[DE] Breaches of the Ban on Surreptitious Advertising

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The media authorities of the Länder (States) have recently noted several cases of surreptitious advertising on television and have initiated proceedings against the broadcasters concerned. Surreptitious advertising is defined in section 2(2)(6) of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement) and is prohibited under the first sentence of section 7(6).

After conducting a thorough investigation, in particular concerning the contractual relationships between the television station, the producer and the programme organiser, the Media Council of the Medienanstalt Berlin-Brandenburg (Berlin-Brandenburg media authority – mabb) considered that the integration of various visual and verbal references to brand names and logos into the "TV total Wok-WM" television programmes broadcast by ProSieben in 2006 and 2007 constituted surreptitious advertising and issued a complaint regarding these on 25 April 2008.

At its meeting on 16 May 2008, the Media Commission of the Landesanstalt für Medien Nordrhein-Westfalen (North Rhine-Westphalia Media Authority – LfM) also described the broadcast of a "Spiegel TV" programme by Vox as containing surreptitious advertising and criticised this accordingly: in a piece on German spinach products, a well-known domestic brand could be seen several times on the screen in close-up, and this emphasis was not justified on the grounds of either content or dramatic necessity.

Pressemitteilung der LfM vom 16. Mai 2008

http://www.lfm-nrw.de/presse/?id=586

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