

SECTION



BACKGROUND INFORMATION

1.1 THE NATURE AND EXTENT OF OUTDOOR ADVERTISING

Definition

'Advertising' and 'outdoor advertising' are interpreted in the classical sense. 'Outdoor advertising' can therefore be described as the act or process of notifying, warning, informing or generally making known in a visible or audible manner and which takes place out of doors. For the purpose of this document outdoor advertising can therefore be equated to outdoor information transfer, which by definition entails more than commercial messages.

Various forms and formats

Outdoor advertising is normally 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. It comes in various forms, formats and sizes from small "beware of the dog" signs on garden gates to the more familiar giant billboards that advertise commercial products.

Various message types – commercial and non-commercial

Outdoor advertising is not restricted to commercial messages promoting enterprises, products, services, property and events. Non-commercial messages such as public notifications, place names and directional and tourism information can also be construed to be outdoor advertising. Information can be communicated via painted, printed, projected or incised surfaces and can be internally or externally illuminated. Animated messages can be used which may include flashing signs and electronic messages.

Various structures for display

Signs may be displayed in various positions on buildings – on fascias, windows, walls or roofs, or it may be attached to other existing structures such as towers, silos or bridges. It can be displayed on street furniture and on a variety of crafts and vehicles on land, water and in the air. Free-standing signs may consist of frames, panels or boards attached to specially designed advertising structures.

Broad interpretation

For the purposes of this manual, a very broad interpretation of outdoor advertising will apply. Outdoor messages can be displayed by media owners making a living out of outdoor advertising or by private individuals, an institution or the owner of an enterprise. Outdoor advertising or outdoor information transfer can be seen as referring to any sign, model, placard, board, notice, billboard, poster, flag, banner, device, structure or representation employed outdoors wholly or partially and displayed for commercial or non-commercial purposes in order to –

- advertise a facility, property, enterprise, service or product that is available to the public;
- make known an organisation's or individual's opinion, grievance or protest;
- provide information on localities and activities; or
- issue prohibitions, directives or warnings.

This means all signs, varying in size from large billboards to small placards and posters, erected or displayed for the purpose of transferring information with only certain exceptions.

Outdoor information excluded

The following signs are exempted from the provisions of the SAMOAC:

- Any sign displayed inside a sports stadium or on any other site and which is not visible from outside such stadium or site;
- any sign displayed inside a roofed shopping centre or inside 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 m² on an item displayed in a shop-window;
- road traffic signs which are provided for by legislation, the SADC Road Traffic Signs Manual and the South African Road Traffic Signs Manual;
- 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.

1.2 THE ROLE AND FUNCTION OF THE SAMOAC

National guideline document

The 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, planning and regulation with equal understanding of the control parameters, management principles and performance standards applied to all relevant forms of outdoor advertising.

Best practice manual and precautionary principle

The SAMOAC also serves as a manual for best practice in order to encourage a high standard of outdoor advertising which will actually enhance the perceptual environment and contribute to road safety conditions. In order to attain to the objectives stated under 1.3 it was also necessary to apply the precautionary principle.

A manual for an integrated and cumulative planning approach

The SAMOAC classifies, evaluates, manages and controls outdoor advertising. It promotes an integrated and cumulative approach through mechanisms such as Areas of Control (AOC), Outdoor Advertising Potential Assessments (OAPA's) (an environmental management tool) and Outdoor Advertising Master Plans (OAMP's). General and specific conditions for each sign type provide an important reference for developing OAMP's.

Legal status needed

Municipalities and roads authorities wishing to control outdoor advertising in their areas of jurisdiction by means of the principles and conditions contained in the SAMOAC, need to give legal status to this manual by means of bylaws or other forms of legislation.

1.3 OBJECTIVES OF THE SAMOAC

The SAMOAC is aimed at establishing control systems and mechanisms to:

- contribute to the conservation of the aesthetic environment and 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 the perceptual environment, 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 1.6.1).

1.4 ADVANTAGES OF THE SAMOAC

The SAMOAC facilitates an integrated and cumulative approach to the management of outdoor advertising by applying Outdoor Advertising Potential Assessments as an environmental management tool which culminates in Outdoor Advertising Master Plans.

The SAMOAC together with ensuing Outdoor Advertising Master Plans will realise the following benefits for controlling authorities, local communities, media owners and marketers by:

- facilitating pre-planning on the part of controlling authorities;
- being used by prospective advertisers and media owners to plan their advertising strategies;
- providing a reference document for dealing with outdoor advertising issues;
- providing advice and assistance for media owners and advertisers in preparing tenders and specific applications;
- providing principles, conditions and development proposals which will enable the controlling authorities to evaluate sign applications and tenders on their merits and make an informed decision;
- ensuring standardisation of assessment criteria and uniformity in the application of these criteria;
- promoting uniformity in legislation.

1.5 REQUIREMENTS FOR AN ADVERTISING CONTROL MANUAL

Such a manual should:

- Provide an efficient, effective and uniform framework for reference, and for the integrated management and control of outdoor advertising.

Be comprehensive enough to include all relevant advertisements, landscapes and situations.

Be user friendly.

Be simple enough in concept and design in order to simplify control over outdoor advertising. The SAMOAC and ensuing Outdoor Advertising Master Plans should therefore be easy to interpret and implement without any special training or qualifications and without being too demanding on manpower and funds.

Be flexible and open-ended in order to accommodate changes in the needs of interested and affected parties.

Allow community participation and take the values and perceptions of communities into consideration.

1.6 PRINCIPLES ON WHICH THE SAMOAC IS BASED

1.6.1 Reconciling Freedom of Commercial Speech with Environmental Rights

Bill of 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:

- a. *freedom of the press and other media;*
- b. *freedom to receive or impart information or ideas;*
- c. *freedom of artistic creativity; and*
- d. *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.*

Psychological health and well-being

Health and well-being also include psychological health and well-being and therefore also the conservation and sustainable management of the aesthetic environment. It is therefore important that the 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.

1.6.2 Reconciling Freedom of Commercial Speech with Road Safety

Research

Several studies have shown that billboards have a measurable negative impact on the occurrence of traffic accidents. On the other hand the outdoor advertising industry often cites studies that indicate that no such correlation exists.

Correlation between outdoor advertising and road safety

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. These include bends in roads and intersections. The argument is often used that outdoor advertising messages function at a subliminal level and do therefore not require any special attention from the driver. This might be true of messages consisting of logos, images and short slogans, but a large number of outdoor advertising messages contains more detail information on aspects such as venues, dates and contact details, that requires focused and conscious perception.

Precautionary principle applied

Since there will always be a difference in opinion between the outdoor advertising industry and roads authorities regarding the correlation between outdoor advertising and road safety, it seems as if the only way to address this issue is to apply the precautionary principle which states that if an activity raises threats of harm to human safety or health or to the environment, precautionary measures and protective action should be taken even if such threats cannot be based upon scientific consensus. In this context the proponent of an activity, rather than the public or controlling authority, should bear the burden of sufficient proof.

A responsible approach

Outdoor advertising can and should 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.

1.6.3 A Balanced Approach to the Control and Management of Outdoor Advertising

Conflicting interests

A conflict of interests between the proponents of economic growth and outdoor advertising on the one side and the proponents of sustainable environmental management and road safety on the other side seems to exist as a 'natural phenomenon'. In order to lessen this tension and to promote a climate of goodwill and cooperation between the opposing groups a balanced and responsible approach to both the display and control of outdoor advertising is needed.

Minimising and maximising

The following motto gives expression to such a balanced approach:

Minimise the negative impacts of outdoor advertising while at the same time maximising the positive effects thereof.

The positive contribution of outdoor advertising to an increase in the sales of products and services and therefore to economic growth and the creation of employment opportunities should be acknowledged. On the other hand irresponsible outdoor advertising may have a detrimental effect on tourism resources and therefore on economic growth and job opportunities created through tourism.

Contribution of outdoor advertising to the perceptual environment

A very important application of the minimising-maximising-principle is to always give preference to elegant and well-designed outdoor advertising structures and sign contents which will make a positive contribution to the aesthetic environment instead of unattractive and distasteful structures and contents which will definitely have a very negative impact on perceptual resources. Attractive advertising structures and contents will also be more effective from an outdoor advertising point of view since it will attract more attention, thereby increasing the exposure of advertising messages.

1.6.4 Avoiding the Needless Duplication of Signs and Advertisements

This principle refers to the needless duplication of signs to fulfil the same function or to achieve the same objective. It has specific relevance to the identification of enterprises and may entail a repetition of the same sign type or duplication by means of a variety of supplementary sign types. By limiting the number of signs for indicating the name and nature of an enterprise or the products and services provided by such an enterprise an over-kill situation through an excessive number of signs is avoided. This will not only enhance the perceptual environment but also the effectiveness of the sign messages.

1.6.5 Obtaining Community Involvement

Local communities should become involved in the control of outdoor advertising and should share directly in the benefits accrued from outdoor advertising. The needs and lifestyles of such communities should be taken into consideration in this regard.

1.6.6 Promoting Community Development and Economic Empowerment

This principle entails the following:

Creating employment opportunities. It is important not to focus exclusively on a high-technology approach to outdoor advertising making use of the latest trends and techniques, but to promote labour intensive techniques and technologies as well.

Involvement of previously disadvantaged groups in the outdoor advertising industry which should also include small business development.

1.6.7 Responsible Revenue Generation

Roads authorities, municipalities and local communities should all have a say in the allocation of revenue generated from outdoor advertising. The necessary mechanisms should be built into the Outdoor Advertising Potential Assessment process and the process of allocating revenue generated in order to ensure that the over-exploitation of the perceptual environment for the purpose of out-

door advertising does not become too great a temptation. As an alternative to outdoor advertising other applications of the perceptual environment as an economic resource should also be considered. This should become standard practice in applying the Outdoor Advertising Potential Assessment (OAPA) procedure.