

# CODE OF ADVERTISING PRACTICE

v2021.1

## Preface

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1. The Advertising Regulatory Board (also known as the ARB) is an independent body set up and paid for by the marketing communication industry to ensure that its system of self-regulation works in the public interest.
2. The ARB's objects, visions, missions and powers (including those of its various committees) are outlined in the Memorandum of Incorporation (the Mol).
3. The ARB has no jurisdiction over any person or entity who is not a member and may not, in the absence of a submission to its jurisdiction, require non-members to participate in its processes, issue any instruction, order a ruling against the non-member or sanction it. The ARB is, however, entitled to consider and issue a ruling to its members (which is not binding on non-members) regarding any advertisement regardless of by whom it is published, to determine on behalf of its members whether its members should accept any advertisement before it is published or should withdraw any advertisement if it has been published.
4. The Code of Advertising Practice ("the Code") is the guiding document of the ARB. The Code is based upon the International Code of Advertising Practice, prepared by the International Chamber of Commerce. This is internationally accepted as the basis for domestic systems of self-regulation, it forms the foundation of this Code in which the basic principles laid down in the International Code are related to the particular circumstances of advertising in South Africa. The Code is drawn up by the ARB with the participation of representatives of the marketing communication industry, and is amended from time to time to meet the changing needs both of the industry and of our society.
5. This Code is supplemented by individual codes which are determined by the various member organisations or industry stakeholders, or negotiated with governmental institutions. These individual codes are reflected in the Appendices to the Code. All such codes conform to the general principles laid down by this Code and differ only in detail where the individual needs are to be met.
6. Members of the ARB are required to adhere to this Code. The following organisations are members of the ARB–
  - 6.1 Association for Communication and Advertising
  - 6.2 Marketing Association of South Africa
  - 6.3 IAB South Africa

#### 6.4 National Association of Broadcasters

#### 6.5 Pet Food Industry Association of Southern Africa

#### 6.6 AWARE.ORG

7. All advertising on electronic broadcast media is subject to the Electronic Communications Act No. 36 of 2005. In terms of this Act all electronic broadcasters must adhere to the Code as determined and administered by the ARB.
8. The Code is administered by the Directorate and ARB Committees drawn from the constituent member bodies and, where applicable, consumer organisations. Powers are vested in the Directorate and ARB Committees, as set out in the Mol and the Code.
9. The interpretation of the Code is vested in the Directorate and ARB Committees.
10. The ARB maintains, where possible, close contact with government departments, consumer organisations, relevant NGOs and trade associations.
11. Advertising is a service to the public and, as such, should be informative, factual, honest, decent and its content should not violate any of the laws of the country. All entities bound by the Code must neither prepare nor accept any advertising which conflicts with the Code and must withdraw any advertising which has subsequently been deemed to be unacceptable by the ARB, Advertising Appeals Committee or Final Appeal Committee.

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