[CZ] Decision of the Broadcasting Council on unlawful advertising practices

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The Rady pro rozhlasové a televizní vysílání (Council for Radio and Television Broadcasting, RRTV) as the central administrative authority for radio and television broadcasting, decided on 18 September 2018 to fine the advertiser Vetrisol for breach of duty pursuant to section 5d(2) of Act No. 40/1995 on the Regulation of Advertising and on Amendments to Act No. 468/1991 on radio and television broadcasting pursuant to Article 7 (3) and (4) (a), Regulation (EU) No. 1169/2011 of the European Parliament and of the Council.

The aforementioned provisions provide that food information may not attribute to any food the characteristics which make it possible to prevent, mitigate or cure a particular human disease. The RRTV's decision concerned an advertisement for the product 'Happy Imun' (a food supplement), which was broadcast on 3 November 2017 on TV Prima. According to the RRTV, the commercial communication indicated that the product was intended to cure a disease, possibly help in its prevention, and therefore did not comply with Article 5d(2) of Act No. 40/1995. In the commercial statement, the girl shown is afflicted with the symptoms of a disease (taking a handkerchief while sneezing). The threat of disease is symbolically portrayed by the character of a sprite attacking the girl. The advertised product, Happy Imun, again rendered symbolically, offers a "shield", which is used to help the girl fight the disease, leading to the visual representation of the girl cured, throwing her handkerchief away and rejoicing with her mother. The process of relief and cure was represented by a symbolically blooming tree over the characters. This presentation, together with the statement "Happy Imun. Immunity shield for the whole family" adds to the image and verbal expression which would have viewers believe that the food can prevent, mitigate or cure a particular human disease. For this offence, the Council imposed a fine of Kč 20 000 (approximately EUR 775).

Rozhodnutí Rady pro rozhlasové a telvizní vysílání č.j. RRTV/16991/2018-had ze dne

https://www.rrtv.cz/files/Pokuty/d5d0f293-11d8-4fe1-88ca-b7a5ec60ce6d.pdf

Decision of the Council for Radio and Television Broadcasting of 18 September 2018

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