming”.

Response

The Licensee acknowledged that the Ebixcash logo should have been masked and apologised for what it considered to be the result of a human error at the transmission operation stage.

Worldview Media said that to prevent a recurrence, technical solutions had been sought to obscure the logo on the presenters' laptops. It added that until these measures were introduced, it had removed the programme from its schedule. The Licensee confirmed that a software solution to mask the appearance of the logo on the laptops was successfully implemented on 4 March 2020.

The Licensee said it did not benefit financially from this incident. It added it was aware of the importance of maintaining editorial independence in news programmes and had questioned the production company that had supplied the content about the inclusion of the Ebixcash logos in the programme.

Worldview Media stressed that the issue of third-party branding in news and current affairs has been extensively covered in its compliance training with its operations team, and that it understood the rules and guidance relating to Section Nine of the Code.

Decision

Reflecting our duties under the Communications Act 2003, Section Nine of the Code limits the extent to which commercial references can feature within television programming. This helps ensure that a distinction is maintained between editorial content and advertising. Section Nine does not proscribe all references to products and services in programmes. However, it requires that such references are not given undue prominence.

Rule 9.5 requires that references to products, services or trade marks in programming must not be unduly prominent. Undue prominence may result from such references where there is no editorial justification, or from the manner in which they were referred to. Ofcom's published guidance on Section Nine of the Code states that the degree of prominence of a brand can be acceptable depending on the context in which it appears. More generally, the guidance makes clear that news programmes in particular must be free of commercial influence. For example, news programmes cannot be sponsored or contain product placement.

Ofcom took into account the Licensee's representations that the references to Ebixcash in the programme were the result of a human error rather than a lack of knowledge of the rules in Section Nine of the Code. We also acknowledged the measures taken by the Licensee to remove the programme from the schedule until a technical solution was found to obscure commercial references in future broadcasts of this programme.

However, Ofcom's Decision is that the inclusion of these logos in a news programme for which there was no editorial justification amounted to a clear breach of Rule 9.5 of the Code.

Breach of Rule 9.5