

Specific categories of advertising

1. Anti-perspirants and deodorants

Advertisements for anti-perspirants and deodorants must conform to the provisions set out in Appendix B.

2. Antiseptics, germicides and disinfectants

2.1 No advertisement for any product in these categories should claim or imply–

2.1.1 that it offers complete protection against disease, or the danger of infection unless the claims or implications can be specifically substantiated;

2.1.2 that it is a substitute for cleanliness.

2.2 Advertisements should not exaggerate the dangers of the presence of germs in the normal domestic situation.

3. Betting tipsters

Advertisements for betting tipsters will be accepted under the following conditions–

3.1 Betting tipster advertisers will be required to disclose to publishers their real name and permanent address. Where the business is conducted in any other name, that name is also required.

3.2 No money may be requested in such advertising.

4. Charitable causes

Advertisements claiming that the purchase of a product will support some charitable or good cause are acceptable provided the following details are included in the advertisement–

- amount of donation;
- name of charity or good cause;
- duration of the campaign.

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6. Commemorative and other items produced in limited editions

- 6.1 The number of articles to be produced in any limited edition should be stated in all advertising and promotional material containing any claim that the edition is limited. Where an edition is limited by the number of persons applying within a given period, it should be described as an edition limited by time, and the advertiser should offer to inform all purchasers of the number of articles eventually produced.
- 6.2 Advertisements for articles made of precious metal should state the amount and the fineness of the metal involved in the pieces on offer.
- 6.3 Advertisements which make claims about the investment potential of the articles on sale should also make it clear that there can be no guarantee of any future increase in value.

7. Collectibles and limited editions

- 7.1 A “collectible” is an item offered not, or not solely, on the basis of its practical utility but on the basis of its claimed artistic merit, rarity and/or potential for increase in value.
- 7.2 Great care should be taken in the advertising of “collectibles” so as to avoid prospective purchasers being misled about the scarcity or about the current or future value of the items offered.
- 7.3 In particular, advertisers are under an obligation not to exploit any lack of knowledge among the general public as to the nature and extent of the market for items of the kind advertised or about the criteria for assessment employed within the market. (See also Section III 6.3.)
- 7.4 The two most common methods of limitation imposed upon special editions of articles are by pre-announced number, or by application or subscription within a stated period of time.

Where an advertiser claims either directly or by implication that an edition of any item is subject to a limitation of any kind, the nature of the limitation must be immediately evident from the description used in the advertising material.

8. Competitions

8.1 *General*

The ASA may, in respect of any advertisement for a competition, require that substantiation, in the form of acceptable legal advice that the competition is legal, be furnished.

The value of prizes referred to in advertising must include VAT.

8.2 *Fund-raising competitions*

Advertisements for competitions intended to collect contributions from the public or raise funds, or drawing attention to such competitions, shall only be published if—

- 8.2.1 the competition conforms to the relevant legislation;
- 8.2.2 the prizes offered are already available or guaranteed;
- 8.2.3 the prizes will be awarded irrespective of the number of entries received and that the competition will not be cancelled once the advertisement has been published;
- 8.2.4 a closing date for entries is stipulated as well as a date by which the name of the prize-winners will be published in at least one major regional or national publication.

9. Cosmetics

Advertisements for cosmetics must conform to the provisions set out in Appendix B.

10. Educational courses

- 10.1 Advertisements for educational courses should not mislead as to the status or extent of recognition of the qualification that can be obtained.
- 10.2 Descriptions such as “recognised”, “officially approved” or words having or implying similar meaning shall not be used without qualification unless related to qualifications recognised by—
 - 10.2.1 bodies or Institutions such as Matriculation Boards, Universities, Technikons, etc.; and
 - 10.2.2 bodies or Professional Institutions which have the credentials to do so and are representative of a particular field of endeavour.

In all other cases where the word “recognised”, “officially approved” or similar words which imply status or extent of recognition are used in an advertisement they shall be followed, wherever

they appear and in the same print and type size, by an unambiguous description of the bodies that have granted such recognition.

Where international recognition is claimed the rules stated above shall also apply and it will not be sufficient to claim that the course is also offered in other countries.

It will be incumbent on the advertisers to furnish the ASA with acceptable evidence in support of these claims if required.

- 10.3 Unrecognised degrees or qualifications should not be offered nor should the value of recognised degrees be misrepresented.
- 10.4 The Correspondence Colleges Act 59 of 1965 and the regulations promulgated thereunder must be consulted with the preparation of advertisements for correspondence colleges.

11. Financial advertising

11.1 *Financial advertising*

Advertisements addressed to the general public for capital or financial products or services or financial information should, in addition to scrupulously observing the other provisions of this Code, so far as they are relevant, take special care to ensure that the public are fully aware of the nature of any commitment into which they may enter as a result of responding to the advertisement.

In this connection the advertiser should remember that the complexities of finance may well be beyond many of those to whom the opportunities they offer appeal, and that, therefore, the advertiser bears a particular responsibility to ensure that advertisements in no sense take advantage, wittingly or not, of the lack of experience or knowledge or the credulity of those to whose attention it is likely to come.

11.2 *Business opportunities*

Advertisements covered by clauses 11.2.1, 11.2.2 and 11.2.3 must reflect the full physical address of the advertiser or the Micro Finance Regulatory Council Registration Number as well as the advertiser's telephone number.

11.2.1 *Self-employment opportunities*

- 11.2.1.1 Advertisements for self-employment opportunities may not be phrased, in a manner which is likely to lead to the opportunity being confused with part time or normal employment.

- 11.2.1.2 Advertisements offering instructional courses should not contain misleading promises of employment nor exaggerate the opportunities of employment or remuneration claimed to be open to those taking such courses.
- 11.2.1.3 Advertisements for self-employment opportunities may not require any money to be sent prior to full information about the schemes being supplied to the consumer.
- 11.2.1.4 If a finance scheme or package is offered which can readily be identified or is not clearly set out in the advertisement, full details of the scheme shall be furnished to the medium concerned before the advertisement is published.
- 11.2.1.5 If an advertisement is placed by an agent its contact details, and the name of the principal should be stated in the advertisement.
- 11.2.1.6 Advertisements shall not require those interested to send money for further details (even for postage cost though requests for a stamped self-addressed envelope is acceptable).

11.2.2 Financial assistance and debt consolidation

Advertisements offering loans or to consolidate debts must state whether the advertiser is a moneylender or broker for a moneylender.

- 11.2.2.1 The Minister of Trade and Industry in terms of Act 71 of 1988 declared that it is illegal to charge an upfront fee when a promise to obtain a loan on behalf of a client is made. Refer to *Government Gazette* No. 777 of 18 August 1995.

11.2.3 Brokerage of instalment take-overs

Advertisements by brokers offering to arrange instalment take-overs or delegations, without the consent of the financial institution involved, will not be permitted. Advertisers wishing to offer such services will be required to provide proof that such consent has been given before the advertisement is placed.

11.3 *Employment training and courses of instruction*

- 11.3.1 Advertisements for situations vacant—
- 11.3.1.1 shall be in respect of genuine vacancies the existence of which can be fully substantiated if required by the ASA.
 - 11.3.1.2 shall not misrepresent either working or living conditions, or nett remuneration after mandatory deductions.
- 11.3.2 The preceding rule does not prevent the offer for sale of directories and the like, provided the advertisement is clear as to what is offered.
- 11.3.3 Advertisements offering training or other instruction courses shall—
- 11.3.3.1 make no unconditional offers of further employment (whether or not by the advertiser) or of future remuneration for those taking the course;
 - 11.3.3.2 if appropriate, make clear the actual duration of the course and the level of prior attainment needed to derive benefit from it;
 - 11.3.3.3 not offer unrecognised degrees or qualifications nor misrepresent the value of certificates of competency or other forms or recognition of due completion of the courses or training offered;
 - 11.3.3.4 advertisements offering correspondence courses may only be placed by colleges registered with the Correspondence Colleges Council of SA; and
 - 11.3.3.5 the Correspondence Colleges Act 59 of 1965 and the regulations promulgated thereunder must be consulted with the preparation of advertisements for correspondence colleges.

11.4 *Work-from-home schemes*

- 11.4.1 Advertisements for schemes in which a person is invited to make articles at home for remuneration shall—
- 11.4.1.1 contain an adequate description of the work to be done and the conditions imposed on the above worker;

11.4.1.2 clarify whether the home-worker is to be employed by the advertiser, or will be self-employed; and

11.4.1.3 not indicate what level of earnings should be attainable unless acceptable substantiation is available.

11.4.2 If the advertiser levies a charge for starter kits or components, or offers to buy back the goods produced by the home-workers, relevant information should be included in the advertisement, particularly as to any limitations which may effect the home-worker's decision to accept the advertiser's offer.

11.5 Interest rates payable to bank customers

Any reference to the interest rates applicable to a financial product shall always be directly followed by the description "per annum" or "per year".

12. Franchise schemes

12.1 Franchise scheme means a scheme where a company, firm or individual, known as a "franchisor", gives to a person, known as a "franchisee", the right, often exclusive, to sell specified products or other specified services in return for an initial payment, a percentage of the profits (or a royalty), or any other consideration.

12.2 Advertisements by franchisors seeking franchisees are not acceptable unless the franchisor has provided all the information required by media in advance of publication. Such advertisement should not mislead, directly or by implication, as to the support available or the likely reward for the investment and work required. For the Franchisor or the Franchisor's agent (if any) the advertisement must state:

- name of senior executive;
- full title of the company; and
- the street address of the company.

These requirements apply to both display and "smalls" advertisements.

13. Furniture advertising

13.1 Advertisements for suites of furniture which depict items additional to those offered, but which are not included in the price, shall clearly state that these items are excluded.

- 13.2 In particular advertisements for bedroom suites should, when a base and mattress are depicted in the advertisement but are not included in the price, clearly state that these items are excluded.

14. Hair and scalp products

Advertisements for any product or treatment offered for the alleviation of hair or scalp conditions, or for the improvement of the user's appearance, should conform to the detailed guidance in Appendix B.

15. Imported products

No advertisement shall give the impression that a product is imported when it is, in fact, manufactured in South Africa.

16. Inclusive tours

- 16.1 Advertisements for inclusive tours should be so framed as to avoid disappointment to the consumer. In the interests of such protection the medium concerned may determine and require publication of information covering—
- 16.1.1 the firm or organisation responsible for the tour;
 - 16.1.2 the means of transport, whether charter or scheduled (including whenever possible name of carrier, type and class of aircraft or other means of transport);
 - 16.1.3 destination and itinerary;
 - 16.1.4 exact duration of the tour and of the stay at each locality;
 - 16.1.5 the type and standard of accommodation and meal facilities offered;
 - 16.1.6 any special arrangements offered (entertainments, sightseeing, etc.);
 - 16.1.7 the total price of the tour as advertised (at least minimum and maximum prices) and those items which are included therein (airport taxes and other fiscal charges, incidental transportation, portage, tips, etc.);
 - 16.1.8 cancellation conditions.
 - 16.1.9 the number of days indicated in the traveling time include both date of departure and arrival.

17. Mail order advertising

Mail order advertising should conform to the provisions of this Code, and to the requirements of Appendix C.

18. Motor vehicle advertising

- 18.1 All advertisements quoting fuel consumption figures shall clearly state where the test was conducted ie coast or inland and the average speed of the vehicle during the test.
- 18.2 Advertisements making claims of successes in motor sport shall not be submitted for publication until the claims have been approved by AA Motorsport.
- 18.3 Advertisements offering motor vehicles on a lease or rental basis should include full details on the payments to be made and the basis on which the residual value will be determined if ownership of the vehicle is obtained at the end of the agreement.
- The price stated in such advertising shall be a true reflection of the actual price to be paid by the lessee or hirer.

19. Property advertising

19.1 *Information furnished*

Advertisements for fixed property, whether for sale or for rent, should not mislead or exaggerate on such matters as—

- 19.1.1 the land itself and any buildings erected or to be erected thereon;
- 19.1.2 the size of the land, availability of services, fixtures and amenities in the buildings and the suburb or location;
- 19.1.3 the legal title and formalities;
- 19.1.4 rights and servitudes of any kind;
- 19.1.5 local authority and town planning requirements;
- 19.1.6 taxes, rates and other duties;
- 19.1.7 the price, terms of payments and loan facilities;
- 19.1.8 claiming extraordinary conditions of sale like “deceased estate”, “owner transferred”, “owner going overseas”, “owner already bought elsewhere”;
- 19.1.9 making reference to Municipal valuation, Building Society valuation, cost price or replacement value;
- 19.1.10 mentioning the name of a specific architect, builder or designer.

19.2 *Restrictions on transfer*

When immediate transfer of the property into the name of the purchaser is not possible, this should be clearly mentioned in the

advertisement in specific terms ie “Transfer available on proclamation” or “Transfer available on opening of a Sectional Titles Register”.

19.2.1 On no account should the advertiser estimate the time required for such transfer to become available.

19.3 *Estate agents*

No estate agent shall by means of an advertisement, canvass clients or offer property for sale or to let unless he, in that advertisement, publishes his name and the fact that he is an estate agent, and if applicable, the name of his employer or the estate agent he represents. Refer to the Estate Agent Act 112 of 1976.

20. Protein claims

20.1 Protein claims in food advertising should conform to the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972.

20.2 References in advertising to protein should avoid giving any impression that their inclusion in non-food products, such as cosmetics, offers any nutritive benefit unless these claims can be substantiated.

21. Pseudo cheques

When pseudo cheques are used for promotional purposes such cheques shall—

21.1 have a warning notice printed, immediately above or below the amount panel, on a white background and in letters not less than 2mm high, stating “Not valid for Bank Transactions”;

21.2 not have fictitious codes printed in the space reserved for the MICR encoding ie the band 16mm deep at the bottom edge of the cheque. This will not preclude the printing of fictitious codes for promotional purposes in areas not reserved for the official encoding.

22. Slimming

Advertisements for any product or treatment offered as a means of, or aid to, slimming whether in the sense of mass loss or figure control, should conform to the detailed guidance in Appendix D.

23. Smoking deterrents

No advertisement will be accepted for any smoking deterrent unless the advertiser makes clear that the product offers only assistance and not a cure, and that its success will be dependent upon the willpower of the user.

24. Standards and research bodies

Advertising copy which refers to a standardisation mark or a standards and/or research body such as the SABS or CSIR, shall not be acceptable unless previously approved in writing by such body. It shall be the duty of the advertiser to submit such copy to the relevant body and to satisfy the ASA that the necessary approval has been obtained.

25. Stock remedies

Advertisements for stock remedies must conform to the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947 and must be submitted to the Department of Agriculture for approval.

26. Toothpastes and other similar products

26.1 *Prevention of decay*

26.1.1 Fluoride toothpastes

Certain formulations containing fluoride have been shown by independent medical research to reduce the incidence of tooth decay in children. Claims made for such products should not exaggerate the results or applicability of such research. Claims as to the effectiveness of such products should also be related to the need to brush the teeth regularly.

26.1.2 Other toothpastes

Claims may indicate that regular brushing with the toothpaste will help fight tooth decay.

26.2 *Hygiene*

26.2.1 Bad breath

It should not be claimed that a toothpaste or other product will completely destroy bacteria causing mouth odour or that it will provide long-lasting freedom from mouth odour unless such claims can be substantiated.

26.2.2 Food particles

No advertisement for a toothpaste, chewing gum or tablets intended to clean the teeth should suggest that the

product will remove all food particles from the teeth or gums. It should not be claimed that chewing gum or tablets can take the place of brushing after meals.

27. Television sets and other domestic appliances on rental

- 27.1 Unless they fall into one of the categories dealt with in 27.3 below, all advertisements for such appliances which refer to any specific term or condition on which they may be rented should clearly state:
- 27.1.1 the name and main features of each appliance for which terms are quoted in the advertisement e.g. the size of the screen of a television set;
 - 27.1.2 the minimum period for which each appliance may be rented;
 - 27.1.3 the amount of any initial payment;
 - 27.1.4 the amount of any additional obligatory payments (e.g. for aerial installation service, maintenance, accessories, or cancellation);
 - 27.1.5 the amount of subsequent payments when they begin, and at what intervals they become payable.
- 27.2 Where there is no provision for subsequent payments to be made by the week, the cost of renting may not be expressed in weekly terms unless first it is made clear, by the use of some phrase such as “equivalent to”, that the weekly rate is quoted only for the purposes of comparison; and secondly, the quoted weekly payment is calculated on a basis which takes into account the amount of any initial payment and the minimum period of hire. Thus a R52,00 deposit and a minimum of 12 monthly payments of R2,60 must be expressed as “equivalent to R1,60 per week” and not as “equivalent to 60c per week”.
- 27.3 Short classified linage, TV, radio, cinema or poster advertisements which refer to any specific financial terms or conditions need not contain all the information required in 27.1 above, but, they should include a statement of the total amount which must be paid to have the appliance installed and if a weekly payment is quoted, should observe the provisions of 27.2 above.

28. Water diviners

- 28.1 Advertisements for water diviners shall provide the following details:
- name and academic qualifications, if any;

- address;
- telephone number;
- field of activity, e.g. indicating borehole sites for water.

- 28.2 Advertisements referred to above shall not offer to indicate the presence of minerals.
- 28.3 Any claims other than the information detailed in clause 28.1 above must be substantiated within the meaning of clause 4.1 of Section II.

29. Exploitation of superstition or beliefs

Advertisements for lucky charms or products with unproven supernatural properties including those for achieving health, wealth or happiness should not imply that these products can affect the user's circumstances unless such statements are substantiated.

30. Cellular telephones

- 30.1 Advertisements for post-paid cellular telephone services in all media shall prominently state—
- 30.1.1 the minimum total monthly costs at which that contract can be entered into; and
- 30.1.2 the time period for which the contract is valid.
- 30.2 If, at the time of submitting an advertisement for publication, the advertiser is aware that the minimum total monthly cost will vary during any period of the contract period by other than the regulated tariff increases, the following shall be stated in the advertisement, all with equal prominence—
- 30.2.1 the initial minimum total monthly cost and time period for which it is valid; and
- 30.2.2 the subsequent minimum total monthly cost and time period for which it is valid.
- 30.3 Advertisements shall state that “conditions apply”.

31. Non-availability of advertised products

- 31.1 Advertisements should not be submitted for publication unless the advertiser has reasonable grounds for believing that it can supply any demand likely to be created by the advertising.
- 31.2 In particular, no attempt should be made to use the advertising of unavailable or non-existent products as a means of assessing likely public demand.

