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TELEFAX FROM: TELEFAKS VAN:

*Advertising Standards Authority of South Africa**Gesagsvereniging vir Reklamestandaarde van Suid-Afrika*

5 Albany Park, Magalieszicht Ave, (off Albany Rd), Dunkeld West, Sandton 2196 • P.O.Box 41555, Craighall 2024
Albury Park 5, Magalieszichtlaan, (uit Alburyweg), Dunkeld Wes, Sandton 2196 • Postbus 41555, Craighall 2024
Telephone • Telefoon 880-4440 1 2 3 Fax • Faks 880-5547

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Aantal bladsye :

From/Van : C E de Jager

To/Aan : Mr A Tredoux
Chief Legal Officer
Department of Home Affairs

Fax : 397-2211

ATTENTION: The Technical Committee

Dear/Beeste : Sir

SUBJECT/REFERENCE : **POLITICAL ADVERTISING: IMC**
ONDERWERP/VERWYSING :

Further to our discussion of Thursday 10 June 1993, the ASA wishes to confirm the following proposals for the regulation of political advertising in broadcast media:

PROPOSALS**1. Code of Practice for political advertising**

The ASA suggests that a Code of Practice for political advertising be established and that all parties be subject to such code and adhere to the provisions and rulings made in terms of such code.

2. Establishment

The said Code, if drawn up by the IMC should be done so in consultation with the ASA. The Code should be based on the consensus of all interested parties who should be granted the opportunity to forward an input and commentary.

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3. Procedural Implementation

The procedural implementation of the said Code should take cognisance of the practical realities of the nature of the advertising industry (e.g. deadlines and turnover times) to ensure effective regulation. In this regard the ASA would deem it essential that the IMC consult with the ASA in order that the benefit of our systems may be had.

4. Adjudication Procedures

Fast, effective and fair adjudication should be strived for and will involve the interpretation of the said Code in the context of the advertising in question. The ASA wishes to act in an expert consultative capacity to adjudication proceedings executed by the IMC in order to assist in the above objective and advise on industry issues, as well as the probable consequences of political advertising contravening the said Code. This would further ensure consistent interpretation. The ASA respectfully submits that an advisory position would be preferable and most suited to the purposes of the IMC's regulation of political advertising.

In the light of the foregoing proposals, the ASA wishes to take this opportunity to voice the following concerns:

CONCERNS

1. Disparity in Print and Broadcast Media

It is understood that the "jurisdiction" of this Technical Committee extends only to Broadcast Media. This might be perfectly acceptable regarding programme content and access regulation, but is certainly not acceptable in terms of political advertising. The vast majority of advertising campaigns are multi-media in nature (print, broadcast and other) and to ignore this reality would be highly inadvisable. The ASA respectfully submits that in the context of political advertising the Technical Committee cannot and should not act in isolation as this would be tantamount to ignoring the inherent nature and reality of the matter at hand.

Political advertising is paid for and the costs (even in print) could be exorbitant, effectively curtailing an injured party's access to respond or correct an opposing party's misleading or intimidating campaign.

(A practical example to illustrate the costs:

One full page advertisement in the Sunday Times Newspaper will cost R76 950 VAT incl. To use one colour increases the cost to R110 808 and to use four colours R120 349.80. Therefore to do a double page political advertisement using one colour only in the Sunday Times Newspaper will cost a party R221 716).

Further to this, a response by an injured party does not diminish the effect of a misleading or intimidating campaign or prohibit the party from continued use of such a campaign.

The ASA is deeply concerned with the fragmented view isolating the regulation of political advertising in broadcast media due to the technical hindrance of "jurisdiction". This will lead to the anomalous situation in practice, where certain claims prohibited in broadcast media may be practised with equal effect in print media and the prejudiced party, due to financial constraints, has no accessible recourse.

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We believe that it is the duty of this Technical Committee to bring this disparity of regulation of political advertising in broadcast media and print media to the attention of the appropriate body who might seriously consider the issue and possibly find a solution. The technical obstacle of "jurisdiction" ought not to hinder the effective regulation of political advertising and the impact and influence of political advertising should not be underestimated by any manner of means.

2. Uniform and Consistent Standards

The ASA submits that there should be ONE Code administered by ONE body in terms of ALL media for political advertising. It is essential that the following illustrative situations be avoided:

- (i) One Code administered by two bodies namely the IMC (broadcast media) and the ASA (print media).
- (ii) Two Codes; one for print and one for broadcast media administered by two bodies namely the ASA and IMC respectively.

Both the above situations will lead to double standards, differing norms and the inconsistent application of standards.

3. Television Advertising

Finally, in the event that the admissibility or otherwise of political advertising on Television is to be discussed, the ASA would appreciate the opportunity to comment as this would have far reaching consequences for the advertising industry.

Thanking you for this opportunity to comment.

Yours faithfully



MS C E DE JAGER
LEGAL CONSULTANT: ASA