

TAMIL NADU PROGRESSIVE CONSUMER CENTRE

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To

The Chairman,
Telecom Regulatory Authority of India,
New Delhi – 110 002.

Sir,

Sub : Comments to consultation paper No. 7/2012 on Advertisements in TV channels.

We are a voluntary Consumer Organisation functioning from the state of Tamil
Nadu.

Please find the enclosed comments for the consultation paper titled “Issues related to
Advertisements in TV Channels”.

Thanking you.

Yours truly,

for Tamil Nadu Progressive Consumer Centre

J.Jaya Kumar,
Treasurer.

Comments of Tamil Nadu Progressive Consumer Centre

Preliminary comments :

While we welcome the Authority's effort to take up the issue of Advertisements on ***Suo motu*** basis, we as a responsible consumer society would bring to notice of the Authority of other similar issues like:

- Obscene contents in advertisements and the programmes especially in reality shows.
- Exorbitant charges charged on SMS relating to contests in TV channels.
- Exorbitant call charges on premium calling contests in TV channels.
- Interoperability of Set Top Boxes in Digital Addressable System (DAS) regime.
- Mandating a-la-carte as only option to distribute PAY TV channels to the consumers in all addressable platforms like digital cable, DTH & etc.
- Mandating of standard packages in DTH services.
- Ban of allocating slots to sole promotion/marketing of given product .

The Authority may, in the interest of Consumers initiate suo muto consultations on the above issues and recommend the appropriate authorities accordingly.

Importance of Advertisements:

We are under no second opinion on regulation on Advertisements. However, the need and importance of Advertisements to consumers cannot be ignored. Advertising not only benefits the producers and traders but benefits the customer as well. Advertising provides awareness of the existence of the product to the customer. Social messages are also a part of Advertisement. Hence, we cannot ignore advertisement in Media and should see the best possible way to strike a balance.

The Consumer protection Act-1986 envisages 6 rights to the consumers, two among them are "Right to information" and "Right to Choose". The advertisements does the job to ensure the about rights of the consumers.

Lack of Enforcement:

We are aware of Rule 7(10) which prohibits any scroll or static captions shown along with the programme and Rule 7(11) which prohibits advertisements more than 10 minutes per hour with an additional 2 minutes to promos, under "The Cable Television Networks Rules, 1994".

However in practice, we see a good new film of two and half hours running to 4 hours because of extensive advertisements inserted in to it and we also come

Comments of Tamil Nadu Progressive Consumer Centre

across haphazard scroll advertisement by the so called national NEWS channels and sports channels.

We as a vigil civil society, have recorded such excessiveness done by TV channels and sent the same in CD form along with complaints to the ministry of Information and Broadcasting. We have made more than a dozen of such complaints and they have landed to the deaf hears of the ministry. Not a single action was taken in all those complaints. Our efforts to follow up the complaints under RTI application has also failed. Discouraged by the inaction of the Ministry we have stopped sending any more complaints.

Hence, instead of consulting for more stinger advertisement code the authority may recommend the Central Government enforce the existing code with all force, since no code can be achieved in the absence of enforcement.

Issue wise comments:

1.23.i. The limits for the duration of the advertisements shall be regulated on a clock hour basis i.e. the prescribed limits shall be enforced on clock hour basis.

Yes, we endorse the Authority's view to enforce the limits on clock hour basis. This would avoid accumulation of Ad slots, so as the broadcasters can use the same on their whims and fancies and especially in peak hours. Hence there shall not be any stock of Ad. Slots and should be exercised on clock hour basis.

ii. No FTA channel shall carry advertisements exceeding 12 minutes in a clock hour. For pay channels, this limit shall be 6 minutes.

May we record our concern on the issue of dividing FTA and Pay channels with respect to advertisements.

FTA channels are converted into Pay channels only after they become popular or otherwise all Pay channels are popular channels. In the said context, we are under the opinion that while commenting the extant consultation paper, TRAI is formulating regulations and tariff orders for DAS. One among the issues came out for consultation on DAS was whether the pricing of Pay channels should be on forbearance. If the pricing of the Pay channels are left for forbearance, then the broadcasters would have free hand to charge the subscription charges for their channels. In such environment, any restriction on advertisement time at par with FTA channels would make them to increase the subscription charges in order to compensate the same. Hence, discrimination of PAY channels from FTA channels would cause adverse effect to consumers.

Comments of Tamil Nadu Progressive Consumer Centre

Hence, our humble suggestion to the above issue is:

If the consumer end tariff of the Digitalised Cable Tv is going to be at par with that of existing CAS regime (i.e., Rs.5.35 per channel per month) the above said restriction for pay channels may be brought in to force otherwise let 12 mins be uniform for both FTA and Pay channels.

iii. The 12 minutes of advertisements will not be in more than 4 sessions in one hour. In other words, there will be continuous airing of the TV show for at least 12 minutes each. Not more than three advertisement breaks shall be allowed during telecast of a movie with the minimum gap of 30 minutes between consecutive advertisement breaks.

We, are in agreement with the above proposal.

iv. In case of sporting events being telecast live, the advertisements shall only be carried during the interruptions in the sporting action e.g. half time in football or hockey match, lunch/ drinks break in cricket matches, game/set change in case of lawn tennis etc.

Yes, the above suggestion would lead us to watch and involve ourselves with the true spirit of the game. The existing practice of showing advertisement in between of two overs should be banned. Often the viewers need to sacrifice the first ball moment of the over because of greedy broadcaster's quench of more Ad. revenue.

v. There shall only be full screen advertisements. Part screen advertisements will not be permitted. Drop down advertisements will also not be permitted.

The above issue is already mandated by way of Rule 7 (10) of Cable rules. However no broadcasters follow the said rule. Hence, reiterating the above rule is of no harm. Further we request the ban of scroll advertisement in the bottom layer of the screen.

vi. In so far as News and Current Affairs channels are concerned, they are allowed to run not more than two scrolls at the bottom of the screen and occupying not more than 10% of the screen space for carrying non-commercial scrolls, tickers etc.

vii. The audio level of the advertisements shall not be higher than the audio level of the programme.

We agree to the above suggestions.

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