[CH] SRG Breaches Political Advertising Ban

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The Bundesamt für Kommunikation (Federal Communications Office - BAKOM) has banned the SRG (Swiss public service broadcasting company) from broadcasting the TV commercial "Jetzt ein Stromausfall" ("And now a power cut") by the Forum Stromversorgung Schweiz (Swiss power supply forum). In the run-up to a referendum on two electricity-related petitions, the BAKOM ruled that the commercial constituted unlawful political advertising. The SRG was ordered to cease showing the commercial and to pay to the State the income it had received for broadcasting it.

The commercial shows a man and a woman in a lift. Both are hoping there will be a power cut. However, their wish is not met as the lift reaches its destination. The man and woman go their separate ways. A voice then says: "Water power and nuclear energy are an Medialex indispensable pairing if things are to stay like this". The Internet address of the Forum Stromversorgung Schweiz is also given.

On account of the proximity and relevance of the commercial to the referendum of 18 May 2003 on the "Strom ohne Atom" ("power without nuclear energy") and "Moratorium plus" petitions, the BAKOM classified it as unlawful political advertising. In the BAKOM's view, advertising on subjects that are soon to be voted on infringes the ban on political advertising on radio and television if it is broadcast after the date of the vote has been announced.

In its order addressed to the SRG, the BAKOM states that the broadcast of the commercial breached the core provisions of the ban on political advertising. The main purpose of the ban is to prevent wealthy organisations from unilaterally influencing public opinion by paying for expensive TV advertising, thereby putting less well-off groups at a disadvantage. According to the BAKOM, advertising associated with referenda and elections, where the institutionalised development of public opinion is directly involved, is particularly targeted by the ban on political advertising.

Verfügung des Bundesamtes für Kommunikation vom 14. März 2003 gegen die SRG SSR idée suisse betreffend politische Werbung

http://www.bakom.ch/imperia/md/content/deutsch/radiotv2/aufsichtsentscheide/48.pdf

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Order of the Bundesamt für Kommunikation (Federal Communications Office - BAKOM) of 14 March 2003 against SRG SSR idée suisse concerning political advertising

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