[BE] Broadcasters Fined For Transmitting Sexually Explicit Teletext Messages

IRIS 2011-1:1/8

Hannes Cannie
Department of Communication Sciences / Center for Journalism Studies, Ghent University

On 28 September 2010, the *Kamer voor Onpartijdigheid en Bescherming van Minderjarigen* (Chamber for Impartiality and the Protection of Minors) of the *Vlaamse Regulator voor de Media* (Flemish Regulator for the Media) considered sexually explicit teletext messages transmitted by the commercial broadcasters VMMa, SBS Belgium and MTV Networks Belgium. The Flemish Media Decree prohibits the broadcasting of any programmes that could cause serious detriment to the physical, mental or moral development of minors. However, broadcasting of such programmes is allowed where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area covered by the service will not normally hear or see such broadcasts (Article 42). The Decree explicitly adds that this provision is also applicable to teletext (Article 41). In the Flemish Regulator's view the messages in question are capable of influencing the development of emotional relationships in a negative way by showing a biased and trivialised picture of (experiencing) sexuality and therefore they were considered inappropriate for minors. The messages were transmitted without filter and all day and could accordingly have been accessed by minors: the broadcasters had taken no technical measures whatsoever to shield minors from the messages. The Regulator added that mentioning the "18+" symbol was insufficient to guarantee that minors would not see the transmissions and judged in the end that the three broadcasters had violated Article 42 of the Media Decree. The fact that comparable messages are spread through other media was considered irrelevant in this respect and did not influence the nature of the infringement. Given that VMMa and SBS Belgium had already received an admonition because of identical facts in 2008, they were given a fine of EUR 12,500. In addition, the Regulator's decision is to be published on their teletext home pages. By contrast, as it was the first finding of MTV Networks Belgium committing such offences, this broadcaster only received an admonition.

VRM v. NV SBS Belgium, 28.09.2010 (Nr. 2010/040)

http://www.vlaamseregulatormedia.be/media/13427/2010-040.pdf

VRM v. NV SBS Belgium, 28 September 2010 (No 2010/040)

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VRM v. NV VMMa, 28.09.2010 (No 2010/041)

http://www.vlaamseregulatormedia.be/media/13419/2010-041.pdf

VRM v. NV VMMa, 28 September 2010 (No 2010/041)

VRM v. BVBA MTV Networks Belgium, 28.09.2010 (No 2010/042)

http://www.vlaamseregulatormedia.be/media/13436/2010-042.pdf

VRM v. BVBA MTV Networks Belgium, 28 September 2010 (No 2010/042)

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