

# THE ARB CODE IS NOT ‘MEMBERS ONLY’

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The [Advertising Regulatory Board](#) (“**the ARB**”) is an independent entity established to regulate advertising in South Africa. The ARB administers the Code of Advertising Practice which regulates the content of South African advertising. The ARB’s [Code of Advertising Practice](#) sets out the basic principles of what is regarded as acceptable advertising. Although the ARB is a membership-based entity, and only members of the ARB are required to adhere to the ARB, almost anyone can lodge a complaint with the ARB against the advertising of any entity which it feels may be in conflict with the ARB’s Code. Even though the ARB does not have jurisdiction over a person or trader who is not a member, the ARB will still consider and decide on complaints lodged before it, regardless of who the advertiser is.

The decisions issued by the ARB will be binding on its members, which means that if the ARB determines that an advertisement against which a complaint has been lodged is not in line with its Code, they will effectively determine whether its members should accept or withdraw that advertisement from a particular medium or platform.

For instance, if an entity who is not a member of the ARB advertises its product on television and makes certain claims about its product which are not in accordance with the Code, a competitor may lay a complaint against the entity on the basis that the television advertisement is misleading. The ARB will consider the complaint as well as any defence which the entity might have. If the ARB finds that the advertisement is unacceptable and must be withdrawn, this will still impact the entity even though it is not a member of the ARB. This is because all South African television broadcasters are members of the [National Association of Broadcasters](#) (“NAB”), and the NAB is a member of the ARB, the ARB’s decision against the above entities advertising will result in the NAB refusing to air the advertisement.

So whether you are a member of the ARB or not, it is imperative to ensure that your advertising is factual and honest, and that it doesn’t violate any of the laws of South Africa. You can contact us for more on how the ARB code is implemented, or for more good, clear, precise advice.