[DE] ZAK Complains about Advertising Infringements in Several Programmes

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On 20 March 2012, the Kommission für Zulassung und Aufsicht der Landesmedienanstalten (Media Licensing and Monitoring Commission - ZAK) filed another complaint that the "Show zum Tag des Glücks", broadcast by TV broadcaster "Das Vierte", infringed the Glücksspielstaatsvertrag (Interstate Gambling Agreement - GlüStV), and prohibited a repeat broadcast (see IRIS 2011-10/12).

During the programme, which was broadcast on 11 November 2011, the Süddeutsche Klassenlotterie (South German lottery - SKL) had been mentioned by the presenter a total of 26 times and its logo had appeared more than 200 times. In addition, each participant in the show had to have bought an SKL ticket. The show therefore had a commercial nature and violated the ban on public advertising of gambling services enshrined in Article 5(3) GlüStV.

The ZAK also complained about a break-bumper used by the broadcaster Sat.1 on 2 December 2011, which was designed to signify the start of a commercial break. In the ZAK's opinion, the transitions between programme announcements, the broadcaster's logo and the announcement of a commercial break during the bumper had been so fluid that the visual and acoustic distinction between advertising and editorial content had not been sufficiently discernible. The melody used to denote the end of the commercial break had also been insufficient, especially as it was also used as the broadcaster's own jingle. The ZAK considered the broadcaster's conduct to be a breach of the rule requiring advertising to be easily recognisable and distinguishable and of the separation rule enshrined in Article 7(3) of the Rundfunkstaatsvertrag (Inter-State Broadcasting Agreement - RStV).

The ZAK also complained about a children's programme shown by the broadcaster Nickelodeon on 2 December 2011, which had been interrupted with an advertising block almost six minutes long. The broadcaster had therefore infringed the ban on commercial breaks during children's programmes laid down in Article 7a(1) RStV.

Pressemitteilung der ZAK vom 20. März 2012

http://www.die-medienanstalten.de/pressecenter/pressemitteilungen/kommission-

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fuer-zulassung-und-aufsicht/detailansicht/article/verstoesse-gegen-werberechtliche-vorschriften-beanstandungen-bei-sat1-und-nickelodeon-untersagung.html

ZAK press release of 20 March 2012

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