

[LU] ALIA reprimands RTL Gold

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On 28 February 2024, television channel RTL Gold broadcast the programme “Mónika – A KIBESZÉLŐ SHOW”. On 13 March 2024, the *Autorité Luxembourgeoise Indépendante de l’Audiovisuelle* (Luxembourg Independent Authority for Audiovisual Media – ALIA) received a complaint from the Hungarian media regulator NMHH following a viewer's complaint. Since RTL Gold's broadcasting licence was issued in Luxembourg (to the company s.a. CLT-Ufa), the matter fell under ALIA's jurisdiction. However, the complaint was examined in the context of Hungarian law, which applied in this case.

The complainant claimed that the programme should have been classified as unsuitable for under-16s (category IV) rather than under-12s (category III) and should not have been broadcast in the morning. The show's presenter had invited a guest to talk about her extra-marital relationship with a man who had introduced her to sadomasochism. The guest's lover had then arrived on the set dressed in leather covering only his private parts and holding a whip. The story had later turned out to be an April fool's joke.

Since the case concerned the protection of minors, the *Assemblée consultative* (consultative assembly) was asked for its opinion in accordance with Article 35ter(4)(1) of the amended Electronic Media Act of 27 July 1991. The assembly considered, in particular, that the programme's light-hearted nature could have trivialised adultery and that the man's reference to his 'slaves' had been discriminatory towards women, even though it had been an April fool's joke. It therefore concluded that, although the programme's classification under category III was appropriate, the time of its broadcast was not.

According to the ALIA investigating officer's analysis, since the programme had dealt with the themes of sadomasochism and sexual violence, it should have been placed in category IV (unsuitable for under-16s) under section 9(5) of Hungarian law no. 185-2010 on media and services and mass media. The fact that it had been broadcast in the morning was also unlawful, since section 10 stated that such programmes should only be shown between 9pm and 5am. The investigating officer particularly highlighted the risk that the content could create a false perception of sexuality among children. Such content was only suitable for a more mature audience that could understand it in its proper context.

Responding to this argument, the service provider, RTL Gold, pointed out that the programme had been an April fool's joke with fictitious content, and that children aged between 12 and 16 understood humour and sarcasm. However, it admitted that an administrative error had led to the programme being wrongly classified and stated that it had taken steps to avoid similar mistakes in the future.

The ALIA Council held that the morning broadcast of the programme “Mónika – A KIBESZÉLŐ SHOW” with the warning “unsuitable for under-12s” had infringed Articles 9(4) and 9(5) of the Hungarian law, as the service provider acknowledged in its observations to the Council.

The regulator therefore concluded that the service provider had committed a clear and serious breach of its obligations and issued a formal reprimand to s.a. CLT-Ufa.

Décision DEC028/2024-P021/2024 du 25 novembre 2024 du Conseil d'administration de l'Autorité luxembourgeoise indépendante de l'audiovisuel concernant une plainte à l'encontre du service de télévision RTL Gold

https://alia.public.lu/wp-content/uploads/2024/12/D028-2024_P021-2024_RTL-Gold_ECsite.pdf

Decision DEC028/2024-P021/2024 of 25 November 2024 of the Administrative Council of the Luxembourg Independent Authority for Audiovisual Media concerning a complaint against the RTL Gold television service

