[FR] Inclusion of Advertising Posters in Audiovisual Fiction Programmes and Product Placement

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Amélie Blocman
Légipresse

France Télévisions has asked the Conseil Supérieur de l'Audiovisuel (audiovisual regulatory body - CSA) to look into the regulations on product placement in audiovisual fiction programmes, and more particularly the inclusion of advertising posters (virtual or real) on the sets for series and TV films. Since the decision adopted by the CSA on 16 February 2010 in application of Article 14-1 of the Act of 5 March 2009 transposing the AVMS Directive (see IRIS 2010-4/23) into national legislation, product placement has been authorised in France “in cinematographic works, audiovisual fiction works and musical videos, except those directed at children”. It is generally held that this technique of communication generates 17% of the advertising revenue of the major national channels in North America. Since advertising has been banned after 8 p.m. on the public-sector channels since January 2009, it is understandable that the public-service audiovisual sector in France should feel concerned, even though the resulting revenue is shared between the producer (60%) and the channel (40%). More specifically, some companies allow the insertion of advertising posters in a programme at the post-production stage, according to the advertiser’s wishes, the target audience, and time of broadcasting. The France Télévisions group wanted more information from the CSA before making more use of this possibility. In its reply, published on 7 April 2011, the CSA said that it could not issue a definitive pronouncement on the matter since each case had to be considered on its own merits, according to the elements contained in the items being viewed. It nevertheless held that if the advertising consisted of the view of a product, a service or a brand name, its insertion could be considered as product placement in accordance with the deliberation of 16 February 2010, and therefore allowed if it observed all the required conditions (including the display of a pictogram indicating product placement for one minute at the start of the programme and after each commercial break, and during the entire credits at the end of the programme). If, however, the advertising comprised elements other than mere presentation of the product or its brand name (such as, for instance, an advertising slogan, a price, the address of a point of sale, or details of purchasing), the CSA held that this could constitute surreptitious advertising, which was prohibited by Article 9 of the Decree of 27 March 1992.

Décision du CSA du 10 mars 2011

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http://www.csa.fr/actualite/decisions/decisions_detail.php?id=133018

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