

EPRA Dedicated Working Group on Product Placement Session during the 34th EPRA meeting in La Hulpe, 6 October 2011

Summary of the discussion by Johanna Fell (BLM, DE), group coordinator

The dedicated EPRA working group on product placement held its third session during the 34th EPRA meeting in La Hulpe on 06 October 2011. The meeting was attended by approx. 45 participants and was chaired by Johanna Fell (DE, coordinator of the working group). After a follow-up on the topics discussed by e-mail since the last meeting in May 2011, the working group focused its discussion on practical examples presented by various members and determined which topics it intends to deal with next.

1. Update on the status of transposition

The representative of the European Commission clarified that alongside the 24 Member States which were contacted by the Commission in two successive rounds with informative letters regarding the implementation of AVMS-D into national media law; three Member States (Slovenia, Poland and Portugal) were sent requests for clarification concerning the status of transposition.

2. Undue prominence

The coordinator thanked everyone who had contributed to the data collection on undue prominence; the overview made available by Greece which had compiled it for its own purposes presented a particularly valuable contribution.

The working group thereafter debated various examples presented by members.

2.1 Josephine, Ange Gardien (France)

France presented an excerpt from the episode "Un petit coin de paradis" of the series "Josephine, ange gardien" in which the holiday camp "Marmara" was placed as a product. The series was shown by TF1. It features a female angel which comes to the aid of people in different situations. The brand name "Marmara" and associated features such as the brand colour appeared prominently (e.g. in the clothes worn by the staff in the holiday camp etc). The brand name of the holiday camp was visible regularly in long shots of the facilities, as a logo on the T-shirts of the staff etc. The programme was properly identified as containing product placement by a pictogramme shown at the beginning, after the ad breaks and at the end of the programme.

In the debate of the example, members of the working group were divided as to whether the product placement shown was still acceptable. While some members held the view that the presence of the brand, brand name etc. was still acceptable, in particular since the series was tailored on real holiday clubs which feature branding prominently, others raised the issue whether the editorial independence of the broadcaster might be compromised by the provision of product placement, brands or services, holding the view that independence could be preserved only if a brand placed was not visible. Furthermore, products should be placed in a programme rather than a programme being devised around a particular product. One member compared the task of determining whether product placement was presented in a duly or unduly prominent manner to "looking for a black cat in a dark room". The working group felt that overall, the placement presented in the example was still acceptable.

2.2 Allivictus (Czech Republic)

The example concerned a Czech soap opera featuring a doctor's surgery in which the doctor, following the examination of her patient and diagnosis, recommends a specific type of medicine to a

patient and her father as a remedy. The product is shown several times in close-ups with the name clearly legible and also features heavily in the dialogue with the doctor praising its qualities. Furthermore, the brand name also appears on a poster forming the back-drop to some camera angles.

Participants shared the view of the Czech colleagues that this was a clear case of undue prominence which could not be remedied by the fact that it was identified as product placement. The working group also felt that the plot and dialogue had been devised specifically around the product.

2.3 Biedronka (Poland)

The example (two screen shots) related to a cook show in which two participants are wearing aprons featuring the logo of the Polish supermarket chain Biedronka. This was considered unproblematic by the participants with a view to undue prominence.

2.3 De Wereld Draait Door (Netherlands)

The Netherlands presented an excerpt of the daily talk show "De Wereld Draait Door" (DWDD) broadcast by the public-service broadcaster VARA from 19.00 hours – 20.30 hours Monday through Friday. In the show, the host – as a surprise to his co-host, who is a very famous host of another popular programme in the Netherlands (Farmer looking for a wife) – showed a set of china which she had designed, and informed the audience of the price and the outlets where the china could be obtained. The working group felt that this was a case of surreptitious advertising rather than an issue related to product placement.

2.4 Further questions related to the presentation of products.

The Netherlands case led to a debate on programmes in which products are presented, e.g. shows on new books, raising the question of how and when to differentiate in the assessment of presentations of products. Another type of programme also raising these issues is consumer programmes.

3. Thematic placement

The working group discussed the data collection compiled on the basis of the contributions of the members. The various legislations contain large differences concerning the definition of what constitutes a thematic placement; many provisions also include explanatory notes. However, it was felt that due to the differences prevailing, a common approach or definition as to what constitutes thematic placement was not possible at this point.

4. Concrete decisions and cases, practical issues

Slovakia reported on the case of a news programme the studio of which had been redesigned. Since the change of the studio environment, the news presenter used a new notebook the brand of which was clearly identifiable (Sony Vaio). The news presenter stated that he had obtained the notebook himself and had not been given it for any promotional purposes.

The working group felt that whereas the case did not present any breach of legal provisions as such, it raised issues concerning journalistic ethics and editorial integrity, both of which might be impacted by the fact that a specific brand of product appeared to be featured. Members pointed out that it would be possible to mask the brand name of the notebook, thereby avoiding any suspicion of any illegally placed product (surreptitious advertising).

5. Next issues to be dealt with

The working group will next deal with the issues of prohibited programme genres, products and/or services, acquired programmes and the distinctions between product placement, sponsoring and surreptitious placement. The coordinator will circulate questionnaires and compile the feedback into a data collection. The working group felt that it might be helpful to enter into a debate with representatives of the industry at one of the coming sessions.

6. Operation of the working group

The working group felt that over the coming year, the remaining issues relating to product placement which it had identified at the start of its activities could be discussed and the collection of data in the Clearing House supplemented with examples of both bad and good video examples of product placement. Thereafter, the working group felt that subject to any amendments to the provisions in place requiring a review of legal provisions or positions adopted, it could reduce its activities to a case-driven communication among each other.

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