
Joint Directive of the German state media authorities governing advertising, product placement, sponsorship and teleshopping on television (TV Advertising Directive) (in the version of 18 September 2012)

Pursuant to Article 46 in conjunction with Articles 7, 7a, 8, 8a, 44, 45 and 45a of the Interstate Treaty on Broadcasting and Telemedia (Article 1 of the Interstate Treaty on Broadcasting in reunited Germany of 31 August 1991, last amended by the 13th Amendment to the Interstate Broadcasting Treaty - RStV), the German state media authorities

Landesanstalt für Kommunikation Baden-Württemberg (LFK),

Bayerische Landeszentrale für neue Medien (BLM),

Medienanstalt Berlin-Brandenburg (mabb),

Bremische Landesmedienanstalt (brema),

Medienanstalt Hamburg / Schleswig-Holstein (MA HSH),

Hessische Landesanstalt für privaten Rundfunk und neue Medien (LPR),

Medienanstalt Mecklenburg-Vorpommern (MMV),

Landesanstalt für Medien Nordrhein-Westfalen (LfM),

Landeszentrale für Medien und Kommunikation Rheinland-Pfalz (LMK),

Landesmedienanstalt Saarland (LMS),

Sächsische Landesanstalt für privaten Rundfunk und neue Medien (SLM),

Medienanstalt Sachsen-Anhalt (MSA),

Thüringer Landesmedienanstalt (TLM)

have issued the following joint directive governing advertising, product placement and sponsorship on television:



The following directive which has to be issued pursuant to Article 46 RStV for the implementation of Articles 7, 7a, 8, 8a, 44, 45 and 45a RStV is intended to substantiate the provisions governing the options for advertising or sponsorship by commercial broadcasting for the purpose of funding their services; the provisions were revised in the 13th Amendment to the Interstate Broadcasting Treaty (RStV). The 13th Amendment to the Interstate Broadcasting Treaty (RStV) itself implements the provisions of Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 (Audiovisual Media Services Directive) amending Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting (Television without Frontiers Directive) into national law. The Treaty is bound by the European legal framework in making allowances for the structural changes, the spread of information and communication technologies and the technological developments and their impact on business models and, in particular, the funding of commercial broadcasting for the purpose of further easing the existing restrictions on advertising. The legislator has thus also made use of the option of permitting product placement under certain conditions while, however, securing and strengthening the recognisability of advertising in the interest of viewers. This has been taken into consideration in the following Directive.

Mitglieder:

Landesanstalt für Kommunikation Baden-Württemberg (**LFK**) • Bayerische Landeszentrale für neue Medien (**BLM**) • Medienanstalt Berlin-Brandenburg (**mabb**) • Bremische Landesmedienanstalt (**brema**) • Medienanstalt Hamburg / Schleswig-Holstein (**MA HSH**) • Hessische Landesanstalt für privaten Rundfunk und neue Medien (**LPR Hessen**) • Medienanstalt Mecklenburg-Vorpommern (**MMV**) • Niedersächsische Landesmedienanstalt (**NLM**) • Landesanstalt für Medien Nordrhein-Westfalen (**LfM**) • Landeszentrale für Medien und Kommunikation Rheinland-Pfalz (**LMK**) • Landesmedienanstalt Saarland (**LMS**) • Sächsische Landesanstalt für privaten Rundfunk und neue Medien (**SLM**) • Medienanstalt Sachsen-Anhalt (**MSA**) • Thüringer Landesmedienanstalt (**TLM**)



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**Interstate Treaty on Broadcasting and Telemedia
(Interstate Broadcasting Treaty - RStV)
(in the version of the
13th Amendment to the Interstate Broadcasting Treaties)
Entry into force: 01 April 2010**

**Article 2 RStV
Definitions**

Article 2 (2) RStV

For the purposes of this Interstate Treaty: ...

Article 2 (2) no. 7 RStV

'advertising' means any form of announcement in broadcasting transmitted in return for payment or for similar consideration or transmitted for self-promotion purposes by a public-service or a commercial broadcaster or a natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment. Article 7 (9) remains unaffected;

Article 2 (2) no. 9 RStV

'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;

Article 2 (2) no. 10 RStV

'teleshopping' means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment, in the form of teleshopping channels, windows or spots;

**Television Advertising Directive
(in the version of 18 September 2012)**

**Figure 1 TV Advertising Directive
Definitions**

Figure 1 TV Advertising Directive

The following in particular shall not be deemed to be advertising:

Mitglieder:

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1. announcements made by a broadcaster in connection with its own service (e.g., programme references and trailers, self promotion within the meaning of Figure 9 (1) nos. 1 and 2 of this Directive);
2. references to ancillary products relating to programmes (within the meaning of Figure 9 (2) of this Directive and of Article 45 (2) RStV);
3. public-service announcements broadcast free of charge, including charity appeals within the meaning of Article 7 (9) sentence 3 as well as Article 45 (2) RStV;
4. statutory references pursuant to Article 45 (2) RStV (e.g., within the meaning of Art. 5 of the Interstate Gambling Treaty as well as for OTC products in accordance with Article 4 (5) of the law governing advertising for medicines).

Article 7 RStV Advertising Principles

Article 7 (1) RStV

Advertising and teleshopping shall not

1. prejudice respect for human dignity,
2. include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation,
3. be misleading or prejudice the interests of consumers, or
4. encourage behaviour prejudicial to health or safety as well as grossly prejudicial to the protection of the environment.

Article 7 (2) RStV

Advertising or advertisers shall not influence the editorial content or other parts of a programme. Sentence 1 applies accordingly to teleshopping spots, teleshopping windows and providers thereof.

Article 7 (10) RStV

Advertising and teleshopping for alcoholic beverages shall not promote excessive consumption of such beverages.

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Figure 2 TV Advertising Directive Advertising Principles

Figure 2 (1) TV Advertising Directive

In addition to Article 7 nos. 1 – 4 RStV, specific legal provisions governing advertising and teleshopping, consumer protection, the protection of the environment as well as competition law shall apply. In particular, the advertising bans or restrictions governing advertising content shall be observed.

Figure 2 (2) TV Advertising Directive

For securing the independence of editorial control, broadcasters must not grant advertisers any influence on programme production. This shall mean in particular that details of the programme must not be amended to meet the specifications of the advertiser. Advertisers must not exert any influence on the scheduling of programmes in an advertising environment.

Figure 2 (3) TV Advertising Directive

Special attention shall be paid to the legislation governing the protection of minors, the provisions of the preliminary law on tobacco products prohibiting tobacco advertising, and the advertising restrictions for medicinal products and medicines contained in the law governing advertising for medicines.

Figure 2 (4) TV Advertising Directive

In addition, the relevant codes of conduct of the German Advertising Standards Council on commercial communications for alcoholic beverages shall apply in the respective version in force.

Figure 2 (5) TV Advertising Directive

Concerning the protection of children and adolescents in advertising and teleshopping, Article 6 of the Interstate Treaty on the Protection of Human Dignity and the Protection of Minors (JMStV) and Figure 7 of the Directive governing the protection of minors of the state media authorities (JuSchRiL) shall apply in the respective version in force.

Article 7 (3) RStV

Obligatory Identification

Advertising and teleshopping shall be readily recognisable as such and shall be clearly distinguishable from editorial content. Advertising and teleshopping shall not use subliminal techniques. New advertising techniques used shall also keep advertising and teleshopping quite distinct from other parts of the programme by optical means, on radio by acoustic means in a manner that is adequate to the media.

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Figure 3 TV Advertising Directive Obligatory Identification

Figure 3 (1) TV Advertising Directive Advertising

1. The beginning of television advertising shall be clearly identified by optical means (advertising logo) and shall be recognisable for viewers.
2. No identification is required between the individual advertising spots or at the end of television advertising.
3. The identification of the end of advertising is required, however, if the advertising cannot otherwise be clearly distinguished from the following programme.
4. The advertising logo must be clearly distinct from the channel logo and the logos used for announcing editorial content.
5. The advertising logo should fill out the entire screen for a minimum duration of 3 seconds. The logo can take the form of a fixed or a moving image.
6. The logo must contain the wording "advertising"; if a television broadcaster for identifying advertising only uses an unmistakable logo over a longer period which is not otherwise used in its service, the writing "advertising" may be left out.
7. The programme being transmitted or elements of the subsequent programme (image and/or audio) must not be part of the advertising logo.

Article 7 (4) RStV

Advertising may occupy part of the broadcast picture provided that the advertising is kept optically separate from the other parts of the programme and is clearly identified as such. Such advertising will be included in the calculated duration of spot advertising pursuant to Articles 16 and 45. Article 7a (1) applies accordingly.

Mitglieder:

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Figure 3 (2) TV Advertising Directive Split Screen

1. A screen which is partially occupied by differing images (split screen) is the parallel transmission of editorial content and advertising content respectively. The separation of advertising content from editorial content is effected by means of a partial split-up of the screen. A split screen may be the transmission of spot advertising in a separate window or optically incorporated inserts (ticker-tape advertising).
2. Split screen advertising is permissible only if the advertising is clearly separated from the other content by optical means and is identified accordingly. The advertising area must be identified throughout the entire duration by a clearly legible wording "advertising"; the wording must be placed in the advertising area or in its immediate spatial vicinity. The wording must be set apart from the background for clear legibility by means of its size, form and colouring.
3. Advertising shown in a split screen will be fully included in the advertising minutage pursuant to Article 45 (1) RStV, independently of the size of the advertising insert. The same applies for ticker-tape advertising.
4. Split screen advertising shall not be permissible during the transmission of religious services or in broadcasts aimed at children.

Article 7 (5) RStV

Infomercials shall be permitted provided that the advertising character can be clearly recognized and that the advertising constitutes a substantial component of the programme. They must be announced as infomercials at the beginning of the programme and identified as such for the entire duration of the programme. Sentences 1 and 2 shall also apply to teleshopping.

Figure 3 (3) TV Advertising Directive Infomercials

1. Infomercials are programmes of a minimum duration of 90 seconds including advertising which is editorially devised, in which the advertising character is clearly placed in the focus and advertising presents a major component of the programme.

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2. Infomercials are permissible on television provided that they are identified as such immediately prior to the beginning by means of an advertising identification (advertising logo) as "infomercial" and provided that the wording "advertising programme" or "infomercial" is shown throughout the entire duration of the programme. The wording must be set apart from the background for clear legibility by means of its size, form and colouring.
3. Other announcements and identifications are not permissible.
4. Infomercials for children are not permissible.

Article 7 (6) RStV

Virtual advertising may be inserted in programmes provided that:

1. the insertion is pointed out at the beginning and at the end of the programme in question, and
2. it replaces advertising already existing at the site of transmission.

Other rights remain unaffected. Sentences 1 and 2 shall also apply to teleshopping.

Figure 3 (4) TV Advertising Directive

Virtual Advertising

1. At the start and at the end of programmes which contain virtual advertising, viewers must be informed by optical or acoustic means that the advertising which exists at the site of transmission is being altered by the images being subsequently edited.
2. Virtual advertising must not result in new advertising space being created.
3. Static advertising in place at the site of transmission must not be replaced by advertising containing moving images.
4. The insertion of virtual advertising for products or services for which advertising is prohibited according to this Interstate Treaty or other legal provisions is prohibited.

Mitglieder:

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Article 2 (2) no. 8 RStV

'surreptitious advertising' means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve advertising purposes and might mislead the public as to the actual purpose of the representation. Such representation is considered to be intended for advertising purposes, in particular if it is done in return for payment or for similar consideration;

Article 2 (2) no. 11 RStV

'product placement' means the identified representation in words or pictures of goods, services, names, trademarks, 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;

Article 7 (7) RStV

Surreptitious advertising, product placement and thematic placement as well as similar practices shall be prohibited. As far as exceptions are admissible pursuant to Articles 15 and 44, 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, or on radio by a similar adequate identification. Obligatory identification shall not apply for programmes not produced by the broadcaster itself or produced or commissioned by a company affiliated to the broadcaster, if it is not possible to establish at reasonable expense whether they contain product placement; information to this effect shall be given. The broadcasting corporations forming the ARD association, the ZDF and the state media authorities shall stipulate a uniform system of identification.

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Article 44 RStV

Admissible Product Placement

In derogation from Article 7 (7), sentence 1, product placement shall be admissible in broadcasting

1. in cinematographic works, films and series, sports programmes and light entertainment programmes unless they are children's programmes, or
2. where there is no payment, but only the provision of specific goods or services free of charge such as production props and prices, with a view to their inclusion in a programme, unless the programmes concerned are news programmes, current affairs programmes, advice and consumer programmes, programmes for children or religious broadcasts.

Light entertainment programmes shall exclude in particular programmes which - alongside elements of entertainment - are of a predominantly informative nature, are consumer programmes or advice programmes including elements of entertainment as well as programmes in regional window services and window services pursuant to Article 31.

Figure 4 TV Advertising Directive Thematic placement, surreptitious advertising and product placement

Figure 4 (1) TV Advertising Directive Thematic Placement

Thematic placement is

- a) the integration into a programme of advertising messages concerning specific types of products or services in return for payment or for similar consideration for the purpose of promoting sales,
- b) the placement in particular of economic, political, religious or ideological themes by third parties.

Figure 4 (2) TV Advertising Directive Surreptitious Advertising

1. The presentation of commercial goods or their producers, of services or their providers outside of advertising programmes shall not constitute surreptitious advertising if the presentation is effected predominantly for editorial purposes, in particular for presenting a real environment, as well as for providing obligatory information.

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2. This shall apply both to content produced by the broadcaster itself, and for co-productions, commissioned productions and acquired productions.
3. Whether the reference to or presentation of goods, services, names, trademarks or activities of a producer of goods or a provider of services in a programme is deliberately arranged by the broadcaster for advertising purposes and can mislead the general public regarding the true purpose of the reference or presentation, shall be established for each individual case by means of indicators (e.g. intensity of presentation, sole presentation).
4. A reference or presentation shall be deemed to be effected for advertising purposes in particular if it is conducted in return for payment or for similar consideration.
5. Even for the permitted presentation of products and services, care should be taken to avoid the promotion of advertising interests by employing editorial means.

Figure 4 (3) TV Advertising Directive Product Placement

The following principles apply for establishing whether a good or service provided free of charge is of significant value for production:

1. The significant value shall be established separately for each individual good or service. The values of the individual products shall not be added up. If, however, the same partner provides several placements, their values shall be added up. No values shall be established in particular for objects and real estate objects which are not freely available on the market, nor for goods or services which cannot be directly recognized as such in the production.
2. Under what circumstances a good or service is of significant value shall be established separately for each production. The relevant limit for determining the significant value shall be 1 per cent of the production cost, starting from a minimum of 1000,- Euros.
3. Product placement must be editorially justified. This shall be the case if the product is integrated into the plot or the course of the programme for editorial reasons or if the use or presentation of the product is required to provide information for clarifying the content of the programme. The product must not be given any undue prominence in its placement during the course of the programme. Whether a product is unduly prominently placed shall be established for each individual case by means of indicators (e.g., form, duration and intensity of representation).
4. Product placement shall be deemed as being appropriately identified

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and recognisable for viewers if the identification at the beginning and at the end of a programme as well as at its continuation following an advertising break contains the abbreviation "P" for a minimum duration of 3 seconds in the form of a uniform logo identifying product placement which is used by all broadcasters.

The identification of product placement by means of a logo used by all German broadcasters shall be complemented by means of explanatory information (e.g., "supported by product placements").

5. Additional information on the product placer before the beginning and/or after the end of a programme is permissible. The additional presentation of a trademark is possible. Further information may be given in the teletext and/or in the internet.

6. (Acquired productions) Reasonable expense shall be considered to mean that the broadcaster requires the vendor by means of contractual arrangements or by other means to provide a declaration whether or not the programme contains product placement.

The reference shall be given in the context of the programme and/or programme announcement in the teletext and/or in the internet.

Article 7 (8) RStV

Television advertisements and teleshopping may not feature individuals who regularly present news or current affairs programmes.

Article 7 (9) RStV

Advertising of a political, ideological or religious nature shall be prohibited. Sentence 1 applies to teleshopping accordingly. Public service announcements transmitted free of charge, including charity appeals, shall not be considered as advertising within the meaning of sentence 1. Article 42 remains unaffected.

Figure 5 TV Advertising Directive

Social Appeals

Social appeals (social advertising) within the meaning of Art. 7 (9) sentence 3 RStV are contributions transmitted by the broadcaster free of charge which contain a direct or indirect appeal for responsible and socially desired behaviour or which provide information on the consequences of individual behaviour (e.g., appeals promoting consumer health or safety or the protection of the environment as well as appeals for charity causes).

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Article 7 (11) RStV

Paragraphs 1 to 10 shall also apply to teleshopping channels.

Article 7a RStV

Insertion of Advertising and Teleshopping

(1) Broadcasts of religious services and children's programmes must not be interrupted by advertising or teleshopping spots.

(2) Isolated advertising and teleshopping spots shall remain the exception on television; this shall not apply to the transmission of sports events. The insertion of advertising or teleshopping spots on television shall not prejudice the integrity of programmes, taking into account natural breaks in transmission and the duration and the nature of the programme, and the rights of the right holders.

(3) The transmission of films with the exception of series, serials and documentaries as well as cinematographic works and news programmes may be interrupted by television advertising or teleshopping once for each scheduled period of at least thirty minutes.

Figure 6 TV Advertising Directive Insertion of Advertising and Teleshopping

Figure 6 (1) TV Advertising Directive

Broadcasts for children are programmes which in their content, form or scheduling are predominantly aimed at minors aged 14 years or younger. Individual programmes which are designed like a uniform children's programme by means of connecting elements shall also be deemed to be broadcasts for children.

Figure 6 (2) TV Advertising Directive

Television advertising spots and teleshopping spots are generally broadcast as advertising blocks (at least two advertising or teleshopping spots in immediate succession after each other).

Figure 6 (3) TV Advertising Directive

The spots will not influence the character of a television programme provided that they are broadcast during a natural break of the programme which can be recognised as such independently of the advertising being broadcast.

Mitglieder:

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Figure 6 (4) TV Advertising Directive

1. Serials comprise several programmes containing a joint concept by way of thematic, content and formal focal points and which are broadcast in a chronological context.
2. Cinema productions which are broadcast as a serial may be interrupted for television advertising spots or teleshopping pursuant to Article 7a (3) RStV once for each scheduled period of at least 30 minutes.
3. The gross principle shall apply for the scheduled duration of a programme.

Article 8 RStV

Sponsorship

- 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 trade mark, another symbol of the sponsor, a reference to its products or services or a similar distinctive sign may be shown.
- (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.
- (4) Programmes may not be sponsored by undertakings whose principal activity is the manufacture or the sale of cigarettes and other tobacco products.
- (5) Sponsorship of programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking, but may not promote specific medicinal products or medical treatment available only on prescription.
- (6) News and political information programmes must not be sponsored. The transmission of sponsorship logos shall be prohibited in children's programmes and religious broadcasts.

Mitglieder:

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(7) Paragraphs (1) to (6) shall also apply to teleshopping channels.

(8) Paragraphs 7 (1), (3) and (8) to (10) shall apply accordingly.

Figure 7 TV Advertising Directive Sponsorship

Figure 7 (1) TV Advertising Directive

In accordance with Article 2 (2) no. 9 RStV, sponsorship presents an autonomous form of funding alongside advertising income.

Figure 7 (2) TV Advertising Directive

Figure 7 (1) shall also apply to short broadcasts, e.g., weather reports. Sponsorship of advertising, e.g., spot advertising, infomercials or teleshopping windows shall not be permissible.

Figure 2 (3) TV Advertising Directive

1. The reference to the sponsor may take up only such time as is required to clearly take in the reference to external funding being effected by the sponsor.
2. Alongside or in place of the name of the sponsor, its company logo or a trademark, another symbol of the sponsor, a reference to the products or services of the sponsor or a similar distinct sign may be shown.
3. The reference in this context may also be by means of moving images.

Figure 7 (4) TV Advertising Directive

The sponsor reference must establish a clear connection to the sponsored programme and must not contain any additional advertising messages relating to the sponsor, products or trademarks except for an image-devising slogan.

Figure 7 (5) TV Advertising Directive

1. The sponsor reference must be shown at least at the beginning or at the end of the programme in question.
2. A reference to the sponsor in a programme before or after each advertising break is permissible.

Mitglieder:

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Figure 7 (6) TV Advertising Directive

1. References relating to sponsored programmes may mention the sponsor or sponsors of the sponsored programme.
2. Programme references must not be sponsored.

Figure 7 (7) TV Advertising Directive

A sponsored programme will generally directly encourage the sale, purchase, rental or lease of products or services of the sponsor if products or services which the sponsor offers are presented, generally recommended or described as to be preferable in other ways in the programme.

Figure 7 (8) TV Advertising Directive

Advertising bans which are not regulated in the RStV will generally also comprise sponsorship prohibitions (e.g., advertising for tobacco products or medicines).

Figure 7 (9) TV Advertising Directive

Political, ideological or religious associations must not sponsor programmes.

Figure 7 (10) TV Advertising Directive

The inclusion of names of companies, products or trademarks as the title of a programme (title sponsorship) shall be permissible under the following conditions:

1. The general provisions pursuant to Art. 2 (2) no. 9 and Art. 8 (2) – Art. 8 (6) RStV are fulfilled;
2. The mentioning of the name, the company logo, product name or a trademark in the title of the programme does not place advertising effects in the focus.

Article 8a RStV

Prize Games

(1) Prize game programmes and prize games shall be permitted. They shall be transparent and shall protect participants. They must not be misleading and must not harm the interests of participants. Information shall be provided in the programme in particular on the costs of participation, the entitlement to participate, the design of the prize games and the solution to the task posed.

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The concerns of the protection of minors shall be preserved. Costs charged for participation must not exceed a fee of EUR 0.50; Article 13 sentence 3 remains unaffected.

(2) Upon request of the body in charge of supervision, the broadcaster shall submit all documents and provide all information required to control the correct implementation of the prize game programmes and prize games.

(3) Paragraphs (1) and (2) also apply to advertising and teleshopping channels.

Figure 8 TV Advertising Directive Prize Offers / Prize Games

When offering prizes in the context of games and quiz events which are editorially produced, the company may be named twice or the product may be twice briefly optically presented in order to clarify the prize in the form of moving images. Prize offers shall be unaffected by the provisions governing product placement pursuant to Figure 4.

The statute of the German media authorities governing games programmes and prize games (prize games statute) shall be unaffected. In particular, the obligations concerning information subject to Art. 11 (2) of the prize games statute and the related issued code of practice and rules of interpretation shall be observed:

"In prize games on television which are presented outside of a prize games programme, every time a concrete opportunity for participation is effected, a verbal reference pursuant to Art. 10 (1) sentence 2 nos. 1 - 4 of the prize games statute shall be made if the option to participate is announced verbally, and by means of an insert on the screen, if it is effected by insert. When the solution is presented pursuant to Art. 9 (6) sentence 5 of the prize games statute, references pursuant to Art. 10 (1) sentence 2 no. 7 of the prize games statute shall be made by means of a clearly legible insert on the screen shown for a minimum duration of 10 seconds".

Article 45 RStV

Duration of Television Advertising

(1) The proportion of television advertising spots and teleshopping spots within one hour shall not exceed 20 per cent. Sentence 1 shall not apply to product placements and sponsorship announcements.

(2) Announcements made by the broadcaster in connection with its own services and programmes and ancillary products directly derived from said

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services and programmes, public service announcements and charity appeals broadcast free of charge as well statutory references are not considered to be advertising.

(3) Paragraphs (1) and (2) as well as Article 7a shall not apply to channels exclusively devoted to advertising.

Figure 9 TV Advertising Directive Self Promotion, References to Ancillary Products

Figure 9 (1) TV Advertising Directive

1. Self promotion shall be references to the licensed services of a broadcaster. Self promotion shall not be considered to be advertising within the meaning of Article 2 (2) no. 7 RStV. It aims at the relationship with the audience. It can relate to the service overall or to individual programmes as well as to the persons acting in them, or to events as well as to other activities outside the services of the broadcaster. Self promotion shall also include references to online offers of the broadcaster which allow for consumption of the entire service or of individual programmes independently of their original scheduling.
2. Self promotion also includes references to other services attributable to the broadcaster pursuant to Art. 28 RStV.

Figure 9 (2) TV Advertising Directive

1. References to sources of supply for obtaining recordings of television programmes of the broadcaster shall not be subject to the advertising provisions.
2. References to products and services (e.g., games, ring tones, wallpapers) are not subject to the advertising provisions if they explain, deepen or post-produce the content of a programme. The reference to the sources of supply must not emphasize or favour any source of supply.
3. The references may appear only in the context of the programme or programme announcements for individual programmes or serials on the day of transmission.
4. Other references which do not correspond to the provisions of (1) no. 2 and (2) nos. 1, 2, and 3 shall be treated as advertising.

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Article 45a RStV

Teleshopping Windows and Self-Promotion Channels

(1) Windows devoted to teleshopping which are transmitted in a service not exclusively devoted to teleshopping shall be of a minimum uninterrupted duration of 15 minutes. They shall be clearly identified as teleshopping windows by optical and acoustic means.

(2) Articles 7 and 8 shall apply accordingly to self-promotion channels. Articles 7a and 45 shall not apply to self-promotion channels.

Figure 10 TV Advertising Directive Teleshopping

Figure 10 (1) TV Advertising Directive

Teleshopping windows shall be identified as "teleshopping" or "sales programme" at the beginning by optical and acoustic means as well as throughout their entire duration. For the identification, Figure 3 (2) no. 2 sentence 2 of this Directive shall apply accordingly. If several teleshopping spots are placed in succession within a teleshopping window or an advertising block, care shall be taken that the identification is positioned in the same manner throughout.

Figure 10 (2) TV Advertising Directive

In teleshopping broadcasts, the costs incurred for an order must be clearly presented.

Figure 10 (3) TV Advertising Directive

Art. 6 of the Interstate Treaty on the Protection of Minors in the Media shall apply to teleshopping offers.

Figure 11 TV Advertising Directive Self-Promotion Channels

Figure 11 (1) TV Advertising Directive

Self-promotion channels are offers which are separately licensed; their content aims at the self-presentation of a company to the public. They do not directly serve the promotion of sales of goods or services. Articles 7 and 8 RStV shall be unaffected.

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Figure 11 (2) TV Advertising Directive

The presentation and service identification shall be effected in such a manner that self-promotion channels are recognisable as such.

Figure 12 TV Advertising Directive References to Outfitters / Source References

Figure 12 (1) TV Advertising Directive

1. By distinction from product placement, references to providers shall be permissible only if the provided product used as such does not allow for the producer and/or provider to be identified (e.g., clothing without a logo or sign).
2. References to providers shall be permissible at the end of a programme. They shall not be treated as advertising provided that they are devised like sponsorship references pursuant to Figure 7 (3) no. 2 of this Directive.
3. References over and above the above provisions shall be treated as advertising.

Figure 12 (2) TV Advertising Directive

In the course of the insertion of graphs (time, match scores and measurements etc.) during reports on sports events, company names or product names of technical service providers may be shown if there is a direct functional connection to the insertion. Such a connection shall exist in particular when the hardware or software required for establishing the graphs or the results is provided.

Otherwise, the international rules and standards for inserting timing and data processing companies during the transmission of sports events shall apply.

Figure 13 TV Advertising Directive Publisher's television

Figure 13 (1) TV Advertising Directive

Publisher's television consists of programmes which are generally transmitted as supplied television magazines in the overall service of a broadcaster and which have a relationship to a publication in the print sector due to their name and their editorial objective (examples to be named are, among others,



"Spiegel TV", "Focus TV", "Stern TV" or "Süddeutsche Zeitung TV").

Figure 13 (2) TV Advertising Directive

Publisher's television programmes shall not be considered to constitute advertising provided that the following conditions apply:

1. Publisher's television programmes may not contain a direct reference to the next or the current edition of the respective print product as a result of their content and their design.
2. When the publisher or the print product is mentioned in the programme, this must not result in an advertising effect being put in the focus.
3. Print products do not constitute ancillary products within the meaning of Article 45 (2) RStV and of Figure 9 of this Directive to which references in publisher's television programmes are permissible.

Article 63 RStV

Transitional Provisions for Product Placements

Article 7 (7) and Articles 15 and 44 shall not apply for programmes produced prior to 19 December 2009.

Protocol declaration of all states regarding Article 7 (7) RStV:

The states expect the broadcasters to agree upon a binding code of conduct concerning product placement with the associations representing the advertising industry and the producers

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