

News Broadcasting Standards Authority

Order No 20 of 2013

Re: Complaints relating to promo aired for the promotion of the Programme titled “Mujshhe Kuch Kehti Yeh Khamoshiyaan” on Star Plus, a General Entertainment Channel (GEC) in November 2012

O R D E R

NBSA was informed by the Secretary General of the Broadcast Contents Complaints Committee (BCCC) of the Indian Broadcasting Foundation that they had received seventeen complaints with regard to a promo aired on Star Plus channel for their upcoming serial 'Mujhse Kuch Kehti Yeh Khamoshiyaan'. BCCC informed NBSA that they had viewed the promo in their meeting held on 14th December 2012 and was of the opinion that the channel (in this case, STAR Plus) was within its right to adopt such marketing promotion for its upcoming serial. The question was whether or not ABP News (a news channel) could do so, creating a misleading opinion in the minds of ordinary viewers. Therefore, it referred the matter (seventeen complaints) to News Broadcasting Standards Authority (NBSA) for appropriate action. NBSA also received six complaints directly. The Ministry of Information & Broadcasting had also forwarded three complaints received by it to NBSA for consideration.

2. The essence of the complaints related to a promo of an upcoming serial on Star Plus Channel which showed that a girl by the name of Gauri Bhonsle was missing from Southampton, London and was likely to be in India. The promo was a marketing promotion by Star Plus a GEC channel, for announcing the details of the missing girl, which was shown in a misleading manner by using the format/brand/ logo of ABP News and a prominent anchor of ABP broadcasting “breaking news” that a girl by the name of Gauri Bhonsle was missing from Southampton, London and was likely to be in India. The anchor also gave details of the missing girl with her photograph and other details to find Gauri and for any information about Gauri’s whereabouts, to call “1800 1800 0000”. The question, however, was whether ABP News, a news channel, could do so, misleading viewers into believing that what was being broadcast was part of a news or current affairs programme, informing viewers about a missing person.

3. NBSA considered the complaints and viewed the CD at its meeting held on 19.2.2013. It was of the prima facie opinion that the broadcaster (ABP News) had violated the principles of self-regulations relating to (i) ensuring accuracy (as opposed to misleading viewers) (ii) not sensationalizing the content or news so as to create panic, distress or undue fear among viewers; and (iii) not showing the content out of context. Accordingly, NBSA decided to issue a notice to the broadcaster to show cause why action should not be taken against them for such broadcast (that is being a party to a broadcast showing its Logo and Brand), requiring them to file a written statement with CD along with any documents or material they wish to rely upon in

their defence in relation to the matter. Accordingly, a notice was issued to the broadcaster on 4.3.13.

4. The broadcaster, in its response dated 25.3.2013, clarified that the promotional advertisement named "Gauri Bhonsle Missing" was a creative advertisement campaign of the Star Plus Channel for the promotion of its new serial named 'Mujhse Kuch Kehti Yeh Khamoshiyaan' in a unique manner, in exercise of its freedom to practice trade and profession guaranteed by Article 19 (1) (g) of the Constitution of India. It was stated that the said advertisement was created by the creative team of Star Plus and were broadcast on the Star Plus channel only and no broadcasts of the said advertisements were made on any of the news and current affairs channels owned and managed by MCCA (broadcaster), neither at any normal hours, nor at the prime time, and that the notice against MCCA (owning the channel 'ABP News') was not warranted in respect of a programme carried by another broadcaster as the content was neither a news report nor was it broadcast by a news channel. MCCA also submitted that it did not attempt to create any panic or disorder as none of the said advertisements were ever broadcast on any of the news and current affairs channels owned and managed by it.

5. The broadcaster further submitted that the programme was an advertisement as depicted by the disclaimer in all content regarding the promotion, displaying the words "advt" denoting "advertisement" on the lower right hand corner of the screen. Also, one of the advertisements clearly informed the public about the date and time of the commencement of the programme. The broadcaster contended that the advertisements showed the picture of an actress (Mrunal Thakur) in half frame of the screen, who happened to be a familiar face in the homes of India, owing to her appearances in TV serials/advertisements; that the very fact that the person shown was a known actress made it clear that it was a promotional advertisement; and that as the advertisement did not create or attempt to create any confusion, there was no violation of any principles of self regulation relating to accuracy. The broadcaster also stated that it (ABP News) is a reputed news channel and they have always maintained a strict code of ethics in their functioning. However, keeping in view the observations of NBSA, as a gesture of their integrity they tender their sincere apologies for the errors committed, if any.

6. The above response was considered by NBSA and it was decided that the broadcaster be called for a hearing. Accordingly, the broadcaster represented by the following persons appeared before NBSA on 30.7.2013:

1. Mr. Anupam Alok, Advocate
2. Mr. Sanjay K. Sharma, Advocate
3. Mr. Anshuman Gupta, Asst. Manager, Legal

During the hearing the representatives appearing for the channel reiterated that only Star Plus channel carried the promo and neither ABP News nor any other channel owned by MCCA carried the promo. They contended that they had only permitted Star

Plus to use the screen format of ABP News/logo and correspondent with their regular anchor announcing that Gauri Bhonsle was missing from Southampton, London and her whereabouts may be intimated on the toll free number shown on the screen. They also contended that the said promotional programme aired on Star Plus channel carried the tag “adv.” to inform the viewer that it was a promotion and not news.

7. After viewing the CD containing the promotional programme and after considering the arguments put forth by the broadcaster, NBSA is of the view that the promo would certainly mislead the viewers and create panic, distress and undue fear among viewers. The explanation given by ABP News that it had only lent its brand/format/logo/correspondent/anchor for a TV promotion and that it had not misused the platform of a news channel, is untenable. While the broadcast was a promotional programme for an upcoming serial on Star Plus channel, ABP News by lending its name, format, logo, brand, correspondent/anchor certainly gave a platform for disseminating an advertisement falsely as news and information thereby leading the viewers/complainants to believe it to be news and that it referred to a true incident. NBSA is also of the view that the “adv.” tag in the promotional programme was very small and insignificant and most of the viewers would miss it. Both ABP News and Star Plus are to be blamed. However, as Star Plus is not before NBSA, this Order is restricted only to ABP News.

8. Consequently, NBSA holds that ABP News has violated the principles of self-regulation on (i) ensuring accuracy (as opposed to misleading viewers) (ii) not sensationalizing the content or news so as to create panic, distress or undue fear among viewers and (iii) not showing the content out of context.

9. The broadcaster is hereby warned not to lend its Format/Logo/Brand/ Anchors/ Correspondents to any other channel or media to create any deceptive ‘news’, that is advertisements masquerading falsely as news.

10. NBSA directs the NBA:

- a) to send a copy of this order to the news channel, Ministry of Information & broadcasting and the complainants;
- b) to circulate this order to all Members & Editors of NBA; and
- c) to host a summary of this order on its website and next Annual Report.

Sd/-
Justice R. V. Raveendran (Retd.)
Chairperson

Place : New Delhi
Dated : October 4, 2013