[DE] Principle of Separation between Advertising and Programmes; New Advertising Formats in Television

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Under Section 7, para. 3 of the Agreement between the Federal States on Broadcasting (Rundfunkstaatsvertrag - RFStV), television advertising must, using visual means, be clearly separated from other parts of the programme. For private television establishments this regulation is amplified by extensive provisions from the guidelines of the regional media authorities. With the introduction of new advertising formats, the problem of unambiguously identifying television advertising and separating it from the rest of the programme has become a very topical issue.

The news broadcaster n-tv has, on a test basis, divided the television screen up into a split-screen, in which the lower part, where stock prices are normally on rolling display, is used for advertising. In order to make the division of the screen visually and spatially clear, the notice "advertising" as well as a demarcation line were used. http://services.obs.coe.int/en/index.htm On the newly launched Bloomberg-TV news channel, the screen is split into several parts. There is a moving image window where advertising spots are transmitted at certain intervals, while at the same time various text fields on the rest of the screen provide information on stock prices or sports events.

This new split-screen format carrying advertising and programme material has not yet been declared admissible in the n-tv case by the competent Berlin-Brandenburg media authority.

The advertising technique used by Bloomberg-TV has, however, been authorised by the regional private broadcasting authority (LPR) in Hessen. The view is taken that it is a combination of broadcasting and a media service. While the advertising spots shown in the moving image window are subject to the advertising provisions of the Agreement between the Federal States on Broadcasting and the guidelines of the regional media authorities, the text components are to be seen as a media service not subject to the Federal States Agreement. A case is made for authorisation on the grounds that the Federal States Agreement contains no binding requirement that advertising should be separated from the programme timewise. One form of presentation where the principle of separation between advertising and programme is also relevant concerns the insertion of advertising logos in sports results during the transmission of sports events (see IRIS 1997-9 :10). In practice, the supervisory authorities currently take the view that such

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insertions can only be accepted if they show some connection with the timing or presentation of results. It is expected that in the upcoming amendment of the Agreement between Federal States on Broadcasting a clear ruling will be sought on the juxtaposition of programme and advertising material.

Pressemitteilung der Landesanstalt für Privaten Rundfunk Hessen, 4.8.1998.

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