

國家通訊傳播委員會
98 年度委託研究報告

【G R B 之系統編號：PG9807-0018】

電視新聞商業置入性行銷
型態、認定與規範原則

計畫主持人： 徐振興 助理教授

研究人員：李浣琳、陳怡婷、高雅勤

受委託單位：社團法人台灣新聞傳播與法律學會

中華民國 98 年 10 月

本報告不必然代表國家通訊傳播委員會意見

摘要

電視新聞為現今閱聽人獲取資訊的主要管道之一，倘若新聞內容中充斥著商業置入的訊息，使閱聽眾收視時難以區辨，並利用新聞的可信度引起觀眾的注意或收視，再轉售給廣告商，這不僅妨礙了新聞自主、社會責任和客觀公正的專業意理，更使新聞成為媒體業販賣的商品。綜觀歐美國家對置入性行銷的規範，雖逐漸採開放態度，但在新聞方面仍嚴禁商業置入。然而部分國內業者為牟取商業利益及規避法令，透過隱匿式手法將商業訊息於新聞報導中幽微呈現，遊走法律邊緣，致使閱聽眾的權益未能受到應有的保護。因此，本研究的目的大致歸納如下：一、瞭解電視新聞商業置入性行銷的運作型態及表現型態。二、探討電視新聞商業置入性行銷認定標準與規範原則，並作為政府研擬相關監理政策之參考依據。

為了達成上述的研究目的，本研究採用質性內容分析、焦點團體座談和深度訪談等研究手法，收集相關資料。本研究首先利用「質性內容分析」來分析已播出的電視新聞中所呈現的內容，探討電視新聞運用置入性行銷的型態及表現手法，並瞭解新聞報導及商業置入的區別。

分析對象以無線電視台及衛星電視新聞台的新聞為主，進行質性內容分析，樣本選取範圍自 98 年 6 月 1 日至 6 月 30 日止。採隨機抽樣方式選擇樣本日期，以一星期做為單位，蒐集所有晨間、午間及晚間新聞，但因衛星電台晚間新聞時段有少數為政論節目，因此以 20:00~22:00 的晚間時段取代。

本研究歸納分析樣本的選取原則大致分為以下幾點：過度強調特定商品，僅從單一觀點呈現對特定廠商的正面態度，過度對特定商品進行推銷、吹捧或宣傳，明確提及產品名稱、特色等資訊。依據此認定原則，共挑選出 38 則電視新

聞，做為本研究之樣本。

其次，為深入瞭解置入性行銷在電視新聞所呈現的方式及操作型態，除了透過案例分析外，本研究也進行兩場焦點團體座談。新聞部主管方面，主要是針對電視新聞廣告化的認定與規範進行討論，從新聞部主管的觀點，期望透過與談者的專業領域來探討電視新聞商業置入之認定及規範原則建議。電視新聞記者方面，從第一線新聞工作者的觀點，就電視新聞廣告化的認定與操作進行討論，探討電視新聞商業置入之型態及認定建議。此外，為了更深入瞭解電視新聞商業置入的認定及操作手法，本研究也藉由深度訪談來彌補焦點團體座談中未能涉及的爭議性話題，以便更加瞭解電視新聞商業置入操作手法。

本研究的研究結果大致可分為三個部份。首先，在「新聞商業置入之認定」部分，主要從對價關係之舉證，以及由新聞表現端認定新聞置入之爭議來進行探討。由於在傳播與法律的學理上，置入性行銷必然存在對價關係，但對價關係必須掌握媒體與廠商間的交易紀錄，在實務上難以舉證，因此僅能從播出時的呈現型態與操作手法，進行是否具有商業置入嫌疑之認定。

其次，「新聞商業置入之呈現型態與操作手法」主要根據本研究電視新聞商業置入呈現手法之歸納分析，佐以第一線新聞工作者及新聞主管認知，討論新聞商業置入的實際操作手法對相關規範的建議。

在新聞商業置入之呈現型態與操作手法方面，本研究選取 38 則電視新聞樣本進行內容分析，並針對其中 17 則含有明顯新聞廣告化情節之樣本，進行「電視新聞商業置入」呈現手法與常見型態的整理與歸納，將特定產品／品牌呈現情形分為報導手法、產品相關資訊和產品促銷三個部分，分別為十種常見含有置入疑慮的類型。分別為：（1）以獨家或專題方式報導或播出時間較長（2）明顯提

及產品名稱(3)未提名稱但有可辨識產品的宣傳詞(4)明顯強調產品外觀、名稱及產品內容資訊(5)明顯呈現對產品的正面態度(6)明顯僅呈現單一觀點(7)明顯提及價格(8)明顯提及活動或產品販售日期地點(9)提及產品優惠、團購、限量、贈品、試用(10)受訪者進行示範、見證，進而推銷。並佐以第一線新聞工作者及新聞主管認知，針對上述型態與手法，討論新聞商業置入的實際操作手法。

最後，「新聞商業置入規範」方面，整合本研究歸納與受訪者對相關規範的建議，探討未來可行的規範原則。而在新聞商業置入規範部分，目前國內僅《廣播電視法》有針對節目與廣告區分之規範，國內多半使用《節目廣告化或廣告節目化認定原則》做為判定電視新聞是否具有商業置入之規範，但該認定原則是否適用於對電視新聞的規範常有爭議。

本研究中，參與焦點團體座談的新聞主管或記者大多同意商業新聞應避免置入，並訂定明確的認定標準與規範。根據國內現行相關法規並整合與談人之意見，本研究發現在判別電視新聞是否具商業置入嫌疑時，經常難以掌握對價關係之實際證據，故轉以電視新聞表現端規範，即是以新聞廣告化的程度加以規範，而現今商業置入之操作手法日益精進、變化多端，因此無法做到一體適用，成為認定業配、置入新聞的絕對準則，實際情況仍因個案而異。

綜合上述研究結果，本研究的研究結論有以下兩點，第一，新聞商業置入之認定，仍應確認對價關係之存在。根據本研究文獻探討，新聞置入性行銷定義明確指出，置入即以利益交換的方式，將廠商所欲傳遞之訊息包裝成新聞，進而達到影響閱聽人的目的，因此商業置入之認定，應有對價關係確實存在，才能認定其為置入。然而，除了媒體與廠商內部相關業務人員外，對價關係確實難以舉證，因此要能針對新聞置入進行規範，僅能回歸新聞的專業義理，針對整體新聞播出

之表現端的手法，是否有新聞廣告化的疑慮認定之。第二，商業新聞應避免過度廣告化現象，同時相關規範應明確。根據本研究歸納之電視新聞常見含有置入疑慮的呈現類型，商業性新聞報導應盡量避免過度廣告化的呈現方式。而在判定新聞廣告化時，應以整體新聞報導之呈現，是否具有刻意為特定商品促銷、宣傳之意味，而非就單一手法判定。

而在新聞置入的特徵中，多半具有廣告化表徵，例如明顯呈現單一商品、品牌，或是以單一觀點陳述某項單一商品或品牌，甚至在新聞中出現為特定產品宣傳或促銷的行為，上述皆是新聞廣告化的現象，雖然「新聞商業置入」與「新聞廣告化」並無明確邏輯關係，但卻有一定的相關性存在，為了解決對價關係舉證的困難，以及避免新聞過度廣告化，所以必須區別新聞與廣告的界限。

根據上述研究結果，本研究列了以下五點建議：第一，應明文禁止電視新聞商業置入，並加重電視新聞商業置入之罰則。為避免電視新聞商業置入，應盡速立法明文禁止，並建議可將電視新聞商業置入所得之罰金，斟酌撥出部分，作為民眾檢舉電視新聞商業置入之獎金。第二，建議盡速增訂《電視新聞廣告化認定原則》。本研究依據各國對於新聞置入管理之趨勢，並兼顧學理層面，建議可根據以下幾點：勿過度強調特定商品，甚至明確提及產品名稱、特色等資訊；不可僅從單一觀點呈現對特定廠商的正面態度；不過度對特定商品進行推銷、吹捧或宣傳等原則，盡速增訂明確規範。第三，建議主管機關應定期與業者進行在職訓練與對談。建議主管機關應定期與業者進行溝通對談，亦或可為電視新聞台新進記者舉辦講習會，以在職訓練的概念，由主管機關針對規範與特殊案例，對新聞從業工作者進行說明。主管機關與新聞部主管、記者透過座談會定期交換心得，可共同討論目前發生的案件，讓業者更加了解新聞廣告化的表徵為何、哪些型態與手法會被認定有新聞廣告化的疑慮，藉此讓雙方產生一定的共識，而未來新聞工作者也應盡量避免此類情況或手法再度發生。第四，鼓勵電視台業者建立自律機制自我規範、設立新聞公評人(ombudsman)組織專責處理投訴案。鼓勵新聞台

業者進行自我規範，形式則可以公會方式進行，如同現在的中華民國電視學會，及中華民國衛星廣播電視事業商業同業公會，由公會先訂定商業新聞的報導原則，讓業界以自律方式做自我規範，以達到新聞媒體自律層次。除媒體自律規範之外，新聞事業也應設置公評人制度，獨立受理視聽眾有關播送內容正確、平衡及品味之申訴及調查，並提出建議與回應，定期向該事業董事會及主管機關提出具體報告，該報告並應列為公開資訊。公評人的功能是向閱聽眾負責，其主要工作應包含：對內定期評估媒體組織之同仁是否遵守專業精神及守則；對外受理閱聽眾的指責及意見；說明解釋媒體的作業方式及過程。第五，建議 NCC 未來可針對閱聽人做電視新聞廣告化的後續研究。建議 NCC 未來可針對電視新聞廣告化做後續研究，本研究在閱聽人的部分，尚未納入整體進行討論，未來可針對閱聽人的相關議題進行調查，研究閱聽人對於新聞商業置入的感知、是否相信新聞報導內容、接受新聞商業置入之商品的程度、偏好或厭惡電視新聞置入…等，以提供針對閱聽人面向的觀點與建議，將對於新聞置入之相關規範有更全面的掌握。

關鍵詞：電視新聞、置入性行銷、產品置入、新聞廣告化、節目廣告化

Abstract

Product placement has been widely utilized in advertising practice since 1990. While utilizing product placement, product or brand messages were embedded in the contents of mass media such as television news and programs, newspaper news, or movies. The purpose of utilizing product placement is to unconsciously enhance audiences' cognition or attitude toward the product or brand embedded in media content while the audience is consuming media contents. Furthermore, the audience might have desires to purchase the embedded products because they have positive attitude toward the endorsers in media contents.

Television news is the major information resource for the Taiwanese audiences in recent years. While the audiences watch television news, it is assumed that the audiences usually trust what they received is pure information. However, if the television news is sold to advertisers and is thus embedded with commercial messages, it is not only to impede the independence, social responsibility and journalism profession of news media, but also to damage the credibility of news media. Besides, the audience's rights and interests will be harmed by those news media which sells news space or time in order to exchange benefits from advertisers.

Because product placement is getting more and more popular in marketing practice, the European countries and the United States are adopting an open attitude toward deregulating product placement in the content of mass media, but the mass media have to clearly inform the audiences that product messages are placed in the media contents. However, product placement in the media news is still prohibited by the European countries and the United States.

In Taiwan, product placement in media news is also prohibited by the National Communications Commission (NCC), but some news media might still utilize product placement to hide the commercial messages in their news reporting and try to avoid the punishments from the government. Therefore, the purposes of this study are to clarify the criteria of identifying product placement in media news, to analyze the patterns of product placement utilized in news contents, and to explore the related issues of regulating product placement in television news.

This study employed the qualitative content analysis, focus group interviews, and in-depth interview to collect research data. The total numbers of studied sample TV news in this study are 38 news that were reported in cable, wireless, or satellite TV

stations in June, 2009. The criteria of sample selection were based on the contents of reported news. If one television news emphasized on a specific brand or product, advocated a positive attitude toward the brand or product, or unusually introduce promotion information of the brand or product, this television news will be chosen as sample news in this study.

In addition to the qualitative content analysis, this study conducted two sessions of focus group interviews. The participants of one focus group interview included the chief managers of news department in major television stations. The participants of another focus group interview consisted of the reporters who are usually in charge of business news in the major television news stations. Because the utilization of product placement in news reporting is a very sensitive issue to the television news stations, the chief managers and reporters of the news department in television news stations might be not willing to talk about it in public, this study thus conduct one in-depth interview to help the data collection. The interviewer was one senior manager who had worked as reporter for many years before being promoted as a manager. He also had rich experience of conducting product placement in news reporting while he served as a reporter.

The results of this study indicated that the identification of product placement in television news is currently an issue in debate. According to the theoretical definition of product placement, there must be a benefit exchange existed between the television news stations and the advertisers. Through the benefit exchange with the advertisers, the television news station thus embedded product messages into its news contents. If the National Communications Commission would like to fine a television news station because of utilizing product placement in news reporting, the NCC must have a firm proof of the benefit exchange between the television news stations and the advertisers before punishing the television station. However, it is very difficult to find out a proof of the benefit exchange because it is a top secret for the television news stations and the advertisers.

Based on the research results, this study first suggests that the NCC keeps prohibit product placement in television news reporting and raise the penalty for violating the prohibition. However, instead of focusing on finding a firm proof of benefit exchange, the NCC might put emphasis on the contents of reported news in order to regulate the phenomenon of product placement. No matter television news utilized product placement or not, one reported television news theoretically should not look like an advertisement of a specific brand or product. In other words, news

reporting shall be clearly separated from product advertising. In the past years, the NCC only employed “The 16 principles of defining program advertizing” to regulate the distinction between television programs and advertisements. However, the practice of television news significantly differs from the practice of television programs. Therefore, it is important for the NCC to employ a new article focusing on television news instead of “The 16 principles of defining program advertizing.”

Second, the new article of regulating television news shall have clear criteria of defining news advertizing. In other words, the content of reported television news shall not emphasize on a specific brand or product rather than the information that the audience might be interested. The promotion messages of a specific brand or product should not be addressed in the content of reported television news, neither. Moreover, the anchor or the report shall not advocate the audience to purchase a specific product. If the content of reported television violated the above principles, it might be defined as an advertized news and thus get penalty from the administrative office.

Finally, this study recommends that the National Communications Commission can help the television stations to establish self-regulation procedure. The television stations might enforce self-regulation to check the news contents before they are broadcasted. The NCC could encourage the television stations to have ombudsman to help the self-regulation procedure. In addition to the ombudsman, it is more important for the NCC to encourage the television stations to organize a self-regulation organization to enforce the self-regulation rules into the practice of television news reporting. Moreover, the NCC might regularly host a meeting with the television stations and the self-regulation organization to communicate about the criteria of news advertizing. The NCC also could regularly conduct a training workshop for the reporters and chief managers, especially for the new reporters, to help the television practitioners clearly understand the bottom line of regulation enforcement of news advertizing.

Key words: television news, product placement, advertising, advertized news, advertized television programs,

目 錄

第一章	緒論	p. 01
	第一節	研究背景與目的
		p. 01
第二章	文獻探討	p. 04
	第一節	置入性行銷
		p. 04
	第二節	新聞置入
		p. 12
	第三節	國內外相關法律規範
		p. 20
第三章	研究方法	p. 35
	第一節	質化內容分析
		p. 35
	第二節	焦點團體座談
		p. 38
第四章	研究結果	p. 45
	第一節	新聞商業置入之認定
		p. 45
	第二節	新聞商業置入之呈現型態與操作手法
		p. 56
	第三節	新聞商業置入之規範
		p. 79
第五章	研究結論與建議	p. 91
	第一節	研究結論
		p. 91
	第二節	研究建議
		p. 96
參考書目		p. 101

附件一	電視新聞廣告化分析項目及分析結果表	p. 108
附件二	焦點團體座談對象、題綱及逐字稿	p. 147

共 (248)頁

表 目 錄

表 3-1	焦點團體座談的舉辦日期、地點及參與者	p.38
表 3-2	焦點團體座談與談對象	p.42
表 3-3	深度訪談對象	p.43
表 4-1	電視新聞廣告化呈現手法歸納表	p.57
表 5-1	電視新聞疑似置入的呈現手法歸納表	p.93
表 5-2	有關電視商業新聞報導呈現手法之建議歸納表	p.95
表 5-3	近程與中遠程建議摘要表	p.100