

Broadcasting Council punished misleading advertising

IRIS 2020-2:1/4

*Jan Fučík
Česká televize*

The Council for Radio and TV Broadcasting of the Czech Republic issued this decision: The company BILLA, Limited, is guilty of committing an offence in violation of section 5d (2) of Act No. 40/1995 Coll., pursuant to Article (a), Regulation (EU) No. 1169/2011/EU of the European Parliament and of the Council, by making the BILLA advertisement aired on TV NOVA on 18 March 2019, from 16:16:11, as the advertisement contains misleading information on the characteristics and the nature of the 'apricot pocket' bakery product sold in the BILLA stores.

The advertisement begins with the statement that freshness comes first in pastry, which is accompanied by a close-up of the golden pastry that is being baked in the oven (the baking process is clearly visible, the pastry is bubbling on the surface). Such a connection is intended to give the consumer the impression that since the freshness of the bread in Billa comes first, of course, fresh bread is naturally available to buy. Everything is crowned with a glimpse of a clock that reads "Freshly baked every 30 minutes". Pursuant to section 11a (a) g) of Decree No. 333/1997 Coll. of the Ministry of Agriculture, fresh pastry is defined as unpackaged, fine pastry whose whole technological process of production, from a dough preparation to baking or similar heat treatment, including its distribution, was not interrupted by freezing or any other technological treatment, and which has also been put on sale to consumers within 24 hours of being baked or of having undergone any similar heat treatment. Thus, the advertisement gives consumers the impression that fresh delicacies of 'apricot pockets' are sold in BILLA stores, when in fact it is a defrosted (toasted), semi-finished product that does not meet the definition of fresh pastry for this reason. According to the Council, the advertisement thus misleads consumers as to the nature and characteristics of the bakery products on offer.

On the basis of the above, the Council therefore found the accused guilty of committing an offence in violation of section 5d (2) of Act No. 40/1995 Coll., pursuant to Article (a), Regulation (EU) No. 1169/2011/EU of the European Parliament and of the Council, by making the BILLA advertisement broadcast on 18 March 2019 from 16:16:11 on the TV NOVA programme.

For this offence, the Council decided to impose an administrative penalty in the form of an admonishment for the offender, as the consumer's disappointment in the advertisement was caused by a single product: apricot pockets.

**Rozhodnutí Rady pro rozhlasové a televizní vysílání č.j.
RRTV/2019/317/rud ze dne 5.11.2019**

<https://www.rrtv.cz/files/Pokuty/eb27c996-8ec3-4072-a38a-a1daf223e8b3.pdf>

Decision of the Broadcasting Council RRTV/2019/317 of 5.11.2019

