[IE] Political and Religious Advertising

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The issue of political advertising on radio and television arose again in 2007. The Broadcasting Commission of Ireland (BCI) instructed commercial stations to cease broadcasting an advertisement for Trócaire, the official overseas development agency of the Catholic Church in Ireland, on the grounds that it contravened Section 10(3) of The Radio and Television Act 1988, which prohibits advertising "directed towards a religious or political end" (seeIRIS 2004-8: 11, IRIS 2003-2: 11, IRIS 2001-7: 9 and IRIS 2004-3: 10).

The core issue was a reference in the advertisement to an online petition that Trócaire was running as part of its Lenten (the period before Easter) campaign, urging the government to implement UN Resolution 1325 on gender inequality. The BCI stated that the basis for its decision was that the 1988 Act was not confined to a party political end, but also encompassed procuring a reversal of government policy or particular decisions of government. Thus, a broadcast advertisement calling on the Government to produce a National Action Plan and seeking public signatures for a petition in this regard had a political objective as contemplated under the Act.

This broad interpretation of "political end" by the BCI was in contrast to that of the national public service broadcaster RTÉ, which stated that it took a narrow interpretation of similar legislation pertaining to it and continued to broadcast the same advertisement for Trócaire.

The Government Minister responsible for the introduction of the 1988 Act declared that it was never the intention that the legislation would be interpreted to preclude discussions of moral concern. Rather, Section 10(3) was intended to eliminate any potential abuse of the broadcasting medium for religious or political purposes within the Irish State.

Following discussion with Trócaire, the BCI suggested an alternative wording, which would be acceptable under s.10(3). In order to ensure a successful campaign, Trócaire agreed to the revised script.

Two months later, in May, an advertisement highlighting the needs of autistic children was banned from radio stations on the grounds that it too was "political". The BCI prohibited the advertisement as it "could only be understood to be critical of government policy". In this instance, the advertisement was also banned by

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RTÉ. The advertisement, which was sponsored by the charity and campaign group Irish Autism Action, was intended to show the lack of educational facilities for these children and to remind the public that effective intervention could improve their quality of life. The advertisement followed a court action taken by the family of one such child and was due to be broadcast in the month prior to a general election. However, the charity stated that the advertisement was not centred on the election.

A further controversy arose in December 2007, when another Catholic Church agency had to drop the word “crib” from an advertisement before RTÉ would broadcast it. RTÉ did not ban the advertisement, but advised the agency to clarify with the BCI whether the prohibition on advertising directed towards a religious end applied to promotion of the sale of cribs. The agency did not approach the BCI, but altered its script, which RTÉ then cleared for broadcast.

BCI Statement Regarding Trócaire Advertisement , 22 March 2007

http://www.bci.ie/news_information/press121.html

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