IRIS 2010-7/7

BE-Belgium:Public Broadcaster Again in Breach of New Regulation on Product Placement

On 26 April 2010, the *Vlaamse Regulator voor de Media* (Flemish Regulator for the Media - monitoring and enforcement of media regulation) again addressed the public broadcasting corporation VRT for breach of the regulation on product placement. The violation once again occurred in the Sunday morning information programme 'De Zevende Dag' (freely translated, 'The Seventh Day') (see "Public Broadcaster, Shocking Images, and Product Placement", see IRIS 2010-5: 1/9).

A report focusing exclusively on the opening of the new restaurant 'Kwint' in Brussels and lasting approximately three minutes was broadcast as part of this programme. During this report, the new commercial establishment was repeatedly mentioned and depicted. The Regulator considered that the representation did exclusively portray 'Kwint' in an attractive way. The images were shot during its opening and drew attention to its stylish and trendy interior. Moreover, the comments accompanying the report, as well as those of patrons interviewed, were without exception full of praise. For these reasons, the Regulator decided that VRT had violated the limits of acceptable attention that can be directed at a product in an audiovisual media service. As a consequence, the product had benefited from undue prominence, in breach of Article 100, §1,3°of the Flemish Media Decree. Moreover, the Regulator held that such purely promotional presentation of the restaurant, without any critical note, amounts to a direct encouragement to visit the new establishment, in breach of Article 100, §1 2°of the Media Decree. The Regulator added that the location was obviously chosen by and placed at the disposal of the broadcasting organisation in order to realise a favourable and complimentary report on this new restaurant. Therefore, there is no doubt that this cooperation was a form of production aid (Article 99, 2°of the Media Decree), a type of product placement that is allowable within certain limits, which were, however, disregarded in the present case. Due to the gravity of the violation and given that the programme reached a market share of 52%, the Regulator decided to impose a fine of EUR 5,000.

• *VRM v. NV VRT, 26.04.2010 (No 2010/026)* (VRM v. NV VRT, 26 April 2010 (No 2010/026))
http://merlin.obs.coe.int/redirect.php?id=12503
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