

## The whole world is mad...



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In recent weeks, many right-thinking South Africans have begun to wonder if, as a country, we may have our priorities wrong. Thousands march about the president's penis, but child rape and lack of jobs and education seem to cause little more than a ripple on our radars. (video)

And now, suddenly, the SABC has decided that it should pull ads off its own bat, and has disallowed a Nando's ad, it seems, on the basis that it promotes xenophobia and violence and has bad language.

This sudden interest that the SABC has taken in the content of ads is peculiar. It allows Nando's to run the <u>Santam spoof ad</u> that was *clearly* in breach of the <u>Code of Advertising Practice</u> in that it imitated Santam's ad, and exploited its goodwill (see <u>Section II, clauses 8 and 9</u> specifically).

Yes, it <u>all turned out well</u> because everybody played nice, and <u>showed us</u> how <u>mature advertisers handle imitation</u> .
Sudden interest
But if the SABC has decided that it is an expert in the code, then it should never have run that commercial. So its sudden interest in the content of <i>this</i> commercial makes me think that the president's penis looms large in its mind.
But back to the xenophobia ad.
The Code of Advertising Practice states that any advertising must be considered as a whole, and in the context of surrounding circumstances. And, really, the ad as a whole is anti-xenophobia, not pro.
Previous rulings
But maybe the people at the SABC are so blinded by penises that they can't actually see the ad properly. And my Khoi-san is not good enough to tell exactly how bad a bad word was uttered, but I don't think that the little string of icons is the worst word ever used in advertising history. A quick search of the <u>ASA's previous rulings</u> shows many a case where the "f" word has been strongly implied in advertising, without the SABC batting an eyelid.
And then there is Nando's response to the issue, as reported by the Sunday Times, in which it states that the ASA has assured it that the commercial is not in breach of any code.
I can assure <i>Nando's</i> that the ASA did not say any such thing, as the ASA refuses to pre-clear any advertising because it would then be conflicted if it got a complaint. What might have happened is that the ACA (the <u>Association of</u>

Communication and Advertising) gave a pre-publication opinion which is not binding on the ASA.

## **Totally different concern**

If anyone had asked my opinion - which, alas, they did not - I would have raised a totally different concern: the portrayal of the Khoi-san man. As <u>Kulula discovered in 2005</u> when it used a spoof of the movie "The Gods Must Be Crazy", the remaining Khoi-san people in South Africa are *very* sensitive. Had the ad run, I think that *they* would have been the source of the complaints.

Either way - never mind the gods - I am starting to wonder if not only the people of South Africa, but the SABC - are crazy...

So it was with some relief that I have just seen that we are not the only country that is totally insane when it comes to what gets us riled.

## Most complained about in the UK

The most-complained-about advertisement in the entire history of the UK ASA has <u>recently been revealed</u> by Marketing Week to be a KFC commercial where complainants got wound up because... wait for it... the characters are talking with their mouths full!

The ad attracted 1671 complaints, but the UK ASA held that the ad could keep flighting. Maybe someone should tell them to have a march?

## Most complained about in SA

It is interesting to compare this to our own ASA where, to the best of my knowledge, the most-complained-about-ad ever is still the Virgin Mobile commercial, showing a chap dying and going to heaven. When he gets there, he is sent back home because he's still tied to his cellphone contract.

Over 2000 angry Christians took offence at the portrayal of heaven. The <u>ASA held</u> that the ad was acceptable, on the basis that it made no reference to Christianity, and that in any event, Christians do not have a monopoly on heaven. What is particularly interesting is that, with 2000 complaints, this beats the UK's most-complained-about ad - and may in fact be a world record. Proudly South African complainers?
And during 2011 in the UK, as reported recently by Marketing Week, 659 consumers complained about a rather spooky girl in a Phones 4 U commercial but, again, the complaint was dismissed.
[PS In my next article, I vow not to use the word "penis" even once. The SABC might start censoring me.]
ABOUT GAIL SCHIMMEL
Cail Schirmel is a specialist in advertising law. She runs a consultancy - Clear Copy (www.clearcopy.co.za) - that offers advice to marketers and advertisers in relation to the Advertising Standards Authority (ASA) and other aspects of advertising law. An admitted attorney (with BA, LLB, Psychology Honours and LLM degrees), she was previously head of legal and regulatory at the ASA, and subsequently joined Edward Nathan Sonnenbergs as a director in 2008. Email gail@clearcopy.co.za and follow @GailSchirmel.  [2014 trends] Advertising regulation trends in 2014 - 23 Jan 2014  [Can advertising "Stop Rape"? - 11 Feb 2013  [2013 trends] Media and advertising regulation in 2013 - 24 Jan 2013  [Appendicitis at the ASA? - 21 Aug 2012  [A moment of feminism - 4 Jul 2012
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