[DE] Federal Supreme Court Rules on TV Advice Programmes

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On 6 December 2001, the Bundesgerichtshof (Federal Supreme Court - BGH) reached five decisions of general principle concerning the admissibility of TV advice and consumer programmes. The defendants were various public and private TV broadcasters, who had broadcast certain legal information (concerning problems with holidays, for example), answered viewers' questions over the telephone or helped individual viewers to resolve legal disputes. The plaintiffs claimed that these programmes were in breach of the Rechtsberatungsgesetz (Legal Advice Act). Under the Act, legal advice may only be offered by people who are authorised by law or who have official permission (e.g. lawyers).

In the opinion of the BGH, most of the broadcasters did not infringe the Legal Advice Act by broadcasting the disputed TV programmes, since the main element of the programmes was not an individual case and its settlement, but general information for viewers concerning typical legal problems. Pursuing individual viewers' claims by exerting pressure through public reporting could not be likened to giving legal advice, since such activities were not carried out in the legal sphere. However, the BGH did consider that a TV broadcaster had breached the Legal Advice Act by offering advice by telephone outside the programme itself.

Urteile des Bundesgerichtshofs vom 6. Dezember 2001, Az.: I ZR 316/98, I ZR 11/99, I ZR 14/99, I ZR 101/99, I ZR 214/99

Judgments of the Federal Supreme Court, 6 December 2001, case nos.: I ZR 316/98, I ZR 11/99, I ZR 14/99, I ZR 101/99, I ZR 214/99

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