
GENERAL NOTICE

NOTICE 1659 OF 2009



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton

Private Bag X10002, Sandton, 2146

FINDINGS DOCUMENT ON THE REVIEW OF THE 1999 REGULATIONS RELATING TO ADVERTISING, INFOMERCIALS AND PROGRAMME SPONSORSHIP IN TERMS OF THE INDEPENDENT BROADCASTING AUTHORITY ACT No. 153 of 1993

I, Mr. Paris Mashile, Chairperson of the Independent Communications Authority of South Africa ("the Authority"), acting on behalf of the Council of the Authority hereby approve the publication of this findings document as a culmination of the process of reviewing the 1999 Regulations on Advertising, Infomercials and Programme Sponsorship in terms of the Independent Broadcasting Authority Act No. 153 of 1993.



PARIS MASHILE
CHAIRPERSON

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

ICASA

**FINDINGS DOCUMENT REGARDING THE DRAFT
REGULATIONS ON ADVERTISING, INFOMERCIALS AND
PROGRAMME SPONSORSHIP FOR BROADCASTING
SERVICE LICENSEES, 2009**

2009

ACKNOWLEDGEMENTS

The Independent Communications Authority of South Africa ("the Authority") would like to acknowledge all stakeholders who participated in the process aimed at reviewing the Regulations on Advertising, Infomercials and Programme Sponsorship for Broadcasting Service licensees.

The following stakeholders participated in the consultation process:

- 1) M-NET and Multichoice
- 2) On Digital Media (ODM)
- 3) South African Broadcasting Corporation (SABC)
- 4) Walking On Water Television (WOWtv)
- 5) e.TV
- 6) eSat
- 7) Yfm
- 8) National Association of Broadcasters (NAB)
- 9) Marketing Association of South Africa (MASA)
- 10) The Industry Association for Responsible Alcohol Use (ARA)
- 11) Innovative Medicines South Africa (IMSA)
- 12) Association for Communication and Advertising (ACA)
- 13) South African Breweries (SAB)
- 14) Print Media Association of South Africa (PMSA)
- 15) Trudie Blanckenberg
- 16) Advertising Standards Authority of South Africa (ASA)

The consultation was undertaken by a Committee of Council comprising the following ICASA officials:

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|-------------------------|-----------------------------|
| 1) Mr. Fungai Sibanda | Councillor (Chairperson) |
| 2) Mr. Robert Nkuna | Councillor (co-Chairperson) |
| 3) Ms Mamedupe Kgatshe | Project leader |
| 4) Ms Refilwe Ramatlo | Manager: Policy |
| 5) Mr. Sipiwe Hlongwane | Researcher |
| 6) Ms Shelley Majola | Consumer Officer |
| 7) Mr. Victor Grootboom | Licensing Officer |
| 8) Ms Ndondo Dube | Licensing Officer |
| 9) Mr. Fumani Baloyi | Legal Adviser |

SECTION A: INTRODUCTION AND BACKGROUND

1. BACKGROUND

1.1 This findings document constitutes the conclusion of a public consultation process on the Draft Regulations on Advertising, Infomercials and Programme Sponsorship for Broadcasting Service Licensees, 2009 (Draft Regulations), in accordance with Section 4 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act"). The findings document summarises the views expressed by interested persons and seeks to highlight key decisions taken by the Authority with respect to the regulation of advertising, infomercials and programme sponsorships by broadcasting service licensees.

1.2 The explanatory memorandum accompanying the Draft Regulations stated that the Draft Regulations constituted a review of the 1999 Regulations Relating to the Definition of Advertising and the Regulation of Infomercials and Programme Sponsorship in Respect of Broadcasting Activities, published in terms of the Independent Broadcasting Authority Act No. 153 of 1993 (IBA Act). The review was also undertaken in accordance with Section 95 of the Act which requires that all regulations made in terms of the IBA Act, among others, remain valid until amended or repealed.

1.3 A summary of the written and oral views expressed by interested persons are reflected below. The summary is not exhaustive, but reflects on salient issues raised by interested parties. The rest of the findings document can be divided into two main sections; Submissions and Findings. The Submissions section summarises the written and oral submissions and the Findings section deals with the decisions of the Authority.