[SE] Commercial Advertising Breaks in TV-Broadcasts

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During 2006, TV4, a Swedish commercial television channel, had on three separate occasions been ordered by judgment to pay special fines for commercial advertising breaks in ongoing television broadcasting contrary to the *radio-och TV lagen (1996:844)*, the Swedish Act on Radio and TV.

According to the Swedish Act on Radio and TV, commercial advertising breaks in ongoing television broadcasting are only allowed in a specifically stated manner. The Act on Radio and TV prescribes that breaks may only be introduced in a television programme where they do not infringe the integrity and value of the programme and where it would otherwise be natural to mark a pause. Furthermore, the Act prescribes that commercial advertising breaks in films shown on television are only allowed once every full 45-minute period.

Two of the orders for special fines, based on the Act on Radio and TV, concerned intermissions during the broadcasting of films. TV4 had included four intermissions in two movies where the length of both of the movies only warranted three intermissions.

The last of the fines concerned an intermission in a documentary that was held to infringe the integrity and value of the documentary.

TV4 appealed to the *Kammarrätten* (Administrative Court of Appeal), in all three instances. In respect of the special charges ordered for intermissions during the broadcasting of the two films, TV4 requested that the order be dismissed or its prescribed amount considerably reduced. In respect of the intermission held to infringe the integrity and value of the documentary, TV4 requested that the application for ordering a special charge be denied altogether.

The Administrative Court of Appeal delivered judgments in all three cases on 14 March 2007 and upheld the decisions of the County Administrative Court. The Administrative Court of Appeal held that TV4 had violated the rules of the Act on Radio and TV in a “blatant and nonchalant manner”, which warranted the high level of special fines. The Court inferred this blatant and nonchalant manner, amongst other things, from the number of cases where TV4 had been ordered to pay special fines due to intermissions carried out contrary to the Act on Radio and TV.

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Länsrätten i Stockholm, 24843-05, 30/05/2006

Judgment by the County Administrative Court in Stockholm, case 24843-05, 30 May 2006

Länsrätten i Stockholm, 14148-05, 30/05/2006

Judgment by the County Administrative Court in Stockholm, case 14148-05, 30 May 2006

Länsrätten i Stockholm, 25939-05, 22/02/2006

Judgment by the County Administrative Court in Stockholm, case 25939-05, 22 February 2006

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