

April 9, 2024

Broadcasting Commission censures VertiCast/CVM TV over English Premier League (EPL) Controversy but has no jurisdiction over CSport

The Broadcasting Commission of Jamaica (BCJ) has completed its investigation of complaints it received from disgruntled subscribers to CSport.tv and the CSport app about their inability to see English Premier League (EPL) matches. It has censured CVM for its role in the controversy on the basis that the station facilitated misleading advertising as it is presumed to have had knowledge that the games were not being delivered as expected, due to its close affiliation with VertiCast (CVM's parent company) and the online brands CSport.tv and CSport app.

The BCJ arrived at its decision after considering these factors, among others:

1. CVM TV aired promotional material for access to live broadcasts of EPL matches on CSport.tv and the CSport app (owned by VertiCast, CVM's majority shareholder). One of the promos twinned the "CVM" and "CSport" logos implying that both entities are related and involved in the EPL offering. One other promo involved a call to action - "Sign up now at CSport.tv or download the CSport app to catch all the action."
2. Sports enthusiasts who were motivated by the advertisements reasonably expected to see the EPL games over the entire season. However, this did not materialize as evidenced by emails sent to subscribers on February 17 and 24, 2024, apologising for "the ongoing Premier League broadcast disruptions..." and "the ongoing disruptions in the Premier League broadcast...", respectively.

3. Given the circumstances of their shared ownership and close relations, CVM TV was aware that CSport was failing to deliver live games as advertised, yet the station aired promotional offerings of CSport for access to EPL matches.
4. CSport indicated that affected subscribers would be refunded; however, no date was provided. Further, a refund would only partly ameliorate the frustration of subscribers who lost the opportunity to experience the EPL as they had been led to expect by CVM/CSport advertisements.

The BCJ made no specific determinations in relation to CSport.tv or the CSport app as broadcasting laws do not apply directly to online services.

Commenting on the matter, BCJ's Executive Director, Cordel Green said, "the situation requires a remedy such as a provision in the regulations to allow for even limited review of online content, in circumstances where it is reasonable for the public to make no distinction between over-the-air and affiliated online services."

The BCJ has written to the Minister With Responsibility For Information, Hon. Robert Morgan, about the matter.

The Broadcasting Commission is the regulatory body with oversight of radio, television, and cable services in Jamaica. BCJ is currently engaged with the Information Division in the Office of the Prime Minister on a range of matters to modernise the media sector. These include Digital Television Switch-Over, branded as "Next Gen TV", implementing ATSC 3.0, the world's most advanced television transmission standard; Digital, Media and Information Literacy as a tool for dealing with disinformation and misinformation in the age of generative artificial intelligence; a New Content Code to replace the 2003 Children's Code for Programming, and the Electronic Media and Content Policy which seeks to update the legal and regulatory framework for content and media regulation.

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