



# Promoting Sustainable Skills in Communication Design using Self-Regulatory Advertising Codes to Evaluate Green Label Attributes

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**Abstract.** Advertising codes set out by advertising self-regulatory bodies regulate advertising practices and keep advertisements honest, truthful, and decent contributing to sustainable development. These self-regulatory advertising codes can act as ethical guidelines by which designers can assess visual communication materials. This study reflects on this process and demonstrates the use of advertising codes as an instrument in design ethics related to specifically green advertisements. This study thus aims to investigate self-regulatory advertising codes and how these codes can address the potential phenomenon of misleading presentations in green advertisements. Thirty rulings about misleading green advertising claim complaints between 2014 and 2019 were reviewed. The scope of the review includes environmental claims and labelling design-related cases. The study focuses on two case studies, determining if designers complied with the advertising codes while developing green advertising material. The study finds that inconsistent design variables may mislead a consumer. Designers should be able to avoid misleading consumers if they subscribe to self-regulatory advertising codes as an ethical guide. This study also found that misleading claims may emanate from the misuse of design elements to represent the green characteristics of a product. In conclusion, this study argues that advertising self-regulatory codes should be every designer's primary point of departure and the finishing point for conducting an advertising material's compliance assessment. Therefore, self-regulatory advertising codes should be incorporated to design curricula to promote sustainable skills in design practice.

**Keywords:** Design Curriculum, Green Labels, Green Advertisements, Packaging, Self-Regulatory Advertising Codes, Sustainable Communication Design

## 1 Introduction and Background to the Study

Advertising agencies, independent designers, and marketing stakeholders regularly devise different approaches to presenting products and services to potential customers.

Some capitalise on health-related claims or features of the products [1,2], while others provide information on calorie, sugar, and fibre contents and use nature imagery to sell their products [2]. These marketing strategies include visual representations and text messages in various shapes and formats. Advertisers also depict the potential benefits of products and promote how little harm the products will do to the environment. These green marketing exercises are sometimes rendered technically, dextrously, and imaginatively to captivate consumers and trigger them to decisive action towards the advertised goods. Consequently, green advertising and promotional activities have grown globally recently [3,4].

Self-regulatory advertising codes require that advertising claims be truthful, honest, decent, and significant enough to facilitate correct consumer processing [5-8]. The processing of marketing material that has informative content and design can aid a consumer in assessing the advertised product and comparing it to similar alternative products. Similarly, advertising increases a consumer's level of awareness about all the available competitive options [5,9]. Such information usually appears in advertising materials on the product packaging or in other media channels such as print, electronic media, or the Internet [10]. De Pelsmacker et al. [11] found that designers employ various techniques and consider several advertising features when designing communication material. Amongst these factors are the characteristics of the advertising stimulus, the characteristics of the viewer, the comprehension, the medium used, and the appropriateness of the communication content. As such, this study argues that consumers consider every piece of information rendered in any marketing media useful and treated as such. Therefore, the designers must handle this information with thoroughness.

This study consequently observed the visual and textual representation of the packaging and communication material for marketing goods coupled with environmentally friendly claims. Generally, these marketing activities are regarded as green advertising. Advertising is a good selling strategy centred on the relationship between product characteristics and the general natural environment [12]. Green advertising does deliver green awareness to potential green buyers. However, this strategy has a prescribed procedure to be followed [5], and the advertising codes of practice are designed to regulate these activities.

Considering the above, this study investigates advertising functional self-regulatory activities. This study reflects on the impact of adjudicated design problems related to the functional performance of the displayed information on advertising materials.

### **1.1 Research Questions**

- 1) How aware are designers as regards advertising functional self-regulatory activities?
- 2) How useful are the self-regulatory advertising codes in evaluating designs for sustainability cum possible misleading perception?

The objectives of this study are as follows:

- To investigate self-regulatory advertising codes and how these can address the potential misleadingness phenomenon of green advertisements;
- To explore how advertising code of practice is used to adjudicate visual communication design problems; and
- To analyse the potential role of advertising regulation in fostering good green design practices.

A review of what a self-regulatory system is all about was first conducted to answer the research questions. The review also reflects how the applicable advertising regulation code was used to adjudicate design problems. The review also discusses how designers can use it proactively and spontaneously to scrutinise their designs during their professional design practices. This study subsequently examines the developments of visuals and implementing advertising self-regulation in designing green advertising visual materials and proposes improvement measures that could increase design competencies, especially amongst young designers.

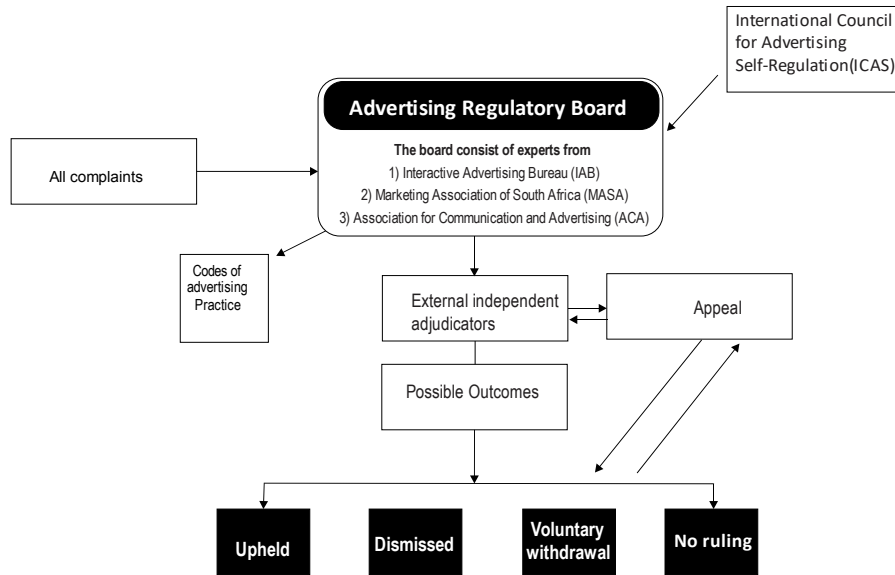
This study focuses mainly on the green-designed text and visual communication messages and the application of a self-regulatory system on design issues around green marketing materials. It also deliberates on using the Code of Advertising Practice to examine green communication materials that portray goods as green or environmentally friendly before exposing the audience to such materials.

## **2 Literature Review**

### **2.1 What an Advertising Self-Regulatory System is All About**

The South African advertising self-regulator, the Advertising Regulatory Board (ARB), is guided by its Code of Advertising Practice. This code is, in turn, based on the Consolidated ICC Code [5]. The ARB is an independent body responsible for advertising self-regulation in South Africa. The ARB operated for 50 years under the Advertising Standards Authority of South Africa (ASASA). The ARB does not receive government funding and is a reactionary body as it only acts in response to a complaint from a consumer or marketing competitor.

The ARB has a set procedure for laying a complaint. The reasons for the complaint and the sections of the Advertising Code, which serve as the basis for a complaint, are required in writing. Consumers do not have to pay for complaining. At the same time, competitors are expected to pay a non-refundable fee before their complaints are dealt with. The ARB is accredited in terms of the South African Electronic Communications Act 36 of 2005, and electronic broadcasters are bound to abide by the Advertising Code of Practice as determined and administered by the ARB. Information about the regulator, its rulings, and the complaint process is available via their website ([www.arb.org.za](http://www.arb.org.za)). The structure of the ARB is presented in Figure 1.



**Figure 1.** The structure of the Advertising Regulatory Board in South Africa

A previous review of complaints lodged with the then advertising self-regulator (ASASA) has shown that green advertising claims generally attract fewer reported complaints than other categories of reported cases across various advertising misconducts. The review from 2004 to 2014 indicates that consumers and competitors lodged 23 complaints about green advertising or related environmental issues against advertisers, government departments, product manufacturers, or service providers. The outcome of each complaint was either upheld or dismissed, or the directorate rejected the complaint. In summary, the data shows that six complaints were dismissed, one was declined and found to be abusive of the ASA procedures for inappropriate purposes, and no ruling was made regarding five complaints. The rest of the 11 complaints were upheld and received adverse rulings in favour of the complainant. Examples of the unsubstantiated environmental claims made range from “Greener products”, “free-range”, “eco-fresh”, “PLANT-based cleaning agents”, “SAFE for people and the environment as well as EFFECTIVE at erasing grease and odour”, “MORE CLIMATE CHANGE MEANS LESS WATER”, “Nature’s Best”, “100% Whey Protein” and “Low Odour - Low Voc’s - No Hap’s - Non Toxic” – to mention a few.

In 2011, a consumer submitted a complaint of misleading visual material to the then ASASA (Total South Africa/T. Frayne). The consumer alleged that the advertiser presented visuals of a fuel pump represented with images of leaves, twigs and branches of a natural, green plant that implies the product is green, which is not the case. The directorate applied its mind in considering all the pieces of evidence placed before it and ruled in favour of the consumer by upholding the complaint [13]. Similarly, other complainants typically argued that the green advertisements breach several provisions of the Advertising Code, i.e. being dishonest or misleading, making unsubstantiated claims and presenting inaccurate information. These complaints were typically directed against environmental and green claims for batteries, paint, bricks and even an eco-estate, to name but a few.

The benefits of a self-regulated system [14,15] are summarised as follows:

- *Cost-effective*: Reduces legal and policy costs, as the advertising industry bears its upkeep and enforcement;
- *Consumer-friendly*: Consumers' worries are addressed free of charge in a speedy and forthright way;
- *Speedy resolutions*: Eliminates a prolonged legal process because consumers' complaints are resolved swiftly;
- *Complements the law*: Strengthens existing legislative frameworks and encourages the desire and creativity employed in advertisements;
- *Relevant*: Adapts to technological and societal changes;
- *Trusted*: High standards are assured by certified and fair-minded independent adjudicators who adhere to a well-established code;
- *Impartial*: System designed to avoid conflict of interests;
- *Provides effective sanctions*: The media is the gatekeeper of brand reputation, and the cost of losing complaints is an effective deterrent against frivolous claims; and
- *Preventive and flexible*: Implementation and application are achieved effortlessly.

Self-regulation is intended to work within and complement legislative systems to produce results by protecting consumers from being misled [16]. Similarly, self-regulation allows the use of creative craft freely, such as using elements of humour and laughable innuendo or the evocation-of-fear approach, as well as other well-known and acceptable characteristics in advertising campaigns [8,13]. As a designer, one would think that, in any democratic environment, one should be free to apply creativity as one wishes to market products, provided one's concept is not misleading or offensive. In this regard, Harker [17] argues that the self-regulatory system provides advertising agencies ample opportunity to exercise their creative craft freely. However, consumer rights groups rightly believe such creative freedom requires some restrictions. Harker [17] further explained that product types and promotion techniques should operate within regulatory systems that recognise high-risk elements that can potentially abuse competing products and consumers.

## **2.2 Advertising Regulatory Code of Practice and Compliance by Green Visual Communication**

The ARB's Advertising Code provides explicit guidelines depending on the type of product or service one is marketing. The code moderately allows ample creative innuendo, gimmicks and all sorts of creative appearances. However, the code discourages the abuse of consumers in the form of deceptions and misleading claims [8,17].

Research has shown that the main section of legislation for advertising practitioners and all stakeholders to consider when advertising is the Consumer Protection Act (Act 68 of 2008), which promotes the advertising of products fairly and reasonably. This legislation compels advertisers to ensure that no visual or textual misrepresentation is made about their products. This principle is echoed by the ARB Code [8].

The following is an extract from the ARB's Code of Advertising Practice about green and environmental claims:

### **2.3 Environmentally Friendly Claims**

Environmentally friendly claims in advertisements denote any direct or indirect claim, representation, reference, or indication related to the immediate or future environmental influence of the products, packaging, or services [10].

The ICC [5] and the ARB [10] recommend that general environmental claims be qualified or avoided in any marketing material, including that products are environmentally friendly, ecologically safe, green, sustainable, and carbon-friendly. The ICC further explains that vague or non-specific environmental benefit claims that may convey a range of meanings to consumers should only be made if the claims are valid, without qualification, and in reasonably foreseeable circumstances. The ARB Code of Advertising Practice indicates that textual and visual representation shown by way of design and illustrations should be rendered in conformity with this instruction.

#### **2.3.1 Degradable Claims**

In Appendix G, the ARB Code of Advertising Practice [10] states:

- 4-4.1 "No advertisements may make claims for the degradability of the packaging material unless the claim is substantiated".
- 4-4.2 "Advertising claims about the degradability of products disposed of through the sewage systems may only be made if the by-products of degradation and the products in question do not contain substances known to be damaging either to the environment or the sewage collection and treatment facilities".

The ARB code also points to claims about the degradability of the product: “A degradability claim should relate to a specific test method that includes a maximum level of degradation and test duration and should be relevant to the likely disposal circumstances” [5]. Generally, it might be challenging to establish that products will degrade in a landfill. Consequently, attention must be given to reasonable consumer expectations about the meaning of any degradability claim.

### **2.3.2 Compostable**

The ARB Code of Advertising Practice [5] states that marketers should possess competent and reliable scientific evidence showing that:

“All the materials in the products or package will break down into, or otherwise become a part of, usable compost (e.g., soil conditioning material, mulch) in a safe and timely manner”.

### **2.3.3 Recyclability Claim**

The regulatory code states that recyclability refers to “a characteristic of products, packaging or associated component enabling it to be diverted from the waste stream through available processes and programmes and to be collected, processed and returned to use as raw materials or products. Symbols like the Möbius Loop, consisting of three twisted chasing arrows forming a triangle, may constitute recyclability and a recycled content claim” [5,10].

## **2.4 Legislation and Misleading Marketing Claims**

Research has shown that misleading marketing claims and graphics can misinform or disconnect customers from enforced legislation [18]. Enright et al. [18] noted that various design elements, such as colour, imagery, text, brand name, and packaging solutions are used by food manufacturers and retailers to communicate with consumers [18]. Food labelling legislation is meant to be regarded and used as a collection of various means for products to strive in marketing communication messages in a competitive market. Enright et al. [18] further argue that some product messages are fashioned with cautionary measures as legislation mandates, but these messages are sometimes forceful, deliberate, imaginative, and attention-seeking.

Nevertheless, a competitive setting such as a supermarket shelf offers food manufacturers an opportunity to present their products in the best possible way. Such advertising claims can, therefore, quickly motivate without providing a complete representation of the required information. As a result, these advertising claims can misinform consumers [18]. However, the primary aim of design and information on food packaging, labels and any other marketing materials is to inform consumers and enable them to make an informed decision, having a prior understanding via the information provided about the product manufacturing process and what constitutes

the products. Applicable legislation compels food manufacturers to be transparent and to educate consumers about the foods they buy and consume [6,19].

### **3 Research Design and Methodology**

#### **3.1 Case Study of Two Rulings Relating to Design Deficiency in Green Advertising Claims**

There were 30 rulings reviewed by the ARB between 2014 and 2019. The rulings on complaints about misleading green advertising claims were reviewed. The scope of the review includes environmental claims and labelling visual design-related cases. This study was not intended to provide a comprehensive inventory of eco-label cases nationally and was designed to indicate possible misleading and problematic design practices. As a result, two design case study examples were purposively selected from the population as they consist of self-regulatory design transgressions of misrepresentation and presenting inaccurate information. The basic design element principles designers could have proactively vetted were overlooked. The green message content is an excellent example of implied green claims and green graphics [12,20,21].

I used an informational and interpretative content analysis approach as the data in this study is in text and crafted textual messages. This qualitative research tool is used to analyse textual data [22-25] and other forms of material that use visual vocabularies to communicate. In this regard, the provided information is in the form of designs classified as artefacts where the size, shape, colour, distance, space, and weight of the content are observed and critically analysed. Furthermore, I reflected on the ARB rulings on the design problems and the advertising claims using the requirements stipulated in the ARB Code of Advertising Practice. I proceeded by first presenting the visuals, followed by analysing the notable verdicts of the ARB directorate.

### **4 Results**

#### **4.1 Case Study #1 Inconsistent Claim on the Packaging and in the Ingredients Label (A Design Problem)**

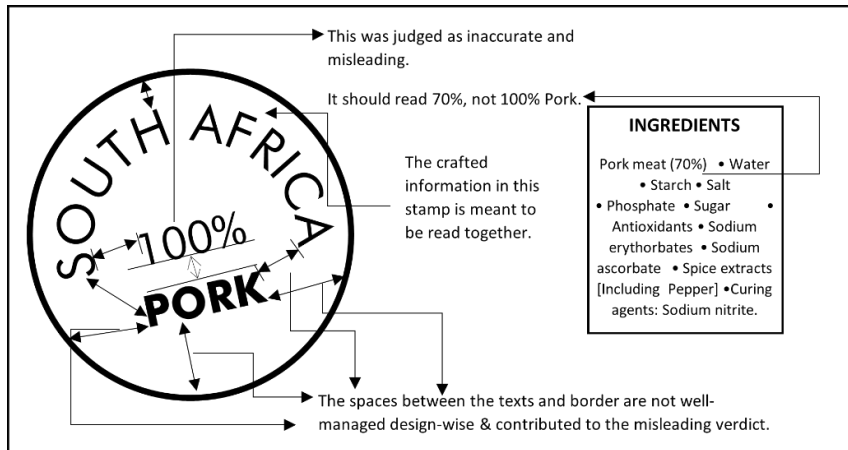
Clause 4-2.1 of Section II of the ARB Code of Advertising Practice's Advertising Self-regulation Code of Practice states that "advertisements containing unqualified claims and statements about environmental matters will be interpreted as meaning 100%" and shall be subject to substantiation [8]. Jean Naude (the claimant) capitalised on this clause of the ARB Code of Advertising Practice and brought a complaint before the ARB against Woolworths (Pty) Ltd (the defendant) regarding Woolworths' Sliced Sandwich Ham packaging [26]. The complaint was that the packaging had a design problem (an inconsistency or display of contradicting information).



The packaging contained a design element indicating ‘South Africa 100% pork’ (see Figure 2). Figure 2, presented side by side, reveals a typical example of a visual representation in a design often alleged to have misled consumers. The stamp design on the left indicates 100%, while the ingredients list on the right shows a pork meat content of 70%. The complainant claimed that the packaging contravenes Clause 4-2.1 of Section II of the ARB Code of Advertising Practice. In its response, the defendant stated that the stamp informs consumers that the products carrying the seal are made using only South African meat as raw material. The defendant also claimed that the ‘pork meat’ declaration corresponded to the Foodstuffs, Cosmetics, and Disinfectants Act (Act 54 of 1972). Clause 4-2.1 of Section II of the ARB Code of Advertising Practice that deals with misleading claims states that “advertisements should not contain any statement or visual presentation which, directly or by implication, omission, ambiguity, inaccuracy, exaggerated claim or otherwise, is likely to mislead the consumer”.

The ARB considered the evidence (i.e. the font sizes and the use of bold type, the space between ‘100%’ and ‘pork’ and the distance between ‘100%’ and ‘South Africa’) before it ruled that the crafted design element mark on the packaging constitutes an ambiguous claim. The inaccurate use of graphic design elements was judged to have contravened Clause 4-2.1 of Section II of the ARB Code of Advertising Practice. The regulator argued that consumers might infer the product to be ‘100% pork’ when in actual fact, it is not [26]. This judgement infers that the crafted design element was used to induce consumers to buy what they might otherwise not have purchased. The directorate thus found that inaccurately arranged information contributed to the misleading information. This means that there is a resultant confusion because of space management. As a result, there is an inconsistency in the flow of information, which can lead to such communication materials’ failure to establish an accurate relationship between the separate pieces of information provided on the packaging.

The image in question is primarily a typography-based design, and it is more like a wordmark or a logotype design. One of the basic typography principles is that letters regularly appear to interact differently at various point sizes [27]. Therefore, designers have to carefully manage spaces between letters by ensuring that each word is entirely controlled and crafted. On the other hand, the typesetting and typography practices employed in this design tend not to address each word’s spaces (tracking) and the spacing between each letter (kerning). Designers should note that this visual exercise affects how textual messages are perceived and read. Kerning involves adjusting one’s typography to look accurate and suit the intended purpose rather than creating exactly equal spacing between letters. This text manipulation is essential for large, conspicuous textual imagery or logotype, seeing as each letter has a unique shape and needs some artistry when fitting to paths and curve shapes, as shown in Figure 2. One can argue that this design presents a misleading visual message. Figure 2 also clearly shows some deficiency in technical typographic creative skills of the designer’s understanding of the relationship between space and letter shape in the typographic-based design depicted below.



**Figure 2** showing adjudicated design flops of inconsistent information on a product packaging and its ingredients panel label. The figure is adapted from ARB (2018) [26].

#### 4.2 Case Study #2 Bio-degradable and Compostable Claim (A Design Problem)

Appendix G:4-4.1 and 4-4.2 of the ARB Code of Advertising Practice imposes constraints on using the term ‘degradable’ on packaging materials. Specifically, the code limits a degradability claim if the referred products contain a substance that is known to be non-degradable. A consumer noticed the green label’s inappropriate application and exploited both the designers’ and advertisers’ oversight by complaining about the on-pack advertising material of Checkers’ Freshmark avocados [28]. The consumer argued that the plastic on which the sticker with the biodegradable claim is displayed is not itself biodegradable. The fresh avocado fruits are packaged in a punnet tray and covered with soft plastic. The sticker (see Figure 3) on the product displays a green label with the text message ‘biodegradable & compostable packaging’ and graphical imagery of leaves. In short, the complainant questioned the idea of the particular message on a non-degradable material such as plastic.

In response to the allegation, the respondent claimed the punnet is decomposable and that the sticker’s information would be rectified not to mislead viewers. In arbitrating this case, the ARB directorate ruled that their main objective is to protect consumers from non-compliance with the ARB Code of Advertising Practice by issuing an order to amend or withdraw the advertising material from the public. The directorate was satisfied with the respondent’s decision to amend its visual communication material to address the alleged issue. However, the redesign and reprinting cost could have been avoided if the design were vetted against the ARB Code of Advertising Practice beforehand.



**Figure 3.** A green label with ‘biodegradable and compostable packaging’ claim.

**Table 1.** Summary of lessons learned from the two design-related case studies.

<b>Environmental claim</b>	<b>Problem</b>	<b>Lesson learned</b>
<b>Case Study #1</b> 100% vs 70% pork	Inconsistent and misleading claims	<ul style="list-style-type: none"> <li>• Using accurate information in label designs is crucial</li> </ul>
	Inconsistent typographical spacing (kerning and tracking)	<ul style="list-style-type: none"> <li>• Learn to make a refined and essential shift in typography settings (artisanship) to produce acceptable labels and packaging design</li> </ul>
	Crafted information (text fitted to a circular path) and text in the stamp is meant to be read together. Unfortunately, the spacing is not mathematical enough to facilitate good readability.	<ul style="list-style-type: none"> <li>• Pay attention to detail by measuring the distance between the elements in the design accurately</li> <li>• Readability is crucial in information dissemination</li> </ul>
<b>Case Study #2</b> Biodegradable and compostable	Inadequate knowledge of surfaces and materials used	<ul style="list-style-type: none"> <li>• Practical interpretation and application of the advertising code of practice are necessary</li> <li>• Require sufficient knowledge of the chemical composition of common materials used for packaging</li> </ul>

## 5 Discussion

This study identified variables from self-regulatory advertising codes of practice and reflected on the application to the potential misleading phenomenon of green design elements in marketing materials. This study furthermore considered phenomena such as exaggeration, omission, inappropriate use of green messages and the possible effects on the viewer's purchasing behaviour. Both case studies examined in this chapter resulted in redesigning what should have been well-designed, accurate information if due attention was paid to relevant details in the first place. For example, in reference to Case Study 1 in which a design was judged for the inaccurate rendering of the typography and subsequently judged for lack of space management, non-readable sequence, inappropriate setting of information, and the inconsistency of information. These are essential components of any visual marketing communication material and convey that any message directed at consumers must be treated with utmost attention [29]. For example, spaces between information in specified areas should be managed well to enable viewers to read the displayed message and accurately interpret all the statements presented.

It is also essential to lead the viewer's eye with the sequence (hierarchy) of information. The purpose of the textual claims in both scenarios is to provide useful information to help consumers make informed decisions. Viewers' judgements depend on how these messages are crafted, packaged, and represented. Subsequently, this information is made vital and significant on the packaging by the creative intellectual exercise of a designer. The packaging provides viewers with a prior understanding of what and why they are buying before making purchasing decisions. Therefore, it is essential to establish which design tactic effectively communicates the intended message. These considerations could have a reflective influence on green visual communication approaches in future.

Further research could be conducted to establish how environmental details and characteristics of the products and design theory are applied in green communication materials, and if the characteristics influence design practice, and if so, to what extent. A good underpinning factor for such research will investigate how design theories are applied in green design practice – exploring whether advertisers purposefully include vague information in their advertisement briefs or whether designers deliberately engineer the ambiguous design elements. A typical example is presented in Case Study 2 that dealt with the appropriateness of the information on the surface to which the information is applied. A designer should know that using a biodegradable and compostable claim on soft plastic material is untruthful. Thus, this study suggests that designers should research materials and objects they work with, advise their clients accordingly, and conscientiously act as transmitters of visual messages.

## 6 Conclusion

The ARB directorate's adjudication outcomes about the two case studies discussed in this study demonstrate a shortcoming among some designers. Arguably, the designers of the two designs in this study may not have been aware of the ARB Code of

Advertising Practice. The designers ostensibly did not use it to check their creations while developing the aggrieved and offending communication materials. Therefore, this study suggests that design educators have to teach the practice of incorporating a code of advertising practice into their design teaching practice. This practice will create awareness among young and newly qualified designers who will understand the significance of the message and its delivery. Both are crucial in advertising and are inseparable. Otherwise, advertisers risk being confronted with a complaint regarding an oversight, an omission, a textual or visual misrepresentation, an ambiguity, or an exaggerated claim.

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