

G-Regs™

France – Decree 92-280



Full title:	Consolidated version of Decree 92-280 of 27 March 1992, updated in 2011, setting out the general principles that define the obligations of [programme] editors and services with respect to advertising, sponsorship and teleshopping, transposing Directive 2010/13/EU of the European Parliament and of the council of 10 March 2010. (<i>Décret No. 92-280 du 27 mars 1992 pris pour l'application des articles 27 et 33 de la loi n° 86-1067 du 30 septembre 1986 et fixant les principes généraux définissant les obligations des éditeurs de services en matière de publicité, de parrainage et de télé-achat</i>)
Title of relevant section:	TITLE I Advertising.
Chapter:	Chapter I General Provisions.
Article 2	<p>Amended by Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001</p> <p>For the purposes of the present decree, advertising constitutes any type of broadcast announcement for payment or other consideration with a view to the promotion of the supply of goods or services, including those presented under their generic name, as part of a craft trade, business, or profession, or to ensure the commercial promotion of a public or private company.</p> <p>This definition does not include direct offers to the public for the sale, purchase or rental of goods or for the provision of services against payment.</p>
Article 3	<p>Amended by Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001</p> <p>Advertising must comply with the requirements of truthfulness, decency and respect for the dignity of the human person. Advertising may not undermine the good name of the state.</p>
Article 4	<p>Amended by Decree No. 2010-1379 of 12 November 2010 - s. 20</p> <p>Advertising must be free from discrimination concerning race, gender, nationality, disability, age or sexual orientation; of any violent scenes and any incitement to behaviour prejudicial to health or safety of people and property, or protection of the environment.</p>
Article 5	<p>Amended by Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001</p> <p>Advertisements should not contain any element likely to offend viewers' religious, philosophical or political beliefs.</p>

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Article 6

Amended by [Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001](#)

Advertising in any form whatsoever should be designed to respect the interests of the consumer. All publicity comprising false or misleading claims, statements or presentations is prohibited.

Article 7

Amended by [Decree 2001-1331 2001-12-28 art. 2 and 4 French Official Gazette December 29, 2001](#)

Advertising must not cause moral or physical detriment to minors. To this end, it must not:

1. Directly encourage minors to buy a product or service by exploiting their inexperience or credulity;
 2. Directly encourage minors to persuade their parents or others to purchase the goods or services;
 3. Exploit or alter the special trust minors place in parents, teachers or other persons;
 - 4 Without justification show minors in dangerous situations.
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Article 8

Amended by Decree no. 2003-960 of 7 October 2003 - Art. 1 JORF* 8 October 2003 in force as from 1 January 2004

Prohibited: advertising relating to, on the one hand, products for which there is already a legal ban on their being advertised on TV and, on the other hand, the following products and economic sectors:

- Any drink with an alcohol content above 1.2 degrees;
- Films for showing in cinemas;
- Books; except on television services supplied exclusively by cable or broadcast by satellite;
- Retail sector for commercial promotion activities carried out entirely or principally on [French] national territory with the exception of: the Overseas Departments and the territories of French Polynesia, the Wallis and Futuna islands, the departmental collective of Mayotte and New Caledonia.

For the purposes of the present decree, 'commercial promotion activity' is understood to mean any offer of products or supply of services made to consumers or any event organiser that is of a non-permanent or seasonal nature due especially to the length of the offer period, the advertised price and sales conditions, the size of the stock put on sale, or the nature, origin or particular qualities of the products or services or of accessory products or services on offer.

*JORF Official Journal of the French Republic

Article 9

Amended by [Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001](#)

Surreptitious advertising is prohibited.

For the purposes of this Decree, surreptitious advertising is the verbal or visual presentation in a clandestine manner of goods, services, the name, brand or activities of a producer of goods or a provider of services in programmes when such a presentation

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	is made for purposes of advertising.
Article 10	Amended by Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001 Advertising must not use subliminal techniques.
Article 11	Amended by Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001 Advertising should not use the appeal visually or orally of persons regularly presenting news and current affairs programmes.
Article 18	Sponsored television broadcasts must meet the following requirements: I. – Their content and programming may not under any circumstances be influenced by the sponsor in any way likely to detract from the editorial independence and responsibility of the television company or service. II. – They must not encourage the purchase or rental of the sponsor's products or services or those of a third party and, in particular, must not include specific promotional references to such products or services. III. – Sponsored television broadcasts must be clearly identified as such at the beginning or end of each showing. The sponsor may be identified by name, corporate name, business sector, brand name, or by distinctive images or signs habitually associated with it, such as initials, a logo or an advertising jingle, but there must be no advertising slogan or display of the product itself or its packaging. However, if the sponsorship is intended to finance a game show or contest, the sponsor's products or services may be given free of charge to participants as prizes, provided there is no specific advertising theme. IV. – During the sponsored programme and the trailers, the sponsor may only be referred to briefly and discreetly and references must be confined to a statement of the contribution made by the sponsor using only those means of identification referred to above.
Article 19	Amended by Decree No. 2008-1392 of 19 December 2008 - s. 3 Television programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of alcoholic beverages or tobacco products. Companies that have activities including the manufacture or sale of drugs or the supply of medical treatment may only sponsor television programmes for the promotion of their name or image (logo).
Article 20	Amended by Decree 2001-1331 2001-12-28 art. 2 French Official Gazette December 29, 2001 News broadcasts and current affairs programmes cannot be sponsored.

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