

**EXECUTIVE ORDER CONCERNING RADIO AND TELEVISION  
ADVERTISING AND PROGRAMME SPONSORSHIP  
- Executive Order No. 194 of 20 March 2003**

Pursuant to Sections 77, 85 and 93 (2) of the Danish Radio and Television Broadcasting Act, cf. Act No. 1052 of 17 December 2002, the following is promulgated:

**Chapter 1 - Scope**

1. - (1) This Executive Order shall apply to advertisements and sponsoring of programmes of all types for radio and television, cf. Section 1 of the Danish Radio and Television Broadcasting Act.

(2) Unless otherwise stated, the rules governing television broadcasting in general shall also apply to teletext.

2. No advertisement may be broadcast as part of DR's programme activities, nor of programme activities pursuant to Section 54 (3) of the Act.

**Chapter 2 - Identification, placement and duration of advertisements**

**Identification**

3. - (1) Advertisements must be clearly identifiable as such, their content and presentation distinguishing them from regular programmes.

(2) On television, the beginning and end of a block of advertisements shall be clearly indicated by an acoustic signal or speaker announcement, or both, as well as an image identification.

(3) On radio, the beginning and end of an advertisement, or block of advertisements, shall be clearly indicated by an acoustic signal or speaker announcement, or both.

(4) On teletext, a clear image identification shall be displayed.

**Placement**

4. - (1) Television advertisements may only be transmitted in blocks, to be inserted between the programmes. This shall not apply to teletext advertisements.

(2) Advertisement blocks may, however, interrupt sports programmes where breaks occur, or programmes which are live or deferred transmissions of performances or events where there are intervals for the audience. Scheduling of such advertisement blocks shall take into account the programme's natural breaks, duration and nature in such a way that the integrity and value of the programme shall not be compromised nor the owner's rights infringed.

5. Radio advertisements may be broadcast at any time during the daily programme service.

6. Advertisements for alcohol, non-prescription pharmaceutical products and dietary supplements may not be placed in connection with programmes directed at minors.

**Duration**

7. - (1) Advertisements may occupy maximum 15 per cent of the individual licensee's daily broadcasting time, and maximum 12 minutes per hour.

(2) Where individual elements of the total daily transmission time to which the holder of a radio or television broadcasting licence is entitled are less than one hour; the 12 minutes per hour within such periods shall be reduced proportionally.

(3) Any television advertisements in the form of direct offers to viewers for the sale, purchase or rental of products or services may not exceed one hour per day in total, and shall appear within the advertising time stated in subsection (1).

(4) Subsections (1) to (3) shall not apply to teletext.

### **Chapter 3 - The contents of advertisements**

#### **General rules**

8. - (1) Like any other advertisements, radio and television advertisements shall be lawful, decent, honest and truthful and shall be presented with an appropriate sense of social responsibility.

(2) Advertisements shall comply with the Danish Fair Trading Practices Act and respect generally accepted ethical advertising rules.

(3) The advertiser shall be identified in the advertisement, possibly by means of trademarks or other similar business identification.

(4) In observance of the provisions of subsections (1) and (2) above due consideration shall be made of the circumstances which are normally associated with the reception of radio and television broadcasting.

9. The employees of the broadcasting company appearing in the company's programmes may not appear in advertisements broadcast by that company. Likewise, no symbols or standard elements from the company's programmes may appear in the advertisements broadcast.

10. - (1) No advertisements may incite to violent behaviour. They may not include the showing of killings, violence or physical abuse, nor may they unduly play on superstition or fear.

(2) Advertisements may not be discriminatory on grounds of race, gender, age, religion or nationality, nor may they offend any person's religious or political persuasion.

(3) Advertisements may not incite to behaviour conflicting with the need for safety in the home, at the workplace or in traffic, nor to any other dangerous or irresponsible conduct, or such that may be harmful to health or the environment. Should the use of a product require certain safety precautions, this shall be stated in the advertisement.

11. Advertisements may not show or refer to persons, be it in their private or public capacity, without such persons' prior consent. The same shall apply to the showing of or reference to anything belonging to a person in a way, which gives the impression of a personal recommendation.

**12.** Advertisements using subliminal methods shall be prohibited.

**Products and services, etc.**

**13.** The following rules shall apply to advertisements for alcoholic beverages:

- 1) They may not be directed at minors, and especially not show minors drinking alcohol.
- 2) They may not associate the consumption of alcohol with improved physical performance or driving.
- 3) They may not create the impression that the consumption of alcohol promotes success in the social or sexual area.
- 4) They may not suggest that alcohol has any therapeutic properties, stimulating or sedating effect, nor that it may be used to solve personal conflicts.
- 5) They may not incite to excessive consumption of alcohol or present temperance or moderation in a negative light.
- 6) They may not attach particular importance to a high alcohol content as a positive quality in the beverage.

**14.** Advertisements for pharmaceutical products and healthcare services shall be permitted subject to the provisions of the Pharmaceuticals Act and the Act on Advertisement of Healthcare Services or provisions pursuant thereto.

**15.** It shall be prohibited to advertise employers' organisations or trade unions or religious movements or political parties on television.

**16.** It shall be prohibited to advertise tobacco products, or goods primarily used in connection with smoking, cf. the Act on Prohibition of Tobacco Advertisements, etc.

**Protection of minors**

**17.** Advertisements directed at minors may not be presented in such a way that they may have a mentally or morally detrimental effect on such minors. They may not be presented in such a way that they exploit minors' natural credulity and loyalty, or their special confidence in parents, teachers or others. They may not undermine such persons' authority and responsibility.

**18.** Advertisements may not unnecessarily show minors in dangerous situations, or encourage or incite minors to stay in or enter dangerous areas, use dangerous products or generally put themselves in dangerous situations.

**19.** Advertisements may not directly appeal to minors to persuade others to buy the advertised product, or promise them prizes as a reward for winning new purchasers.

**20.** Advertisements may not undermine social values, e.g. by conveying the impression that the possession, use or consumption of a product in itself will give minors physical, social or other psychological advantages over other minors, or that the failure to own, use or consume such a product may have the opposite effect. It shall not be permitted for advertisements to be designed to give minors the impression that their failure to own, use or consume the relevant product will

in any way make them less privileged than other minors, or expose them to contempt or ridicule.

**21.** - (1) Particular care shall be taken to ensure that advertisements will not mislead minors as to the size, value, type, durability or performance of the advertised product.

(2) Advertisements for toys shall give a clear indication of the toy's actual size. Where the use or the shown or described result of the product requires an extra attachment (e.g. batteries), this shall be clearly indicated. Where a product forms part of a series, this shall be clearly indicated.

(3) Statements of price may not give minors an unrealistic idea of the value of the product, e.g. by using the word "only". No advertisement may suggest that the advertised product is easily affordable by any family.

(4) Advertisements shall indicate the degree of skill required to use the product. Where the result of the use of the product is shown or described, the result presented in the advertisement shall be reasonably achievable by an average viewer in the age group for which the product is designed.

**22.** - (1) Figures, puppets and similar which are important and regular elements in the broadcasting company's programmes directed at children under the age of 14 may not appear in advertisements broadcast by that company for products of particular interest to children under the age of 14.

(2) Persons affiliated with the broadcasting company's programmes directed at children under the age of 14 may not appear in advertisements broadcast by that company for products of special interest to children under the age of 14.

**23.** Advertisements for chocolate, sweets, soft drinks, snacks and similar may not indicate that the product may replace regular meals.

**24.** - (1) Children under the age of 14 may only appear in television advertisements where such appearance is either a natural element of the depicted environment, or necessary in order to explain or demonstrate the use of products associated with children.

(2) Children under the age of 14 may not recommend or provide testimonials endorsing products or services of any kind.

#### **Chapter 4 - Programme sponsorship**

**25.** Programme sponsorship shall mean any contribution, direct or indirect, to the financing of radio or television programmes, including teletext pages, from a natural or legal person not engaged in the broadcasting or production of radio or television programmes, films, phonogrammes, etc., with a view to promoting the name, trademark (logo), image, activities or products of that person.

**26.** - (1) A sponsored programme shall be clearly identified as such by appropriate credits appearing at the beginning or end, or both, of the programme, showing the sponsor's name or trademark (logo). Such credits may not appear in the programme itself. On teletext, the sponsor's name or trademark (logo) shall appear on the individual teletext pages sponsored.

(2) Identification of sponsorship from enterprises the activities of which include production or sale of pharmaceuticals may not be in the form of promotion of specific pharmaceuticals which are prescription drugs under the Pharmaceuticals Act.

(3) If the programme has one or two sponsors, the total duration of the appearance of the sponsors' names may not exceed 10 seconds. If a programme has three or more sponsors, the total duration of the appearance of the sponsors' names may not exceed 30 seconds.

(4) On radio, the indication of the sponsor's name shall be in a neutral form. This identification may not be accompanied by a special sound background associated with the sponsor or the sponsor's products, etc.

(5) On television, the appearance of a sponsor's name may take place as moveable images containing the sponsor's name or trademark (logo). If the programme is directed especially at children, the appearance shall, however, be as non-moving images. The appearance may not be accompanied by a special sound background associated with the sponsor or the sponsor's products, etc.

**27.** The sponsor shall have no influence on the content and scheduling of a sponsored programme to the prejudice of the radio or television broadcaster's responsibility and editorial integrity in respect of the programmes.

**28.** - (1) A sponsored programme may not incite the purchase or rental of the products or services of the sponsor or of others; in particular products and services may not be promoted in a special way with a view to encouraging the sale thereof.

(2) In competitions, etc. where products or services of sponsors or others are offered as prizes, the prizes may only be shown and described in a brief, neutral way which does not affect the information required to hold the competition, etc. If the programme is directed particularly at children under the age of 14, sponsored prizes may not be shown, but merely be presented with neutral details of their nature and characteristics.

**29.** - (1) No programmes may be sponsored by enterprises whose principal activity is to produce or sell tobacco products or other goods primarily used in connection with smoking.

(2) No radio programmes forming part of the overall public services, cf. Section 11 of the Act, and no television programmes may be sponsored by employers' organisations or trade unions or by political parties or religious movements.

**30.** - (1) Sponsorship of news and current affairs television programmes shall be prohibited.

(2) News and current affairs radio programmes which do not form part of the overall public services, cf. Section 11 of the Act, may be sponsored.

(3) In this Executive Order current affairs programmes shall solely mean programmes directly concerning news of significance to politics or society, such as programmes comprising commentary on news or political attitudes to news, current events, etc.

**31.** - (1) Local radio and television transmission time may be sold to non-commercial undertakings.

(2) However, local television transmission time may not be sold for the communication of information and views on employers' organisations and trade unions, or for the communication of religious or political opinions.

(3) In all other respects, the sponsorship rules contained herein shall apply to the sale of transmission time.

## **Chapter 5 - Infringement**

**32.** - (1) The Radio and Television Board shall make decisions in matters concerning identification, placement and duration of advertisements, cf. Chapter 2.

(2) Subsection (1) above shall not apply to local radio and television broadcasting pursuant to Chapter 9 of the Act, except in the case of networking, cf. Section 43, item 2, of the Act.

**33.** - (1) The Radio and Television Board shall make decisions in matters concerning the contents of radio and television advertisements, cf. Chapter 3.

(2) In cases concerning compliance with the Pharmaceuticals Act and the Act on Advertising of Healthcare Services, the Board shall obtain a prior opinion from the Danish Medicines Agency or the National Board of Health. In cases pertaining to consumer law, the Board shall obtain a prior opinion from the Consumer Ombudsman. Such opinions shall be received by the Board not later than four weeks after the receipt of the Board's request for an opinion.

(3) The Board may protest infringement of the rules and may direct the broadcasting company to publish the decision. The Board may decide in which way and in which form this shall be done.

(4) The Board shall make decisions concerning right of reply to information of a factual nature broadcast in advertisements. The right of reply presupposes that the information could cause considerable financial or other damage and that its correctness is not indisputable. The Board may order the broadcasting company to broadcast a reply. The Board may decide upon the content, form and scheduling of the reply.

**34.** - (1) The Radio and Television Board shall make decisions in matters concerning identification of sponsors and sponsored programmes, etc., cf. Chapter 4.

(2) Subsection (1) above shall not apply to local radio and television broadcasting pursuant to Chapter 9 of the Act, except in the case of networking, cf. Section 43, item 2, of the Act.

**35.** - (1) The local radio and television board, cf. Section 64 of the Act, shall make decisions in matters concerning the identification, placement and duration of advertisements, cf. Chapter 2, and the identification of sponsors and sponsored programmes, etc., cf. Chapter 4, in respect of local radio and television broadcasting pursuant to Chapter 9 of the Act, except in the case of networking, cf. Section 43, item 2, of the Act.

(2) A decision pursuant to subsection (1) above may be brought before the Radio and Television Board by the holder of a licence or registration within four weeks of the notification of the decision. A complaint shall have a delaying effect, unless the Radio and Television Board decides otherwise.

**36.** - (1) Infringement of the provisions of Chapters 1, 2, 3 and 4, and breach of orders of the Radio and Television Board in accordance with Section 33 (3) and (4), shall be subject to the penalty of a fine.

(2) Companies (legal persons) may be subject to criminal liability in accordance with the rules in Chapter 5 of the Penal Code.

## **Chapter 6 - Commencement**

**37.** - (1) This Executive Order shall come into force on 1 April 2003.

(2) At the same time Executive Order No. 1348 of 18 December 2000, as amended by Executive Order No. 433 of 29 May 2001, shall be revoked.

*The Ministry of Culture, 20 March 2003*

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/Lars M. Banke