[FR] Radio Audience Measurement before the Courts

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The Commercial Court (tribunal de commerce) and the Court of Appeal (cour d'appel) in Paris have just delivered the first decisions in a case being brought between the radio station Voltage FM and Médiamétrie, the company which is under contract to supply it with information on audience figures. In September 1997 the RTV Multicom which operates the music station questioned the results of a survey carried out by company Médiamétrie, according to which Voltage's audience had fallen by more than half, although the station had carried out considerable promotional operations in the previous month.

On 14 October 1997 the Commercial Court in Paris, which heard the case as an urgent matter, ordered an expert's report on the methodology used by Médiamétrie.

Médiamétrie appealed against the decision and asked the Court to acknowledge that there was no need for the case to be heard as an urgent matter and that Article 145 of the new Code of Civil Proceedings (code de procédure civile) was not intended for such application. In its order setting aside the judgment, the Court considered that the company RTV Multicom, which provided proof of the promotional efforts undertaken and parameters which appear at first sight favourable to the maintenance - even approximately - of its listening audience, was justified in questioning the exact cause of the drop in its audience figures by more than half, and the conditions in which the method has been applied to it in this specific case.

The Voltage radio station was therefore justified in requesting an investigation to establish whether the Médiamétrie. As a audience was measured in accordance with the provisions governing its relations with result the Court decided that the Centre d'études des supports de publicité should examine the conditions under which the Voltage audience measurements were carried out.

What happens next should be followed up. The stakes are important, as Médiamétrie is the only reference in France for advertisers and central advertising purchasing offices; its surveys have direct results on the resources of radio stations - they should be able to trust reliable measurements.

Cour d'appel de Paris, 5 Decembre 1997

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Court of Appeal in Paris, 5 December 1997

Tribunal de commerce de Paris, ordre de référé du 14 Octobre 1997

Commercial Court of Paris, sitting in urgent matters on 14 October 1997

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