

Legal complaints in South African advertising will stay unique and conservative

 By [Gail Schimmel](#)

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The Advertising Regulatory Board (ARB) is a member of a global network of advertising self-regulatory bodies from all around the world, in the form of two organisations called EASE and ICAS.



Gail Schimmel says SA is conservative in its advertising complaints. Source: Supplied.

At our annual conferences, we discuss the trends in our countries, and these are assessed and analysed to produce a list of global trends. The theory for me – the lone representative of successful self-regulation in Africa – is that I can use the global trends to anticipate what will happen in South Africa. I use the trends to pro-actively ensure that our Codes are updated in line with global standards and that we are ready for the influx of the coming trend.

Influencers

A good example of this pro-active thinking is our Code on Influencer advertising, drafted in conjunction with the IAB and introduced about four or five years ago. We studied international norms and created a document that brought South Africa in line with these standards. We introduced the Code with great fanfare, I spoke to all sorts of people, and we sat back and waited for the complaints about non-compliant advertising.

Because we can only act when we receive complaints. I can count on my fingers – possibly the fingers of one hand – how many complaints we have received about influencers not identifying their posts as advertising. This is not because we have wonderful compliant people working in our social media spaces. It is because South African consumers don't follow international trends.



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Last year, 25% of complaints received in Europe about misleading advertising related to “green” claims. “Greenwashing” – pretending your product is greener than it is – is a huge problem in the rest of the world and consumers are angry! The ARB is hedging its bets, and drafting a world class set of rules around what is now called Sustainable Claims in advertising. (We used to call it Environmental claims).

But here's the reality:

Our advertisers are not particularly making these claims in so far as I can see, and our consumers certainly don't care. We do not receive complaints about this. To be blunt, our concerns here in South Africa are at the bottom of the Maslow Need Hierarchy – food, shelter, safety – and not in the lofty realm of worrying about the planet. So what do we see in South Africa:

- Complaints about the unavailability of sale prices / specials – people are broke; they shop around – and they are angry when offers are not honoured.
- Complaints about scams – people are desperate and rogue advertisers are only too happy to take advantage.
- Complaints about sex – South Africans, it would appear, would rather pretend that sex does not exist. They do not want any mention in their ads!
- And boy oh boy, when Eskom promised to “delight” its customers, the ARB sure heard about that.

While we will continue to make sure that our Code is world class and ready for whatever consumers throw at us, I do not predict that we will see a significant move to complaints that follow the international norms. We are a unique country, at a unique point in time, and our complaints reflect this.

My hope is that we will see a rise in proactive consumers – consumers who see a problem and raise it with the ARB so that the person after them is protected. It is only through receiving complaints that we can act, and only through acting that we can create a more responsible advertising space in South Africa.

(You can lodge complaints using our online form at www.arb.org.za – “tell them I sent you”.)

ABOUT GAIL SCHIMMEL

Gail Schimmel is the CEO of the Advertising Regulatory Board. She has a BA (Hon) LLB LLM, and is an admitted attorney. In the past, she has worked as a lecturer, attorney and consultant. She's also a bestselling novelist and co-hosts a podcast featuring writers.

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