

Full title	<p>The Common Guidelines of State Media Authorities to ensure the protection of human dignity and the protection of minors – In force 02/06/2005 (<i>Jugendschutzrichtlinien</i> – JuSchRiL 23rd January 2018. In German:</p> <p><a href="https://www.die-medienanstalten.de/fileadmin/user_upload/Rechtsgrundlagen/Richtlinien_Leitfaeden/JuschRiLi_der_Landesmedienanstalten_ab_15.10.2019.pdf">https://www.die-medienanstalten.de/fileadmin/user_upload/Rechtsgrundlagen/Richtlinien_Leitfaeden/JuschRiLi_der_Landesmedienanstalten_ab_15.10.2019.pdf</a></p>
Title of relevant section	<p>Article4: Protection of minors in advertising and teleshopping (§ 6 JMStV). This article has been amended from what was article 7 in the former Guidelines. The amendments are to articles 4.1, 4.2, 4.4, 4.6 and 4.8. Those articles have not been professionally translated. It is the German original that is anyway applicable.</p>
Article 4	<p>The other provisions of the Interstate Treaty on the protection of minors (in particular ss 4 and 5) and the provisions of the RStV also apply to advertising in broadcasting and telemedia.</p> <p>4.1. Underlying § 6 JMStV is a broader form of advertising. It includes not only commercial advertising, but also non-profit advertising, as well as advertising for which the advertiser receives no consideration. (<i>We take this to mean advertising – as separately defined – that the advertiser places in owned media</i>)</p> <p>4.2. Indexed content in the sense of Section 6 (1) JMStV includes both carrier and telemedia.</p> <p>4.3. Advertising aimed at children is especially prohibited if it contains direct purchase requests. Those advertisements which merely contain a description of direct purchasing requirements will be considered to be direct exhortations to purchase. Inexperience and gullibility will be presumed in children.</p> <p>Advertising targeting young people/ adolescents is especially prohibited if it aims direct purchase requests to young people, which exploits their inexperience and gullibility.</p> <p>4.4. The term "content" as laid down in s. 6 (3) JMStV should be interpreted as meaning, products and services and their presentation. In particular, graphic illustrations and advertising messages must be taken into account.</p> <p>4.5. Advertising which is also aimed at children in accordance with section 6 (4) of the JMStV is especially prohibited if:</p> <ol style="list-style-type: none"> <li>1. It contains a lecture on special advantages or characteristics of the product which do not correspond to the natural expression of the children's life;</li> <li>2. It is placed in an advertising block before or after a programme for products which themselves are the subject of children's offers;</li> <li>3. It contains elements that form an integral part of the broadcasting, which are also part of the children's program before or after the advertising block.</li> </ol> <p>4.6. Advertising that is also aimed at children in accordance with section 6 (4) of the JMStV can be especially prohibited if:</p> <ol style="list-style-type: none"> <li>(1.) A benefit is provided in return for watching advertising;</li> <li>(2.) It links profiles to another platform.</li> </ol> <p>4.7. Advertising which is also aimed at children and adolescents in accordance with Section 6 (4) JMStV is especially prohibited if:</p> <ol style="list-style-type: none"> <li>1. It presents criminal acts or other misconduct, through which persons are</li> </ol>

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endangered or can be harmed, as being examples to be copied or justified.

2. It uses aleatory advertising (free raffles/ draws, prize competitions, puzzles etc.) in a manner that is likely to mislead the recipients, by means of enticing them with excessive benefits, or to exploit their passion for games/ gambling,

4.8. The test of section 6 (2) Nos. 1 to 4 JMStV takes precedence over the general clause of section 6 (4) JMStV. Transgressions that are not covered by Section 6 (2) JMStV are to be covered by Section 6 (4) JMStV.

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