

ZIMBABWE



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1. General Legal Overview:	<p>Although there are several statutes in Zimbabwe related to advertising, the industry is self regulated. Self regulation has been primarily one of customs and practice rules or guidelines established by the industry and in the past the Standards Association of Zimbabwe (SAZ) has been responsible for handling and mediating disputes on a voluntary basis within the industry. SAZ has been established for a number of years as an independent statutory body. Although it receives some revenue from collection of fees for services, it is funded through grants from Government. There are several Associations which form part of the self regulation process.</p> <p>The political situation in recent years, however, has been such that the Government of Zimbabwe, being pre-occupied with maintaining its political status quo, has focused on eliminating political opposition and/ or criticism and as a result greater scrutiny and emphasis are placed on the express or implied political message or intent of any advertisement placed in the public domain through any means.</p> <p>There are no reported cases for Advertising Law.</p>
Legislation:	<p>The foregoing legislation with brief explanations is enacted in Zimbabwe:</p> <ol style="list-style-type: none">(1) Access to Information and Protection of Privacy Act (and Amendments) – This Act is intended to regulate the media and give greater control to Government over journalist and media houses through licensing and regulatory procedures;(2) The Competition Act (and Amendments)—This Act provides for prohibition against unfair business and trade practices through misleading advertising, representing or releasing false information about a commodity;(3) Advertisement Regulations Act—This Act provides for control of advertisements on structures or apparatus erected or intended for display along railways or roads declared to be a main district or branch road;(4) Broadcasting Services Act—This Act is directed at controlling the local television and radio broadcasting services through licensing and regulatory procedures;(5) Censorship & Entertainment Control Act—As the title suggests this empowers Government to censor cinemas and other entertainment primarily with regard to pornography;(6) Official Secrets Act—Protects from publication through any media, information which the Government deems should not be disclosed in the interest of the public good;(7) Public Health (Control of Tobacco) Regulations imposes restrictions and obligations on manufacturers, retailers and consumers of tobacco products in respect of control of smoking in public places and transport; health

	<p>warnings, disclosure of ingredients, prohibition of sales or promotion to children;</p> <p>(8) Children’s Act (as amended) prohibits the sale of liquor, tobacco, cigars, cigarettes cigarette papers or specified drugs as defined in the Drugs and Allied Substances Control Act.</p>
<p>Advertising Associations:</p>	<p>(1) The Standards Development Fund Act—provides for the establishment of a fund to develop and promote the standardization of commodities and services through the imposition of a levy upon employers. Through this Act the government provides grants to the Standards Association of Zimbabwe (SAZ), a private Association;</p> <p>(2) Advertising Media Association—An Association of Media Houses, e.g., Zimbabwe Broadcasting Association, The Herald and other newspapers, etc. They reserve the right to refuse to air material which they do not consider appropriate and therefore play a major role in regulation and censorship;</p> <p>(3) Zimbabwe Advertising Practitioners Association—represent advertising agencies;</p> <p>(4) Communication Industry Association—represent advertising agencies;</p> <p>(5) Association of Zimbabwe Advertisers—association of private companies who play a role in regulation through cooperation for their own common interests.</p>
<p>Practices:</p>	<p>As mentioned, the Advertising Industry is self regulated and there are no reported cases related to advertising law. This is not to say, however, that there have not been conflicts, disagreement or unacceptable censorship. Though the latter may occur, they are unlikely to be resolved through court process or formal procedure. Through either implied or express intimidation or simply a desire by business to avoid conflict with Government, businesses will not proceed with what may be deemed as offensive material in advertising.</p> <p>Examples:</p> <p>(1) The use of bill boards in Zimbabwe for advertising along major roads has been very popular because it is relatively inexpensive to the advertiser in comparison to other forms of advertising; is visible for a longer period of time to a broader audience of consumers and cost nothing to the consumer. GAP, Inc. desired to advertise its presence in Zimbabwe through a bill board on a major road. The sign would have included in addition to GAP and OLD NAVY, in a very conspicuous way, the words “BANANA REPUBLIC” which is one of its well known brands. Its contract with its advertisers worldwide prohibited GAP, Inc. from including any other representation or explanation of the words. Because of the fear amongst advertising firms and bill board licensees that the words would be misconstrued by the Government as an insult, none of the agencies or bill board licensees would place the advert for fear of reprisals.</p> <p>(2) Plan International a non government organization operating in Zimbabwe through a bi lateral agreement to undertake on a non profit basis activities for family planning distributed free condoms to residents in the high density areas. A large number of these condoms were provided to the Movement for Democratic Change (MDC) which is the opposition party to the ruling party of the Government. The MDC used the condoms as a means to advertise their party by placing MDC stickers on them. The Government threatened to cancel the bi lateral agreement with Plan and deport their staff, citing their involvement in such political advertising as unacceptable. However, the organization put forth evidence that they were not involved in the advertisement by MDC and had no knowledge of the intended use of the condoms for that purpose by MDC. After a series of meetings and negotiations the Government agreed not to cancel Plan’s operations in Zimbabwe.</p>

	The above cited examples are intended to show how advertising may be affected by cultural and political nuances in Zimbabwe.
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