[BE] Amended Flemish Broadcasting Act Prohibits Call-In Prize Shows

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Call-in prize shows are programmes in which the broadcaster invites viewers to participate in a prize game by directly dialling premium-rate telephone numbers. In the past, such programmes have been regarded as a type of teleshopping by Vlaamse Regulator voor de Media (Flemish Media Regulator - VRM). The Flemish Broadcasting Act defines teleshopping as “direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment”. According to VRM, these shows should be labelled as teleshopping programmes, because they constitute an actual economic activity in their own right involving the supply of services and they are not restricted to a mere offer of entertainment within the broadcast. This implied that such programmes could be broadcast, but that they were subject to both qualitative and quantitative rules relating to their timing, frequency and insertion. Recently, the Flemish legislator decided that the viewers should be better protected against such programmes. In July 2012, the Broadcasting Act was amended and a new section was added to Article 82 of the Flemish Broadcasting Act explicitly prohibiting the broadcasting of such call-in prize shows.

However, it should be said that the Flemish commercial broadcasters decided to stop broadcasting these programmes long before the Flemish Broadcasting Act was amended. In the winter of 2011, the last call-in prize show was broadcast on a Flemish television channel.

Article 84 of the Flemish Broadcasting Act prohibits teleshopping for medicinal products as well as teleshopping for medical treatment. To this Article, a new prohibited service was added: astrology television in which astrologers and fortune tellers offer their services.

Decreet van 13 juli 2012 houdende wijziging van diverse bepalingen van het decreet van 27 maart 2009 betreffende radio-omroep en televisie

http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/2012/08/17/122087.pdf

Act of 13 July 2012 amending Flemish Community Radio and Television Broadcasting Act 2009, Official Gazette 17 August 2012

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