[FR] Report on Method of Regulating Product Placement on Television

IRIS 2012-8:1/27

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In June 2012 the audiovisual regulatory authority (Conseil Supérieur de l'Audiovisuel - CSA) drew up a report on the result of the application of its deliberation on product placement in television programmes, adopted on 16 February 2010 (see IRIS 2010-4/23). The deliberation made provision for such a report to be drawn up two years after it came into force.

Adopted in application of Article 14-1 of the Act of 5 March 2009 transposing the AVMS Directive into national legislation, the deliberation authorised product placement in France "in cinematographic works, audiovisual fiction works, and music clips, except where these are intended for children's viewing". Products for which advertising is prohibited or regulated for reasons of health or public safety (alcohol, tobacco, medicines, firearms) may not be placed. The deliberation also prohibited placement in favour of gambling organisers. A pictogram must inform the viewer of the existence of product placement in a broadcast.

To be able to report on the results of its prescriptions, the CSA held a series of hearings with organisations of authors, directors, producers, advertisers and communications agencies, channels, and consumer protection associations. The CSA noted that outside the cinema, where it was already well-established, product placement remained "timid" on television. The most frequent cases were observed in the series Plus belle la vie, in a number of music clips, and in some French fiction works. Faced with strong demand from both television producers and advertisers, the CSA has therefore decided to embark on consideration of the advisedness of opening up one or more types of flow programmes (entertainment, games, reality shows) to product placement, as authorised by European legislation. This consideration should cover the diversity of the broadcasts, the categories of products that may be placed, and the evolution of habits, in order to determine precisely what form any opening up might take. The CSA also observed that the "P" pictogram started to appear on broadcasts of American series in spring 2011. In most cases, product placement was not aggressive for viewers, and the CSA has therefore decided to make no changes to either the parameters of its definition or its conditions in terms of form. Nor will there be any change to the methods for informing viewers of the existence of product placement. The CSA will however ask the channels to carry out a new information campaign to remind viewers of the meaning of the "P" pictogram. The 2010 deliberation also provided that where product placement was present in a

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programme that had been produced, coproduced or pre-purchased by the editor there had to be a contract defining the economic relationship between the advertiser, the programme's producer and the channel's editor. The profession has however encountered numerous difficulties in implementing this provision, and the CSA has therefore decided to amend the deliberation by replacing the requirement of a tripartite contract by the requirement of a bipartite contract between the producer and the advertiser, coupled with a duty to inform the broadcaster of the existence of product placement. The CSA also decided to lift the ban on product placement by gambling organisers.

Délibération n° 2012-35 du 24 juillet 2012 modifiant la délibération n° 2010-4 du 16 février 2010 relative au placement de produit dans les programmes des services de télévision, JO du 7 août 2012

http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026264318&dateTexte=&categorieLien=id

Deliberation No. 2012-35 of 24 July 2012 amending Deliberation No. 2010-4 of 16 February 2010 on product placement in television programmes, published in the Journal Officiel of 7 August 2012

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