

Advertising Standards Authority of South Africa Code of Advertising Practice (the Code)

Topic: Advertising

IN A CALABASH

Introduction

The code is a voluntary, self-regulating code of practice pertaining to the marketing and advertising of goods and services in South Africa.

Objectives of the Act

The code regulates the marketing, advertising and description of all forms of advertising. This regulation is to prevent the unfair manipulation of public opinion and choice and ensures that all advertising is truthful, honest and correct in all respects.

Application of the Code and its implication to Tourism

Where an entity contracts the services of a marketing agency or a marketing service provider, it must ensure that it obtains a written undertaking from such service provider or agency that the advertising, in whatever format or medium, will only be accepted and paid for if it is in strict compliance with the Advertising Standards Authority Code of Advertising Practice.

The Advertising Standards Authority Code of Advertising Practice applies to all persons and/or entities that advertise and market their products using whatever forum or media, whether print, television or radio.

Compliance with the Advertising Standards Authority Code of Advertising Practice by an entity can be delegated to a department such as the marketing or advertising department, or, in the case of a small business, the owner of the business or a manager.

Many service providers within the Tourism Industry will advertise and market their products and services across different media types like television, newspapers, magazines and radio. All these advertisements and marketing formats must be accurate and not misleading or offensive.

Summary of the provisions of the Code

The Code directs that any advertising, in whatever format, used and directed at the public by whomsoever–

- must be legal, decent, honest and truthful;
- should not be misleading;
- should be prepared with a sense of responsibility;
- should conform to the principles of fair competition in business; and
- shall not bring advertising into disrepute.



WHAT HAPPENS IF YOU DO NOT COMPLY?

Complaints

If the Advertising Standards Authority Code of Advertising Practice is not complied with, any person can lodge a complaint with the Advertising Standards Authority complaints department. The complaint will then be investigated.

If the department feels that the complaint is a valid one, it will ask the entity who has published the advertisement or made the claim to comment on the complaint.

If the complaint is not sufficiently addressed, then the matter will be dealt with by the Advertising Standards Authority and a ruling will be handed down.

This ruling could –

- confirm that the advertisement complies with the Advertising Standards Authority Code of Advertising Practice;
- advise that the advertisement is contrary to the contents of the Advertising Standards Authority Code of Advertising Practice; or
- order that the offending advert be removed from the public domain.

Where an offending entity refuses or does not comply with such an order, the entity is then blacklisted by the marketing community. This form of blacklisting is successful.

Apart from an order to remove any offending and non-compliant advertisement, the offending entity may suffer reputational damage, be sued for damages as a result of any misleading advertisement, be blacklisted or lose clients and patronage.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

To further demonstrate compliance with the Code, the following physical controls must be in place:

- Any advertiser should obtain a copy of the code, which is available from the ASA website;
- Any advertiser should familiarise themselves with the content of the code;
- All advertising must be checked for compliance with both the Advertising Standards Authority Code of Advertising Practice and the Consumer Protection Act; and
- Contracts ensuring compliance with the Consumer Protection Act and the Code of Advertising Practice must be concluded with advertising agencies and other service providers.

FURTHER INFORMATION

Regulator

The Advertising Standards Authority of South Africa (ASASA) is an independent body set up and paid for by the marketing communications industry to regulate advertising in the public interest through a system of self-regulation.

The ASASA works closely with government, statutory bodies, consumer organisations and the industry to ensure that the content of advertising meets the requirements of the Code of Advertising Practice.

This Code of Advertising Practice is a voluntary code applicable to the marketing and communication industry.

Websites

www.asasa.org.za

www.asasa.org.za/Complaint