[FR] CSA orders C8 to obey sponsorship rules

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During the broadcast of the programmes “La Grande Darka“ and “Touche pas à mon Poste“ on the C8 television channel on 21 and 23 September 2019 respectively, the company Skyline Airways was mentioned several times and given visual prominence in relation to prize draws in which the prizes included flights organised by the airline.

On 20 April 2020, believing this to be a possible violation of the decree of 27 March 1992 defining broadcasters’ obligations in relation to advertising, sponsorship and teleshopping, the *Conseil Supérieur de l'Audiovisuel* (French audiovisual regulatory body – CSA) notified the channel that it had decided to instigate sanction proceedings in accordance with Articles 42 *et seq*. of the law of 30 September 1986.

According to Article 9 of the decree of 27 March 1992, “Surreptitious advertising is not allowed. (...) Surreptitious advertising comprises the verbal or visual presentation of goods, services, the name, the brand name or the activities of a producer of goods or a provider of services during programmes where such presentation is made for advertising purposes.”

Furthermore, under the terms of section III of Article 18 of the same decree, “Sponsorship must be clearly identified as such at the start, the end or during the sponsored programme. It may be identified by the name, logo or other symbol of the sponsor, for example by a reference to its products or services, or a distinctive sign, subject to the following conditions: 1. Any mention of the sponsor during the broadcast of a programme, unless it takes place during a break in the programme, must remain occasional and discreet, be limited to a reminder of the contribution made by the sponsor and must not involve an advertising slogan or presentation of the product itself or its packaging; 2. When the sponsorship is designed to finance a game show or competition, the sponsor’s products or services must not be used as prizes for advertising purposes (...)”.

C8 claimed that the brand had been mentioned on the channel as part of a sponsorship arrangement identified by the message “Avec la participation de Skyline Airways” (“With the participation of Skyline Airways”) displayed in the credits at the end of the programmes concerned. However, the CSA’s investigation found that this reference in the credits had been barely visible and

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very short in duration. The sponsorship therefore could not be considered “clearly identified” in the sense of Article 18 of the decree of 27 March 1992.

The CSA also noted that the company Skyline Airways had been mentioned and thanked repeatedly during the programmes and that its logo had appeared multiple times, in particular in close-up shots showing the presentation of prizes. The company, its brand, its aircraft and illustrations of the prizes had been visible on the studio screen on several occasions and for a significant overall period of time during the two programmes. The Skyline Airways website had also been frequently mentioned. The prizes had been awarded in the studio in the form of flight tickets bearing the airline’s name that had appeared on the screen several times.

The CSA concluded that this practice constituted a commercial promotion and that the exposure given to Skyline Airways had breached Article 18 of the decree of 27 March 1992, which only permitted the use of a sponsor’s products or services as prizes if it was not for advertising purposes.

The CSA therefore ordered the channel to adhere to these rules in the future by clearly identifying sponsorship arrangements and refraining from advertising sponsors in any way when giving away their products or services as prizes. However, it considered it unnecessary, in the circumstances, to impose a sanction against the company on the basis of Article 9 of the decree of 27 March 1992 prohibiting surreptitious advertising.

Décision n° 2021-81 du 20 janvier 2021 relative à la procédure de sanction engagée à l'encontre de la société C8 le 20 avril 2020

https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043156645

Decision No. 2021-81 of 20 January 2021 concerning the sanction proceedings launched against the company C8 on 20 April 2020

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