[NL] Decision of the Dutch Advertising Code Committee on Political Television Broadcasts and Children

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On 19 April 2013 the Dutch Advertising Code Committee (DACC Reclame Code Commissie) upheld a complaint regarding a broadcast by the Dutch political party 'Animals' Party' (Partij voor de Dieren).

The DACC is a self-regulatory body that receives complaints about breaches of the Dutch Advertising Code. It can advise on complaints but it cannot impose sanctions. If certain expressions in advertising violate the law one can either complain to the DACC or begin civil or criminal proceedings in court. The complaint in question concerned a trailer for a documentary broadcast by the Animals' Party. The documentary was created for the Party's 10-year anniversary and is entitled 'The Hare in the Marathon' (De Haas en de Marathon). The trailer for the documentary was broadcast on national television in a broadcasting slot that is specifically reserved for political parties. The specific times allocated for broadcasts by political parties are set out in the *Mediawet 2008* (Media Act). The trailer in question was broadcast during the allocated time which was before 8 p.m. Accordingly the trailer was broadcast before the Dutch watershed, directly after the popular children's television series 'Sesame Street'. The trailer for the documentary showed images of decapitated animals and an animal being abused. The complaint was that the broadcast was not suitable for viewing by children and therefore should not be broadcast prior to 8 pm.

The DACC first had to decide whether the broadcasting of the trailer qualified as an 'advertising-expression'. The Animals' Party argued that it did not, but the Committee decided that the broadcast qualified as a 'public presentation of ideas' within the meaning of Art. 1 of the *Nederlandse Reclame Code* (Dutch Advertising Code). Accordingly, the political advertisement was considered an expression of advertising and, as such, the Dutch Advertising Code was applicable. Furthermore, the DACC decided that although the Dutch Public Service Broadcaster designates the timeslot for political broadcasts, the Animals' Party is responsible for the content of the broadcast. In other words, even though political parties cannot influence the time of the broadcast, they are responsible for keeping their content in line with the Dutch Advertising Code. This includes ensuring that the material in question is suitable to be viewed by children. The DACC considered that the broadcast of the trailer before 8 p.m. was in bad taste and improper. The Animals' party was therefore advised to refrain from broadcasting political advertisements containing images that are not suitable for

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viewing by children before 8 p.m.

DACC Reclame Code Commissie, 19/04/2013

https://www.reclamecode.nl/webuitspraak.asp?ID=113219&acCode

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