[DE] LMK Confirms the Existence of Surreptitious Advertising in Sat.1 Easter Show

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Nicola Lamprecht-Weißenborn
Cologne Media Law Research Centre

On 23 April 2007, the Assembly of the *Landeszentrale für Medien und Kommunikation* (the State Media and Communications Agency - LMK) in Rhineland-Palatinate rejected the appeal of the broadcaster Sat.1 against the objection raised in respect of a violation of the ban on surreptitious advertising.

In September 2006, the LMK ruled that Sat.1 had violated the ban on surreptitious advertising with its Easter programme *"Jetzt geht's um die Eier! Die große Promi-Oster-Show"*, which was broadcast on 8 April 2006. During the programme, at the centre of which was a cookery competition, advertising banners with the name and logo of a confectionary manufacturer and an oversized Easter rabbit representing a well-known product of that company were conspicuously inserted into the picture. The LMK objected to this as a non-permissible mixture of advertising and programme content.

In the appeal proceedings, Sat.1 pointed out that the event had been run by a local organiser and that the station had acquired the broadcasting rights without any control over the advertising included at the time. According to Sat.1, the programme had shown a real-life situation and the advertising had been of the "intrusive" type normal at sports events.

The LMK Assembly, however, held the view that the terms and conditions of the contract on which the broadcast and the event were based did not allow the organiser to be released from its responsibility under the law relating to advertising. The event, organised especially for Sat.1, was not comparable to the transmission of a sports event that was firmly established in the social calendar; so that there was no portrayal of a real-life situation.

Pressemitteilung Nr. 12 der LMK vom 23. April 2007 sowie Pressemitteilung Nr. 28 der LMK vom 25. September 2006

http://www.lmk-online.de/aktuelles_presse_detail.asp?id=379

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