[AT] References to Sponsorship Presented as Advertising

IRIS 2007-6:1/8

Robert Rittler
Gassauer-Fleissner Attorneys at Law, Vienna

In the past few weeks, the *Bundeskommunikationssenat* (Federal Communications Board - BKS) has had the opportunity to comment on sponsored programmes that contain commercial messages, which have been identified as advertising.

On a private television station a sponsored programme was introduced following a programme announcement containing the words “TV Media, Austria’s best TV guide, hopes you will enjoy the following programme”. At the same time, an issue of the print magazine *TV Media* was shown with the following words on the cover: “Your best TV guide. New issue every week” and “All the top programmes on TV”.

The BKS ruled that this reference to sponsorship was presented in the form of advertising and that the advertising should have been identified as such. An announcement, it said, was presented in the form of advertising when statements that went beyond the mere mentioning of the sponsor and its business had the effect of promoting sales. In view of the clear meaning of the words used, the BSK dismissed the private television station’s objection that the advertorial element did not refer to the programme guide but to the television programme.

A similar breach of section 38 of the Private Television Act was committed by Antenne Kärnten, a regional radio station, when it broadcast the following programme lead-in: “Antenne Kärnten’s Live Summer. The best music, 100% live. Get to the best concerts and events with austriaticket.at”. Austriaticket.at was the sponsor of the programme that followed and it sells tickets for concerts and other events. The lead-in was in the form of a jingle and stood out from the rest of the programme.

The BKS considered that the description of the concerts and events for which tickets are available from austriaticket.at as being the “best” constituted an advertising message that could not be regarded as a mere announcement by the sponsor. It went on to say that this advertorial effect was heightened by the sound used in the advertisement. The law was breached owing to the failure to mention the sponsor’s name as an advertiser.

Bescheid des BKS (GZ 611.001/0009-BKS/2006)

http://www.bks.gv.at/Docs/2007/4/6/61100109.pdf

© European Audiovisual Observatory (Council of Europe) 2026

BKS decision (ref. 611.001/0009-BKS/2006)

Bescheid des BKS (GZ 611.001/0013-BKS/2006)

http://www.bks.gv.at/Docs/2007/4/3/61100113.pdf

BKS decision (ref. 611.001/0013-BKS/2006)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026