

3rd Quarter 2023

# NEWSLETTER

**ADVERTISING  
REGULATORY  
BOARD**

Consumer protection  
through responsible advertising

## A note from the CEO ...



The last three months have seen the exciting fruition of two projects that have been on our "to do" list for some time – but have been delayed because of legal uncertainty. Now that the Constitutional Court has effectively given our operations a green light, we've been able to focus our attention on growth rather than survival!

With that in mind, we are finally designing a "proper" data capturing and file management system for the ARB – hopefully we will soon be able to report on all sorts of interesting stats at the touch of a button! And more exciting for our stakeholders, we are working with Red & Yellow to develop two training courses on

the ARB – one as a general course for marketers and advertisers, and one specialised short course for influencers. Training – which is regarded as one of the pillars of self-regulation – is going to be one of our keywords in 2024!

As I write the Code is still open for Code Review – but if you miss the deadline, don't panic – we are flexible and Code review is an ongoing project.

I've had the pleasure of speaking at a number of conferences and attending a number of industry events, hopefully strengthening the industry's knowledge of the ARB, and the ARB's relationships with its stakeholders. A part of this is my ongoing service on the MAC Charter Council,

which has certainly given me a whole new insight into the challenges faced by our industry.

On the complaints side, I have been somewhat amazed by the number of responses from advertisers that try to explain a clearly misleading claim away. I want to remind all stakeholders that one of the options when you get a complaint via the ARB is to amend your advertising – we won't even issue a decision when that is the case.

We're all galloping to the finish line at the moment but I have no doubt that the advertising year still holds some challenges. Keep strong, and carry on.

Warm regards

*Gail*

## 3rd Quarter 2023

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### NEW FUNDER



Luno is a leading global cryptocurrency investment app on a mission to put the power of crypto in everyone's hands.

Since its founding in 2013, Luno has become a leader in responsible crypto education and investment, introducing over 12 million people to crypto. It is available in more than 40 countries across Europe, Africa, Asia and Australia.

Luno offers products and services that make it safe and easy to buy, store and learn about cryptocurrencies like Bitcoin and Ethereum.

<https://www.linkedin.com/company/lunoglobal/>

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### MEMBER UPDATE



The ARB notes that going forward, the alcohol industry is represented on the ARB board by the Drinks Federation of South Africa.

The DFSA steps into the shoes of Aware.org in this respect.

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### SUBMISSIONS & REGULATIONS

#### Draft Food Regulations and Labelling R3337

- ARB submission was made in July 2023

#### Tobacco Products & Electronic Delivery Systems Control Bill

- ARB submission was made in September 2023

#### Code of Advertising Practice

- Review process opened to all interested stakeholders until 15 October 2023

## ADS OF INTEREST



### “BOKSQUAD”

This ad showed Eben Etzebeth shaking a hotel employee, and we pulled it for endorsing violent behaviour.

I was quite surprised that this decision was first of all hotly debated by the Directorate, but has also been the subject of some heated criticism.



### “FOKOL” - ARMURED MOBILITY

I paused for a moment as I wrote this heading – we’ve pulled the billboard, and now I’m using the word in our very own newsletter. But in fact, this indicates the very core of the decision : it is one thing to use an expletive in a newsletter addressed to adult business people who understand the context; and quite another to put it on a billboard across a major road.

And that is why we pulled the ad. And yes, we do know that once, a Minister said it. There’s a whole LOT of things that Ministers say that we don’t want our children repeating. . .

## APPOINTMENT OF NEW AAC CHAIRPERSON



The ARB is pleased to announce the appointment of our new AAC Chairperson. Welcome on board **Nasreen Rajab-Budlender**.

Nasreen is an experienced Senior Counsel, former Chairperson and founding member of the Pan African Bar Association of South Africa (PABASA). PABASA is the first Bar of Advocates established post-democracy in South Africa which has as its primary focus the transformation of the legal profession.

Nasreen holds a Bachelors degree in Social Science from the University of KwaZulu-Natal, an LLB degree from the University of Cape Town and a Masters Degree in Law from Columbia University in the United States.

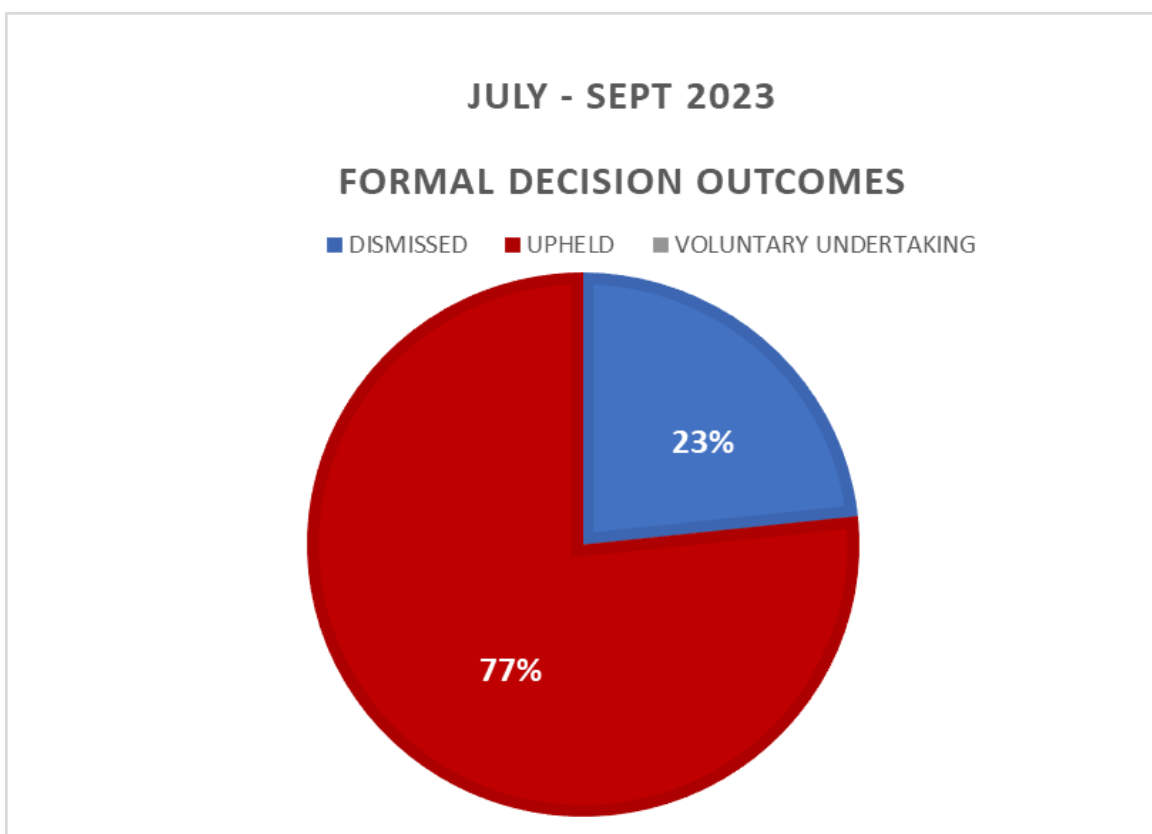
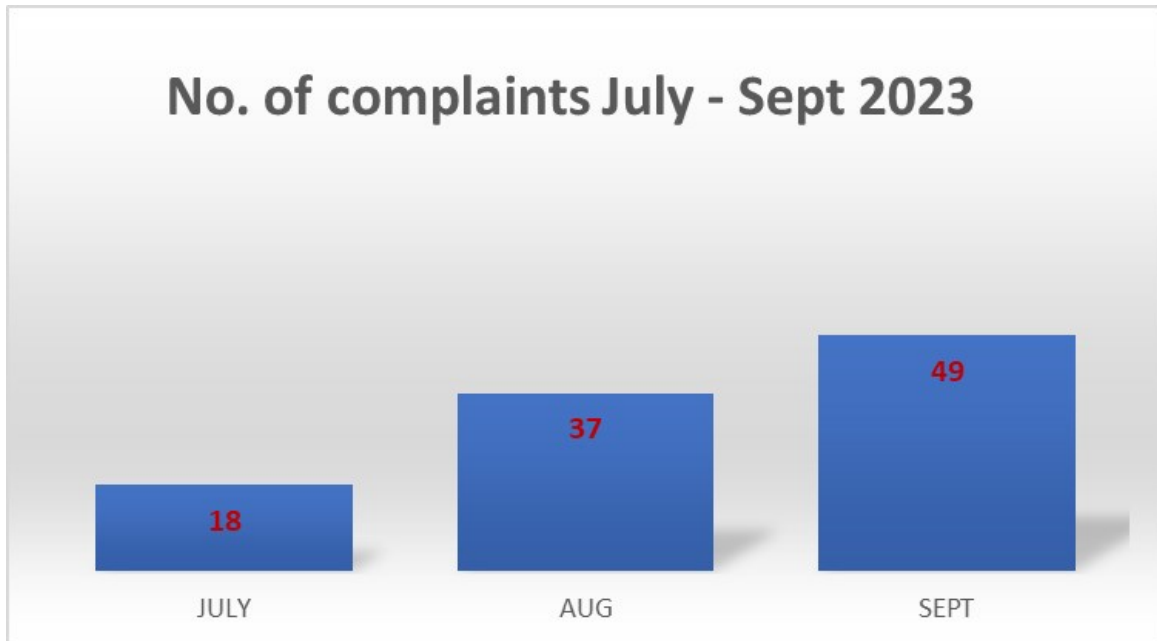
Nasreen has acted as a Judge of the Land Claims Court and the North Gauteng High Court.

She is a panellist with the Arbitration Foundation of South Africa (AFSA), and regularly chairs commercial arbitrations and disciplinary hearings.


Nasreen is a former Chairperson of the Women's Legal Centre Trust and has litigated in the constitutional court, the supreme court of appeal and various other courts in South Africa.


*"All members of the public are exposed to advertising on a daily basis. Effective self-regulation in the advertising industry is critical to ensure that advertisers are assessed fairly, held accountable where appropriate and that the public has a proper mechanism for voicing its concerns and complaints."*


## STATISTICS





## CONTACT US

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## OUR OFFICE

Stephan Kotze  
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## DIRECTORS

Gail Schimmel (CEO)

Sadika Fakir (Chair)

Karabo Denalane (Vice Chair)

Andrew Allison

Chris Borain

Gareth Leck

Nthabiseng Motsoeneng

Martin Neethling

Asanda Gcoyi

Octavia Hlungwani

## ADVERTISING APPEALS COMMITTEE

Nasreen Rajab-Budllender (Chair)

Andrew Allison

Tintswalo Baloyi

Jarred Cinman

Alison Deeb

Sarah Dexter

Sadika Fakir

Sharon Keith

Lesiba Sethoga

## FINAL APPEALS COMMITTEE

Judge Bernard Ngoepe (Chair)

Chris Borain

Gareth Leck

Martin Neethling

Sisipho Ngoma

**“Consumer Protection through  
Responsible Advertising”**