[DE] ZAK Complains About Several Cases of Unlawful Advertising

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On 9 August 2011, the Kommission für Zulassung und Aufsicht der Medienanstalten (Media Licensing and Monitoring Commission - ZAK) filed complaints about several cases of unlawful advertising on the channels Sat.1, Sport 1 and the Turkish-language channels Kanal Avrupa and Türkshow.

In the ZAK's opinion, Sat.1 infringed the rules on the separation of advertising and programme material contained in Article 7(3) of the Rundfunkstaatsvertrag (Interstate Broadcasting Agreement - RStV) by broadcasting its own image trailer directly before commercial breaks. The trailer showed a famous female singer running up to a convertible car, getting in and driving past various stars of the channel's programmes, with the car and its logo repeatedly and clearly visible. On several occasions, in commercial breaks directly following this trailer, Sat.1 broadcast an advertising spot in which the singer promoted the same car. The ZAK thought that the broadcaster's image trailer should be treated as programme material, which had therefore been unlawfully mixed with advertising. From the viewer's perspective, the advertising in the trailer was neither easily recognisable as such nor clearly separated from the editorial part of the programme.

The complaint against Sport 1 concerned the transmission of the English League Cup final, during which the broadcaster made several references to the sponsorship of the sports betting provider "bet-at-home.com" and broadcast an advertising spot for the company. Since "bet-at-home.com" is not an authorised betting provider in Germany, the ZAK thought that the broadcaster had breached the ban on advertising for unauthorised betting services contained in Article 5(4) of the Glücksspielstaatsvertrag (Interstate Betting Agreement).

Regarding the Turkish-language channels, the ZAK found that the ban on surreptitious advertising and advertisement labelling rules had been breached. In one case, it considered the mention and presentation of a nose clip in an editorial report about snoring to be unauthorised surreptitious advertising under Article 7(7) in conjunction with Article 2(2)(8) RStV, since the way in which it had been presented showed a clear intent to advertise and the repeated references to the product could not be editorially justified. Besides, viewers had been misled by the inclusion of advertising messages in the programme. In the second case, the ZAK deemed the insertion of advertising messages during a call-in show as split-screen advertising, which had not been labelled as such and had not been visually

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separated clearly enough from the rest of the picture. It had therefore breached the labelling obligation enshrined in Article 7(3) RStV.

Pressemitteilung der ZAK vom 10. August 2011

http://www.die-medienanstalten.de/pressecenter/pressemitteilungen/detailansicht/article/zak-pressemitteilung-162011-zak-beanstandet-verstoesse-gegen-werberichtlinien-und-das-werbeverbot.html

ZAK press release of 10 August 2011

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