

The logo for Bayerische Landeszentrale für neue Medien (BLM) features the letters 'BLM' in a bold, white, sans-serif font. A stylized white vertical bar is positioned between the 'B' and 'L'.

Bayerische
Landeszentrale für
neue Medien



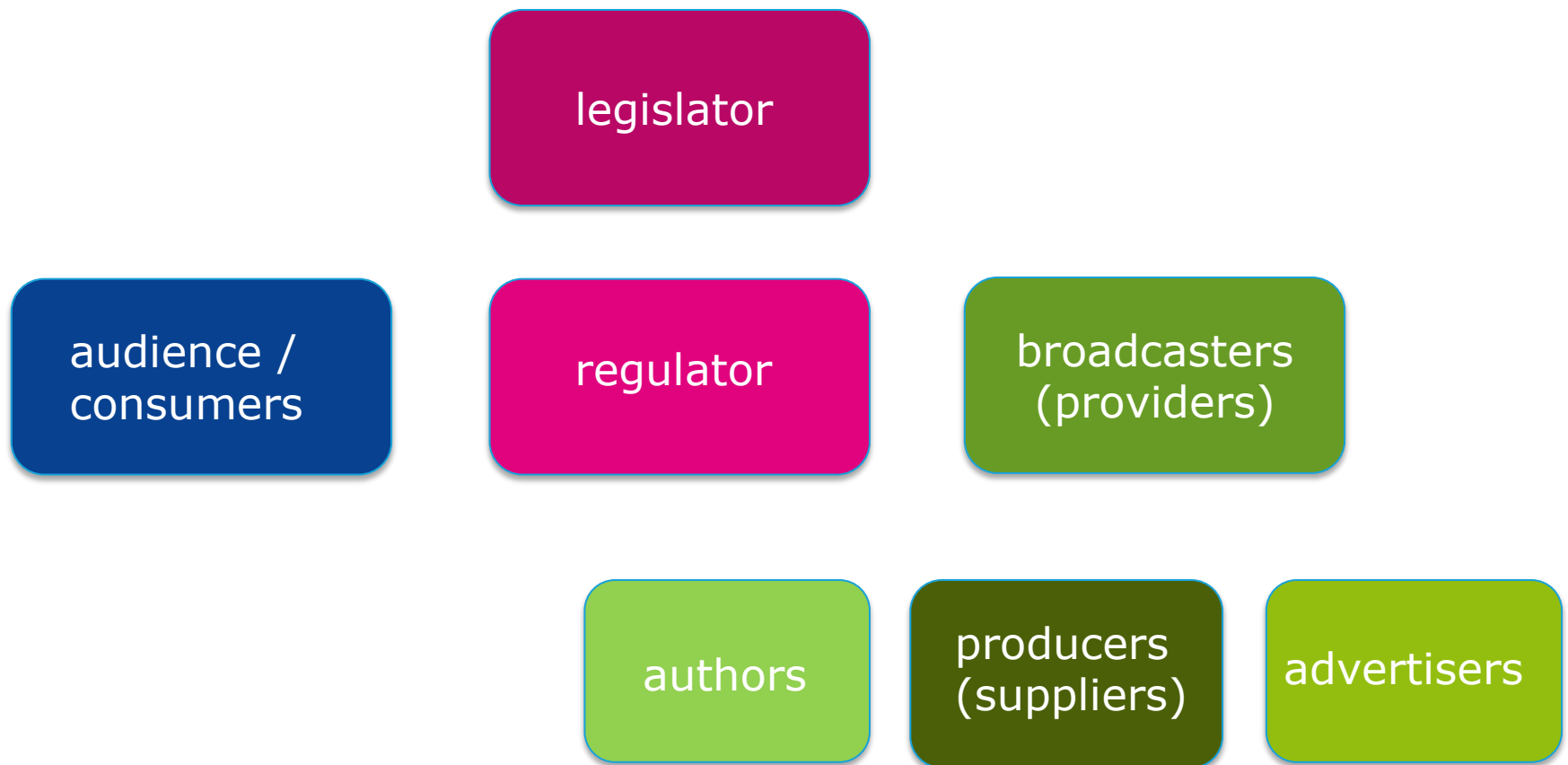
Product Placement and Sponsorship in practice

AKOS Workshop Ljubljana 05 February 2015

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Regulation: what for?



PP in the AVMS-D and the : what, how and why

legislation
and
regulation



Art. 1 AVMS-D definition

(m) 'product placement' means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration;

Art. 11 (3)

Programmes that contain product placement shall meet at least all of the following requirements:

- (a) their content and, in the case of television broadcasting, their scheduling **shall in no circumstances be influenced** in such a way as to affect the **responsibility and editorial independence of the media service provider**;
- (b) they shall **not directly encourage** the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;
- (c) they shall **not give undue prominence** to the product in question;
- (d) viewers shall be **clearly informed** of the existence of product placement. Programmes containing product placement shall be **appropriately identified** at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.



Art. 2 (2) no. 11 RStV (definitions)

17. 'product placement' means the identified representation in words or pictures of goods, services, names, trade marks, activities of a producer of goods or a provider of services in programmes in return for payment or for similar consideration in order to promote sales. The provision of goods or services free of charge shall be deemed to constitute product placement if said goods or services are of significant value;

Art. 7 (7) RStV (advertising principles, obligatory identification

... product placement must meet the following requirements:

1. **Editorial responsibility and independence** concerning content and scheduling **must not be prejudiced**;
2. the product placement shall **not directly encourage** the purchase, rental or lease of goods or services, in particular not by making special promotional references to such goods or services, and
3. the product shall **not be unduly prominently placed**; this shall also apply to goods of minor value provided free of charge.

There shall be **clear information** concerning product placement. Product placement shall be **identified** at the beginning and at the end of a programme as well as at its continuation following an advertising break ...

Product placement: the issues at stake



PP: allowed, not allowed – and why not?

admissibility

Programme genre	Product placement against payment	Free placement of props of significant value	Placement of props without significant value
Children's programmes	X	X	√
News	X	X	√
Current affairs programmes	X	X	√
Religious broadcasts	X	X	√
consumer programmes	X	X	√
Advice programmes	X	X	√
Regional window services and window services	X	√	√
Cinematographic works	√	√	√
Films	√	√	√
Series	√	√	√
Sports programmes	√	√	√
Light entertainment progs.	√	√	√
Other formats	X	√	√

Editorial responsibility and independence: „À table on riz“ (BE 2010)

editorial
responsibility
and
independence

Art. 11 (3) 2 (a) AVMS-D:

Programmes that contain product placement shall meet at least all of the following requirements:

- (a) their content and, in the case of television broadcasting, their scheduling, shall **in no circumstances be influenced** in such a way as **to affect the responsibility and editorial independence** of the media service provider;



Editorial responsibility and independence – „Ice Tigers – Das Magazin“ (DE 2013)

editorial
responsibility
and
independence

Art. 7 (7) RStV:

Surreptitious advertising, **product placement and thematic placement ... shall be prohibited.**

As far as exceptions are permissible..., product placement must meet the following requirements:

1. **Editorial responsibility and independence** concerning content and scheduling **must not be prejudiced**;



Identification: the options

identi-
fication

Art. 11 (3) (d) AVMS-D:

Viewers shall be **clearly informed** of the existence of product placement. Programmes containing product placement shall be **appropriately identified** at the start and at the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.

Options:

logo

size

positioning

duration

additional text

familiarization period

audio signal



FR



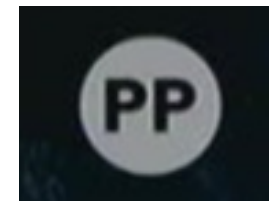
GB



BE



CZ

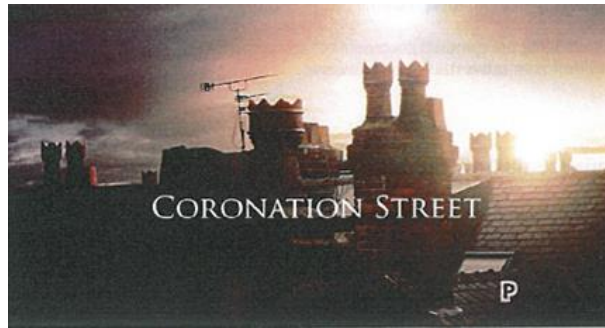


DE



Identification: examples from Europe

identi-
fication



identification: ProSieben „Voice of Germany“ (DE 2014)

identi-
fication



Identification: „À Table on riz“ (BE 2010)

identi-
fication



Identification: another way to do it ...



Identification / surreptitious advertising: SubTV (FI 2010)

identi-
fication



Undue prominence: what is „undue“?

no
undue
prominence

Art. 11 (3) (c) AVMS-D:

Programmes that contain product placement ...

shall not give undue prominence of the product in question;

Art. 11 (3) (b) AVMS-D:

... [**not** directly encourage ...] by **making special promotional references** to those goods or services;



Undue prominence: SubTV (FI 2010)

no
undue
prominence



Undue prominence: ORT (AT 2011)

no
undue
prominence



Undue prominence: Sat.1 „Hasseröder“ (DE 2011) - I

no
undue
prominence



Undue prominence: Sat.1 „Hasseröder“ (DE 2011) - II

no
undue
prominence



Undue prominence: VRT „Tomtesterom“ (BE 2012)

no
undue
prominence



Undue prominence: RTL „Dschungelcamp“ (DE 2014)

no
undue
prominence



spot the placement – and what do you think?



Undue prominence / direct encouragement: „Allivictus“ (CZ 2011)

no
undue
prominence

no direct
encouragement
of purchase
or rental



Thematic placement – TeleVision Zwickau (DE 2014)

no
thematic
placement

Rec. 93:

.. product placement should be **prohibited** where [it] **influences** the **content** of programmes in such a way as to affect the responsibility and the editorial independence of the media service provider. This is the case with regard to **thematic placement**.

TeleVision Zwickau

What products must not be placed?

prohibited
products
and
services



Significant value

significant
value

props
and price
placements

Rec. 91 AVMS-D:

The **provision** of goods or services free of charge, such as production props or prizes, should **only** be considered to be **product placement** if the goods or services involved are **of significant value**.

Art. 11 (2) (b) AVMS-D:

...product placement shall be **admissible** ... where there is no **payment** but only the **provision** of certain goods or services **free of charge**, such as production props and prizes with a **view** to their inclusion in a programme.

notion of significant value not transposed, defined or used:
BE (VRM), BE (CSA) , CZ, FR, LT, NO, PL, RO, SE, SK

value of placement not relevant: BE (CSA), FR, GR, RO
(no differentiation between product placement and prop placement)

general provisions on significant value: DK, GB, SE, SI

fixed amounts: CH, DE, IE, (NL)
amounts ranging from EUR 1000 (DE, NL) to EUR 5000 (CH, IE)

NL the only member which appears to also regulate value of PP for radio

and what do you think of this?



Product Placement / Sponsorship



Art. 1 (1) (k) AVMS-D (definitions)

„Sponsorship means any **contribution** made by public or private undertakings or natural persons not engaged in providing audiovisual media services or in the production of audiovisual works, **to the financing** of audiovisual media services or programmes with a view to promoting their name, trade mark, image, activities or products;

Art. 9 general provisions for commercial communications

Art. 10

1. Audiovisual media services or programmes that are sponsored shall meet the following requirements:

- (a) their content, and in the case of television broadcasting, their scheduling shall **in no circumstances be influenced** in such a way as to affect the **responsibility and editorial independence** of the media service provider;
- (b) they shall **not directly encourage** the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;
- (c) viewers shall be **clearly informed** of the existence of a sponsorship agreement. Sponsored programmes shall be **clearly identified** as such by the name, logo and/or any other symbol of the sponsor such as a reference to its product(s) or service(s) or a distinctive sign thereof in an appropriate way for programmes **at the beginning, during and/or at the end** of the programmes.



Art. 2 (2) 9 RStV (definitions)

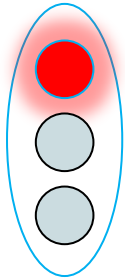
„sponsorship“ means any **contribution** by a natural or legal person or an association of persons not engaged in broadcasting activities or in the production of audiovisual works, to the direct or indirect **financing** of a programme with a view to promoting the name, the trademark, the image of the person or association, their activities or their products;

Art. 8 RStV Sponsorship

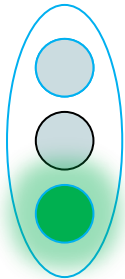
- (2) The content and scheduling of a sponsored programme shall **not be influenced** by the sponsor in such a manner that the **editorial responsibility and independence** of the broadcaster are prejudiced.
- (3) Sponsored programmes must **not encourage** the sale, purchase, rental or lease of products or services of the sponsor or a third party, in particular by making special references.
- (1) In programmes which are partially or wholly sponsored, the financing by the sponsor shall be **pointed out in justifiable brevity** and in an appropriate manner **at the beginning or at the end** of the programme; the reference may also be by means of a moving image. Alongside or in place of the name of the sponsor the company logo or a trademark, another symbol of the sponsor, a reference to his products or services or a similar distinctive sign may be shown.

Unsuitable formats for sponsorship in Germany

sponsorship



- News
- current affairs programmes
- advertising
- infomercials
- Teleshopping



product placement and
sponsorship permitted in
the same programme –
not permitted in SI, FR

Sponsorship: examples from Germany I

sponsorship

WERBUNG



4

JETZT THE DAY AFTER TOMORROW

SAT1.DE

Sponsorship: examples from Germany II

sponsorship



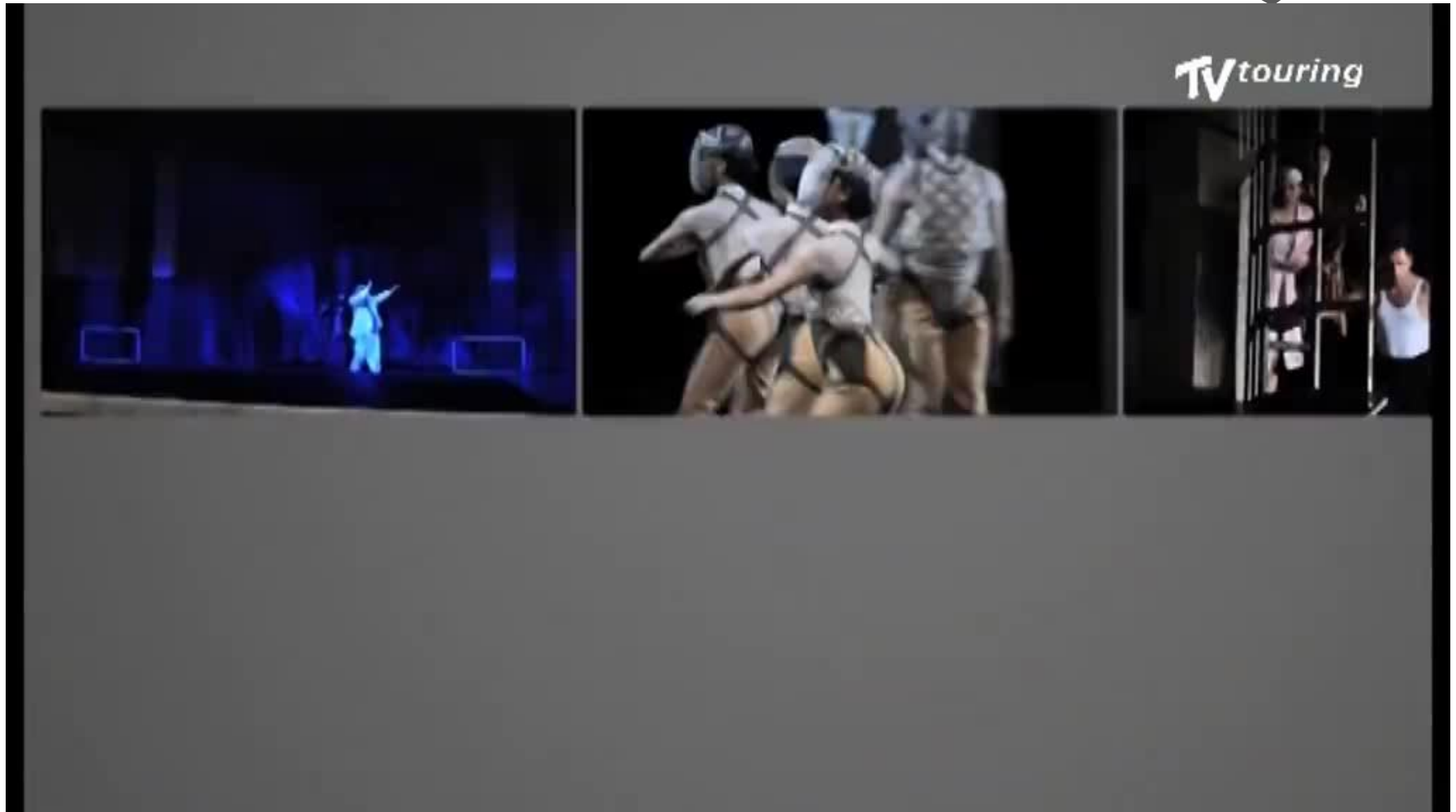
Sponsorship: examples from Germany III

sponsorship



Sponsorship: examples from Germany IV

sponsorship



Sponsorship: examples from Germany V

sponsorship



Sponsorship: examples from Germany VI

sponsorship



Useful links



legislation
and
regulation

Interstate Broadcasting Treaty (English translation):

www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Gesetze_aktuell/15_RStV_english_01-01-2013.pdf

TV Advertising Directive (English translation):

www.die-medienanstalten.de/fileadmin/Download/Rechtsgrundlagen/Richtlinien/TV_Advertising_Directive_2012.pdf

Codes of conduct of the German broadcasters on various forms of commercial communication (in German only):

www.vprt.de/thema/medienordnung/rechtsgrundlagen/selbstverpflichtungen-verhaltensregeln

And to conclude ...



Hvala za vašo pozornost!

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