[DE] New Forms of Advertising for Televised Sports Broadcasts

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The Bavarian regional office for new media (Bayerische Landeszentrale für neue Medien - BLM) has decided, after a pilot test, that the new forms of advertising on German sport television (Deutsche Sportfernsehen - DSF) are not permissible. DSF, which broadcasts under a licence from the Bavarian media authority, broadcast a sports programme entitled " Auf Schalke - Das Veltins Bundesligamagazin" ; during the programme results were faded in with the phrase " Clausthaler online presents". The media authority holds that the presence of the sponsor Veltins Brewery in the Schalke football magazine does not comply with the regional media authority's guidelines for advertising. Number 9 of these guidelines states that reference to a sponsor may only be made at the beginning and end of a broadcast and may not include any slogan including an image. The reference to the sponsor may only take up the amount of time necessary to make it clear that outside financing has been provided by the sponsor. In the first edition of the " Veltins Bundesligamagazin" on 30 July, however, Veltins beer was drunk, the brand-name appeared on the studio decoration, and images and text were faded in.

Furthermore, the BLM holds that DSF's blending of results and the Clausthaler phrase is inadmissible because of its "advertising effect". The broadcaster also gave the results of the athletics world championship using the additional phrase, and this appeared during the transmission of a football match on the lower half of the screen. The DSF justified its use of the "online" phrase on the grounds that Clausthaler information was available on the Internet.

According to Section 7, paragraph 3 of the Agreement between the Federal States on broadcasting (Rundfunkstaatvertrag - RFStV), advertising on television must be clearly separated by optical means from other parts of programmes; DSF's results service could therefore have infringed this requirement. While BLM looks further into the legal admissibility of these new forms of advertising, DSF considers them admissible.

Gemeinsame Richtlinien der Landesmedienanstalten für die Werbung zur Durchführung der Trennung von Werbung und Programm und für das Sponsoring im Fernsehen vom 26. Januar 1993 in der geändereten

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Common guidelines of the regional media offices on advertising, separating advertising and programme material, and television sponsoring, dated 26 January 1993 and amended on 8 November 1994

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