YOU CAN SKIP THIS AD IN 5 … 4 … 3 … 2 … 1…

Category: Commercial Law,Media and OTT
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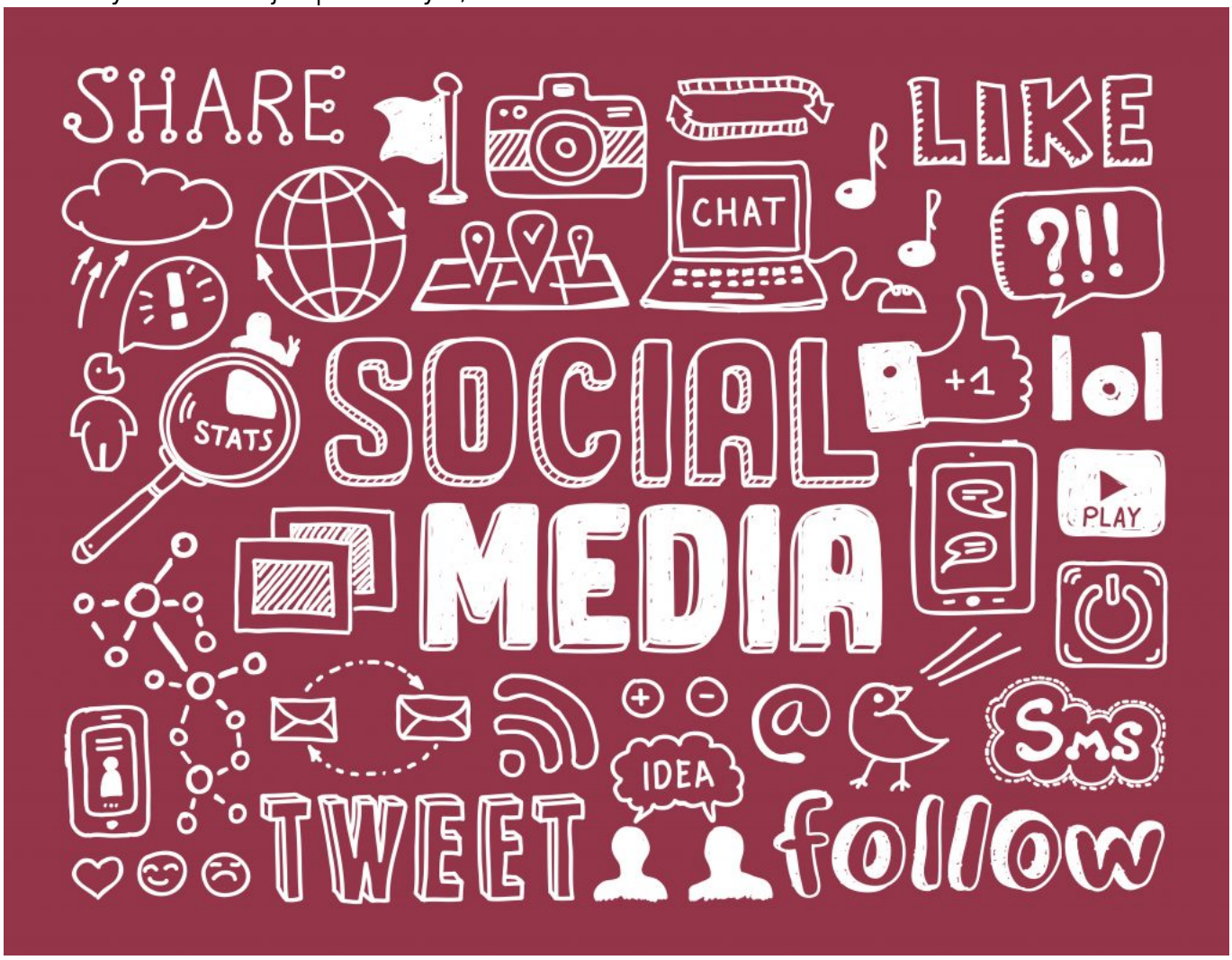

That loud exhale and eyeroll when you're scrolling through Facebook or Instagram and you accidentally double tap that "sponsored advertisement". But … how did they know you were interested in travelling, or that you're just dying to go to Ultra Music Festival?? You would have totally scrolled passed it if it wasn't something you were interested in.

Targeted advertising makes it incredibly simple for advertisers to wave their products in the face of the audience they believe are the most likely to buy it.

Paid advertising, often labelled PPC (pay-per-click), is marketing on the premise that, through careful and considered ad placement, more traffic is driven to the advertisers site. The advertiser only pays for the ads that receive clicks or 'impressions', which gives an indication of how many customers clicked on a specific advert. These ads can appear on various platforms – from Google to YouTube – and significantly increase the traffic that is driven to the advertisers site.

The main benefit of paid advertising is that it is almost guaranteed to drive much more traffic to the advertisers site by means of strategically placed ads, than if a more "conventional" method such as billboards or magazines had been used. It also raises awareness of the advertisers site and products, even if customers choose not to click on the ad. Basically, targeted marketing assists aspiring online entrepreneurs to turn clicks into money.

While there are no specific regulations around this advertising practice in South Africa, the code of the Advertising Standards Authority of South Africa (ASA) is drafted broadly enough so that it covers social media influencers and their advertising practices.

If content falls under the definition of an “advertisement” which is

“any visual or aural communication, representation, reference or notification of any kind –

1. *which is intended to promote the sale, leasing or use of any goods or services; or*
2. *which appeals for or promotes the support of any cause.”*

… it would have to follow the rules and guidelines set out by the ASA.

Basically, the word “advertisement” applies to published advertising irrespective of where it appears, so most sponsored tweets or Facebook posts qualify. This is because they are communications that promote the sale or use of goods or services.

If the content can be defined as an advertisement, then clause 12 of section 2 of the code is applied. It states that:

1. *Advertisements should be clearly distinguishable as such whatever their form and whatever the medium used. When an advertisement appears in a medium which contains news, editorial or programme matter it should be so designed, produced and presented that it will be readily recognised as an advertisement.*
2. *In print media, wherever there is any possibility of confusion, the material in question should be headed conspicuously with the words ADVERTISEMENT or ADVERTISEMENT SUPPLEMENT, and should be boxed in or otherwise distinguished from surrounding or accompanying editorial matter. For further guidance see Section V.*
3. *In Electronic Media, particular care should be taken to clearly distinguish between programme content and advertising. Where there is a possibility of confusion, advertising should be clearly identified in a manner acceptable to the ASA.*

What this means is that advertisers must identify paid for content. Most international advertisements on these platforms usually require a label such as #ad or #advertising or #paidforcontent. This is to avoid confusing and/or or misleading the public.

If you feel an advertiser hasn’t disclosed the compensation they received for promoting a brand, product or service on social media, they can lodge a complaint with the ASA, who will investigate.