



## 4.23. NO – Norway – National legal summary<sup>484</sup>

### 4.23.1. Applicable regulatory framework

Relevant legislation includes the following:

Primary legislation:

- LOV-1992-12-04-17 Lov om kringkasting og audiovisuelle bestillingstjenester (Kringkastingsloven<sup>485</sup>) [Law on broadcasting and audiovisual on-demand services (the Broadcasting act<sup>486</sup>)]
- LOV-2009-01-09-2 Lov om kontroll med markedsføring og avtalevilkår mv. (markedsføringsloven<sup>487</sup>) [Act relating to the control of marketing and contract terms and conditions, etc. (Marketing Control Act)]
- LOV-2003-05-23-35 Lov om visse sider av elektronisk handel og andre informasjonssamfunnstjenester (ehandelloven<sup>488</sup>) [Act relating to certain aspects of electronic commerce and other information society services (Electronic Commerce Act<sup>489</sup>)]
- LOV-1973-03-09-14 Lov om vern mot tobakksskader (tobakksskadeloven<sup>490</sup>) [Act relating to Prevention of the Harmful Effects of Tobacco (Tobacco Act)]
- LOV-1989-06-02-27 Lov om omsetning av alkoholholdig drikk m.v. (alkoholloven<sup>491</sup>) [Act on the sale of alcoholic beverages (Alcohol Act)]
- LOV-1992-12-04-132 Lov om legemidler m.v. (legemiddeloven<sup>492</sup>) [Act relating to medicines etc. (Medical Act)]
- LOV-2015-02-06-7 Lov om beskyttelse av mindreårige mot skadelige bildeprogram mv. (Bildeprogramloven<sup>493</sup>) [Act relating to the protection of minors against harmful audiovisual programmes]
- LOV-2022-03-18-12 Lov om pengespill (pengespilloven)<sup>494</sup> (Gambling Act)

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<sup>484</sup> The factsheet on Norway incorporates feedback received from Linda Andersen, Senior Adviser on Governance, Supervision and International Relations and Hanne Sekkelsten, Director of the Legal and Regulatory Department at the Norwegian Media Authority (Medietilsynet), during the checking round with the national regulatory authorities.

<sup>485</sup> <https://lovdata.no/dokument/SFE/forskrift/1997-02-28-153>.

<sup>486</sup> <https://lovdata.no/dokument/NLE/lov/1992-12-04-127>.

<sup>487</sup> <https://lovdata.no/dokument/NLE/lov/2009-01-09-2>.

<sup>488</sup> <https://lovdata.no/dokument/NL/lov/2003-05-23-35>.

<sup>489</sup> Unofficial English translation:

<https://app.uio.no/ub/ujur/oversatte-lover/english.shtml>

<sup>490</sup> <https://lovdata.no/dokument/NL/lov/1973-03-09-14>.

<sup>491</sup> <https://lovdata.no/dokument/NL/lov/1989-06-02-27/>.

<sup>492</sup> <https://lovdata.no/dokument/NL/lov/1992-12-04-132>.

<sup>493</sup> <https://lovdata.no/dokument/NLE/lov/2015-02-06-7>.

<sup>494</sup> <https://lovdata.no/dokument/NL/lov/2022-03-18-12>. This Act is new and enters into force on 1 January 2023. It replaces the Lottery Act [LOV-1995-02-24-11](https://lovdata.no/dokument/NL/lov/1995-02-24-11), the Gambling Act [LOV-1992-08-28-103](https://lovdata.no/dokument/NL/lov/1992-08-28-103) and the Totalisator Act [LOV-1927-07-01-3](https://lovdata.no/dokument/NL/lov/1927-07-01-3).



- *LOV-2017-06-16-51 Lov om likestilling og forbud mot diskriminering*<sup>495</sup> (Act relating to equality and a prohibition against discrimination)

#### Secondary legislation:

- *Forskrift om kringkasting og audiovisuelle bestillingstjenester*<sup>496</sup> (Regulation relating to broadcasting and audiovisual on-demand services)
- *Vedtekter for Norsk rikskringkasting AS*<sup>497</sup> (Norwegian Broadcasting corporation by-laws)
- Agreement on the delivery of commercial public service between the Ministry of Culture and TV 2 AS<sup>498</sup>
- FOR-2015-06-26-800 *Forskrift om beskyttelse av mindreårige mot skadelige bildeprogram*<sup>499</sup> (Regulations on the protection of minors against harmful audiovisual programmes)
- FOR-2022-06-17-144 *Forskrift om merking av retusjert reklame*<sup>500</sup> (Regulations on labeling of retouched advertising)
- FOR-2009-12-18-1839 *Forskrift om legemidler*<sup>501</sup> (Regulations relating to medicines)

#### Self and co-regulatory mechanism:

- *Veileder for sponning i kringkasting og bestillingstjenester*<sup>502</sup> (Guidelines for sponsorship in broadcasting and audiovisual on-demand services)
- *Medietilsynet Veileder for produktplassering i kringkasting og audiovisuelle bestillingstjeneste*<sup>503</sup> (Norwegian Media Authority (NMA) guidelines for product placement in broadcasting and audiovisual ordering services)
- *Medietilsynet Veileder til youtubere og videobloggere om merking av reklame*<sup>504</sup> (Norwegian Media Authority (NMA) guidelines on advertising for Youtubers and videobloggers)
- Code for marketing of food and drink aimed at children (industry code)<sup>505</sup>

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<sup>495</sup> <https://lovdata.no/dokument/NLE/lov/2017-06-16-51>.

<sup>496</sup> <https://lovdata.no/dokument/SFE/forskrift/1997-02-28-153>.

<sup>497</sup> <https://info.nrk.no/vedtekter/#utfyllende>.

<sup>498</sup> <https://www.medietilsynet.no/globalassets/dokumenter/allmennkringkasting/avtale-av-26.-september-2018-mellom-staten-ved-kulturdepartementet-og-tv-2-as-.pdf>.

<sup>499</sup> <https://lovdata.no/dokument/SFE/forskrift/2015-06-26-800>.

<sup>500</sup> <https://lovdata.no/dokument/SF/forskrift/2022-06-17-1114?q=forskrift%20om%20merking%20av%20retusjert>.

<sup>501</sup> <https://lovdata.no/dokument/SF/forskrift/2009-12-18-1839?q=legemiddelforskriften>.

<sup>502</sup> [https://www.medietilsynet.no/globalassets/dokumenter/veiledere/190411-veileder\\_sponning.pdf](https://www.medietilsynet.no/globalassets/dokumenter/veiledere/190411-veileder_sponning.pdf).

<sup>503</sup> [https://www.medietilsynet.no/globalassets/veiledninger/201102-veileder\\_produktplassering\\_oppdatert-med-radio.pdf](https://www.medietilsynet.no/globalassets/veiledninger/201102-veileder_produktplassering_oppdatert-med-radio.pdf).

<sup>504</sup> <https://www.medietilsynet.no/globalassets/dokumenter/veiledere/190318-yt-veileder-kommersielt-innhold.pdf>.

<sup>505</sup> [https://nye.mfu.as/?page\\_id=616](https://nye.mfu.as/?page_id=616).



- Guidance on the code for marketing of food and drink aimed at children (industry guidance)<sup>506</sup> supervised by the self-regulatory body MFU<sup>507</sup> (*Matvarebransjens Faglige utvalg*/The Food and Drink Industry Professional Practices Committee)
- Guidance for influencers on marketing<sup>508</sup> supervised by the self-regulatory body FIM (*Fagutvalget for influencemarkedsføring*/committee for influencer marketing)
- Guidance on the labelling of retouched advertising<sup>509</sup> from the Consumer Authority

## 4.23.2. Definitions and restrictions regarding commercial communications

This section aims at identifying the relevant definitions related to commercial communications stemming from related laws, rules and current practices, as well as ongoing reforms under the transposition and implementation of the revised AVMS Directive. Please note that this review includes definitions which are part of the revised AVMSD, inclusive of audiovisual commercial communications, advertising, surreptitious commercial communications, sponsorship and product placement, but also the definitions of supplementary and/or related concepts, such as the advertiser, sponsor and sponsored content, as well as misleading commercial communication, for the purpose of providing a comprehensive overview.

### 4.23.2.1. Definitions

**Table 49. Definition of the main concepts related to commercial communications**

Concept	Existence of a definition
Audiovisual commercial communications	No.
Television advertising	Yes.
Advertiser	No.
Surreptitious commercial communication	Yes.
Misleading commercial communication	No, but “misleading commercial practice” exists.
Virtual advertising	No.
Sponsorship	Yes.
Sponsor	Covered under sponsorship.

<sup>506</sup> <https://nye.mfu.as/guidance-on-the-code-for-marketing-of-food-and-drink-aimed-at-children/>

<sup>507</sup> <https://nye.mfu.as/about-mfu/>

<sup>508</sup> <https://fim.as/62304-Retningslinjer-for-Influencere>

<sup>509</sup> <https://www.forbrukertilsynet.no/forbrukertilsynets-veiledning-om-merking-av-retusjert-reklame>



<b>Sponsored content</b>	Covered under sponsored programme.
<b>Product placement</b>	Yes.
<b>Other</b>	Information society service

Source: Norwegian response to European Audiovisual Observatory standardised survey

#### 4.23.2.1.1. Audiovisual commercial communications

There is no separate definition of audiovisual commercial communications, however there are definitions on advertisements, sponsorship and product placement in the Broadcasting Act.

The by-laws of the Norwegian Broadcasting Corporation (NRK) set the frameworks and guidelines for its commercial operations. Section 10 of the by-laws state that NRK is allowed to operate a commercial business, but only under a clear separation from public service operations and mainly organised in subsidiary companies.

#### 4.23.2.1.2. Television advertising

Advertising is defined in the Broadcasting Act Section 1-1 g), as follows:

*Any form of marketing of a product, service, cause or idea in return for payment or similar consideration. Advertising also means any form of announcement on television or audiovisual on-demand services whose purpose is to promote the provider's own activity.*

Section 3-2, special rules on television advertising of the Broadcasting Act provides restrictions regarding the scheduling of TV advertisements:

*Television advertisements must principally be broadcast in blocks between programmes and must be kept separate from the ordinary programme schedule by a special acoustic and visual signal. This provision does not prevent television advertisements from being separated from the ordinary programme schedule by use of a split screen.*

The Regulation relating to broadcasting and audiovisual on-demand services provides some additional details in Section 1-2, which deals with “Advertising broadcasts directed at States party to the Council of Europe's Convention on Transfrontier Television.

#### 4.23.2.1.3. Advertiser

There is no definition of advertiser, but the Marketing Control Act, in Section 5 “Definitions”, contains the definitions of a trader and a commercial practice, as follows:

*...(b) «trader»: a natural or legal person who is acting for commercial purposes, and anyone acting in the name of or on behalf of that person,*

...



*(d) «commercial practice»: any act, omission, course of conduct or representation, commercial communication including advertising and marketing, by a trader, directly connected with the promotion, sale or supply of a product to consumers ...*

#### 4.23.2.1.4. Surreptitious commercial communication

Section 3-3 of the Broadcasting Act provides the following definition of surreptitious marketing:

*Surreptitious marketing means a verbal or visual presentation in programmes of a manufacturer's or service provider's goods, services, name, trademark or activity if the presentation is made intentionally for advertising purposes and the audience may be misled with regard to the nature of the presentation. Such presentation is considered intentional, in particular if it takes place in return for payment or similar remuneration.*

#### 4.23.2.1.5. Misleading commercial communication

While there is no definition of “misleading commercial communication”, the Marketing Control Act, Section 7, provides the relevant definition for misleading commercial practice that is considered as such “if it is likely to cause consumers to make an economic decision that they would not otherwise have made”. The emphasis is on information which is false or likely to deceive consumers in relation to the existence or nature and characteristics of the product, as well as:

- ... d) the price of the product or how the price is calculated, or the existence of a price advantage,*
- e) the need for a service, parts, replacement or repairs,*
- f) the nature, attributes and rights of the trader or the trader's agent,*
- g) the rights of the consumers, including the right to replacement or reimbursement, or the risks the consumers may face,*
- h) the trader's duty to observe industry codes of conduct.*

#### 4.23.2.1.6. Virtual advertising

There is no definition of virtual advertising.

#### 4.23.2.1.7. Sponsorship

Section 3-4 second paragraph of the Broadcasting Act defines sponsorship:

*Sponsorship means any contribution to the production or transmission of a programme from a natural or legal person who is not the provider of the programme and is not involved in the production, with the aim of promoting the sponsor's name, trademark, reputation, activity, product or service.*



#### 4.23.2.1.8. Sponsor

There is no definition of sponsor.

#### 4.23.2.1.9. Sponsored content

There is no definition of sponsored content, but Section 3-4 of the Broadcasting Act provides rules for sponsored programmes, as well as provisions on how to identify a sponsor, including:

*A sponsored programme must be clearly identified as such. Where a programme is sponsored, information to this effect must be given in the introduction to the programme and when it ends. Information about the sponsor may also be given during a sponsored programme, including in single sponsored features. Information about the sponsor may be given in the form of the sponsor's name, trademark, logo, product or service.*

(...)

*The content and form of presentation in a sponsored programme must be such as to maintain the full editorial integrity of the media service provider.*

#### 4.23.2.1.10. Product placement

The Broadcasting Act, Section 3-6 “Product placement”, provides the following definition:

*Product placement means that a product, service or trademark is included in or referred to in a programme in return for payment or similar remuneration for direct or indirect promotion of goods, services or the reputation of a natural or legal person. Free delivery of goods or services with no significant value is not considered product placement.*

#### 4.23.2.1.11. Other definitions

The Electronic Commerce Act, in Section 1, provides for the scope of the legislation to apply to electronic commerce and other information society services and regulation and control of such services by the public authorities. In section 3 of this legislation, information society service is defined (excluding voice telephony, telefax and telex services) as:

- a) any service which is normally performed for remuneration and which is provided electronically at a distance and at the individual request of a recipient of a service and*
- b) any service that consists of providing access to or transmitting information via an electronic communication network or of hosting information provided by the recipient of a service.*



#### 4.23.2.2. Restrictions regarding commercial communications

The revised AVMSD introduces obligations for video-sharing platforms to, *inter alia*, respect certain requirements regarding commercial communications and this section aims at updating the information relative to these obligations and measures imposed under national legislation on media service providers, including VSP providers related to commercial communications.

While the revised AVMSD is applicable in Norway through the EEA agreement, relevant changes pertaining to the revised 2018 Directive have yet to be codified in Norwegian law. Revisions of the relevant laws pertaining to audiovisual services were underway at the time of preparation of this factsheet with the Norwegian Ministry of Culture, with an ongoing public consultation with regard to revision of the Broadcasting Act<sup>510</sup>. The rules stemming from the Marketing Control Act apply to all marketing directed at consumers in Norway, including VSPs. Also, more detailed provisions on advertising, sponsorship and product placement for audiovisual media services (linear broadcasting and on-demand audiovisual media services) are stipulated in the Broadcasting Act and other acts (e.g., Tobacco, Medical and Gambling Acts), details of which are provided below.

##### 4.23.2.2.1. Audiovisual commercial communications for alcoholic beverages and tobacco and tobacco-related products, including electronic cigarettes and refill containers

Both alcohol- and tobacco-related audiovisual commercial communications are generally prohibited. The rules cover all audiovisual commercial communications without differentiating between the sources of the advertisements (i.e., media outlet).

The Tobacco Act provides details on a number of prohibited and restricted practices relating to tobacco (including electronic cigarettes) in Section 22:

*... all forms of advertising tobacco goods are prohibited and tobacco goods must not feature in advertisements for other goods and services.*

This prohibition applies similarly to tobacco surrogates, tobacco imitations and tobacco equipment, including electronic cigarettes, which are defined as a tobacco surrogate according to the Tobacco Act Section 2, and are covered by the prohibition, as well as refill containers.

The Alcohol Act, in Section 9-2, also prohibits advertising of alcoholic beverages, as it states that all forms of advertisements for alcoholic beverages are prohibited:

*The advertising of alcoholic beverages shall be prohibited.*

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<sup>510</sup> On 16 September 2022, the Ministry of Culture and Equality published a consultation to collect views on changes the implementation of the revised AVMSD will entail:  
<https://www.regjeringen.no/no/dokumenter/horing-gjennomforing-av-endringsdirektivet-til-amt-direktivet-mv/id2927696/?expand=horingsnotater>.



*The prohibition also applies to the advertising of other products carrying the same brand or distinctive mark as alcoholic beverages. Moreover, such products may not be included in advertisements for other goods or services.*

#### 4.23.2.2.2. Audiovisual commercial communications for medicinal products and medical treatment available only on prescription in the member state

Section 2 of the Medical Act defines medicinal products and provides details on drugs and preparations that require specific permission for advertising, but not specifically related to audiovisual commercial communications:

*Substances, drugs and preparations intended for or used in the prevention, treatment or alleviation of human or animal illness, or pain, or for internal or external use in the diagnosis of illness.*

According to Section 13-4 of the Regulations relating to medicines, it is prohibited to advertise to the general public medicines available only on prescription.

#### 4.23.2.2.3. Surreptitious audiovisual commercial communications

Surreptitious advertising and other forms of surreptitious marketing are prohibited in the Broadcasting Act Section 3-3, which stipulates:

*No forms of surreptitious advertising or other forms of surreptitious marketing are allowed on television or audiovisual on-demand services.*

#### 4.23.2.2.4. Subliminal techniques in commercial communications

Regulation relating to broadcasting and audiovisual on-demand services in Section 3-4 forbids the use of subliminal techniques: “No advertisements using subliminal techniques may be broadcast”.

#### 4.23.2.2.5. Prejudice with regard to human dignit

According to the Criminal Code Section 185, discriminatory or hateful statements are forbidden. The second paragraph states:

*“Discriminatory or hateful statement” means threatening or insulting a person or promoting hate of, persecution of or contempt for another person based on his or her*

*a. skin colour or national or ethnic origin,*

*b. religion or life stance,*

*c. homosexual orientation, or*

*d. reduced functional capacity.*





4.23.2.2.6. Inclusion or promotion of any discrimination (on the grounds of e.g., sex, racial or ethnic origin, nationality, religion, etc.)

The Act relating to equality and a prohibition against discrimination, Section 6 first paragraph, states:

*Discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or combinations of these factors is prohibited. "Ethnicity" includes national origin, descent, skin colour and language.*

4.23.2.2.7. Encouragement of behaviour prejudicial to health or safety

The Penal Code Section 183 states:

*Any person who publicly incites another person to commit a criminal act shall be subject to a penalty of a fine or imprisonment for a term not exceeding three years.*

4.23.2.2.8. Encouragement of behaviour grossly prejudicial to the protection of the environment

The Penal Code Section 183 states:

*Any person who publicly incites another person to commit a criminal act shall be subject to a penalty of a fine or imprisonment for a term not exceeding three years.*

The Penal Code Section 239 – 242 contains several prohibitions on environmental crimes.

4.23.2.2.9. Causing physical, mental or moral detriment to minors

The Act relating to the protection of minors against harmful audiovisual programmes, applicable to television broadcasts and on-demand audiovisual media services, screening at a public gathering in Norway, including at a cinema or other screening facility and the making available of a videogram in Norway when the audiovisual programme is made available by an enterprise that is registered in Norway or has its business address in Norway or by a person who is a Norwegian citizen or resident in Norway, or the decision to make available is made in Norway, in Section 1. provides detailed regulations "to protect minors against the harmful effects of exposure to moving images".

According to Section 9 of the Act, audiovisual programmes with seriously harmful content for minors may not be broadcast on television. Minors must not normally have access to content that may be harmful, and the provider must ensure this by either selecting the time of the broadcast or via any technical measure.



For on-demand audiovisual media services the service provider must implement measures to ensure that minors will not normally have access to audiovisual programmes or related material with seriously harmful content, cf. Section 10 of the Act.

The Marketing Control Act provides regulations in Chapter 4, Section 19:

*When a commercial practice is directed at children, or may be seen or heard by children, particular care shall be exercised with regard to the impressionability, lack of experience and natural credulity of children.*

*In the assessment of whether a commercial practice contravenes provisions in or introduced pursuant to this Act, account shall be taken of age, development and other factors that make children particularly vulnerable.*

Section 20 of the said Act further stipulates that, when assessing whether a commercial practice is unfair, emphasis must be given to whether the commercial practice is directed especially at children and that, even if the commercial practice is not directed especially at children, emphasis must be given to whether the practice, by virtue of its nature or the product, is likely to influence children, and to whether the trader can be expected to foresee the particular vulnerability of children to the practice. Prohibitions vis-à-vis direct exhortations to children to purchase advertised products or to persuade their parents or other adults to buy the advertised products for them apply. Assessment is also prescribed in the consideration of whether the marketing encourages breaches of the law, dangerous behaviour or breaches of ordinary safety norms, etc. in Section 21 of the Marketing Control Act.

According to the Broadcasting Act Section 3-1, advertisements cannot be broadcast in connection with children's programmes, nor can advertisements on television or in audiovisual on-demand services specifically target children.

#### 4.23.2.2.10. Other

N/A.

### 4.23.3. Sponsorship and product placement

Certain obligations stem from the revised AVMSD vis-à-vis sponsorship and product placement and these parts aim at identifying the rules and practices pertaining to these two specific categories of commercial communications.

#### 4.23.3.1. Sponsorship

The Broadcasting Act Section 3-4 stipulates rules on sponsorship, including the requirement that sponsored programmes be clearly identified, with information on sponsorship having to be given in the introduction and at the end of the programme.



Information about the sponsor may also be given during a sponsored programme, including in single sponsored features. Information about the sponsor may be given in the form of the sponsor's name, trademark, logo, product or service.

Furthermore, the content and form of presentation in a sponsored programme must be such as to maintain the full editorial integrity of the media service provider. Sponsored programmes must not encourage the purchase or rental of any of the sponsor's products or services or those of a third party and must not contain specific promotional references to such products or services.

It is prohibited to sponsor news and current affairs programmes.

Broadcasting or audiovisual on-demand programmes cannot be sponsored by natural or legal persons whose principal activity is to manufacture, sell or hire out products or services for which advertising is prohibited by Norwegian legislation or rules issued pursuant thereto. Political party organisations must not sponsor broadcasts.

The Regulation relating to broadcasting and audiovisual on-demand services, in Section 3-10, stipulates that sponsor identification must not contain slogans, statements, images, sound or other forms of additional information that can be linked to a sponsor's name, trademark, logo, product or service. The sponsor identification can nevertheless contain a non-moving image or moving images of the sponsor's product or service in addition to the name of the sponsor's product or service, provided the purpose of the identification is to inform the viewer of the sponsorship. It is also stipulated that the identification of an individual sponsor may last for a maximum of 10 seconds for each full hour of the programme (or 40 seconds for programmes lasting more than an hour), as well as that a presentation of sponsored prizes in a programme must last no longer than necessary to inform the viewers about the prize. Section 3-15 includes rules for sponsorship and advertising directed at minors in audiovisual on-demand services.

This Regulation also stipulates that the Norwegian Media Authority NMA<sup>511</sup> may issue regulations setting a monetary threshold to identify when a programme is sponsored.

Section 3-11 further provides prohibitions on the sponsoring of broadcasting programmes:

*Programmes for children and young people may not be sponsored by natural or legal persons whose purpose is to pursue economic business activity.  
Political party organisations may not sponsor broadcasting programmes.*

Section 3-13 contains rules concerning the Norwegian Broadcasting Corporation, including, *inter alia*, the prohibition on advertising in teletext services containing programme guides. Sponsorship identification requirements stipulated above are supplemented by a requirement to the effect that a sponsor may only be identified verbally and/or by a non-moving image. Also, NRK may accept contributions from sponsors only for:

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<sup>511</sup> Medietilsynet, <http://www.medietilsynet.no/>.



- a. *Production and transmission of live or recorded broadcasts of sporting events. The Norwegian Broadcasting Corporation may not accept contributions in respect of other sports programmes which are not purely broadcasts of sporting events.*
- b. *Production from events where the production in whole or in part takes place under the Norwegian Broadcasting Corporation's auspices and the programme is to be broadcast to more than one country or is of social interest or cultural significance; principally productions from important national events.*
- c. *Production of educational programmes. Section 3-11, first paragraph, applies correspondingly to educational programmes directed at children and/or young people. In the assessment of whether an educational programme is directed at children and/or young people, Section 3-6 is applicable insofar as it is appropriate.*

The Norwegian Media Authority (NMA) has issued a set of non-legal guidelines, aimed at practitioners, providing references to relevant legal texts on sponsorship as well as cases from Norwegian courts dealing with sponsorship.

#### 4.23.3.2. Product placement

The NMA's guidelines provide references to relevant legal texts on product placement.

The Broadcasting Act, Sections 3-6 and 3-7, provide regulations on product placement in broadcasts and audiovisual on-demand services. In general, product placement in broadcasts and audiovisual on-demand services is prohibited, with the exception of "films, fictional series, sports programmes and light entertainment programmes". These exceptions do not apply to programmes produced or ordered by the Norwegian Broadcasting Corporation (NRK) or associated enterprises. No product placements are allowed in programmes particularly directed at children.

Section 3-7 provides requirements for programmes that do contain product placement. These must meet the requirements regarding the prohibition on influencing the responsibility and the editorial independence of the media service provider, and direct encouragement of the purchase or rental of goods or services, including by making special sales-promoting references to such goods or services. In addition:

- ...c. Product placement must not give the relevant product or service undue prominence.*
- d. Viewers must be prevented from being misled, programmes containing product placement must be identified in a clear and neutral manner at the beginning and end of the programme, as well as when the programme resumes after an advertising break.*
- e. Programmes produced or ordered by media service providers subject to Norwegian jurisdiction or associated enterprises cannot contain product placement of products or services of particular interest to children, or of weapons, model weapons or toy versions of weapons.*
- f. Programmes produced or ordered by television enterprises subject to Norwegian jurisdiction or associated enterprises cannot contain product placement financed by political party organisations.*



These requirements do not apply to programmes that have not been produced or ordered by the media service provider or associated enterprises.

#### 4.23.4. Obligations regarding (v)blogs and (v)blogging

The Broadcasting Act does not encompass (v)blogs in its current status. Some vloggers may, however, be considered on-demand audiovisual media services.

The Norwegian Media Authority (NMA) has issued a set of non-legal guidelines on advertising for Youtubers and videobloggers, providing principles separating advertising from other forms of product discourse and explanations of the rules, which state, *inter alia*:

*If you make videos that you post on YouTube or other video-sharing platforms, you have a duty to mark these. This applies if you earn money from, or receive other benefits from presenting products or services in the videos. Viewers must be aware of which videos contain advertising so as to be aware that someone wants to influence them to buy something. The Broadcasting Act has rules on the labelling of advertising, sponsorship and product placement, and these rules apply for those of you who post videos on your own channel. These guidelines advise you on how to tag your videos in order to fulfil the requirements that follow from the law.*

Vloggers who are not considered on-demand audiovisual media services must comply with the general regulation on marketing in the Marketing Control Act. The Consumer Authority has also issued guidelines regarding labelling of commercial content.

#### 4.23.5. Other relevant information

N/A.

#### 4.23.6. Content-related rules regarding commercial communications for VSP providers

While certain restrictions regarding the content of commercial communications stem from the revised AVMSD and relate to issues connected to the protection of minors and restrictions on the advertising of certain products and services, this part deals with less-explored notions, such as rules pertaining to gambling, environmental claims vis-à-vis products and services, etc.



#### 4.23.6.1. Advertising of, or on behalf of, associations that are wholly or mainly concerned with religion, faith and other belief systems

The revised AVMSD is not yet implemented in Norway, and there are no rules on this for VSP providers in the Norwegian law today.

Section 3-1 of the Broadcasting Act prohibits broadcasting of advertisement for, *inter alia*, belief systems: “Broadcasters cannot transmit advertisements for belief systems or political messages on television. This also applies to teletext services.”

This prohibition only applies to linear television.

#### 4.23.6.2. Gambling, betting, betting tipsters, etc.

Marketing for gambling services is prohibited in Norway except for the few companies which hold a special permit. The prohibition also applies to audiovisual media service providers and VSP providers, according to the Lottery Act Section 11, the Gambling Act Section 2 and regulations under the Totalisator Act. The Norwegian Parliament has passed a new Gaming Scheme Act, which takes force from 1 January 2023, which will also relate to online media. The prohibition on marketing of gambling is upheld in Section 6. The new law provides the legal framework on how to: a. prevent problematic gambling and other negative effects of gambling, b. make sure gambling is conducted in responsible and safe ways, c. enable the transfer of revenues from gambling to non-commercial operations.

The Broadcasting Act Section 4-7 provides a mandate to the NMA to issue an order to Norwegian providers of TV networks in Norway, after receiving an advisory statement from the Norwegian Gambling Authority, with regard to preventing or hampering access to illegal marketing of gambling:

...

*Before an order is issued pursuant to the first paragraph, the Norwegian Media Authority must assess whether the considerations that speak in favour of the order are weightier than the disadvantages the order will entail. An order must not be issued when the Norwegian Media Authority finds that it would be a disproportionate measure ...*

#### 4.23.6.3. Environmental or “green” claims for products

No specific provisions deal with this issue.

#### 4.23.6.4. Other

N/A.



## 4.23.7. Self- and co-regulation and enforcement

This section aims at identifying the legal framework and practice for self- or co-regulatory schemes and measures regarding commercial communications on VSPs, including identification of the body or bodies in charge of self- and co-regulation and enforcement powers with regard to commercial communications and VSPs, as well as the scope of their activities with regard to commercial communications and VSPs.

### 4.23.7.1. Self- and co-regulatory bodies

The revision of the current Broadcasting Act with regard to regulation of video-sharing platforms has yet to be considered. Meanwhile, it is worth noting that the NMA issued the aforementioned guidelines on sponsorship and product placement specifically to YouTubers and videobloggers. Also, a 2016 initiative from publishers, bloggers and advertiser networks led to the formation of a set of guidelines for so-called influencers, under the name “Common-sense guidelines”.<sup>512</sup>

#### 4.23.7.1.1. Context of establishment and legal background

In addition to consideration of the revision of the Broadcasting Act related to VSPs, it should be noted that the Professional Committee for Influence Marketing<sup>513</sup> was established in 2020 by the Norwegian Advertisers’ Association<sup>514</sup> and the Norwegian Media Businesses’ Association<sup>515</sup>, with the aim to contribute to responsible influencer marketing.

#### 4.23.7.1.2. Stakeholders involved

The Norwegian Advertisers’ Association is an interest organisation for advertisers and marketers. The association’s purpose is to safeguard the members’ interests vis-à-vis suppliers of goods and services in the advertising sector, the media and authorities.

The Norwegian Media Businesses’ Association is the media trade and tariff organisation in Norway. The organisation counts approx. 324 member businesses, consisting of newspapers, TV companies, media groups, magazines, multimedia companies, press agencies, radio stations, printing offices, distribution companies, advertising groups and advertising companies.

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<sup>512</sup> These are guidelines, they do not have any self-regulatory body supervising them. The webpage is no longer working (<http://www.sunnfornuftplakaten.no/>), but a Facebook page is available: <https://nb-no.facebook.com/SunnFornuftPlakaten/>.

<sup>513</sup> Fagutvalget for Influencermarkedsføring, <https://fim.as/>.

<sup>514</sup> Annonsørforeningen, <https://anfo.no/>.

<sup>515</sup> Mediebedriftenes landsforening, <https://www.mediebedriftene.no>



The Food and Drink Industry Professional Practices Committee (MFU)<sup>516</sup> is a self-regulatory body which consists of representatives of food manufacturers and food suppliers.

#### 4.23.7.1.3. Scope and objectives

The purpose of The Professional Committee for Influencer Marketing is to contribute to good and responsible marketing practices by those who work with influencer marketing. The aim is to reduce undue attention to body, beauty and outward appearance (sometimes referred to as “beauty sickness”). The association was established by the Norwegian Advertisers’ Association and the Norwegian Media Businesses’ Association as a self-regulatory scheme for the industry’s players.

The purpose of the MFU is to raise awareness in the business community regarding the challenges related to marketing food and drink to children and young people, ensuring compliance with the Code and Guidance which lay down what is acceptable marketing, monitoring the industry ban on marketing certain types of food and drink to children under 13 years, and ensuring that everyone is able to complain to the MFU about marketing activity which infringes on the Code and Guidance. The MFU also issues pre-judgements on future campaigns, and responses by the MFU are published.

#### 4.23.7.1.4. Code(s) of conduct

While there are no known codes of conduct, the Professional Committee for Influencer Marketing, Norwegian Advertisers’ Association and Norwegian Association of Media Companies run a variety of related programmes and initiatives.

The MFU manages the Code for marketing of food and drink aimed at children.<sup>517</sup> There is a prohibition on marketing to children certain products listed in a product list.

#### 4.23.7.1.5. Role of the (self-)regulatory bodies

The Professional Committee for Influence Marketing and the MFU receive complaints and make decisions, which are published in the press and on social media.

#### 4.23.7.1.6. Period of activity (if limited)

N/A.

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<sup>516</sup> <http://mfu.as>.

<sup>517</sup> [https://nye.mfu.as/?page\\_id=616](https://nye.mfu.as/?page_id=616).





#### 4.23.7.1.7. Role of the regulatory authority in a co-regulatory system

##### 4.23.7.1.7.1. *Regulatory body*

While the NMA has a rather broad mandate (supervising authority for broadcasting and licensing authority for local and other types of broadcasting; appellate body for matters relating to television licenses; administrator of a number of different subsidy schemes), it does not have a specific role related to co-regulation.

##### 4.23.7.1.7.2. *Co-regulatory scheme*

N/A.

##### 4.23.7.1.7.3. *Relationship and roles of stakeholders*

N/A.

#### 4.23.7.2. Monitoring/evaluation, compliance and sanctioning powers

N/A.

### 4.23.8. Cross-sector and cross-border collaboration

N/A.

### 4.23.9. Update on plans and practices relative to new obligations of VSPs

A consultation paper on the implementation of the 2018 AVMSD was published in September 2022 (see Section 4.23.2.2.).

### 4.23.10. Studies, reports and research

The following reports have been prepared in relation to audiovisual commercial communications:

- “Hvordan ivareta norsk og europeisk innhold i fremtiden? En analyse av Norges handlingsrom innenfor gjeldende og fremtidig amt-direktiv” (“How to sustain Norwegian and European content in the future? An analysis of Norway’s room to



maneuver within the existing and future AVMS Directive”), Norwegian Film Institute, 2017<sup>518</sup>

#### 4.23.11. Data compilation

This factsheet is based on data compiled by Terje Colbjørnsen, Associate professor at the Oslo Metropolitan University, COLBYCO.

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<sup>518</sup>[https://www.nfi.no/statistikk/statistikk-analyse-og-rapporter/\\_/attachment/download/018daf64-aeaa-4f27-871b-6452e846574c:218d0fcbd5a587d986d076e3ac8aee5b8ad70654/Analyse%20av%20AMT-direktivet%20NFI%202017.pdf](https://www.nfi.no/statistikk/statistikk-analyse-og-rapporter/_/attachment/download/018daf64-aeaa-4f27-871b-6452e846574c:218d0fcbd5a587d986d076e3ac8aee5b8ad70654/Analyse%20av%20AMT-direktivet%20NFI%202017.pdf).