[CH] The Federal Office of Communication (OFCOM) has written to distributors of TV programmes on advertising and sponsoring

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With the intention of specifically stating and defining the provisions of the Act on Radio and Television (LRTV) on advertising and sponsoring, the Federal Office of Communication has written to distributors setting out the principles it intends to have respected.

The first is a clear line between advertising and programmes (Article 18, paragraph 1 of the LRTV). The separating sequence must enable viewers not familiar with the particular programme to recognise clearly the advertising slot which follows (eg use of superimposed signals such as "TV spot", "advertising" or equivalent terms). The second principle concerns the designation of sales broadcasts (Article 11, paragraph 1 of the Order on Radio and Television (ORTV) . Teleshopping broadcasts must be separated from other parts of the programme and must in addition be clearly referred to as "advertising". Designation of this kind is not sufficient if it is only sporadic. The third principle concerns the arrangement of the advertising slot (Article 18, paragraph 2 of the LRTV). Thus the various parts of a broadcast presenting a degree of unity may not be considered as independent broadcasts simply because they have different names. The decision whether or not they form separate entities between which it is possible to place advertising depends on the general impression made on the public, whether in terms of content or of form (eg the presenter is different, the public is greeted at the beginning of the first sequence or in each sequence, etc).

Lastly, a fourth principle concerns sponsoring. The sponsor must be named at the beginning and end of the broadcast being sponsored (Article 19, paragraph 2 of the LRTV), the broadcast must be clearly identified as such (for example using a superimposition technique). In addition, when the sponsor is mentioned, no sequence of images or music from advertising spots for the sponsor's products or services may be used. Reference must therefore be restricted to one or more of the following features: name of the company or its logo, brand-name or brand logo. Thus, by making known its interpretation of the provisions of Swiss legislation on the subject, the Federal Office of Communication's aim is to act preventively, limiting as much as possible the infringements national distributors might be tempted to commit. Information on law related policy developments which may have legal consequences but of which no documents or other texts are available yet.

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