



**PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY
REGIONAL OFFICE
ISLAMABAD**

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Dated: 23rd June, 2022

RGM/ISB/2-2(15-1)/2014/V-III/..2373

All Satellite TV Channels,

Subject: Decision of the Authority in pursuance of the 76th Meeting of the Council of Complaints, Islamabad in the Matter of Complaints Lodged by Mr. Muzaffar Ahmed Hashmi, the President of Rawalpindi Fresh Milk Association, Malik M. Waqar, the President of Islamabad Fresh Milk Vendors Association and Dr. Muhammad Jassar Iqbal against STV Channels

Mr. Muzaffar Ahmed Hashmi, the president of Rawalpindi Fresh Milk Association, Malik M. Waqar, the president of Islamabad Fresh Milk Vendors Association and Dr. Muhammad Jassar Iqbal lodged complaints against broadcasting of television commercials for promotion of tetra-packed milk termed as public service message which in their point of view were allegedly making propaganda against fresh milk and these were aired by some STV Channels in Pakistan.

2. In accordance with Section 26 of PEMRA Ordinance 2002 as amended by PEMRA (Amendment) Act 2007 and Rule 8 (4) of PEMRA (Council of Complaints) Rules 2010, the above matter was placed before the Council of Complaints, Islamabad in its 71st meeting held on 9th February, 2022.

3. The Council discussed the matter and looked into the contents of the complaint received by it. The Council was of the opinion that the matter was of due importance as it was related to the public health. Opinion of the advertisers and the broadcasting channels of the television commercial needed to be heard in the matter besides asking for opinion of any expert or any representative of the competent forum, regulatory framework or the concerned ministry. However, initially the complainants were required to be heard in person who may inform the Council about the complaint and their exact grievances and their point of objection regarding the received complaints.

4. The Council recommended that matter may be adjourned for the next meeting of the Council.

Recommendations:

"The Council adjourned the matter for the next meeting of the Council with the direction to invite the complainant."

5. The complainants, Mr. Muzaffar Ahmed Hashmi and Malik M. Waqar were provided opportunity of personal hearing before the Council in its 72nd meeting held on 16th February, 2022. Mr. Muzaffar Ahmed Hashmi, Malik M Waqar, Mr. Abdullah appeared in person before the Council along with Mr. Ghazi Khan, the legal counsel.

6. The Chairperson of the Council of Complaints asked the complainant to assist the Council about maintainability of complaint under reference. Mr. Ghazi Khan, legal counsel referred to the clause 22 (3) and 3 (1) of the Electronic Media (Programmes and Advertisements) Code of Conduct, 2015 about maintainability of complaint.

7. The complainant(s) provided a video clip of the advertisement which was displayed before the Council. Mr. Ghazi Khan legal counsel said that through the broadcast of content shown as public service message, the TV Commercials of 'tetra-pack milk' had been encouraged and the use of fresh milk was discouraged in a manner which showed its bad effect on health of the public. The complainants added that they had no concern with the broadcasting of television commercials for promotion of tetra-packed milk but propaganda against fresh and its false depiction of bad effects on health should be discouraged.

8. The complainant(s) also added that they had meeting with Director General of Food Authority regarding alleged propaganda against fresh milk who had informed that his office was not proper forum and that no such directive against them had been issued by the Food Authority.

9. After deliberation, Council recommends the following;

Recommendations:

"The Council adjourned the matter for the next meeting of the Council scheduled to be held on 28th February, 2022 with the direction to invite Pakistan Broadcasters Association (PBA)".

10. The complainants Mr. Muzaffar Ahmed Hashmi, Malik M. Waqar and Dr. Muhammad Jassar Aftab were provided opportunity of personal hearing before the Council in its 73rd meeting held on 28th February, 2022.

11. Mr. Muzaffar Ahmed Hashmi, Malik M Waqar, and Mr. Abdullah appeared in person before the Council along with Mr. Ghazi Khan legal Counsel. No one appeared on behalf of Dr. Muhammad Jassar Aftab, however, a write-up forwarded by him was presented before the Council for perusal. The Council was informed that later he had requested telephonically that he might be exempted from personal appearance before the Council and that he had done his part by highlighting the issue.

12. The Council was aspired that although no representation had been made by the respondent, however, a written response dated 25-02-2022 had been received from Mr. Muhammad Ali Butt, Executive Director, PBA regarding rescheduling the Council meeting on 14-03-2022. It had been requested that the counsel for Pakistan Broadcasters Association was not available due to an already scheduled medical appointment, and therefore, would not be able to attend the meeting. More so, they would also like to file a detailed reply to the Council on the matter.

13. The Council asked the Secretary whether any power of attorney had been filed by the respondent. After perusal of record, the Council was informed that no power of attorney was filed.

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attorney/ 'wakalatnama' had been received besides letter from the respondent. The Council was of the opinion that for the fair and natural justice, the request of the respondent(s)/ PBA is accepted and the matter may be adjourned.

14. The Council noticed that all of the satellite television channels were not part of the Pakistan Broadcasters Association and that there was a possibility that some non-member satellite channels might also be airing the impugned commercials.

15. Meanwhile, complainants' legal counsel stated that exemption might be granted to the complainants from personal appearance before the Council for the next meeting. It was also requested that other satellite television channels who were not part of Pakistan Broadcasters Association might also be included in respondents who had aired/carried such content, the request which was allowed. The matter was adjourned for the next meeting of the Council. The complainants were asked to provide names of channels who had aired the impugned commercial.

16. After deliberation, Council recommends the following;

Recommendations:

"The Council adjourned the matter for the next meeting of the Council with the direction to summon Pakistan Broadcasters Association (PBA) and other licensees satellite television channels which aired the impugned commercial."

17. The complainants and Executive Director, PBA were provided another opportunity of personal hearing before the Council in its 74th meeting held on 10th March, 2022. Complainants were not appeared before the Council. However, Mr. Ghazi Khan, legal Counsel appeared on behalf of complainants. Mr. Muhammad Ali Butt Executive Director Pakistan Broadcaster Association (PBA) along with their Legal Counsel Mr. Jam Asif Mehmood joined meeting through skype.

18. Mr. Jam Asif Mehmood, legal counsel of Pakistan Broadcaster Association argued that complainants have not attached any material/content in support of their contentions. He read the complaint of Rawalpindi & Islamabad Fresh Milk Association before the Council and contented that specific time and date of impugned on which their member channels had aired were not given. He contended that the instant complaint was not maintainable for this forum.

19. Mr. Jam Asif Mehmood stated that the complainant had not mentioned any section of the PEMRA Ordinance violated by the respondent channels. Video clip of the commercial/add aired on Geo News was displayed before the Council. The Legal Counsel, PBA was of the view that the impugned content was a public service message and not a paid content and this was relayed in accordance with section 20 (e) of PEMRA Ordinance, 2002. The Respondent requested for provision of transcript/ CD of the content /ads.

20. The Legal Counsel of complainant argued that that they had no concern with the broadcasting of television commercials for promotion of tetra-packed milk but propaganda against fresh milk and its false depiction of bad effects on health should be discouraged.

21. Mr. Mazhar Barlas said that how could anyone establish that fresh milk is bad for health and packaged milk is good for health. He referred to the example of mother feed milk and said that thirty years ago mother feed milk was discouraged but now mother feed milk is being encouraged. He also added that packaged milk is not a milk but a milk whitener. Ms. Batool Zain told that globally there exist no example where use of packaged milk is encouraged through advertisement for demotion of fresh milk.

22. Chairperson of Council told that advertisement of packaged milk was banned for five years during its proceeding before honorable Supreme Court of Pakistan. He also told the respondent that the whole exercise is being done for social betterment / in the better interest of general public. After hearing both parties, CoC will recommend a policy statement in the matter for future.

23. Council asked the secretary CoC for provision of content/CD of the advertisement to the respondent from PBA and last opportunity may be provided to the them for final arguments of both parties.

24. Legal Counsel from PBA requested on behalf of respondent for adjournment of the matter for at least two weeks. Request was allowed. Both the parties were directed to argue the case in length in next date of hearing, no further adjournment will be granted to anybody.

25. Chairperson of the Council also asked the respondent's legal counsel for provision of Rule of Association of PBA to ascertain power/ control of PBA on its members and list of its members for information of the Council. On the request of complainant, the Council also directed that Geo News may be call upon for the hearing for airing alleged/impugned TV commercial.

26. Finally Council was of the view that respondent PBA may be asked to explain that the impugned content was paid content or not while issuing call upon notice.

Recommendations:

"The Council adjourned the matter for next meeting of the Council to be held after fifteen days with the direction to provide content/ad to Pakistan Broadcasters Association (PBA) and also to issue summon to Geo News as respondent which aired the impugned commercial along with direction to inform the Council whether the impugned content is paid or otherwise."

27. The complainant and respondent PBA, Executive Director and Chief Executive Officer of or respondent channel were provided another opportunity of personal hearing before the Council in its 75th meeting held on 22nd April, 2022. Mr. Hassan Mustafa, Executive Director, appeared on behalf of Geo News, Mr. Ghazi Khan appeared on behalf of complainant while Executive Director, PBA appeared through zoom link.

28. The Council adjourned the matte for the next meeting of the Council.

Recommendations:

"The Council adjourned the matter for the next meeting of the Council"

29. As per direction of the CoC, both the complainant and respondent were summoned to appear before the Council in its 76th meeting. Mr. Ghazi Khan (Advocate) appeared on behalf of complainants and Mr. Hassan Mustafa, Executive Director, appeared on behalf of Geo News, while Executive Director, PBA joined the meeting through zoom link.

30. Mr. Hassan Mustafa, Executive Director, Geo News stated that Geo News is a well-established and reliable source for disseminating credible information to its viewers, and it denies the allegations levelled through above said complaints that Geo News has broadcasted Television Commercial for promotion of packaged milk and spreading propaganda against fresh milk or its vendors.

31. He also said that alleged packaged milk campaign of Geo News was not aired with malafide intentions or any ulterior motive to malign the importance of fresh milk or reputation of its vendors. As complainants had referred Section 20(c) of PEMRA (Amendment) Act 2007 in their complaints against Geo News, which is reproduced as under; ***"Ensure that all Programmes and advertisements do not contain or encourage violence, terrorism, racial ethnic or religious discrimination, sectarianism, extremism, militancy, hatred, pornography, obscenity, vulgarity or other material offensive to commonly accepted standard of decency"***.

32. Mr. Hassan Mustafa added that the whole advertisement campaign aired by Geo News was purely based on intention to create public health awareness regarding the importance of clean and safe milk. Whereas, throughout the campaign, only the weakness in maintaining hygienic conditions while keeping milk in open spaces and delivering to the ultimate consumer were highlighted to encourage the general public and to make healthy choice while purchasing milk and the fresh milk vendors to overcome these flaws and provide better, fresh and safe milk to the consumer as they genuinely deserve.

33. That, our advertisers had also shared with us a scientific literature review on loose milk which revealed, a survey done by University of Agriculture, Faisalabad, with a sample of more than 250 persons. The literature shows that more than 98% of dairy consumers are not satisfied with the quality of loose milk they use as approximately 8 out of 10 milkmen are transporting milk without temperature control and subsequent extensive open pan boiling kills live pathogens and other microbes in milk.

34. That, it is noteworthy that Punjab Food Authority has discouraged distribution and sales of loose Milk/un-pasteurized milk through its publication of Punjab Food Regulations, 2017 and in later version Punjab Pure Food Regulations-2018, PFA banned loose milk from- July 2022 in jurisdiction of Punjab, as per PFR-2018, ***"Minimum pasteurization law shall come in force forthwith across all jurisdiction in July 2022"***. Whereas, under heading 1.14 of Chapter -1 that ***"The distribution and sales of loose milk/un-pasteurized shall be discouraged and subsequently shall be completely banned within 0 years from the date of notification of Punjab Pure Food Regulations. 2017"***.

35. That, as a matter of fact, Geo News has already stopped the said public health campaign in March 2022 before receiving the complaints from PEMRA. Moreover, other TV Channels also including Hum TV, ARY Digital, ARY News, Express News, Dunya News, Aaj News etc. also aired this advertisement.

35. Finally, he requested that the complaint may please be disposed of accordingly as it has already been off aired the said advertisement. He also, assured that Geo News would comply with all laws applicable on it and undertakes that such campaign against the fresh milk shall not be aired on Geo News in future.

36. Legal Council of the Complainant Mr. Ghazi Khan referred to CP No. 2371/2016 and C.M.A No. 2702-L/2016 filed before the Hon'ble Supreme Court of Pakistan, the relevant paras from the order are reproduced as below:

MILK:

Al-Fazal Foods:

Pursuant to the orders dated 15-09-2016 and 16-09-2016 passed by this Court, Mr. Haider Rasul Mirza, Advocate has submitted a report pertaining to Al-Fazal Foods on account of unhygienic condition etc. Therefore, notice be issued to Al Fazal Foods to explain their position regarding the deficiencies highlighted in the said report and copy whereof along with the photographs be sent to them. We have also been apprised that the manufacturing premises of Al Fazal Food were sealed vide order dated 29-09-2016 passed by the Punjab Food Authority, PFA. However Noor-ul- Amin Mengal, Director General, PFA stated that at present he is not sure whether that said premises are still sealed or not. He requests for time to verify this fact. Let a concise statement in this regard be filed by Director General, PFA within a period of one week

Doce Foods:

Pursuant to the orders dated 15-09-2016 and 16-09-2016 passed by this Court, Mr. Haider Rasul Mirza, Advocate has submitted a report pertaining to Doce Foods on account of unhygienic condition etc. Therefore, notice be issued to Doce Food to explain their position regarding the deficiencies highlighted in the said report and copy whereof along with the photographs be sent to them. Copy of said report may also be sent the Director General, PFA who shall also file a concise statement in this regard within one week.

Gourmet Food:

Pursuant to the orders dated 15-09-2016 and 16-09-2016 passed by this Court, Mr. Haider Rasul Mirza, Advocate has submitted a report pertaining to Gourmet Foods on account of unhygienic condition etc. Therefore, notice be issued to Gourmet Food to explain their position regarding the deficiencies highlighted in the said report and copy whereof along with the photographs be sent to them. the Director General, PFA shall also file a concise statement in this regard within one week.

Report submitted by Pakistan Council of Scientific and Industrial Research (PCSIR)

Pursuant to the orders dated 15.9.2016 and 16-09-2016 PCSIR has filed two sets of sealed reports about the analysis which have been opened in the Court. However, the

standard/guidelines have also been provided by the PCSIR on the basis of which analysis been made. One report pertains to UHT standardized milk samples which are six in numbers. Except Haleeb Milk all sample of UHT milk tested by the said laboratory were found fit for human consumption. Let a notice be issued to Haleeb Foods Limited respond to the report submitted by the PCSIR.

Ten reports have also been submitted with regard to pasteurized milk Except PREMA milk, all other samples are found to be unfit for human consumption. Let a notice be issued to M/s Doce Foods Limited (Doce Milk) , Gourmet Foods Limited (Gourmet Milk), Fauji Foods Limited (Nurpur Milk), Achaa Food Private Limited (Achaa Milk) Sharif Dairy Pvt. Ltd, (Anhaar Milk and Dairy Milk), Adams Foods Private Limited (Adams Milk), Cakes and Bakes (Nutrivo Milk) and Al Fajar Dairy Foods Private Limited (Al Fajar Milk) to explain their position.

Report submitted by University of Veterinary and animal Science (UVAS).

Pursuant to the orders dated 15-09-2016 and 16-09-2016. UVAS has filed a sealed report, which has been opened in the Court. As per the said report, the sugarcane quantity in present in UHT Haleeb Milk. As regards pasteurized milk, sugarcane quality is found in Achaa Milk, Adam Milk and Mnhaar Milk. Furthermore, as per report, heavy metal components have been found in UHT standardized milk samples of Day Fresh, Good Milk, Haleeb Milk, Milk Pak and Nurpur. Regarding pasteurized milk as per report there are heavy metal components found in pasteurized milk of Daily Dairy Doce Gourmet and Noorpur and this too is injurious to health.

Let a notice be issued to Achaa Foods Private Limited (Achaa Milk), Adams Milk and Foods Private Limited (Adam Milk), Dairyland Private Limited (Day Fresh Milk), Doce Foods Milk, Shakarga Foods Products Limited (Good Milk) Haleeb Foods Limited (Haleeb Milk) Nestle Pakistan Private Limited (Nestle Milk), Fauji (Nurpur Milk) Sharif Daires (Anhaar Milk and Daily Dairy Milk) and Gourmet Foods Private Limited (Gourmet Milk) to respond to the report submitted by UVAS.

Report submitted by university of Agriculture Faisalabad (UAF)

UAF has submitted its report. Out of seven UHT samples, all were found fit for human consumption. As regards pasteurized milk of ten companies as per report Formalin and added sugar have been found in Adams and Achaa milk. Let a notice be issued to M/s Adama Milk and Foods Private Limited (Adams Milk) and M/s Achaa Foods Private Limited (Achaa Milk) to respond to the report submitted by UAF.

WATER:

Pursuant to the order dated 15.09.2016 a report has been filed by Mr. Fahad Malik Advocate perusal where of reveals that none of companies identified in aforesaid order meet the licensing criteria led down under the law/rules and certain deficiencies have also been pointed out along with photographs.

Let a notice be issued to M/s Jami Water Services (Jami), Asana Mineral Water (Asana) Royal Mineral Water (Royal) ,Bahria Water (Bahria), Abbeyar Water (Abbeyar), Oasis

Water Plant (Oasis), Pharmagen Water (Pharmagen), Wajyan Pure Drinking Water (Wajyan), Cool Valley Water (Cool valley) and Faima Ultra Filtration plant (Fatima water plant) to respond to the report submitted by Mr. Fahad Malik.

We also direct the Director General PFA to have the premises of all other water manufacturing/processing companies checked/ inspected as has been done by Mr. Fahad Malik Advocate. Director General PFA shall submit a detailed report on the same lines as that of the report of Mr. Fahad Malik. The report in this regard be submitted within a period of one month. It has also been pointed out by Mr. Fahad Malik that at the time of inspecting the premises mentioned in the report certain samples were collected and handed over to the authorized officer of PFA but no report to this effect has so far been received.

37. While summing up the above discussion the Council pressed the need for use of fresh and healthy milk in Pakistan being a food nutrients deficient country. Use of fresh and hygienic milk should be part of the food like other daily products in rural areas of Pakistan, which is also advised by doctors and medical practitioners.

38. The Council was of the view that adulterated and unhygienic milk can be dangerous for human health on one hand, while the tea whitener and chemically made formula milk were equally dangerous for health on the other hand. So the concerned food authorities do not advise these products to be called milk as mentioned in the decision of the apex Supreme Court of Pakistan. It is the need of the hour that relevant food authorities, the concerned government organizations should take cognizance of the matter and the formula or chemically produced products should not be called milk, once the standard is given, PEMRA may then assure that an NOC has been obtained from the concerned health ministry by the advertisers and the content is distributed by the broadcasters for information of the public in the advertisements.

39. The Council further emphasis that the companies who deal in provision of dairy products should also assure that milk is not adulterated in light of the fact that all such companies purchase milk from and collect from rural areas which is not packed initially at time of purchase. Checking of the quality of the milk is the responsibility of the concerned authorities and thus use of unhealthy milk, which is not advised by the doctors, should be banned and checked by the relevant food authorities in their territorial jurisdictions. So the fresh milk or packaged milk should be standardized by the concerned food authorities and the quality maintenance of both fresh milk in containers, bottles or packages be also checked. The Council unanimously was of the view that a warning be issued to the respondent channels who relayed such advertisements and warned to remain careful in future.

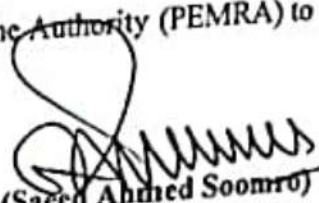
40. While considering the unanimous recommendation of the Council, the competent authority approved the following:

"Keeping the importance of use of dairy milk by humans in an environment of a country like Pakistan which is already deficient in nutrients, the Council is of the view that any advertisement against fresh and clean milk should be discouraged. The Council recommended that

content of the advertisement should be altered and improved to discourage use of unclean, unhealthy and adulterated milk in a manner that fresh milk should be encouraged in either in safe package or container, bottles etc. approved scientifically. The Council further recommended that a warning may be issued to the channels who relayed such advertisements and also warned to remain vigilant in future."

41. Keeping in view of above, all satellite TV Channels are hereby warned to remain vigilant in future for not airing such content.

42. This decision is issued under powers delegated by the Authority (PEMRA) to the undersigned in its 169th meeting held on 17th February 2022.


(Saeed Ahmed Soomro)
Secretary CoC/Regional Director
Islamabad

Distribution:

1. **Malik M. Waqar,**
President, Rawalpindi Fresh Milk Association,
Zyldar Road, Zeshan Plaza,
Kotha Kalan Near Morgah,
Rawalpindi.

✓ 2. **Mr. Muzaffar Ahmed Hashmi,**
President, Islamabad Fresh Milk Association,
Office No. 1- 2, Ground Floor,
Khalid Plaza, Tariq Market, F-10/2,
Islamabad.

3. **Dr. Muhammad Jassar Aftab,**
Columnist & Veterinary Analyst,
jassaraftab@gmail.com
Cell No. 0332-6587424.

4. **Executive Director,**
Pakistan Broadcasters Association,
177/ 2, 1st Floor, I.E.P Building,
Liaquat Barracks, Shahrah-e-Faisal,
Karachi.

Copy for information:

- Chairperson, Council of Complaints, Islamabad.
- Director General (Operations Broadcast Media), PEMRA HQs, Islamabad.