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## Comments on Draft BEUC Policy TV-directive

The Swedish Consumers' Association do welcome the initiative to revise the Television Without Frontiers Directive. It has grown greatly out of date and is not capable of regulating the technology boost that has struck this area in recent years. Further, the Directive's approach towards advertisement on the Internet is a positive one, including so-called non-linear communication in its scope, at the same time recognising the substantial differences as compared to Television. It is also very important that this Directive remains a minimum harmonisation Directive that allows individual Member States to go beyond the requirements of the Directive.

However, there are also other parts of the Directive that does not deserve the same positive appreciation. The fact that food advertising, especially towards children and its impact on the growing European health problem of obesity, is not given consideration in the directive cannot be described as anything but devastating. As has been recently commented by The Swedish Consumers' Association one of the most fundamental measures to take when fighting obesity and unhealthy food habits is to adopt a broad approach, allowing these considerations to influence all types of Community legislation. To include a total ban against advertisements of unhealthy food in the TV-Directive, perhaps especially towards children but not necessarily so, would provide a clear statement by the Commission that health issues are taken seriously.

Further, the acceptance of advertising breaks (Art. 11) in children's programmes is completely unacceptable. Especially considering the new technologies of split-screens etc, measures must be taken to make sure that children are not exploited and taken advantage of.

Moreover, we support a complete ban on advertisements of tobacco. (As to pharmaceuticals we are not as strict as you are but will not object to you arguing for a ban) In particular this is so regardless of the medium as this appears to be the only method in which one can make sure that effective protection, especially of children and young people, is assured.

A very important part of the new Directive is the regulation of product placement and surreptitious advertising (Art. 3H). As far as product placement is concerned, we agree with the starting point that consumers should have the right to decide themselves how much advertising they wish to view. At the same time, product placement is in fact a part of television today. A complete ban on product placement would come very close to a ban against advertising itself. For example a car-manufacturer decides to spend large sums of money on product placement and this has the effect of highly increased sales volumes, is that really a consumer problem? From a consumer protection perspective, what is the difference between that scenario and one where the consumer makes his or her choices based on traditional advertising measures such as billboard advertising or TV-commercials. In particular, is that a scenario against which consumers should be protected in a Directive regulating television? We are not completely convinced that this is the case. We do agree that the consumers have the right to be informed that a particular TV-show includes product placement in the beginning or in the end, but that is not the same as saying that product placement is all together negative for the consumers. Proclaiming a restriction of product placement at large comes very close to reject advertising as a means of providing the consumers with information on an open market.

Surreptitious advertising is different, not the least by the fact that the word itself conveys that it entails advertising done with the intent to mislead. While legislation must at all times seek to avoid consumers being misled by corporations, the issue of surreptitious advertising is slightly more difficult. In particular we recognise the potentially very difficult problems of distinguishing between illicit advertising and for example marketing by a company towards a production company in the TV-industry. It is of course possible to regulate such questions in a Directive, but it is equally clear that the present Directive fails that challenge.

Stockholm as dated above

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