

## Allegation: Refusal to Supply by Caribbean Broadcasting Corporation

Case Opened: January 2010

The Commission has completed its investigation into the allegation that the Caribbean Broadcasting Corporation (CBC) had declined DIRECTV's request to advertise its Digital Video Recorder (DVR) because it would conflict with CBC's policy of not advertising for competitors.

The specific explanation provided by CBC was that "CBC's Advertising Policy gives it the right to refuse advertising which promotes competitors or their brands".

The Commission's preliminary report in relation to this matter was prepared and forwarded to CBC and the Company invited to respond. In January 2011, CBC acknowledged its dominance in the market for the supply of television advertising services in Barbados but refused the claim that it had abused that dominance.

The Commission met and reviewed CBC's response and agreed that there was insufficient evidence to conclude that CBC's refusal to advertise DIRECTV's Digital Video Recorder was acting in breach of the Fair Competition Act CAP 326C.

The Commission however found that because CBC is the only legally licensed terrestrial television broadcaster in Barbados its advertising policy which selectively refuses to provide advertising because a business may be sponsored by a potential CBC competitor, is likely to have the effect of distorting competition and should be revised to one that was more consistent with the objectives of the Fair Competition Act.

CBC has subsequently confirmed that it is in the process of reviewing its policy in keeping with the Commission's decision.

Case Closed: February 2011