

Media and ad industries need a dose of Epsom Salts

 By [Chris Mberdyk](#)

6 Aug 2015

It has been almost inevitable that the print media and ad industry representative bodies are going through some considerable trauma right now, because the relevance of what they are trying to achieve has become highly questionable.



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The Advertising Standards Authority (ASA) has formally admitted that it has a significant funding crisis on its hands. So much so that if it doesn't get a bailout soon it will face liquidation by the end of next month.

Equally, the Print & Digital Media Association (PDMSA) is finding it harder and harder to fulfil its mandate of ensuring that these industries remain powerful, protected and relevant.

For years, if not decades now, this body has been a hot seat of petty jealousies among print media owners. It has now become worse because the people at the Times Media Group can't stand Independent Newspapers or Media24 and vice versa. While just about all print media owners in the country have a problem with The New Age.

I remember 20 years ago, at a particularly volatile meeting of what was Print Media SA (PMSA) someone pointing out of the boardroom window at the SABC building on the hill in Auckland Park shouting; "there's our enemy, stop fighting among ourselves..."

PDMSA, in my opinion, still has enormous relevance if only to prevent government from banning advertising. But, both it and the ASA need a massive dose of Epsom Salts.

As far as the ASA is concerned it is hardly surprising that they are short of money because, in my opinion, they are very short on relevance. It is no longer a representative body for the ad industry. It hasn't been for years. The fact that the ASA is short of money is simply because those who previously funded it - mostly media owners - have become totally disillusioned with what the ASA is doing.

Major media companies have lost fortunes in potential advertising revenue due to the unnecessary and often petty banning of advertising campaigns. I am surprised that it has taken companies such as TML and Media24 so long to realise just how much advertising revenue they were losing as a result of actions by the very organisation they were funding.

The ASA has continued to apply the principle of guilty until proved innocent, by suspending advertising campaigns until it can be proved that the campaigns were or were not in contravention of its regulations.

But worst of all, the ASA will often act upon the opinion of a single member of the public who might take issue with the morality of an advertising campaign. The ensuing hearings cost the advertiser a fortune and the consumer absolutely nothing. Even if the advertiser won the case, the consumer got away Scot-free for having severely disrupted a legitimate business.

As a result, in the past few years, a number of companies have taken the ASA to the high court and almost all cases are still waiting to be put on the roll mean because advertisers have realised that as long as there is a court case pending the ASA have to leave them alone. In my opinion, far from protecting the consumer against unscrupulous advertisers, the ASA has actually done the consumer a huge disservice by allowing a tiny minority of people to make a game out of complaining about advertising without any fear of retribution if they are proved wrong.

As a result, advertising in South Africa has become docile and often ineffectual thus increasing the already massive amount of money that is wasted by the industry. In my opinion, if the ASA is going to be allowed to continue it should base its procedures on those employed by the Broadcast Complaints Commission of SA (BCCSA) which does a far more honest job in terms of making sure that consumer complaints are valid and relevant before taking any form of action.

Of course, the ASA always argue that if they were to disappear "government would take over the monitoring of advertising." Which is complete nonsense. Scare tactics. Government has never expressed this desire and has learnt a very strong lesson from its efforts to ban alcohol advertising which resulted in such a deadlock at cabinet level that absolutely nothing has happened in the past two years to put any such legislation into practice. It has been a classic case history of the massive economic impact of messing with marketing.

In my opinion, the Consumer Protection Act, the Protection of Personal Information and common law are all South Africa needs to protect the consumer from unscrupulous advertisers. As it is unscrupulous advertisers in the classified sections of newspapers are able to get away with what appears to be openly offering all manner of miracle medical cures and sex for sale, because the ASA has no mandate to act against classified advertising. I would guess because there is no money to be made from it.

The ASA is also not in a position to act upon comparative advertising complaints because this is covered by the Trade Marks Act and not by industry regulations. If indeed, the ASA is to be saved from going down the drain, it should be on the basis that it is completely reconstituted to be able to provide a far more balanced oversight of both the advertising industry and the consumer.

I feel dreadfully sorry for the staff of the ASA who have been trying to do their jobs under extremely trying circumstances. Most ad agencies hate the ASA and quite rightly. No ad agency likes to try and produce advertising without being forced to have their own lawyers as part of their creative teams.

When you think about it, the ASA is contributing to social intolerance by pandering to political correctness, and that tiny minority of Mother Grundies who believe they are custodians of the morals of the nation.

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