

Response from ACMA:

Has Seven adequately disclosed the advertorial by merely referencing Big W at the beginning and end of the segment?

If a breach is identified, what remedy is available to ACMA?

Is ACMA concerned that despite warnings in its discussion paper commercial TV networks are still flouting the regulations?

Under the [Commercial Television Industry Code of Practice 2015](#), if a *Factual Program* endorses or features a third party's products or services in accordance with a *Commercial Arrangement*, the licensee must bring this to the attention of viewers in accordance with clause 4.1.3. Under clause 4.1.3, a disclosure may be made in one or more of the following ways:

- a) during the Factual Program; or
- b) in the closing credits of the Factual Program; or
- c) in a billboard appearing directly before, during or after the Factual Program; or
- d) on the official website of the Factual Program; or
- e) any other way that adequately brings the arrangement to the attention of viewers.

A *Factual Program* means a Current Affairs Program, Infotainment Program or Documentary Program. ‘

The ACMA is looking into the segment concerned to determine if it meets the requirements of the Code of Practice.

Where the ACMA, following an investigation, finds a licensee in breach of a broadcasting industry code it may:

- agree with the licensee on steps it will take to remediate the breach or improve future compliance (agreed measures)
- where offered, accept an Enforceable Undertaking (EU) from the licensee committing it to take specified steps to minimise the risk of future breaches (for example a review of production process or staff training)
- impose an additional licence condition on the licensee.

The ACMA's *Impartiality and commercial influence in broadcast news* discussion paper sought public and stakeholder comment on recent changes and observed trends in news and current affairs programs to test whether existing regulatory arrangements continue to deliver appropriate community safeguards.