[DE] NLM complains about RTL and CHANNEL21 advertising infringements

IRIS 2022-10:1/20

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In September 2022, the *Niedersächsische Landesmedienanstalt* (Lower Saxony media authority – NLM), implementing resolutions of the *Kommission für Zulassung und Aufsicht* (Commission on Licensing and Supervision – ZAK) of the state media authorities, filed complaints concerning a total of three advertising infringements by private television broadcasters: one concerned the RTL channel operated by RTL Television GmbH and two were directed against the teleshopping channel CHANNEL21.

Firstly, the Hanover-based authority criticised a split-screen advertisement for a smartphone, broadcast on RTL on 10 December 2021. The format of this advert had infringed broadcasting law. On the one hand, according to Article 8(4)(1) of the *Medienstaatsvertrag* (state media treaty), a split-screen advertisement was only lawful if the advertising broadcast was kept optically separate from the other parts of the service and was clearly identified as such. However, this was not the case here, since programme content and advertising had been mixed together. Moreover, the split-screen advertisement had been incorrectly labelled.

Meanwhile, two further complaints were lodged concerning the teleshopping broadcaster CHANNEL21, formerly known as RTL Shop. Firstly, the broadcaster had breached the ban on misleading advertising enshrined in Article 8(1)(3) of the *Medienstaatsvertrag*. In two repeats, broadcast at around 1.20 a.m. and 3.55 a.m. on 26 April 2022, a countdown of remaining stock numbers had been displayed. The programmes had not been clearly labelled as recordings. In the NLM's opinion, viewers had therefore been unaware that the programmes were repeats and that the stock numbers might therefore have been inaccurate.

The other complaint concerning CHANNEL21 related to the programme "*Urbrunnen*", broadcast on 21 March 2022. This programme advertised a drinking water filtration system. Its presenters claimed, among other things, that the consumption of drinking water could be harmful, even if it complied with the *Trinkwasserverordnung* (drinking water ordinance). This led to viewer complaints and was also classified in the NLM's decision as misleading and confusing for viewers.

The three complaints are not yet legally binding and may be contested. The broadcasters concerned have one month to appeal to the *Verwaltungsgericht*

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Hannover (Hanover Administrative Court) in order to have them annulled.

Pressemitteilung der NLM

https://www.nlm.de/aktuell/pressemitteilungen/pressemeldungen/nlm-beanstandet-werbeverstoesse-bei-rtl-und-channel21-1

NLM press release

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