

# SECTION



# BACKGROUND INFORMATION

# 1.1

## INTRODUCTION

### 1.1.1 THE NATURE AND EXTENT OF OUTDOOR ADVERTISING

“Advertising” is defined as the act or process of notifying, warning, informing or generally making known. In other words, the term refers to information transfer in a visible or audible manner.

Outdoor advertising is traditionally associated with large billboards and posters advertising products and services. However, in its broadest interpretation, outdoor advertising includes all signs erected and displayed out of doors for the purpose of providing information from small “beware of the dog” signs on garden gates to the more familiar giant billboards that advertise commercial products.

Outdoor advertising is furthermore not restricted to the advertisement of products and services. Place names, notice of events and directional information can also be construed to be outdoor advertising. The information can be communicated via painted, printed, projected or incised surfaces and can be internally or externally illuminated. Signs can be animated, including flashing signs, trivisions, electronics and fibre optics. Banners, flags and bunting are also regarded as advertising. Signs may be on buildings, fascias, windows, walls or roofs or on structures such as towers, pylons or bridges. Free-standing signs may be on frames or poles, or anchored inflatable or balloon type signs.

For the purposes of this manual, a very broad interpretation of outdoor advertising will apply. Outdoor advertising can therefore be seen as referring for example to any sign, model, placard, board, notice, billboard, poster, flag, banner, bunting, light display, device, structure or representation employed outdoors wholly or partially to -

- advertise a facility, business, service or product that is available to the public (information on products and services) ; or
- make known an organisation’s or individual’s opinion, grievance or protest; or
- provide information on localities and activities.

I.E. all signs, varying in size from large billboards to small placards and posters, erected or displayed for the purpose of providing information. It does not apply to signs erected inside premises that are not visible from a roadside, such as sports stadia, with the exception of premises accessible to the general public on a more continuous basis, e.g. large suburban shopping centres and sports and recreation facilities such as parks, nature trails and golf courses.

In terms of the broad interpretation made of outdoor advertising for the purpose of this manual, road traffic signs are considered to be a form of outdoor advertising. Since control of the use of road traffic signs is provided by legislation and the SADC Road Traffic Signs Manual, control of their use is not generally covered by this manual. References are included, however, regarding *street name* and *suburb name signs* since these may be combined, in a controlled manner, with commercial outdoor advertising, and to *tourism direction signs* because by their application they may be used in place of commercial outdoor advertising.

This manual is primarily concerned with outdoor advertisements visible from all public roads and streets. The following signs are exempt from the provisions of the SAMOAC:

- Any sign displayed inside a sports stadium which is not visible from outside the stadium;
- any sign displayed in an arcade which is not aimed at road users;
- any sign which is displayed inside a building at a distance of more than two meters from any window or other external opening through which it may be seen from outside the building and which is not aimed primarily at attracting the attention of the road user or pedestrian on the sidewalk;
- any price ticket smaller than 0,01 m<sup>2</sup> on an item displayed in a shop-window;
- any national flag hoisted on a suitable flag pole as long as nothing is added to the design of the flag and no advertising material is added to the flag pole; and
- any banner or flag carried through the streets as part of a procession.

### **1.1.2 THE ROLE AND FUNCTION OF THE SAMOAC**

SAMOAC constitutes a framework and guideline document for the standardisation of assessment criteria and the application of control measures in South Africa. The framework will enable decision-making authorities and advertisers alike to approach control and regulation with equal understanding of the control parameters and performance standards applied to all forms of outdoor advertising.

The SAMOAC classifies, evaluates, manages and controls outdoor advertising. Control mechanisms include the delineation of areas of control, classes of consent and principles and conditions for all types of outdoor advertising sign types. Municipalities and roads authorities wishing to control outdoor advertising in their area of jurisdiction, need to give legal status to this manual by means of by-laws or other forms of legislation.

### **1.1.3 OBJECTIVES OF THE SAMOAC**

SAMOAC is aimed at establishing control systems and mechanisms to:

- contribute to the conservation of tourism resources in natural, rural and urban environments;
- contribute to the creation of more acceptable human living environments;
- promote traffic safety;
- promote sustained economic growth and sustainable development; and
- foster a balanced approach between economic development, on the one hand, and traffic safety and the conservation of visual resources, on the other hand. Such an approach should recognise the individual's right to economic freedom and freedom of expression and his or her right to live in an acceptable and safe environment (see 1.1.6).

### **1.1.4 ADVANTAGES OF THE SAMOAC**

SAMOAC will realise the following benefits for the controlling authorities, advertising contractors and marketers:

- SAMOAC will facilitate pre-planning on the part of controlling authorities.

- SAMOAC can be used by prospective advertisers to plan their advertising strategy.
- SAMOAC provides a reference document for dealing with outdoor advertising issues.
- SAMOAC provides advice and assistance for marketers and advertisers in preparing specific applications.
- SAMOAC provides principles and conditions which will enable the controlling authorities to evaluate applications on their merits and make an informed decision based on the guidelines.
- SAMOAC will ensure standardisation of assessment criteria and uniformity in the application of these criteria.
- SAMOAC will facilitate the processing and approval or rejection of outdoor advertising applications by the controlling authorities.
- SAMOAC will lead to uniformity in legislation.

### 1.1.5 REQUIREMENTS FOR AN ADVERTISING CONTROL MANUAL

- Providing an efficient, effective and uniform framework for reference and control.
- Being comprehensive enough to include all advertisements, landscapes and situations.
- Being user friendly.
- Being simple enough in concept and design in order to simplify control over outdoor advertising. The SAMOAC should therefore be easy to interpret and implement without any special training or qualifications and without be too demanding on manpower and funds.
- Being flexible and open-ended in order to accommodate changes in the advertising industry.
- Allowing community participation and taking the values and perceptions of communities into consideration by ensuring flexibility with regard to the level of control to be applied (see 1.2.3.4)..

### 1.1.6 PRINCIPLES ON WHICH SAMOAC IS BASED

#### 1. Reconciling Freedom of Commercial Speech with Environmental Rights

Freedom of commercial speech is normally seen as being at the heart of a market-driven economy and as being essential for healthy competition. Section 16 of the Bill of Rights of the Constitution of South Africa entrenches Freedom of Expression. Subsection 1 states:

*Everyone has the right to freedom of expression, which includes:*

- freedom of the press and other media;*
- freedom to receive or impart information or ideas;*
- freedom of artistic creativity; and*
- academic freedom and freedom of scientific research.*

On the other hand Section 24 of the Bill of Rights deals with Environmental Rights and reads as follows:

*Everyone has the right*

- a. *to an environment that is not harmful to their health or well-being; and*
- b. *to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that*
  - i) *prevent pollution and ecological degradation;*
  - ii) *promote conservation; and*
  - iii) *secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.*

Health and well-being also includes psychological health and well-being and therefore also the conservation and sustainable management of the aesthetic environment. It is therefore important that SAMOAC manages the expression of commercial information through outdoor advertising in such a manner as to provide ample opportunities in this regard without infringing on the environmental or any other rights of the citizens of South Africa. Freedom of expression and the freedom of commercial speech should not be seen as an unlimited right.

## **2. Reconciling Freedom of Commercial Speech with Road Safety**

Up till now no study could inconclusively prove that outdoor advertising is either detrimental or not detrimental to traffic safety. However, as a matter of common logic it may be reasoned that outdoor advertising may have a negative impact on traffic safety when poorly managed. By their very nature outdoor advertisements are designed to pull the eyes of the motorist off the road and onto roadside displays. In order to achieve maximum exposure, outdoor advertisements are often placed in locations that are highly perceivable, but which also require special attention from the driver and are critical from a traffic safety point of view, such as bends in the road and at intersections.

Outdoor advertising should therefore be managed in such a way as to ensure traffic safety while at the same time ensuring sufficient opportunities for the expression of commercial information.

## **3. A Balanced Approach to Economic Development**

Outdoor advertising will certainly contribute positively to the sales figures of products and services and does therefore contribute to economic growth and the creation of job opportunities. On the other hand it may have a detrimental effect on tourism resources and therefore on economic growth and job opportunities created through tourism. Responsible and sustainable management of Outdoor Advertising is therefore needed.

## **4. Minimising negative impacts on the aesthetic environment while maximizing positive impacts on the aesthetic environment.**

Uncontrolled outdoor advertising may have a very detrimental effect on the aesthetic environment while elegant and well managed outdoor advertising and signs may make a positive contribution to the aesthetic environment.