[CH] Sponsorship before the Television News Broadcast

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Medialex
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Between the end of the advertising block and the TSR (Télévision Suisse Romande) television news broadcast, SSR (Société Suisse de Radiodiffusion) broadcast a sequence lasting approximately 20 seconds showing a sailing boat with the Omega logo on its sail, the same logo in the bottom left-hand corner of the screen and figures showing the time in the bottom right-hand corner, to a background of classical music. A similar sequence had been broadcast on SF DRS (Schweizer Fernsehen DRS) before the "10 vor 10" information broadcast, using the "Swatch Timing" brand-name. The Federal Communications Office (OFCOM) noted that "the aims pursued by the legislator in its standards governing advertising and sponsorship were two-fold: firstly, to prevent sponsors having too great an influence over broadcasters at the expense of the independence of the latter, and secondly to foster transparency in order to enable viewers to form their own opinions". In the case in point, it was not a broadcast which was in question. The presentation of filmed sequences could not be qualified as the editorial processing of content, nor did the sequences form part of the broadcaster's programme. As a result, this could not be called sponsoring, despite the title of the contract signed by SSR and the company in question. Nor was it advertising, since the sequence was not included in the advertising block and therefore not clearly separated from the rest of the programme as required by Art. 18, para.1 of the LRTV (Loi sur la Radio et Télévision). Nor was it a form of third-party financing not specifically covered by the legislator, as the sequences were too similar to advertising and sponsorship. Under the principle of equality, a broadcaster could not be allowed to broadcast sequences of a commercial nature which flouted the statutory rules. As a result, OFCOM held that in broadcasting these sequences SSR was violating Article 18 of the LRTV on advertising in relation with Article 10 of the ORTV (Ordonnance sur la Radio et Télévision) and Article 19 on sponsorship, and ordered it to stop such violation, no later than the expiry of the contracts in question. An appeal is pending before the Department of the Environment, Transport, Energy and Communication.

Décision de l'Office fédéral de la communication du 21 novembre 1997 (non exécutoire)

Decision of the Federal Communication Office of 21 November 1997 (not enforceable at law)

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