[CY] Supreme Court Decision on Advertising Services of a 'Parapsychologist'

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The Supreme Court of Cyprus decided that the broadcasting of an advertisement by a parapsychologist claiming that she could solve a number of problems, such as stress at work, alcoholism, domestic violence, love relations and others, breaches the law. The Court was concerned with an appeal of SIGMA TV against a decision of the Radio Television Authority (RTA) to impose a fine of CYP 2,000 (EUR 3,400) on the channel for transmitting the advertisement in question. In December 2004 an anonymous viewer complained to the RTA that SIGMA TV advertised the services of a 'psychologist by intuition' claiming that she could solve a number of serious problems on a single phone call to a special rate services number. The RTA examined the case and decided that there was a violation of regulations B1 and D1 of the Code for Advertising, which are part of the Radio and TV Broadcasting Regulations (Normative Administrative Acts 10/2000). The regulations stipulate respectively that advertisements must be legal, honest, true, tasteful and must not contain any excessive or unfounded allegations or lead to any erroneous assumptions.

The broadcaster challenged the decision on the grounds that no sufficient investigation was made by the RTA, that it was based on the personal view of the officer that investigated the case and that the decision was erroneous and not properly justified.

The Court rejected the claims of the broadcaster, on the following grounds:

- The RTA noted that problems which the psychologist claimed to be in the position to solve on a single phone call problems which are serious and chronic and can only be dealt with by specialists within a long-term treatment. There is no such specialisation as 'psychologists by intuition', as claimed in the advertisement.

- The RTA provided evidence which was substantial and constituted a good basis to draw solid conclusions. The decision was not based on personal views; as the RTA conducted full investigation in conformity with the principles set by law.

- The facts examined by the RTA show that it studied and took into account all substantial elements and information before reaching a decision.

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- The justification provided by the RTA is sufficient. It provides the criteria according to which the RTA exercised its discretionary powers.

For the above reasons, the Court dismissed the case.

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Case 1327/2007, SIGMA Radio TV Public LTD v. Radio Television Authority, decided on 13 February 2009

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