[DE] Germany: Media Authority Complains about Surreptitious Advertising in Big Brother

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The Hessen state authority for commercial broadcasting (LPR Hessen), which is responsible for monitoring the programmes of private broadcaster RTL-2, has complained that an episode of the TV show Big Brother contained illegal surreptitious advertising.

On 16 May 2000, an episode of the controversial TV programme Big Brother, in which several volunteers are confined in a building cut off from the outside world and monitored round the clock by cameras and microphones (see IRIS 2000-3: 7), showed these people building a model railway. The manufacturer's name, which appeared in unusually large characters on each of the model railway's freight wagons, was shown in close-up on several occasions. LPR Hessen had to verify whether the depiction of the model railway constituted illegal surreptitious advertising under the terms of Section 7.6 in connection with Section 2.2.6 of the Rundfunkstaatsvertrag (Agreement between Federal States on Broadcasting - RfStV). The Agreement states that surreptitious advertising takes place if the manufacturer's trademark or name is shown "deliberately by the broadcaster for advertising purposes" and can mislead the general public as to the real purpose. In individual cases, this is to be judged according to certain indicators such as the intensity of the presentation and whether the name or trademark is shown on its own. LPR Hessen highlighted the fact that there were repeated lengthy close-ups of the product and the brand name, while the manufacturer's name appeared in "clearly oversized" characters. This went beyond a simple portrayal of the actual scene. The media authority concluded that the intensity of the presentation indicated that the depiction of the model railway was a deliberate form of advertising. LPR Hessen had referred the case to the regional media authorities' advertising office, which had recommended that LPR Hessen take action itself. The breach was therefore brought to the attention of RTL-2, which was asked to refrain from repeating such practices.

Presseerklärung vom 23. August 2000.

http://www.lpr-hessen.de/pmlpr/23.08.00.htm

Press Release of 23 August 2000.

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