[DE] New Advertising Guidelines for Product Placements

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The *Gesamtkonferenz der Landesmedienanstalten* (General Conference of Regional Media Authorities) has given practical form to the provisions of the 13th *Rundfunkänderungsstaatsvertrag* (Inter-State Agreement Amending Inter-State Broadcasting Agreements - RÄStV, see IRIS 2010-1/16) on product placements (PPs) in broadcasts by private television stations.

The guidelines, which will have to be adopted by the Regional Media Authorities, distinguish between paid and unpaid PPs (production props), which are permitted in certain circumstances. Surreptitious advertising continues to be prohibited.

Paid PPs may only be included “for reasons predominantly linked to the storyline and action”. Programmes and films must be appropriately identified with a logo at the start and at the end and after each advertising break. The placement of the product must not be advertorial in nature because that would be a feature of surreptitious advertising.

The requirement to identify programmes having product placement does not apply to unpaid aids and production props if they do not have any particular value. The guidelines also clarify the term “significant value”: the borderline is 1% of the total production costs up to a maximum of EUR 1,000. If the production props have a higher value, the programmes containing them have to be identified accordingly.

For public broadcasters, the *Rundfunkänderungsstaatsvertrag* states that production props are the only form of PP allowed. Here, too, those with significant value must be identified.

Gemeinsame Richtlinien der Landesmedienanstalten für die Werbung, die Produktplatzierung, das Sponsoring und das Teleshopping im Fernsehen (WerbeRL / FERNSEHEN) (i. d. F. vom 23. Februar 2010)

http://www.alm.de/fileadmin/Download/WerbeRL_FERNSEHEN.pdf

Joint Guidelines of the Regional Media Authorities on Advertising, Product Placement and Television Teleshopping - WerbeRL / FERNSEHEN (in the version of 23 February 2010)

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