[BE] RTBF Guilty of Product Placement

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The new rules for product placement are without doubt creating problems for public-sector broadcasters in Belgium. Following on from the two cases involving VRT (see IRIS 2010-5: 1/9 and IRIS 2010-7: 1/7), it is now the turn of RTBF to be ordered by the Conseil Supérieur de l'Audiovisuel (audiovisual regulatory body - CSA) to pay a fine of EUR 10,000 and to broadcast a communiqué for having failed to observe the statutory provisions concerning product placement.

In February 2010, to mark the Chinese New Year, RTBF broadcast a daily micro-programme devoted to Eastern cookery entitled “A table on riz” over a period of two weeks on its main television service (“La Une”).

RTBF had notified the CSA that the programme was the first to include product placement and had accompanied its broadcast with adequate identification measures; indeed the CSA acknowledges in its decision of 1 July 2010 that a micro-programme of this kind constitutes an entertainment programme for which product placement is permitted, since this form of advertising is in fact authorised for programmes produced after 19 December 2009 (Art. 21), subject to certain conditions, by the coordinated Decree on audiovisual media services.

However, the CSA noted that a number of elements pointed to excessive influence on the part of the advertiser (Uncle Ben’s) at each stage of the production and in the exploitation of the micro-programme at issue, and concluded that RTBF’s editorial independence had been infringed, in contravention of the provisions of the Decree. These elements included the fact that the content of the programme appeared to be tailor-made to serve the advertiser’s interests, the facts that the presenter selected, although a member of RTBF’s staff, was selected and recruited by the advertiser, that the production techniques used were more closely related to advertising than to a conventional programme, and that the recipes could only be consulted on the advertiser’s Internet site and not on RTBF’s site.

It should be said that apparently RTBF has decided not to apply for the cancellation of the CSA’s decision, and has even asked its advertising agency (RMB) to pay the administrative fine of EUR 10,000.

Décision du CSA du 1er juillet 2010

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http://www.csa.be/documents/show/1315

CSA decision of 1 July 2010

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