[DE] GSPWM and LMK Complain About Surreptitious Advertising on Private TV

IRIS 2005-6:1/22

Ingo Beckendorf
Institute of European Media Law (EMR), Saarbrücken/Brussels

The Landesmedienanstalten (regional media authorities) are currently investigating several alleged cases of surreptitious advertising by private TV broadcasters. After a meeting on 30 March 2005, the Gemeinsame Stelle Programm, Werbung und Medienkompetenz (Joint Body on Programming, Advertising and Media Competence - GSPWM) announced that it had found a number of infringements of current advertising rules by various TV broadcasters: SAT. 1, Vox, Super RTL, MTV and n-tv.

For example, music channel MTV had excessively lauded a new games console. In a Vox programme, a particular brand of gravy thickeners and frozen food products was clearly shown on the screen and verbally recommended. The GSPWM also complained that a new car had been presented on news channel n-tv in a format similar to an advertisement.

In a children's programme on Super RTL, flags advertising a travel company were shown flying in the background of a music video, whose title proved to be the brand name of a new children's product developed by the broadcaster. It was therefore deemed to bear a "direct connection" to a commercial product. The title could not therefore be justified by the programme's dramatic content.

The GSPWM has recommended that the regional media authorities responsible in each case should take legal action. This means that the broadcasters should first be given the opportunity to submit a statement, following which it should be decided whether official complaints should be lodged against them.

Under Art. 7.6 of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement - RStV), surreptitious advertising and similar practices are prohibited. According to Art. 49.1.6 RStV, breaches of this rule are considered as finable offences which, under Art. 49.2 RStV may incur a fine of up to EUR 500,000.

Meanwhile, at its meeting of 18 April 2005, the group of Landeszentrale für Medien und Kommunikation (regional media and communications offices - LMK) of Rhineland-Palatinate issued a complaint concerning an infringement of the ban on surreptitious advertising. A report on a SAT.1 news programme dealing with the chasteberry plant had only mentioned one medicine containing this herb, even though numerous similar medicines were also available. The LMK considered the

© European Audiovisual Observatory (Council of Europe) 2026

reference to a single product to have a very strong advertising effect and therefore considered it was proven that it had been mentioned deliberately for advertising purposes and as such represented a breach of the ban on surreptitious advertising.

Pressemitteilung der GSPWM

http://www.alm.de/gem_stellen/presse_pwm/pm/2005/300305.htm

GSPWM press release

Pressemitteilung der LMK

http://www.lmk-online.de/

LMK press release

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026