[DE] Administrative Court Endorses Authority's View on "MTV I Want a Famous Face"

IRIS 2009-10:1/8

Christian M. Bron
Institute of European Media Law (EMR), Saarbrücken/Brussels

The *Verwaltungsgericht München* (Munich Administrative Court) has endorsed in several decisions the view of the *Bayerische Landeszentrale für Neue Medien* (Bavarian Centre for New Media - BLM) and the *Kommission für den Jugendschutz in den Medien* (Commission for the Protection of Minors in the Media - KJM) that TV programmes in which plastic surgery is marketed for entertainment purposes can have an adverse effect on the development of children and young people.

The decisions were in response to appeals by the channel MTV against decisions of the BLM permitting the broadcasting of several episodes of the programme "MTV I Want a Famous Face" only between 11pm and 6am as they were likely to have an unfavourable impact on the ability of children and young people to develop a responsible personality and become active members of the community. If MTV transmitted episodes at an earlier time, this was regarded as a breach of the *Jugendmedienstaatsvertrag* (State Treaty for the Protection of Minors in the Media - JMStV). In the programme, the participants underwent plastic surgery in order to be able to look like their celebrity idols (see IRIS 2005-3:8).

The Munich Administrative Court endorsed the view of the BLM that the episodes complained about were capable of having an adverse impact on personal development within the meaning of section 5(1) JMStV and that they could accordingly only be shown between 11pm and 6am (with the exception of episode 3, to which the 10pm watershed applied). The court also made it clear that neither the BLM nor the KJM had any discretionary power in respect of whether a programme breached sections 5(1) and 4 JMStV, so that programmes were subject to unrestricted judicial examination.

Urteile vom 18. Juni 2009 (Az. M 17 K 07.5215); vom 17. Juni 2009 (Az. M 17 K 05.599 und Az. M 17 K 05.5848) und vom 4. Juni 2009 (Az. M 17 K 05.597)

Judgments of 18 June 2009 (Case M 17 K 07.5215); of 17 June 2009 (Case M 17 K 05.599 and Case M 17 K 05.5848) and of 4 June 2009 (Case M 17 K 05.597)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026