

December 2022

NEWSLETTER

**ADVERTISING
REGULATORY
BOARD**

Consumer protection
through responsible advertising

A note from the CEO ...



This time of the year is such a dichotomy – on one hand we are all exhausted, counting the minutes until we can rest – but in the same breath we need to start planning and getting excited about our 2023 projects. It’s also a time for wishes – so let me share with you what the ARB wants for 2023 – we want MORE!

- ⇒ More support.
- ⇒ More members funders and participating stakeholders.
- ⇒ More marketers committing to protect consumers through responsible advertising.
- ⇒ More media committing to protect con-

sumers through ARB enforcement.

- ⇒ More training for our industry.
- ⇒ More ways that we can protect consumers and our industry through responsible advertising.

But to all those who have given us all of these things in 2022, we pause and take a moment to thank you. The ARB really is a creature of the industry – we rely on you for funding, for enforcement and for the co-operation that we need to do our day-to-day jobs. Have a look at our stats for 2022, and admire the work that you have helped us to do.

We’ve had some exciting conversations – from the Film & Publications Board to the Com-

petition Commission and beyond – we are all looking for the best and most innovative ways to protect consumers and create a safe advertising space.

We wish you well over the festive season, and look forward to doing more good work with you in 2023.

Warm regards

Gail

December 2022

VISION WORKSHOP



The ARB board and staff were privileged to participate in a Purpose Workshop with Pepe Marais at Joe Public's offices in Bryanston.



ARB's 4th BIRTHDAY



The ARB turned 4 years old on 1 November! From almost disaster to success for self-regulation. We are so proud. Our tiny team allowed itself a small celebration.

NEW FUNDER



Shout out to Sorbet Group for coming on board as a funder of the ARB.

NEW ARB MEMBER



ARB is proud to announce that the Vapour Products Association of S.A. (VPASA) has joined as a member of the ARB.

2023 SUPPORTER CHECKLIST

- * Have you signed the RESPONSIBLE ADVERTISER / MEDIA / AGENCY pledge?
- * Have you booked your ARB Training session?
- * Have you requested your MAC Certificate yet?



NEW ARB BOARD DIRECTOR



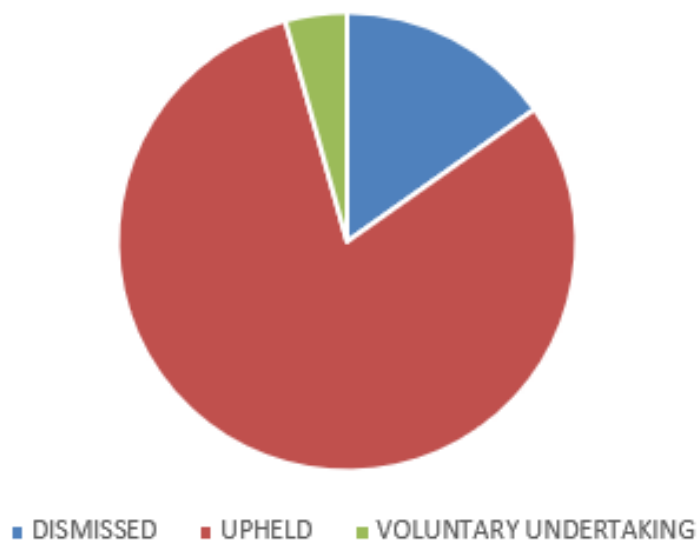
A big welcome to ASANDA GCOYI as Board Director.

She is the CEO of the Vapour Products Association of S.A. (VPASA)

STATISTICS



July - Nov 2022 Formal Decision Outcomes



December 2022

HOT TOPIC— RULINGS GONE VIRAL!



The year has ended with some really fun and challenging cases – this is just a sample! Remember that you can read all our decisions at www.arb.org.za on the Rulings pages.

In **Pedros/Nandos**, the Directorate had to decide whether or not the Pedros commercials were exploiting Nandos’ advertising goodwill. The ads basically show one character cutting off another character as they are about to suggest eating “Nandos” and suggesting Pedros instead. The Directorate talked about the concept of each brand needing to build up its own reputation, and not relying on using another brand’s reputation as its starting block.

Staying with the chickens, we considered a **KFC** ad about a fake inspector. The story is based on a fake rumour that went about a few years ago – all very

well, except for the part where some ads said “Based on a True Story” at the beginning.

In **Lifebuoy/ Protex**, the Directorate had to decide whether the words “Deep Clean” can be owned in relation to a hygiene soap. The Directorate said not – but this matter goes on appeal in January so watch this space!

Our finding that **Bolt** drivers cannot earn the advertised amounts caused a bit of conversation on twitter and in news articles, and as always we received a great deal of complaints about special offers that are not available.

As always, our deep felt thanks to the brands who co-operate, listen and learn.

MEET NGWAKO MAENETJE, ADVERTISING APPEALS COMMITTEE CHAIR

Ngwako Maenetje SC is a practicing advocate of the High Court of South Africa and member of the Johannesburg Bar. He joined the Johannesburg Bar in June 2000 and took silk on 5 September 2011.

He is a member of Duma Nokwe Group of Advocates and formerly its Group Leader. Ngwako holds a Secondary Teachers Diploma, BA, LLB and LLM degrees and is a former high school teacher, attorney and university law lecturer at the University of the Witwatersrand. Amongst others, he is a former member of the Appeals Committee of the Council for Medical Schemes. He also previously served for several terms as a member of the Johannesburg Bar Council, including as its Vice Chairperson.

His main areas of practice include administrative and constitutional law, competition law, various areas of labour law and commercial law. He has represented private and public sector clients, including regulatory bodies, in these areas in most of the courts and tribunals in South Africa, including in the Labour Appeal Court, the Competition Appeal Court, the Supreme Court of Appeal and the Constitutional Court. He has also represented clients in these areas in Swazi-

land, Lesotho and Botswana, including before competition authorities in Swaziland and Botswana. Ngwako is often appointed to act as an arbitrator and mediator in commercial and other disputes.

He often acts as a judge in the High Court and has previously acted as a judge in the Labour Court. In November 2019 he was appointed visiting adjunct professor at the University of the Witwatersrand for three years.


Ngwako is married with three children.


"I believe that in setting and enforcing codes of practice in adver-

tising, the Advertising Regulatory Board promotes truthful, decent and legal advertising. This fosters consumer trust and achieves fairness amongst competitors. I support these important objectives, amongst others" - Ngwako Maenetje





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**“Consumer Protection through
Responsible Advertising”**