[DE] Films Unsuitable for Children and Young People - no early Trailers

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Under a judgment given by the Federal Administrative Court (Bundesverwaltungsgericht - BVerwG) on 11 March 1998, trailers for films rated suitable only for over-16s or over-18s by the Voluntary Self-Monitoring Authority (Freiwillige Selbstkontrolle - FSK) may not be shown before 10 or 11 p.m. The regulations on protection of children and adolescents embodied in par. 3, sub-par. 2 to 4 of the Agreement between Federal States on Broadcasting (Rundfunkstaatsvertrages - RfStV), in the third amended version of 26.8-11.9.1996, are satisfied only if restrictions on the times at which films containing scenes of sex and violence may be shown apply, not just to the films themselves, but also to trailers. Children and adolescents should not be encouraged to watch these films. The court was deciding a dispute between the pay-TV channel Premiere and the Hamburg Land Media Authority, which, as supervisory body, had objected to the channel's practice in this area. The judgement adds that, if other means, such as coding, are used to protect young viewers, then trailers, too, must be coded if shown earlier. This restriction on trailer advertising does not violate the broadcasting freedom enshrined in Article 5 (1) of the Basic Law (Grundgesetzes - GG). Under Article 5 (2) of the Basic Law, this freedom may be restricted by legislation designed to protect young people - of which para. 3 of the Agreement between Federal States on Broadcasting forms part.

Bundesverwaltungsgericht, Urteil vom 11. März 1998 - Az. 6 C 12/97

Federal Administrative Court, judgment of 11 March 1998 -- File No. 6 C 12/97

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