[DE] Bavarian State Central Office for New Media Bans Virtual Advertising

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The Bayerische Landeszentrale für Neue Medien (Bavarian State Central Office for New Media - BLM) has banned the German sports channel DSF from broadcasting virtual advertising (see also IRIS 1999-4: 14).

DSF risks being fined if it repeats the offence.

During a football match shown on 10 August 1999, DSF broadcast, for the first time, virtual logos and products in the centre circle of the pitch and either side of each goal.

The BLM claims that virtual advertising, i.e. the superimposing of electronic advertisements on a real picture, is incompatible with §7.3 of the current Rundfunkstaatsvertrag (Agreement between the Federal States on Broadcasting - RStV) and Article 8 of the Bayerisches Mediengesetz (Bavarian Media Law), which state that advertising and programme material should be clearly distinguishable. This rule is established in Art.10.1 of Directive 89/552/EEC amended by Directive 97/36/EC ("Television without Frontiers" Directive). In practice, it means that advertisements must be clearly separated from the main programme either visually or acoustically by means of distinctive emblems, figures or logos. However, virtual advertising is expected to become legal when an amendment to the RStV comes into force on 1 April 2000. Under the terms of Art.7.6.2 of the amendment, virtual advertising will only be admissible if a warning is given before and after the programme concerned and provided it replaces an advertisement which is physically present at the scene of the broadcast.

The Landeszentrale für private Rundfunkveranstalter (Rheinland Pfalz Regional Authority for Private Broadcasters

- LPR) is currently considering another form of advertising. It is deciding whether so-called "cam carpets", which are laid next to football goals and appear to the television viewer as three-dimensional advertisements, constitute illegal virtual advertising.

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