[FR] France 2 and France 3 Fined for Infringing Legislation on Advertising

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The Conseil supérieur de l'audiovisuel (the regulatory body for the audiovisual sector in France - CSA) recently fined the public-sector channels France 2 and France 3 for failing to abide by Articles 8 and 9 of the Decree of 27 March 1992 that prohibit firstly advertising on television for beverages containing more than 1.2% alcohol and secondly surreptitious advertising. The latter is constituted by the presentation of goods, services or brand-names outside advertising breaks with a view to promoting them rather than to informing viewers, regardless of whether such promotion was deliberate or the channel received remuneration in exchange. The CSA had already warned the two channels in the past to abide by these provisions, and instigated sanction procedures against them in accordance with Article 48-2 of the amended Act of 30 September 1986 when it noted that the offences had been committed again. France 2 had broadcast a programme during which a number of quality wines, the packaging of which could be clearly seen, had been favourably presented. The presenter of another broadcast had also promoted her guest's book by indicating on the air how to obtain it. France 3 for its part had broadcast reports on a distributor and a caterer in which the products were very favourably presented and reference was made to their advertising slogans. According to the CSA, these sequences - exclusively devoted to the two companies - were completely lacking in any critical analysis and thus constituted advertising in favour of private companies broadcast outside advertising breaks. The CSA also considered that broadcasting a documentary series in eight episodes on a wine-grower's property in the Bordeaux area had helped to promote the sales of its wines. The series thus constituted documentary advertising, and what was more, it concerned a sector for which television advertising was prohibited.

Taking into account on the one hand the seriousness of the offences and on the other the advantages obtained by the channels in committing them, the CSA imposed fines of FRF 500 000 on France 2 and FRF 2 million on France 3. The sums have been paid to the special allocation account for the cinema film industry and the audiovisual programmes industry.

France 2 et décision du CSA n° 2000-48 du 9 février 2000 infligeant une sanction à la société France 3, JO du 4 mars 2000, p. 3463 et 3464.

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CSA Decision no. 2000-47 of 9 February 2000 fining the company France 2 and CSA Decision no. 2000-48 of 9 February 2000 fining the company France 3, published in the official gazette of 4 March 2000, pp. 3463 and 3464.

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