



ASSOCIATION FOR COMMUNICATION AND ADVERTISING ADVISORY SERVICE

1. FUNCTIONS AND SERVICES

- 1.1 The ACA Advisory Service gives advice on the application of the Code of Advertising Practice to a commercial submitted to it.
- 1.2 The fact that advice is given is not a guarantee that there will be no complaints as to the advertisement because in many instances value judgements have to be made and as such it may be susceptible to more than one interpretation.
- 1.3 The advice of the ACA Advisory Service will usually entail that certain problem areas in a particular advertisement are highlighted and, in appropriate instances, suggestions will be made. It is and remains the prerogative of the agency/advertiser to heed this advice.
- 1.4 Also, it is the prerogative of the particular medium to accept any advertising submitted to it and the ACA Advisory Service advice does not guarantee that the medium will accept the advertising.
- 1.5 The service and fee structure are based on a “standard” Television/radio commercial up to 60 seconds. If advertising material falls outside this definition, an hourly fee of R1000 (one thousand rand) per hour (excl VAT) will be charged.
- 1.6 If advice or an opinion is required on additional matters, e.g. competitions, imitation (Clause 9 of Section II of the Code of Advertising Practice), exploitation of advertising goodwill (Clause 9 of Section II of the Code of Advertising Practice), or comparative advertising (Clause 7 of Section II of the Code of Advertising Practice) the hourly fee will be charged.
- 1.7 It is the duty of the agency to provide all relevant information to enable the ACA Advisory Service to provide an informed and professional opinion. This is especially important if the advice is sought on an advertisement due to an ASA Ruling on the advertisement or a similar advertisement or if there is doubt as to the possibility of imitation of a competing advertising slogan/campaign or of exploitation of advertising goodwill.
- 1.8 The ACA Advisory Service will alert the agency/advertiser to the requirement of substantiation in terms of Section II par 4 of the Code of Advertising Practice and will obtain, if requested by the agency/advertiser and a cost agreed, objective scientific evaluation of the substantiation.
- 1.9 It should be stressed that the primary responsibility for compliance with the Code of Advertising Practice remains with the advertising practitioner/advertiser (Section 1 par 3.5 of the Code of Advertising Practice).



- 1.10 The advice given by the ACA Advisory Service may also be subjected to a second opinion if the practitioner/advertiser wishes to do so.
- 1.11 The final decision to accept the commercial is still with the relevant medium, and the advice of the ACA Advisory Service is not binding on the medium.
- 1.12 Submission of material or advice by the ACA Advisory Service is subject to the following terms and conditions:

“CONDITIONS

The advice of the ACA Advisory Service in respect of the above advertisement is subject to the following conditions and in submitting the advertisement the advertiser and/or agency warrants that he/she is aware of the and accepts these conditions:

1. In terms of the Code of Advertising Practice the primary responsibility for observance of the Code lies with the advertising practitioner (Section 1 Par 3.5) and the ACA Advisory Service merely gives an independent opinion on the material submitted and does not provide any representation or guarantee or warranty in respect of compliance with the Code of Advertising Practice and none should be implied. The submission of advertising material of an opinion is voluntary.
 2. The media retains the right to reject, for whatever reason, any advertisement and is not bound by the advice of the ACA Advisory Service.
 3. The ACA and/or the ACA Advisory Service and/or any of the officers or employees will not be liable for any damage or loss, which may arise in connection with the advertisement and/or the above advice. Liability of said persons from whatever cause will be limited to twice the consideration paid for the advice.
 4. In submitting an advertisement for an opinion the advertiser and/or its agency warrant that all information in respect of the advertisement was submitted, including but not limited to ARB rulings in respect of the advertisement or in respect of a similar advertisement.
- 1.13 The advice is in respect of the Code of Advertising Practice only. If advice on other issues is sought, such as terms and conditions of promotional competitions, application of other laws and/or Acts, like the Consumer Protection Act 68 of 2008, this must be clearly indicated and this will then be subject to a quoted fee.

2. PROCEDURE

- 2.1 Scripts for commercials may be submitted for advice to the ACA Advisory Service at the address below:

Physical/Postal Address: 27 Fricker Road, Illovo, 2196

or emailed to: accounts@acasa.co.za

- 2.2 The normal required time for advice by the ACA Advisory Service is *two working days (excluding the day of submission of the script)*. If a shorter turnaround time is required, a express fee will be charged (see 3.1 below).
- 2.3 An express service can be requested. The time required for an express advice is **one working day (excluding the day of submission of the script)**. An additional charge will be levied for these scripts (see 3.1 below).



- 2.4 An “**Urgent Express**” service is being introduced at the request of certain clients. This service will be operated as follows:
- Submit scripts **by 10H00** and advice will be provided by **16H00** on the **same day**.
 - Submit scripts **after 10H00** and advice will be provided **24 hours later** (i.e. in by 11H00 – and advice will be sent by 11H00 the next day).
- 2.5 A written advice will be emailed to the agency, subject to a prior arrangement for payment of the fee, usually an order number. To expedite matters, it is suggested that an order number be provided with the submission of the scripts.

3. **COST OF ADVICE AND PAYMENT**

3.1

Members	Code of Advertising Practice			Packaging			Infomercial		
	Standard	Express	Urgent Express	Standard	Express	Urgent Express	Standard	Express	Urgent Express
Service Charge	580.00	1160.00	2320.00	1160.00	2320.00	4640.00	2320.00	4640.00	9280.00
Non-Members									
Service Charge	800.00	1600.00	3200.00	1600.00	3200.00	6400.00	2650.00	5300.00	10600.00

(ALL PRICES EXCL VAT)

- 3.2 ACA Member Agencies are billed directly for the advice and accounts are expected to be settled on a 30-days basis.

Non-ACA Agencies or other clients are required to EFT/deposit funds directly into the Company’s bank account **before** the script will be forwarded to the Legal Advisors.

If the agency has made a deposit, the cost of the advice is deducted from the deposit as per the order number/order form.

P.A. DELPORT
ACA Advisory Service