

# Bills, bans and BEE: a review of 2010, and a peek into 2011

 By [Odette van der Haar](#)

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We all expected 2010 to be a difficult year following the global economic recession, but the local advertising and communications industry faced some unexpected challenges which had little to do with economics and everything to do with a rapidly changing social, political and legal environment.

Industry leaders and stakeholders have fully embraced these challenges, taking a strong stance on critical issues such as [freedom of the press](#), black economic empowerment and the protection of personal information.



As we prepare to enter the New Year, the industry is ideally positioned and well-equipped to continue pursuing its core values, work towards transformation and protect agencies and consumers from any threats on their personal and professional freedoms.

## One of the most important issues

One of the most important issues faced by the industry during the latter part of 2010 was the aggressive attempt by government to limit the media's freedom of expression, and also our industry's freedom of commercial expression.

This attack came in the form of the proposed Protection of Information Bill (POIB) and a potential media appeals tribunal. The Association for Communication and Advertising (ACA) was immensely encouraged by the united and powerful stand taken by industry members and stakeholders and we made certain that the industry's voice of opposition to the government was clearly heard.

With the issue still unresolved, the ACA is fully committed to resisting the proposed legislation and media appeals tribunal in 2011.

## Other significant developments

There were other significant developments on the legal front, with the passing of the new Consumer Protection Act (CPA), Food Labelling Regulations and the proposal of the Protection of Personal Information Bill.

The CPA will be implemented in April 2011 and places the consumer at the very top of the marketplace hierarchy. The ACA has been working with agencies and stakeholders to see that they do not delay preparations to ensure compliance with the CPA.

In addition, the new Labelling and Advertising of Foodstuffs Regulations were published in March 2010 and are designed to protect consumers against false and sometimes dangerous labelling of food products. A critical piece of legislation for many in our industry, the new regulations will completely alter the way in which food products are positioned and presented to consumers.

## Highly controversial

Finally, the highly controversial Protection of Personal Information Bill (PPIB) was passed by Cabinet on 14 August 2009, but has not yet become law. The PPIB aims to create barriers between the public and marketing professionals.

While the PPIB garnered a great deal of media attention for its potentially dire ramifications for journalists, very little was said about what it meant for the advertising, marketing and communications sector. If the proposed laws are implemented, marketers will have to conduct their business with far more caution.

The ACA is consequently paying close attention to the finer details of the PPIB and will monitor the path of this bill in 2011.

### **New bans on alcohol advertising?**

Another legal/political area of interest for the industry was the government's recent threat to place new bans on alcohol advertising in an effort to combat unacceptably high levels of alcohol abuse.

Based on the immense body of research conducted on the subject, the ACA believes this is not the right strategy and will oppose any attempts to curb alcohol advertising in 2011.

With regards to the industry's pursuit of deep-seated and lasting transformation, the past year saw some progress with the targets outlined in the critical MAC SA Charter. One of the most positive areas was ownership, with many of the main players making great strides toward achieving the bold target of having 45% of equity in black hands by 2012.

### **Still a prominent absence**

However, when it came to upper and middle management, as well as general staffing, progress was modest at best. Furthermore, there is still a prominent absence of black females in the industry, particularly at management and ownership level. These are areas which need considerable attention in 2011, and we encourage all industry stakeholders to work towards achieving the targets of the MAC SA Charter.

In the New Year, the industry can look forward to a productive start, building on the positive momentum of the latter part of 2010. With many new and exciting platforms available to agencies such as popular social media tools and mobile phone applications, there is immense potential to connect with consumers and stakeholders on a highly personalised and powerful level.

We are working in a far more dynamic and interactive environment than ever before, and I encourage all agencies to become a part of the daily conversation.

## **ABOUT ODETTE VAN DER HAAR**

Odette van der Haar joined Publicis as the MD from 1 September 2019, before which, she was the CEO of JWT Jhb. She was also CEO of the Association for Communication and Advertising (ACA) ([www.acasa.co.za](http://www.acasa.co.za)), the industry body of the SA advertising and communications sector, and previously headed up Sentech's Advertising, Events and Sponsorships portfolio...

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