# [NL] Dutch Media Authority clarifies product placement rules in new regulation

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On 1 August 2015, the Regulation on product placement for commercial media services 2014 of the Dutch Media Authority (Commissariaat voor de Media - CvdM) entered into force. This Regulation clarifies the rules under the Dutch Media Act 2008 (Mediawet), in particular specifying when and under which circumstances product placement is allowed. In addition, the Regulation points out the main differences between product placement and sponsoring.

The Dutch Media Act and the product placement Regulation implement the European Audiovisual Media Services Directive (AVMS Directive) of 2010. Similar to this Directive, the underlying objective of the Dutch product placement rules is to protect the consumer. Protection of the editorial independence of the broadcaster and protection of culture in general are also goals of these rules.

Product placement is defined in the Regulation as the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration. The non-financial contribution to a programme - for example in the form of lending products - cannot be qualified as product placement on the condition that the product is of minor significance in relation to the scope of the programme and, secondly, if the product is not specifically featured within the programme.

Notably, product placement is prohibited for public broadcasting services. The Regulation explains that for commercial broadcasting services, product placement is only allowed for films, series, sports programmes and other programmes whose main purpose it is to entertain - unless these programmes are exclusively intended for children under 12 years. Furthermore, placement of products is permissible only under the condition that the audience is informed of the existence of product placement. Programmes may never contain product placement of cigarettes or specific medicinal products.

Like the distinction made in the AVMS Directive, product placement has to be seen separate from the similar concept of sponsorship. Sponsorship is the financial contribution or acquisition of a programme to promote a specific name, trade mark, or product. The main difference between product placement and sponsoring is that product placement has to be integrated in the programme in a natural manner, while sponsored products or services are not allowed to be

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incorporated in the storyline. Sponsoring is allowed in public broadcasting services under strict conditions.

***Het Commissariaat voor de Media, Regeling van het Commissariaat voor de Media van 18 november 2014 houdende regels omtrent productplaatsing commerciële media-instellingen 2014 (Regeling productplaatsing commerciële media-instellingen 2014), 18 November 2014***

http://www.cvdm.nl/wp-content/uploads/2015/07/Regeling-Productplaatsing.pdf

*Dutch Media Authority, Regulation on product placement for commercial media services 2014, 18 November 2014*

***Het Commissariaat voor de Media, Nieuws: Regeling Productplaatsing treedt in werking, 31 juli 2015***

http://www.cvdm.nl/nieuws/regeling-productplaatsing-treedt-in-werking/

*Dutch Media Authority, News: Product placement regulation enters into force, 31 July 2015*

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