A BRIEF SUMMARY OF HOW TO FILE A COMPLAINT WITH THE ADVERTISING STANDARDS AUTHORITY OF SOUTH AFRICA (ASA)

Category: Commercial Law,Media and OTT
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1. Introduction

In the fast paced and ever changing society in which South Africans live and work, we are constantly bombarded with advertising via different media such as television, billboards and radio. Society as a whole has certain norms and ethical codes to which it adheres, taking cognizance of the rights to freedom of expression of the press and media. The public have a right not to be exposed to advertising which it finds offensive, explicit, exploitative or harmful. This is where the Advertising Standards Authority of South Africa ("the ASA") comes in., The ASA 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 ASA works closely with government, statutory bodies, consumer organizations and the industry to ensure that the content of advertising meets the requirements of the Code of Advertising Practice[1]

The Code of Advertising Practice is the guiding document of the ASA. 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 ASA with the participation of representatives of the marketing communications industry, and is amended from time to time to meet the changing needs both of the industry and of our society.

2. Filing a Complaint

Any person may lodge a complaint with ASA regarding the content of an advertisement on radio, television, cinema or outdoor advertisements for example, billboards and print advertising.
The complaint must be in writing and the grounds on which the complaint is based must be clearly stated.[2] The complainant's identity number and contact details must also be disclosed. It is highly recommended to make reference to previous rulings of the ASA Directorate relating to the Complaint as this carries great weight with the Directorate. Complaints can be posted to PO Box 4155, CraighallPark, 2024, faxed to (011) 781 1616 or lodged on the ASA's Website http://www.asasa.org.za/Complaint.aspx.
Once the Complaint is lodged, it will be sent to the advertiser for written comment and the advertiser will be given an opportunity to respond. The ASA Directorate will thereafter rule on the matter or refer it to the Advertising Standards Committee for a ruling. If a person feels aggrieved by a decision of the Directorate, a written appeal can be made within 10 working days of notification of the decision to the Advertising Standards Committee. If a person feels aggrieved by a decision of the Advertising Standards Committee, a written appeal can be made within 20 working days of notification of the decision to the Final Appeal Committee.

3. Conclusion

It is important for Society as a whole to air their views and to be able to object to advertising that is harmful and offensive. The ASA has provided an easy effective manner in which to do this. As individuals we should take a stand against offensive advertising by lodging complaints and not turning a blind eye, thinking this is just the way the world is or that the process is much too complicated. We could all lend a hand in ensuring that we live in communities where are rights are respected and our children are safe from unwanted harmful exposure.

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[1] ASA Website Home Page- http://www.asasa.org.za
[2] ASA Website Complaints Page-http://www.asasa.org.za