



**COMPLAINTS BUREAU DECISIONS FOR YEAR 2006**

No.	Date	Complainant	Respondent	Case Remarks	Decision of the Complaints Bureau
1.	April 2006	Received through the Malaysian Communications and Multimedia Commission (MCMC)	NTV7: <i>'wakenabel'</i>	The programme featured an artiste from Akademi Fantasia 3 fame, alleged to be mentally assaulted by the producers of the programme, whilst the host of the show was shown to be laughing at her distress. It was further alleged that members of the public were exposed to the artist's personal details; and it was stated that it was also unbecoming to show Malaysia's obtaining comic relief from a person's extended distress.	The Complaints Bureau Committee was of the opinion that the programme did not breach the Content Code.
2.	May 2006	Received through the Malaysian Communications and Multimedia Commission (MCMC)	MIXFM [Maestra Broadcast Sdn. Bhd.]	The complaint was centred around an advertisement that was broadcasted on MIX FM on the new air-conditioner unit of LG Electronics that was able to `eliminate bird flu viruses`.	Maestra Broadcast Sdn Bhd had replied to the Content Forum's enquiry and provided explanations as well as supporting documents on the claims made by LG Electronics and contended that the claim was more of a scientific claim rather than a medical claim.  The Complaints Bureau Committee assessed the case and was of the opinion that the matter be forwarded to the Medicine Advertisement Board as experts

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					to determine matters on medical and/or scientific claims to consider whether there was a breach of the Medicines (Advertisement & Sale) Act 1956 (Revised 1983) and that the MCMC be informed of the decision.
3.	May 2006	<b>Received through Malaysian Communications and Multimedia Commission (MCMC)</b>	<b>Liquor Advertisements on NTV7, TV3, 8TV and TV9</b>	<p>A complaint was received pertaining to the `Celebrating Part of the Game` advertisement sponsored by an alcoholic brand in conjunction with the 2006 FIFA World Cup.</p> <p>The complainant referred to the colours, tagline and similar font style which matched a print advertisement sponsored by the alcoholic brand.</p>	The Complaints Bureau Committee was of the opinion that the programme did not breach the Content Code.
4.	June 2006	<b>Received through Malaysian Communications and Multimedia Commission (MCMC)</b>	<b>Akademi Fantasia Season 4 [ASTRO]</b>	<p>A complaint was received from the MCMC as they were investigating into news reports on possible breach by ASTRO of their Censorship Guidelines and license conditions.</p> <p>Although ASTRO is not a member of the Content Forum, the MCMC has a statutory power to direct any person to comply with the Content Code.</p>	After reviewing the matter, the Complaints Bureau Committee proposed that the MCMC should issue a stern warning to Astro so as to ensure that the hosts and guests in live broadcasts comply with the requirements of the Content Code and do not raise subject matters that are not generally considered acceptable in polite conversation.

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				<p>The news report related the incident that appeared on Akademi Fantasia whereby in-house critic had passed rude and personal comments to a guest artist during the live telecast.</p>	
5.	June 2006	<b>Nexnews Berhad Group of Companies</b>	<b>Mr Jeff Ooi</b>	<p>Submitted by Nexnews Berhad Group of Companies (Nexnews) on a posting made by one Ilmran on Mr. Jeff Ooi's Screenshots local blog that allegedly carried malicious comments against the Group Executive Director of the Edge, Mr P. Gunasegaram. The Edge is a publication of Nexnews Berhad.</p>	<p>Mediation meetings were presided by the Complaints Bureau Chairman. The parties agreed to the outcome of the mediation process and for the following key features of the consensus to be published, as detailed below:</p> <ul style="list-style-type: none"> <li>i. All offensive postings by blog commentators were removed;</li> <li>ii. Mr. Jeff Ooi would continue to remove such offensive phrases or words;</li> <li>iii. Mr. Jeff Ooi would prominently display a further warning that blog commentators are responsible for their own postings and could be liable to legal action or prosecution; and</li> <li>iv. Mr. Jeff Ooi would publish in full Ilmran's apology dated August 28, 2006 to Mr. P. Gunasegaram for the remark made on the blog.</li> </ul>

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6.	July 2006	Procter & Gamble (Malaysia) Sdn. Bhd.[P&G]	Southern Lion Sdn. Bhd.	Submitted by Procter & Gamble (Malaysia) Sdn Bhd, distributor of DYNAMO liquid detergent on a complaint against a TV commercial of a rival product, TOP liquid detergent by Southern Lion.	<p>Mediation meeting was presided by the Complaints Bureau Chairman.</p> <p>As per the mediation meeting, parties involved had agreed that no solution would be obtained from the mediation process and further submitted to a hearing process to be adjudicated by the Complaints Bureau for a final resolution.</p> <p>The settlement agreement stated that:</p> <ul style="list-style-type: none"> <li>a) P &amp; G was to withdraw the Complaint dated 21<sup>st</sup> July 2006 from the Complaints Bureau; and</li> <li>b) Parties shall have no further claim and/or complaint whatsoever and howsoever against each other arising from or in connection with the above TOP Liquid TVCs and the P &amp; G's DYNAMO TVCs as identified.</li> </ul> <p>Upon the first hearing meeting on 30 November 2006, the case had thereafter culminated in the parties agreeing to have a settlement. The settlement agreement was finally executed on 22 January 2007.</p>

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7.	August 2006	Mr Jeff Ooi	The Sun	Submitted by Jeff Ooi against Online Content in the Sun's News Portal August 2, 2006- URL <a href="http://www.sun2surf.com/article.cfm?id=14964">http://www.sun2surf.com/article.cfm?id=14964</a> that the content, "I certainly cannot disagree with the writer. And it is an open secret that unless you put a gun to the heads of many of those in power, nothing will move", was seditious in nature.	<p>Mediation meeting was presided by the Complaints Bureau Chairman.</p> <p>The Sun tabled two documents:</p> <p>(a) The interpretation of the word "seditious" and "seditious tendency" as it appeared in the Sedition Act 1948 (Revised 1969); and</p> <p>(b) The American Heritage Dictionary of the English Language: Fourth Edition 2000 – Idiom – "hold a gun to (someone's) head"-to put pressure on someone.</p> <p>The Sun contended that the alleged content did not fall within the ambit of the Sedition Act and that the content should be read in totality.</p> <p>Mr Jeff Ooi said that he accepted the clarification and will report it as such on his blog.</p>
8.	August 2006	Unilever (M) Holdings Sdn. Bhd.	Procter & Gamble (Malaysia) Sdn. Bhd.	Submitted by Unilever for request to withdraw misleading television commercials of FAB containing the phrase `Tiada Tandingannya` and that the claim of FAB as the No.1 Detergent Brand in Malaysia is misleading.	Mediation meeting was presided by the Complaints Bureau Chairman. The mediation between two parties failed to reach a consensus but agreed to the following:

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					<p>(i) Procter &amp; Gamble agreed to rephrase the term "Tiada Tandingannya" in future advertisements when promoting their 'FAB' detergent brand and would withdraw the format of the advertisement;</p> <p>(ii) Procter &amp; Gamble further agreed to cease the airing of the present "Peraduan FAB Jenama Pencuci Pakaian No. 1 Malaysia" advertisement;</p> <p>(iii) The parties further agreed that the industry needs to define the appropriate timeframe to make claims as market leaders. The parties were to write to the appropriate associations and/or industry bodies to finalise a clear definition on their own accord.</p> <p>The Complaints Bureau treated this matter as closed since there was no response from Unilever to pursue the matter any further.</p>