[BE] Five broadcasters warned for non-compliance with rules on commercial communication on sugary confectionery

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In February and March 2015, the Flemish Media Regulator issued five decisions with regard to infringements of Article 69 of the Flemish Media Decree. This article requires that commercial communication for sugary confectionary shows an image of a toothbrush in a clear and contrasting manner during the full length of the commercial message, at one tenth of the height of the television picture.

This requirement is not imposed by the Audiovisual Media Services Directive, but is a stricter provision adopted by the Flemish legislator. Following the monitoring of several commercial television broadcasting organisations (Acht, Libelle TV, Studio 100 TV, VTM and Vitaya), the Flemish Media Regulator found that various advertising spots for sugary confectionary (such as chocolate waffles and cookies) in certain cases did not contain the required toothbrush image and, in other cases, did contain the image, but not for the full length of the message nor in the required size or a contrasting manner. In one of the cases (2015-005), the broadcasting organisation argued that control of the form and contents of the advertising had been outsourced to a third party which, in its terms and conditions, clarified that its clients were responsible for the contents of the ads. However, according to the Flemish Media Regulator, broadcasting organisations remain responsible for the broadcasting services which they offer and must ensure compliance with the provisions of the Flemish Media Decree. Given that in the various instances the infringement on this particular provision had not occurred before and that the broadcasting organisations assured the regulator that measures were or would be taken to avoid such infringements in the future, a warning was considered an appropriate sanction in all cases.

VRM - Decisions of the Flemish Media Regulator

http://www.vlaamseregulatormedia.be/nl/beslissingen

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