[AT] KommAustria ascertains the lack of labeling of sponsorship and an undue prominence of product placement

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On 27 February 2015, the Austrian Communications Authority (KommAustria) decided that ImageLine Medienproduktion GmbH, the organizer of the cable television program "INFO TV", violated its duty to label sponsorship. The ImageLine company has also emphasized the product placements too strong (GZ .: KOA 1.965 / 15-008).

On 1 December 2014, from 18:00 to 20:00, the weekly broadcast "INFO TV" was broadcasted. Neither at the beginning nor at the end of the program, the operator of the programm displayed a notice of sponsorship of the companies "Gusto", "Tourismusverband Bad Hall / Kremsmünster" and "dm Friseurstudio", although their information was integrated into the program. KommAustria regarded the provision of § 37 (1) no. 2 in conjunction with § 2 no. 32 of the Audiovisual Media Services Act (AMD-G) as being infringed by this broadcasting. In addition, in a service entitled "Kochstudio-Weihnachtskekse" product placements of the "Leiner Kochstudio" label had undue prominence. As a result, § 38 (4) no. 3 in conjunction with § 2 no. 27 AMD-G had been violated. In addition, KommAustria stated that there was an infringement of § 38 (4) no. 4 in connection with § 2 no. 27 AMD-G, since "INFO TV" in the service "Kochstudio-Weihnachtskekse" did not contain a reference to product placements at the beginning and end of the programm. Furthermore, there had not been a mention of the product placement after the interruption of the service for advertising.

The Austrian communications authority also stated that the provision of § 43 (2) AMD-G had been infringed. In the course of the program, "INFO TV" has transmitted an advertisement for the "New Year's Eve in Molln", a commercial for "Gmundner Milch" and a commercial for the "Advent market in Klaus". This was done, without clearly distinguishing them from the previous and subsequent program parts, respectively, at the beginning and the end of the program, by using optical, acoustic or spatial measure. Furthermore, by failing to make a record of the program which it had broadcast on 1 December 2014 between 18:00 and 20:00, the Programmer had infringed the provision of § 47 (1) AMD-G (he had to submit a record to KommAustria).

The decision by which KommAustria has determined the lack of identification of sponsorship and the over-emphasis of product placements is legally binding.

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Bescheid der KommAustria, 27. Februar 2015

https://www.rtr.at/uploads/media/33283_KOA%201.965-15-008.pdf

Decision of the KommAustria, 27 February 2015

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