

News Broadcasting Standards Authority

Order No 16 (2012)

Re: Complaint dated 15.4.12, filed by Mr Sujit Katyal regarding health-related programme sponsored by Novo Nordisk broadcast on CNBC TV18

ORDER

1. A complaint dated 15.4.12, was filed by one Mr. Sujit Katyal, regarding a health programme telecast on CNBC TV18 on 14.4.12. In the programme which was declaredly sponsored by M/s Novo Nordisk, a pharmaceutical company, while conducting a purported panel discussion on the subject of diabetes, one of the panelists Dr. Sidharth Shah mentioned the names of certain medicines, including Levimir, advocating its use as an effective drug for diabetes. The complainant's contention was that since the panel discussion was sponsored by Novo Nordisk as was evident from the banners and logo placed on the screen, the mentioning on the programme of names of drugs produced and/or marketed by Novo Nordisk was clearly unethical on the part of the news channel, apart from being fraught with the danger that such programme was likely to prompt and promote self medication with the apprehension of also attracting the provisions of the Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954.
2. In their response the channel stated that the programme was in the nature of a "panel discussion" which had a moderator and guests with expertise on the subject; and that while responding to questions being put by the moderator on diabetes the panelists gave answers which were spontaneous and were not pre-determined or pre-planned. It was therefore the channel's contention, that if as part of such answers the panelists mentioned names of certain drugs for diabetes (which it was not disputed, were drugs manufactured/marketed by the sponsoring company Novo Nordisk), the channel could not be faulted for telecasting the programme.
3. Although the complainant had principally raised the issue of "unethical" promotion of drugs by the sponsor company and the resultant risk of self medication, the NBSA noted that the said programme also borders on "paid news" since it was a sponsored programme/advertorial masquerading as a news/current affairs programme without any express disclosure that it had been paid for by Novo Nordisk, the company that manufactures/markets the drugs that were mentioned during the course of the programme with the apprehension of also attracting the provisions of the Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954.
4. The NBSA gave a hearing to the complainant as well as to the news channel on 20.8.12. The complainant appeared in person; while the news channel was represented by Ms. Manisha Ahuja, Sr. Manager, Legal and Mr. Suresh Venkat, Editor, Technology & Special Projects at CNBC-TV 18. After carefully considering the contentions of the parties and viewing the programme in question, the NBSA is of the opinion that the said programme was prima facie a breach of the NBA Code of Ethics and Broadcasting Standards, bordering on "paid news" as explained above with the apprehension of also attracting the provisions of the Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954. The NBSA opines that the programme was clearly a sponsored programme masquerading as a news/current affairs programme without there being any clear disclosure that the programme had been sponsored by the pharmaceutical company Novo Nordisk which manufactures/markets the drugs mentioned on the programme. Furthermore it is noticed that the moderator of the programme was the news channel's Editor (Technology & Special

Projects) himself, which was most inappropriate since editors and anchors of news channel, who are entrusted with the important journalistic duty of disseminating news, ought not to participate in programmes which are in the nature of advertorials.

5. In view of the above observations, the NBSA holds that CNBC TV18 has committed violation of the NBA Code of Ethics & Broadcasting Standards and the NBA Guidelines on Paid News dated 24.11.11.
6. For the above violations the NBSA decided to:
 - a) Issue to the broadcaster a “censure” for the breaches committed by it.
 - b) Directs the broadcaster to pay a fine of Rs. 1,00,000/- (Rupees One Lac Only) to the News Broadcasters Association within 7 (seven) days of receipt of this Order for wilful violation of NBSA Norms and Guidelines on Paid News dated 24.11.11.
7. The NBSA further directs the NBA:
 - a) To send a copy of this order to the complainant and the news channel;
 - b) To circulate this order to all Members & Editors of NBA.
 - c) NBA to also host a summary of this order on its website and to include such summary in its next Annual Report.

Sd/-
Justice J S Verma (Retd.)
Chairperson

Place : New Delhi
Dated : 25/10/2012