[DE] New Rules Adopted for Television Competitions

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On 19 June 2007, the *Direktorenkonferenz der Landesmedienanstalten* (Conference of Regional Media Authority Directors - DLM) adopted new rules for TV competitions, which had been developed in consultation with private TV broadcasters. They are designed to assist the interpretation of Art. 41 (1) (4) of the *Rundfunkstaatsvertrag* (Inter-State Broadcasting Agreement - RStV), under which broadcast channels must comply with the provisions of general laws and rules on the protection of personal dignity and minors. These rules of application and interpretation were first introduced in October 2005.

The rules contain provisions on the form and implementation of competitions on television, participation costs and participant information. For example, minors and employees of the broadcaster concerned and of the *Landesmedienanstalten* (regional media authorities) are generally not allowed to take part. In contrast to the previous version of the rules, adopted in 2005, prize money may no longer be paid to minors; this rule must be made clear to viewers during the programme. The cost of participating in competitions must be stated in the competition rules (which must be published on the Internet and videotext and mentioned regularly during the programme), as well as being permanently shown on the screen during the programme and referred to by the presenter. The cost of sending a postcard (EUR 0.45) or a cost of up to EUR 0.50 for a call via a fixed-line telephone network will not constitute an entry fee.

Regarding the competition itself, viewers must be regularly reminded of how it works (answerphone, "Hot Button Buzzer", etc.). With the so-called "Hot Button" system, where after a technical mechanism is triggered at any moment a randomly selected or pre-determined caller is put through to the programme, the viewer must be informed from the beginning how long it will be before someone is put through. The competition rules may not be changed arbitrarily. The rules themselves must be submitted to the regional media authority on request.

New additions to the rules concern, in particular, the competition solutions and the promise of prizes. For example, the solution to a competition question must be comprehensible and, as a rule, announced after the competition is over. The use of altered (distorted) images that are not suitable for television and which cannot be solved by an average TV household is, for example, forbidden. There is a new rule on word search games, which may only involve words contained in

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dictionaries or generally accessible specialist literature. The sources of these words must be provided to the regional media authority on request. Potential prize money and, where appropriate, additional chances of winning (jackpots) must be identified and clearly distinguished from one another. The new rules also contain provisions on the graphic presentation of prize money; these sums may only be increased during a game and never decreased. Another addition is the requirement for broadcasters to ensure that every caller has a chance of being selected for the game. The presenter is also obliged to give out certain information (how the game works, chances of being selected, etc.). Misleading and false statements by presenters are unlawful, as is the creation of artificial time pressure.

Finally, the rules require broadcasters to keep data about calls put through to the programme, prize money paid out and winners, and to submit this information to the relevant regional media authority if complaints are made.

The amendment of the competition rules was considered necessary because various programmes and broadcasters in Germany had been criticised in recent months for engaging in alleged unfair practices. There is also discussion as to whether the next amendment to the Inter-State Broadcasting Agreement should permit the regional media authorities to punish breaches of their application and interpretation rules as legal infringements. At present, the regional media authorities, who act as supervisory bodies, have no effective hold on broadcasters who breach these rules.

Anwendungs- und Auslegungsregeln der Landesmedienanstalten für die Aufsicht über Fernseh-Gewinnspiele (GewinnSpielReg) vom 19. Juni 2007

http://www.alm.de/fileadmin/forschungsprojekte/GSPWM/Fernseh-Gewinnspiele_19.06.07.pdf

Application and interpretation rules of the regional media authorities for the supervision of television competitions (GewinnSpielReg) of 19 June 2007

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