[DE] Media authority's complaint about RTL split-screen advertising upheld

IRIS 2024-3:1/24

Sven Braun
Institute of European Media Law

On 7 February 2024, the *Verwaltungsgericht Hannover* (Hanover Administrative Court – VG Hannover) rejected an appeal by the television broadcaster RTL against a complaint lodged by the *Niedersächsische Landesmedienanstalt* (Lower Saxony state media authority – NLM). The complaint concerned an alleged breach of the requirement for clear visual separation of advertising and programme content during "split-screen" advertising broadcast during an RTL television programme.

"Split-screen" advertising for a smartphone, in which editorial content and advertising were shown at the same time, was broadcast during an episode of RTL casting show "*Das Supertalent*" on 11 December 2021. Shortly before the start of a commercial break, the TV show's studio audience was shown. On the left-hand side of the screen, an advertising panel appeared, containing information about the advertised smartphone and an advertising label. The advert showed front and rear views of the smartphone, with the casting show audience visible on the smartphone screen. The studio audience could also be seen outside the advertising panel. The *Kommission für Zulassung und Aufsicht* (Commission on Licensing and Supervision – ZAK), an organ of the 14 German state media authorities responsible for granting licences to and monitoring national private broadcasters, representing the relevant state media authority, in this case the NLM, decided that RTL had breached the requirement for visual separation of advertising and programme content. On 6 July 2022, on the basis of the ZAK's decision, the NLM filed a complaint against RTL for breaching Article 8(4) of the *Medienstaatsvertrag* (state media treaty), which authorises split-screen advertising as long as it is clearly separate from programme content and labelled as advertising. RTL appealed to the VG Hannover against the NLM's decision. Sharing the NLM's view that there had been inadequate separation of advertising and programme content, the court rejected RTL's appeal. Since the decision is not yet final, RTL is entitled to lodge a further appeal.

Pressemitteilung der Niedersächsischen Landesmedienanstalt vom 8. Februar 2024

https://www.nlm.de/aktuell/pressemitteilungen/pressemeldungen/verwaltungsgericht-hannover-bestaetigt-beanstandung-von-werbeverstoss-bei-rtl

© European Audiovisual Observatory (Council of Europe) 2026

Lower Saxony state media authority press release of 8 February 2024

Pressemitteilung des Verwaltungsgerichts Hannover vom 5 Februar 2024

https://www.verwaltungsgericht-hannover.niedersachsen.de/aktuelles/pressemitteilungen/split-screen-werbung-bei-das-supertalent-229303.html

Hanover Administrative Court press release of 5 February 2024

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026