[CH] Advertising for Alcohol-Free Beer Judged Inadmissible

IRIS 1999-6:1/12

Oliver Sidler
Medialex

The second channel of the Swiss television company DRS (SF2) broadcast a large number of matches in the football World Cup held in France in special programme blocks. During the commercial breaks, SF2 regularly showed an advertising spot for the company " Feldschlösschen ". This commercial showed two football teams going to the dressing rooms at the end of a match. The players of the winning team, together with one member of the losing team, were seen gathered round a crate of beer.

The complainant claimed that the advertisement breached the ban on advertising of alcoholic beverages as provided for in broadcasting legislation. The Independent Radio and Television Complaints Authority (Unabhängige Beschwerdeinstanz für Radio und Fernsehen - UBI) did not follow up the complaint because the Federal Communications Office (Bundesamt für Kommunikation - BAKOM) was the body responsible for monitoring the application of this regulation. In this case, the decisive factor in the distinction between the competencies of BAKOM and the UBI was not whether or not the commercial was classed as trade advertising, but which point of law was appropriate to settle the issue. "If aspects of content that are likely to harm the development of public opinion are to the fore, the UBI is primarily responsible, but if financial or technical issues are involved, then BAKOM is the competent authority. In contrast to actual programme material, however, these aspects of content are generally much less important where advertising is concerned." Nevertheless, the UBI examined whether the commercial infringed the ban on misleading advertising. Agreements on transfrontier television and Swiss radio and television regulations contain provisions in this field. The advertisement in question mainly promoted the alcohol-free brand " Schlossgold " produced by " Feldschlösschen ". The name " Schlossgold " was only mentioned towards the end of the commercial, however. Much greater prominence was afforded to the name and logo of the " Feldschlösschen " company, which was mainly known for its alcohol-containing beer. The public would be under the impression that, after a strenuous match, the footballers in the advertisement would drink an ice-cool beer produced by the " Feldschlösschen " company, and therefore one which contained alcohol. The UBI therefore decided that the commercial contravened the ban on misleading advertising and upheld the complaint.

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Entscheid der Unabhängigen Beschwerdeinstanz für Radio und Fernsehen vom 22. Januar 1999 (b.371).

Decision of the Independent Radio and Television Complaints Authority (UBI), 22 January 1999 (b.371).

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