

## Political advertising on TV in Denmark

According to section 76 (3) and (4) in the Danish Radio and Television Law

*(3) "It shall be prohibited to advertise employers' organisations, trade unions, religious movements, political parties or political movements, as well as elected members or nominated candidates for political assemblies on television."*

*(4) "It is prohibited to advertise political messages on television in the period from the calling of an election for political assemblies or referendums until the election or the referendum is held. If the date of the election or the referendum is announced earlier than 3 month before the election is held, the ban on advertising begins 3 month prior to the calling of the election or the referendum."*

The total ban on political advertising on television includes independent politicians etc.

The term "political movements", implies an individual or a legal person who is deeply rooted in a parliamentary assembly, meaning that said (legal-) person runs for political assemblies in addition to parliament.

To prevent circumvention of the law, the ban also includes certain situations where a political candidate appears in a commercial, even though no party logo or other political characteristics are shown.

The words "political messages" are interpreted broadly. It covers all kind of messages irrespective of form, which has as its purpose to promote the support of political questions and influence the public opinion in political questions on a local, national and international level. "Political messages" therefore do not only include party political questions, but also expressions that intend to influence the public opinion in a political direction.

For instance the ban covers advertising on television for organisations and unions, in which the organisation or union give their view on politics. The provision also covers situations where political parties and organisations seek to promote certain products or services such as clothes, bags, umbrellas etc. with political slogans or symbols. Other examples are commercials for a telephone service or web-site regarding a certain subject, since

### Mediesekretariatet

Vognmagergade 10, 1.  
1120 København K

Telefon 3318 6868  
Telefax 3318 6869

radrad@mediesekretariatet.dk  
www.mediesekretariatet.dk

CVR nr. 11 88 46 52

Bank: Jyske Bank  
Reg.nr. 8109  
Konto nr. 1002 295

these communications can be seen as surreptitious advertising for a political message.

Advertising on television for books, papers, magazines etc. are not prohibited as long as the commercial does not convey political messages. Commercials inserted by charity organisations and collections for humanitarian purposes are not considered advertising for political messages, and the ban shall in these situations be interpreted less strict even though there can be disagreement about the purpose. The decisive argument must be to which extent the commercial contains a clear political message.

The purpose of the provision is - among other things - to protect the democratic process, so that financially strong actors with political messages do not have the opportunity through television commercials to oust weaker ones through television commercials. The provision furthermore intends to protect the independence of the broadcasters, so that broadcasters do not feel pressured by financially strong groups in society. Finally it intends to extend consideration to the electorate, so that they will not be subject to one-sided and direct attempts to influence their political stand.

## **Case**

The Danish Radio and Television Board has only adjudicated one case concerning the provision on political advertising. The case is from January 2005, and regarded a television commercial by a publisher for the book "Fogh - The story of a prime minister" broadcasted on TV 2/Denmark A/S.

The Radio and Television Board found that the commercial wasn't promoting Anders Fogh Rasmussen as a politician or the party Venstre and that the book didn't contain any political messages. The commercial was therefore legal. (General elections were held 8<sup>th</sup> February 2005)

Christina Sigvardt