

THE ADVERTISING STANDARDS AUTHORITY OF SOUTH AFRICA (ASA)

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Basic outline

- History of ASA
- Purpose of ASA
- Process and powers of enforcement
- General information (Basic rules)
- Current challenges
- SA Gambling and the ASA?



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ASA **history** in a nutshell

- Established 1968
- Tri-partheid agreement
 - Marketers
 - Advertisers
 - Media owners
- Agreed to set of rules and procedures to enforce such rule



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... why bother?

- Legislation traditionally not concerned with more subjective or “trivial” issues
- Legislation often slow and costly
- No consumer confidence means no business



HISTORY:

Our efforts have been recognised both locally and internationally:



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the dti

A W A R D S
FOR CONSUMER CHAMPIONS

2003

WINNER

This is to certify that

Advertising Standards Authority of South Africa
has excelled in the category of

Industry Associations



Alec Erwin
Minister of Trade and Industry

14 OCT 03

Date



the dti
THE DEPARTMENT
OF TRADE AND INDUSTRY
SOUTH AFRICA



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**Prix de l'éthique publicitaire
2005**

is presented to

**The Advertising Standards Authority of South Africa
for its integrated consumer awareness campaign**



.....
Dr Oliver Gray, on behalf of EASA



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EASA Best Practice Awards 2009

**Special Mention
is awarded to**

**The Advertising Standards Authority of
South Africa**

for

“ASA Today” - ASASA’s radio programme

Oliver Gray, EASA Director General

Jean-Pierre Teyssier, EASA Chairman

The EASA 2009 Best Practice Award Special Mention is given to SROs that have implemented best practice to regulate advertising in their market a creative and innovative way.

Purpose of the ASA

- Two main purposes: **protect consumers**, and ensure **fair play among competitors**
- Platform for arbitration in such conflicts
- **Complement** (not replace) legislation



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NOT... purpose of ASA

- Contractual disputes
- Quality of product / service
- Legitimacy of business practices
- Political advertising



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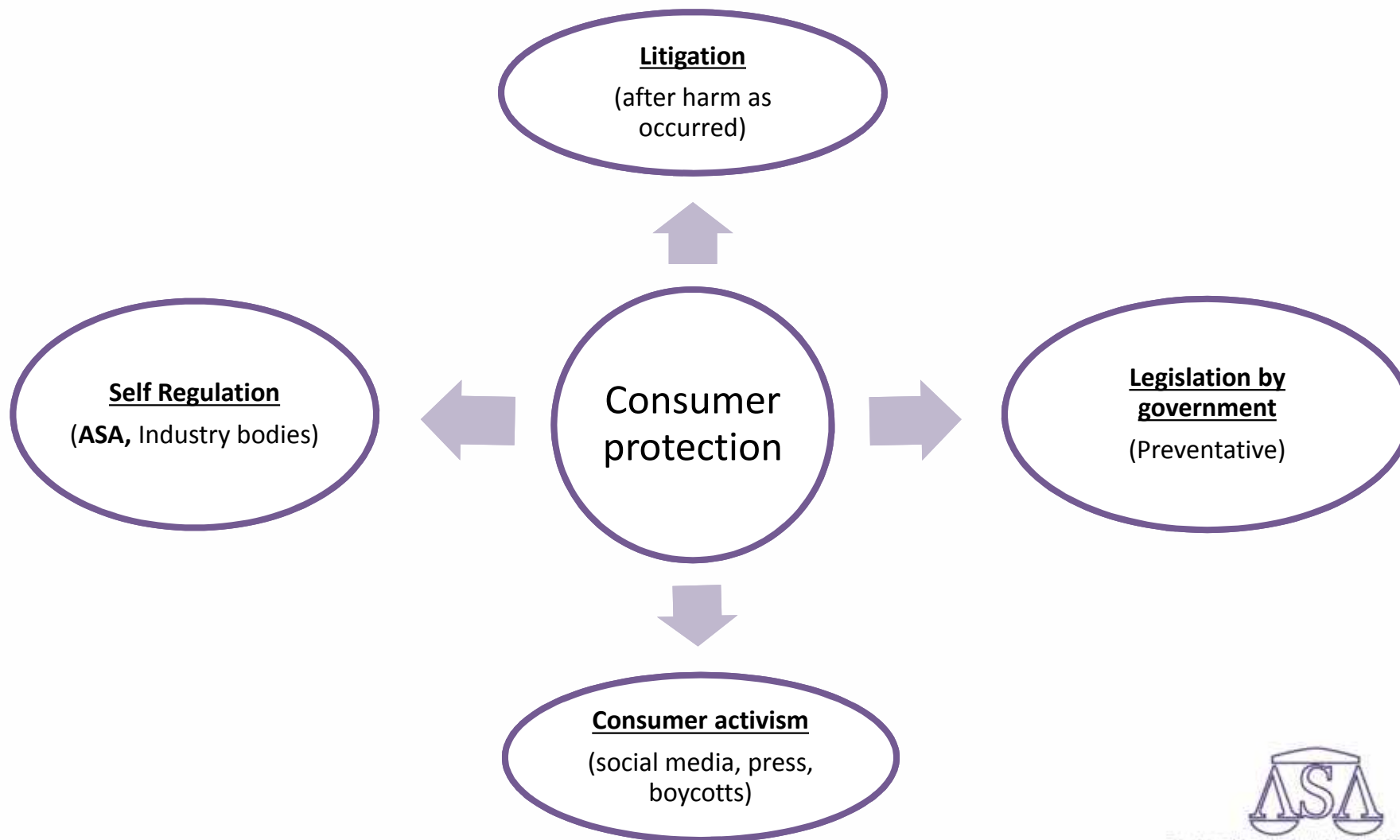
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- Independent
- Funded by advertising industry (**NO** Government contribution)
- Works closely with government, statutory bodies, consumer / industry organisations
- ECT-Act officially recognises ASA (CONSUMER PROTECTION ACT??)
- Global relevance (EASA)



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... Seen in CONTEXT



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Support for ASA System

- Association for Communication and Advertising
- Association for Savings and Investments
- Association for South African Travel Agents
- Cinemark
- Cosmetic Toiletry & Fragrance Association
- Furniture Trader's Association
- Health Products Association
- Hospital Association
- Industry Association for responsible Alcohol Use
- Marketing Association of South Africa
- National Association of Broadcasters
- Out of Home Media
- Pet Food Industry
- Print Media SA
- Printing Industries Federation
- Retail Motor Industry Organisation
- Self-Medication Manufacturers' Association
- South African Optometric Association
- Vocation Ownership Association of SA



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International Recognition

- Austria
- Belgium
- Czech Republic
- Denmark
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Luxembourg
- Netherlands
- Portugal
- Russia
- Slovak Republic
- Slovenia
- Spain
- Sweden
- Switzerland
- Turkey
- United Kingdom
- Canada
- New Zealand
- South Africa



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Complaint handling **process**

- Criteria for “valid” complaint
- Obtain official response (3 / 5 days)
- Present to Directorate for decision
- If necessary – obtain opinion
- Ruling issued and published on website



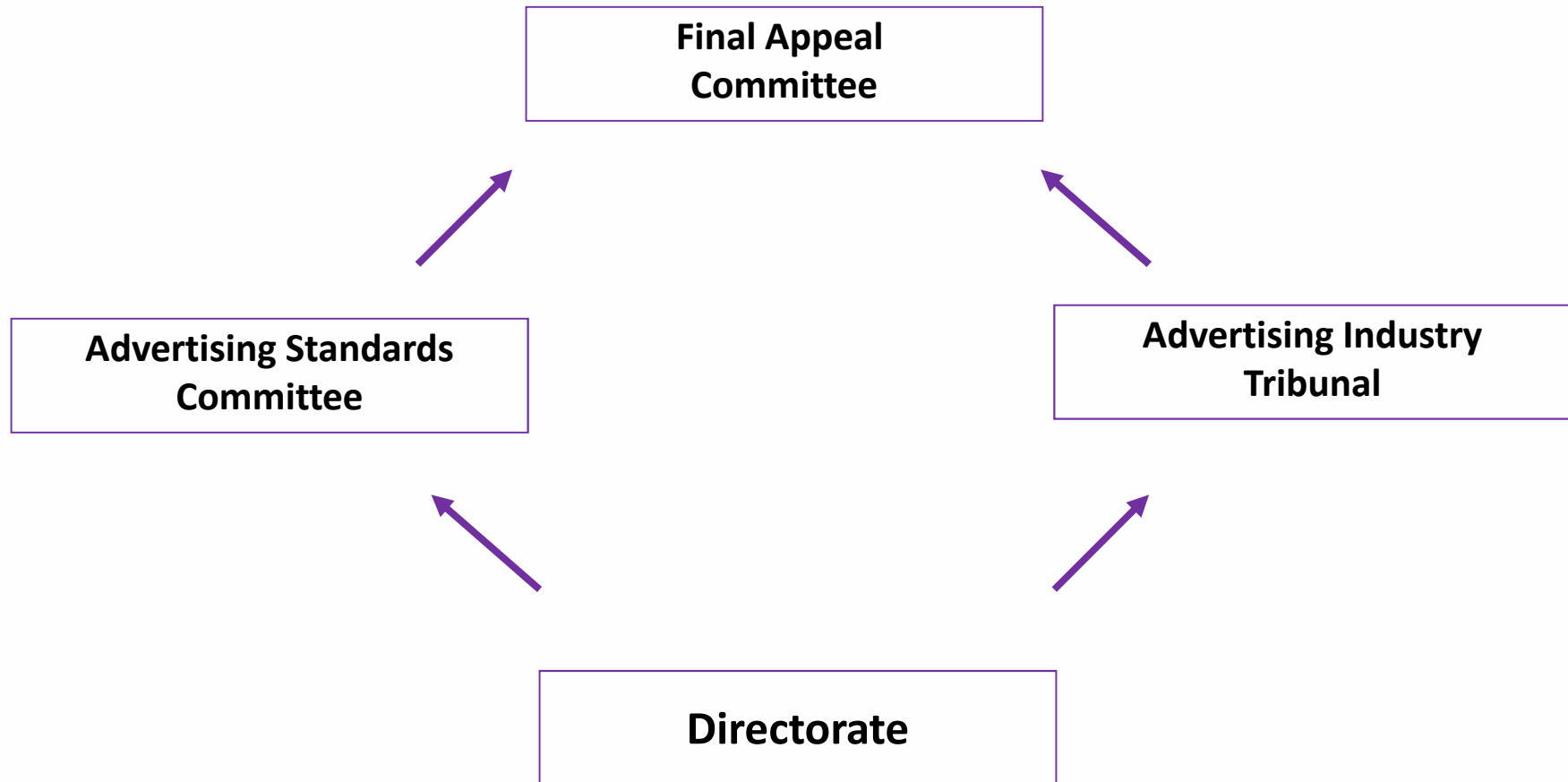
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Enforcement of rulings

- Through media members (Including print media and broadcast media)
- Members will withdraw advertising at issue (e.g. ECT Act)
- Ad Alert
- Additional sanctions possible



Levels of decision-making



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Our “teeth”:

- Forced removal of ad (where we have membership base)
- Forced pre-clearance of advertising
- Adverse publicity / summarised ruling
- Refusal of advertising space



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GENERAL PRINCIPLES OF THE CODE OF ADVERTISING PRACTICE

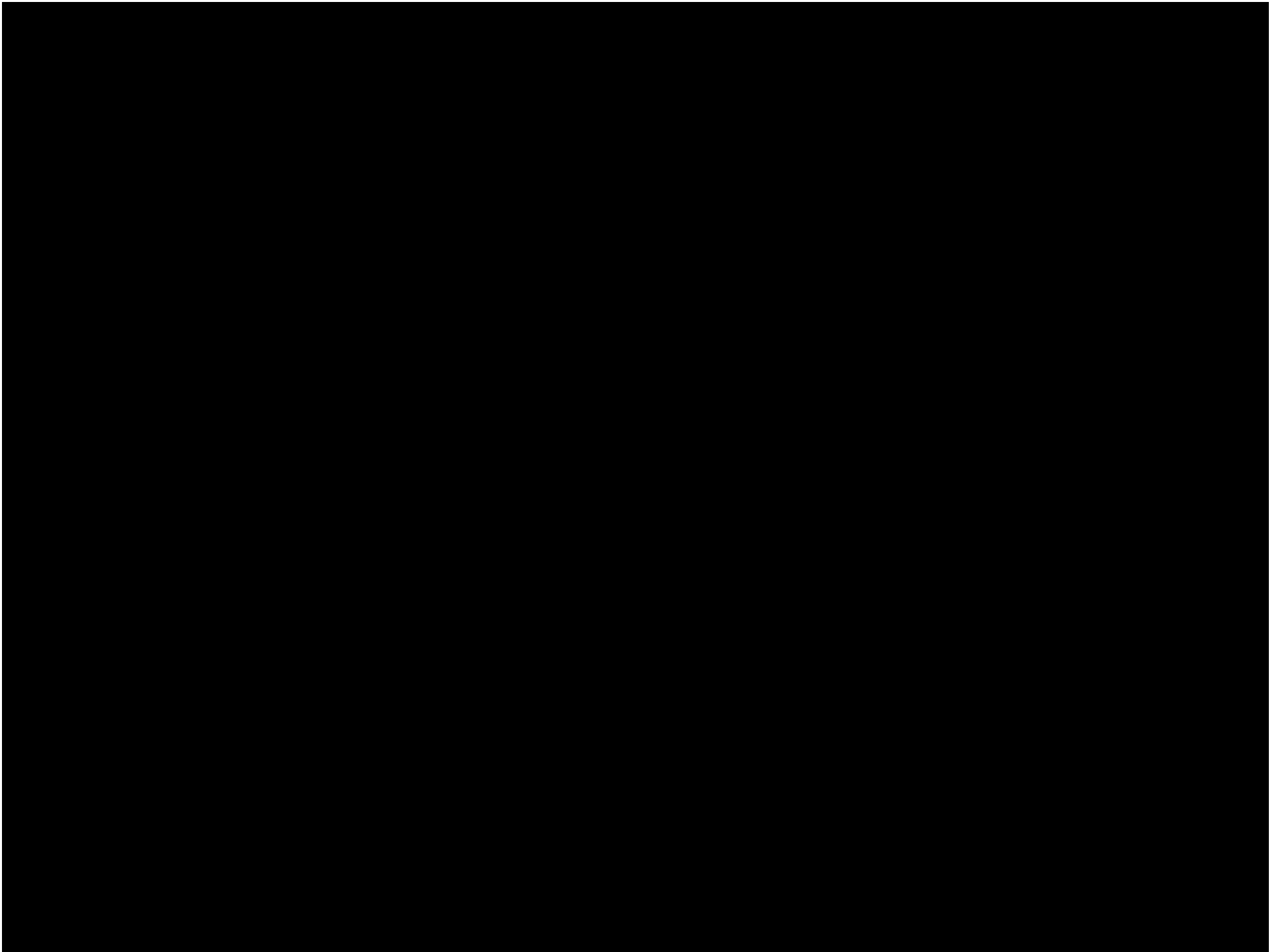


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Offensive Advertising

- Advertising may not cause serious, widespread or sectoral offense
- The fact that it is offensive to some does **not automatically** justify removal

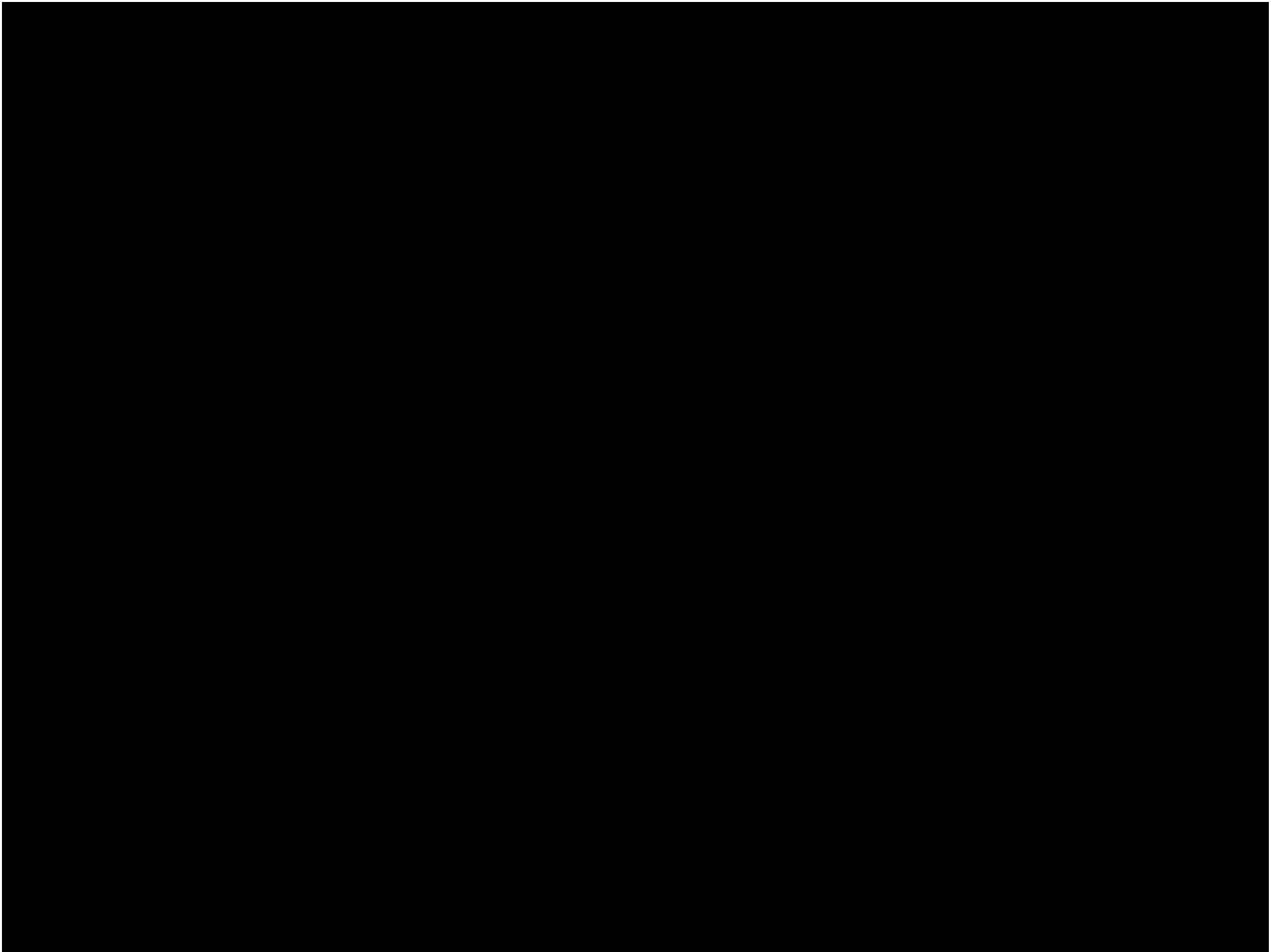




Gender

- Do not exploit or objectify any particular gender in an unjustifiable manner.
- Negative gender portrayal (entrenching a stereotype) is a big NO-NO







ALL **BUILDING SUPPLIES**
WITH A HAPPY ENDING

SANDPIT

080 11 33 443 - www.sandpit.co.za

The billboard features a woman in a red bikini and a yellow hard hat, holding a hammer. The background is a brick wall pattern. The text is in bold, black and red fonts. The Sandpit logo is a red triangle with a black silhouette of a person digging. The phone number and website are at the bottom.



2008/05/11

Children

- Should not exploit credulity or lack of experience
- Should not create impression that certain surroundings / actions are safe when they are not
- No sexual innuendo







Misleading Claims

- May not mislead by, *inter alia*, ambiguity, omission or exaggeration.
- Keep in mind disclaimers and “correcting misleading impression”





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2 ACER LAPTOPS

ONLY R399 pm x 24 months

SAVE R2600

For 2 x 15.6" 1080p Acer Laptops. Excludes Accessories (not priced at R219 pm)

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- Windows 7 64-bit version
- 2 year anti-static disposal warranty

Full price (normal) without accessories ADSL Access @ R219 pm x 24 months

10 AL PROTECTURE R399 pm x 24 months

The modem is included.

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Touch to browse



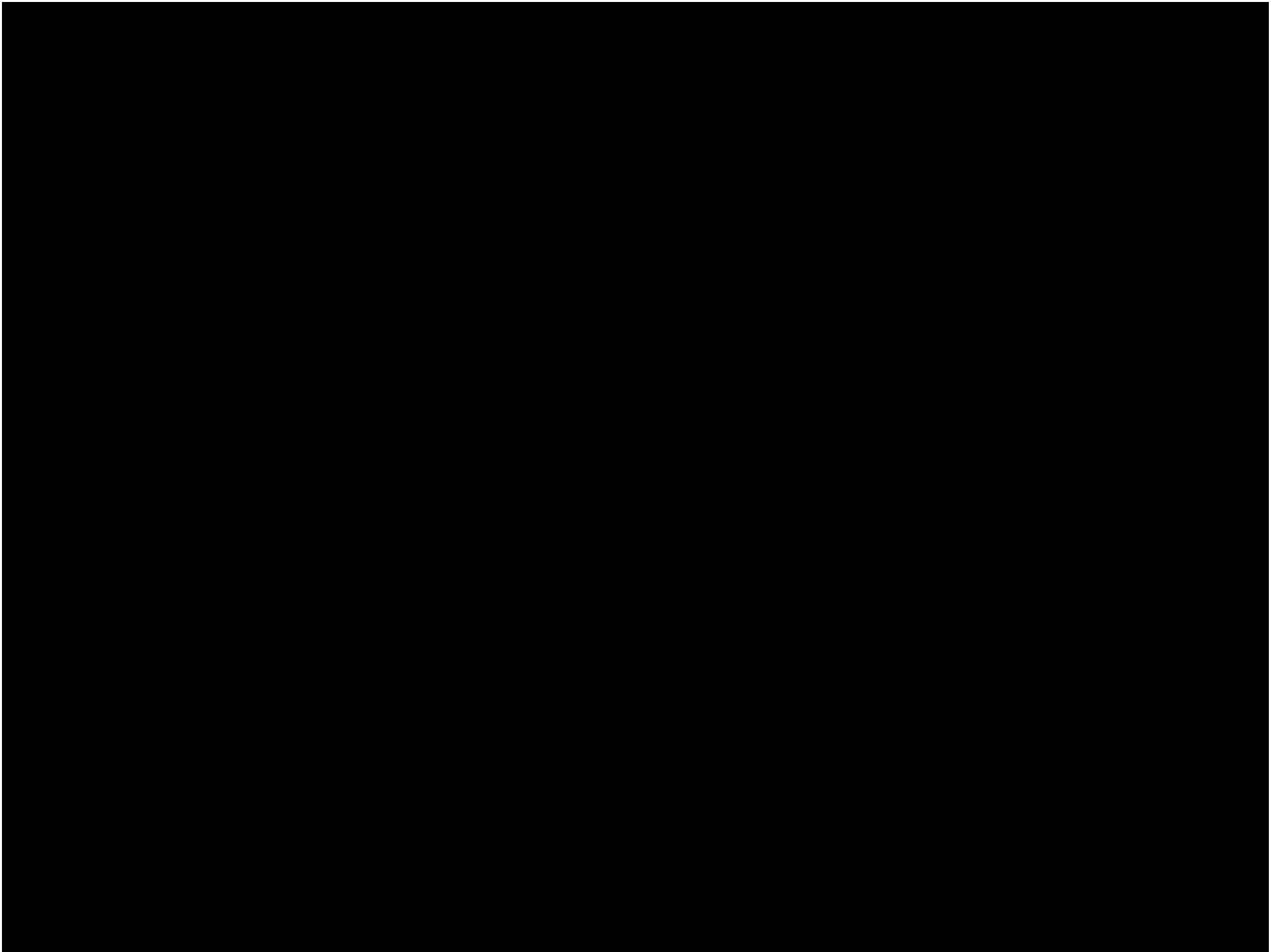
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Substantiation

- If you claim it, you have to prove it
- “Proof” must either emanate from, OR be evaluated by and independent, credible expert in the relevant field.



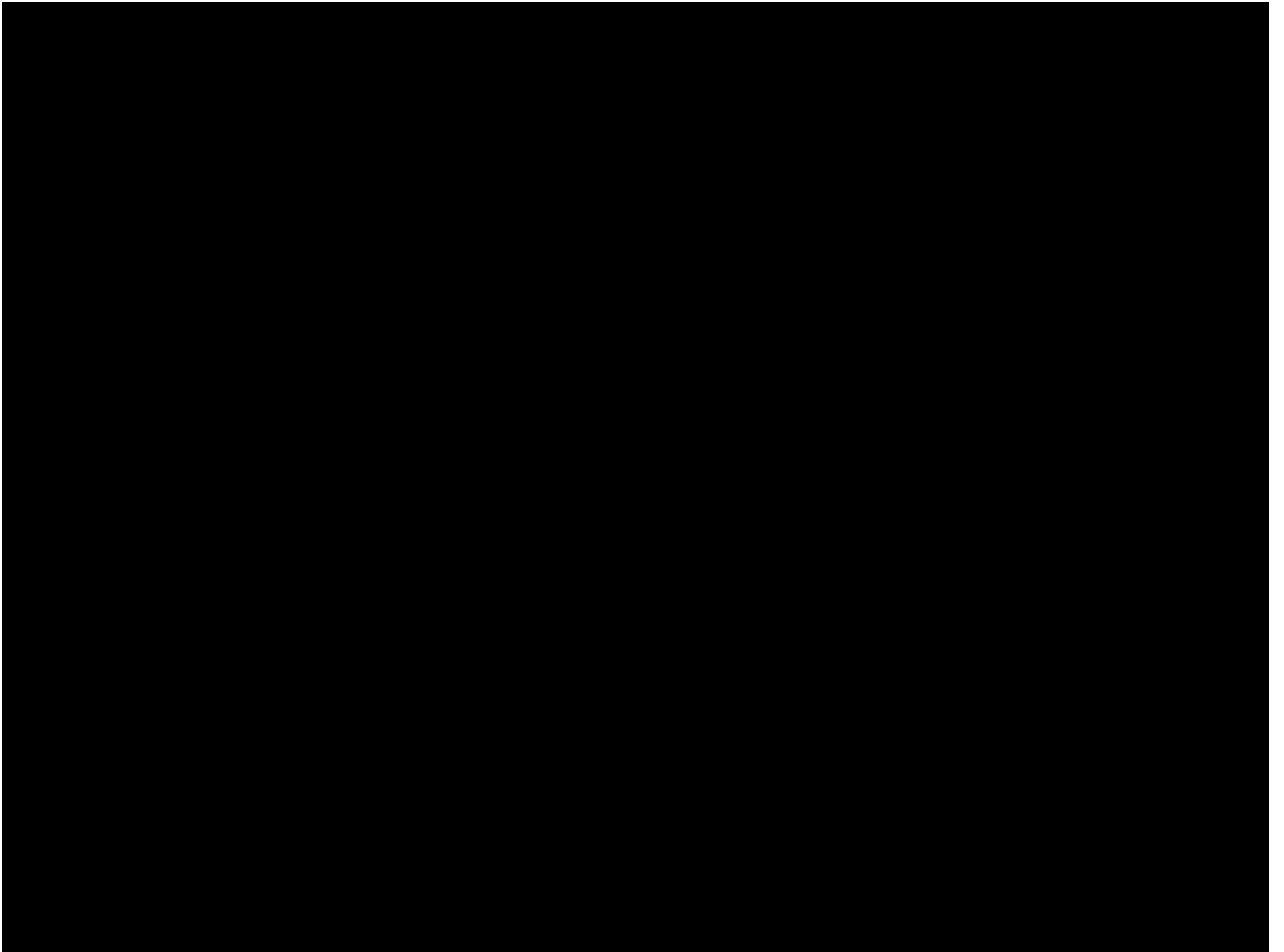


Legality

- Advertisements should not contain anything which might lead or lend support to criminal or illegal activities, nor should they appear to condone such activities.



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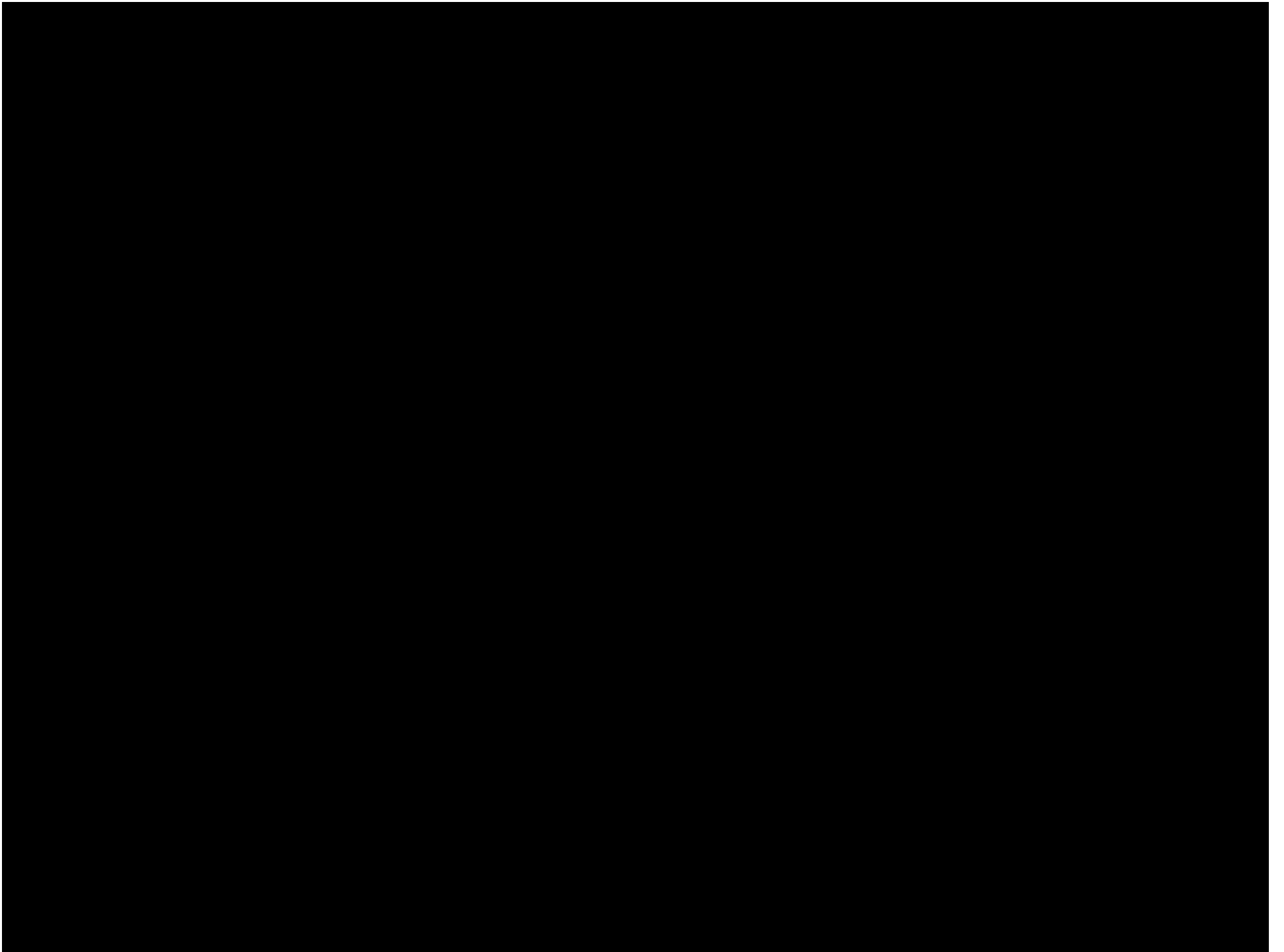


Safety

- Do not depict or encourage reckless and / or unsafe behaviour.



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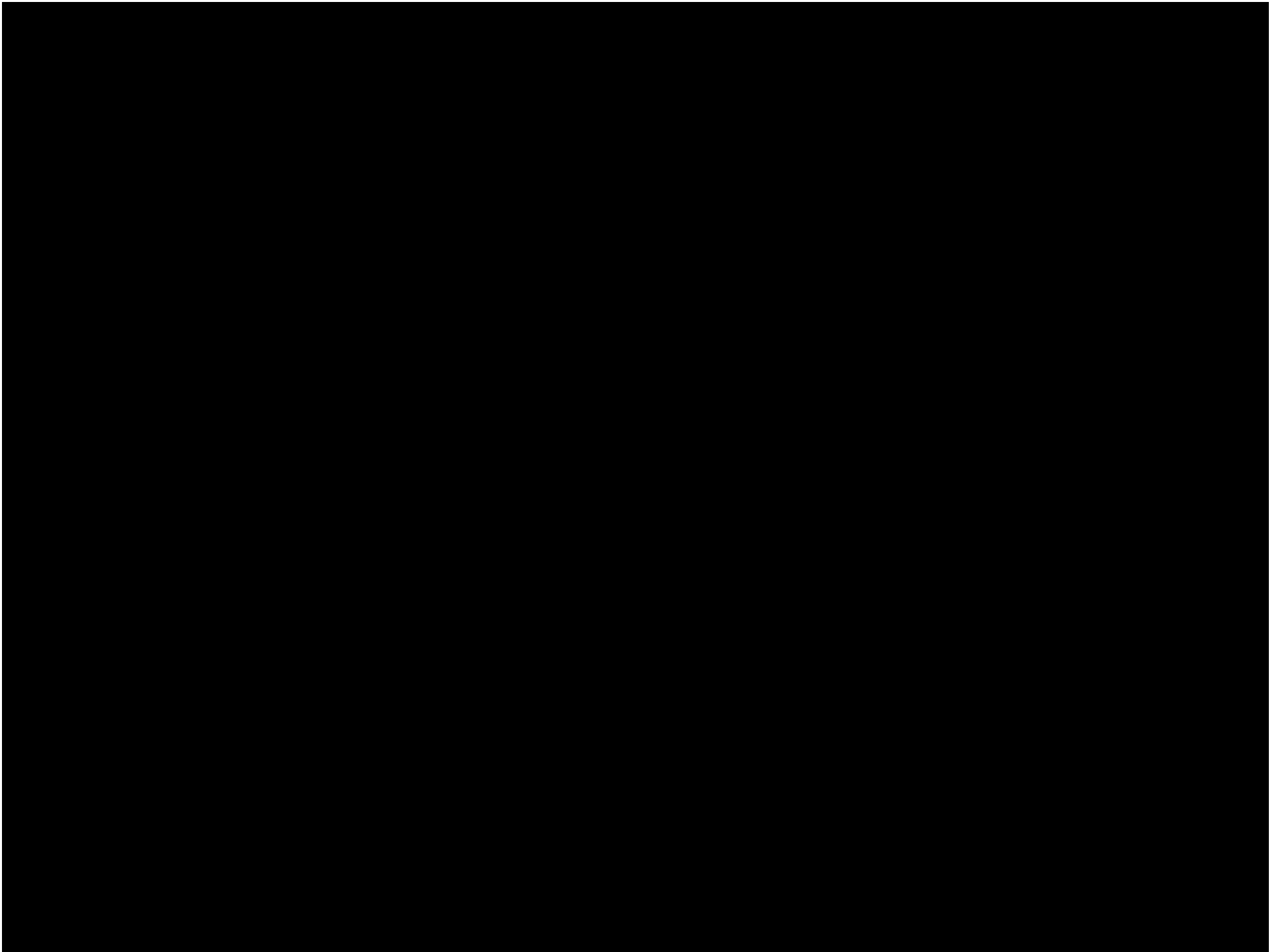


Comparative advertising

- Is allowed, BUT:
 - Careful of trademarks
 - Substantiate claims
 - Don't disparage
 - Don't exploit goodwill of another company



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SPECIALIST APPENDICES

- Appendix A - Liquor
- Appendix B - Cosmetics
- Appendix C - Direct Marketing Ads
- Appendix D - Weight loss
- Appendix E - Breast milk subs & bottles / teats
- Appendix F - Timeshare



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SPECIALIST APPENDICES

- Appendix G - Environmental claims
- Appendix H - Coll. Investments
- Appendix I - Pet food
- Appendix J - Food & beverage



Recent challenges

- Pornographic content downloads
- Miracle healing claims
- Increase in threats of litigation



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18+

R6/ Day

SMS

XXX

TO

31191

SUBSCRIPTION SERVICE

R6/ Day Networks charge extra. Sms STOP S to 31191
Help: 021 417 8001 (std rates) full T&Cs at wap.senys.co.za

THE TRADITIONAL
SALER OF HEALERS!

**ARE YOU DISSAPPOINTED IN YOUR
LIVING LIFE?
HAVE YOU FAILED YOUR PROBLEMS
WITH OTHER HERBALISTS HEALERS?**



**THE POWERFUL SPIRITUAL-HERBALIST- HEALER
THE ONE YOU HEARD ABOUT HIS POWERFUL MUTI/ MEDICINES
ON TV, RADIOS & NEWSPAPERS BEFORE NOW IN WESDENE/NEULANDS**

**An Astrologer-herbalist-healer In God & Our Forcfathers He Never, Never Fails 100%
Guaranteed Your Problems To Be Solved In 2days!!! (Miracles Miracles To You)**



HERBALIST HEALERS
DO YOU NEED MORE
POWERS/MUTI
TO HELP YOUR CLIENTS
CALL IN FOR MORE
POWERS

- Do you have any following problems?
Do you want to know about your future?
1. Misunderstandings at home, work, school?
 2. Is he or she cheating on you?
 3. No child, no marriage, no relationship? Long periods?
 4. Penis, be big, long, strong, more rounds by the time of sex?
 5. Do you want him or her back with more feelings of love of you?
 6. Do you have any chronicle diseases in your body?
 7. Are you stressed in your mind? No peace in your mind?
 8. Alcohol, drugs problem to be out of it?
 9. Have you been bewitched/see your witches out by your eyes?
 10. Have you lost/stolen any property or a human being?
 11. Do you need a big post at work/ be liked more than before?
 12. Are you selling anything that does not get to be sold quick?
 13. You are rich but no peace on your living life?
 14. Your money gets dissapeared without better plans?
 15. Are you a gambler, win lotto, casino, horses and others?
 16. Do you want to pass your exams, court cases and many more?
Job interviews, no job, business attraction?
 17. Do you have bad luck?

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**YOU WILL BE SUPRISED HOW YOUR PROBLEMS WILL
BE SOLVED IN 2 DAYS 100% GUARANTEED!!!**

**CALL & BOOK BEFORE YOU COME IN,
ONLY BY APPOINTMENT,
HE IS VERY BUSY IN & OUT.**

ALL ARE WELCOME (WITH NO FEAR)

BLACKS, WHITES, CHINESE, INDIANS, COLOURED, ALL ARE WELCOME.



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Gambling and the ASA?

- Currently not provided for in terms of the ASA Code.
- In future, a co-regulatory approach could apply, provided that the ASA is not asked to step outside of its scope or mandate (i.e. We can't help enforce existing legislation)
- Some ASAs across the globe make provision for such rules already:



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UK Scenario

Among others, gambling ads may not:

- Portray or condone irresponsible gambling behaviour
- Appeal to under 18s (reflect as cool)
- Suggest gambling as solution for financial concerns or an alternative to employment
- Exploit susceptibilities or credulity of vulnerable people (including children)
- Link gambling to seduction, sexual success or enhanced attractiveness

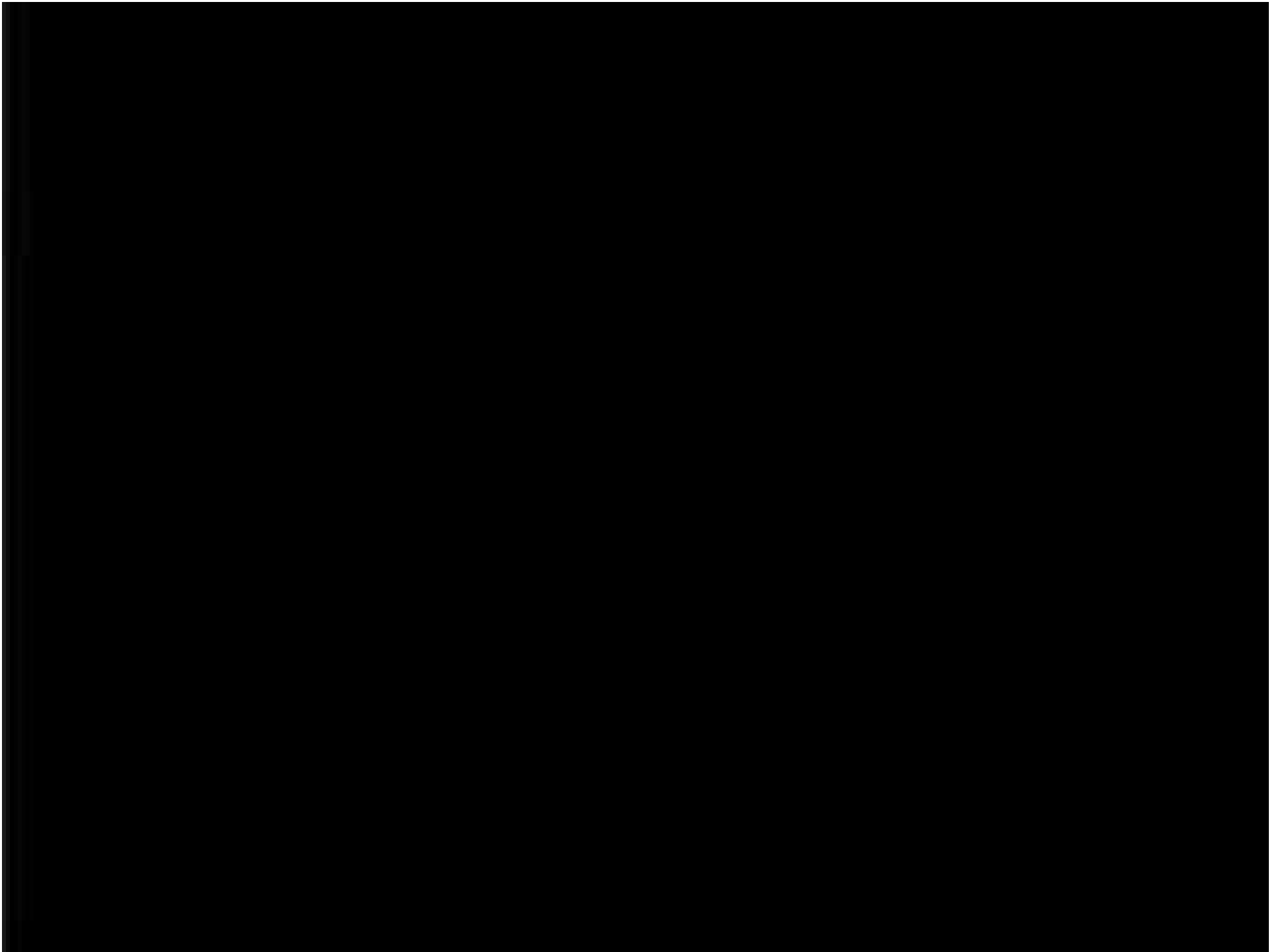


Some local examples:

- [African Palace Online Casino](#)



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Where to reach ASA:

- ASA: www.asasa.org.za
 - » (011) 781-2006 [tel]
 - » (011) 781-1616 [fax]
 - » complaint@asasa.org.za



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