Bibliography

Publications

Advertising Standards Canada Ad complaints report

Advertising Standards Canada Trade dispute www.adstandards.com (accessed November 2007)
Advertising Standards Canada Trade dispute procedure www.adstandards.com (accessed November 2007)

Advertising Standards Canada Year-end summary www.adstandards.com (accessed December 2007)

Albertyn, Goldblatt & Roederer Promotion of equality

Amos Human rights law

Anonymous “I have a great commercial, so why won't the networks air it?” www.library.lp.findlaw.com/articles (accessed February 2003)


Anonymous Tasteless animal ads
Anonymous “Tasteless animal ads spark ASA complaints” Marketing week (1999) 13


ASA (SA) Research

ASA (UK) Research

Barnes & Blakeney Advertising regulation

Barnes & Dotson Offensive television advertising

Boddewyn Case
Bibliography

Boddewyn Advertising self-regulation

Boddewyn Global perspectives

Boddewyn Outside participation

Bohler-Müller Pornography

Boyle Expression and democracy

Bracher Over-riding power
Bracher P “The over-riding power of the bill of rights” Without prejudice (2005) 11

Burchell Personality rights
Bibliography

Burns Communications law
Burns Y Communications law (2002) Second edition Butterworths, Durban, South Africa

Burns Telecommunications
Burns Y “The regulation of telecommunications in South Africa” Comparative and international journal of South Africa (1999) 300

Business Practices Committee Report


Cheadle & Davis Application

Cheadle Limitation of rights

Chetty & Basson Public perception (accessed December 2007)
Chetty I & Basson A survey of public perception and use of FBP
classification guidelines in making viewing choices for children (2007)

Cockrell Rainbow jurisprudence
Cockrell A “Rainbow jurisprudence” SA journal on human rights (1996) 1

Colvin Privacy rights

Coppel Human Rights Act

Council of Better Business Bureaus Annual report

Cowen Dignity

Currie & De Waal Handbook

Cutri & Jarosch Super Bowl (unpublished and unnumbered)

Davis Freedom of expression
Davis D “Freedom of expression” in Cheadle H, Davis D & Haysom N

De Jager & Smith Advertising

Dessart Standards and practices www.museum.tv (accessed May 2008)

Devlin The enforcement of morals

DTI Consumer benchmark

Du Plessis Public opinion
Du Plessis M “Between apology and utopia – the Constitutional Court and public opinion” SA journal on human rights (2002) 1

EASA Analysis

EASA Bodies and systems www.easa-alliance.org (accessed May 2008)
Bibliography


Eissen Proportionality


Erasmus Limitation and suspension


Fenwick Civil liberties


Fick & Johannessen Otto-Preminger


Goldsworthy Interpreting constitutions


Govender Horses for courses

Govender, K “Horses for courses: understanding the constitutional mandate” Obiter (2000) 144
Hackley Ethical perspectives

Harker Acceptable advertising
    Harker D “Achieving acceptable advertising: an analysis of advertising regulation in five countries” The international marketing review (June 1998) 101

Haysom & Marcus Undesirability
    Haysom N & Marcus G “‘Undesirability’ and criminal liability under the Publications Act of 1974” SA journal on human rights (1985) 31

Hogg Constitutional law
    Hogg PW Constitutional law of Canada (2000) Carswell, Scarborough, Canada

Holmgren Moral agency
    Holmgren MR “Self-forgiveness and responsible moral agency” The journal of value inquiry (March 1998) 75

Hopkins Enforcement of contracts
    Hopkins K “The influence of the bill of rights on the enforcement of contracts” De Rebus (August 2003) 22

Iles Unpacking section 36
    Iles K “A fresh look at limitations: unpacking section 36” SA journal on human rights (2007) 68

Illsley Trade mark parody
Bibliography

In-house lawyer Courts back ASA
Anonymous “Courts back ASA against human rights attack” The in-house lawyer (February 2001) 1

Jacq & Teitgen The press

Janis, Kay & Bradley European human rights

Jardine How far
Jardine A “How far can you go before an ad is banned?” Marketing (1999) 14

Johannessen Critical view
Johannessen L “A critical view of the constitutional hate speech provision” SA journal on human rights (1997) 135

Johannessen Judgment

Klug Constitutional promise
Bibliography

Koering-Joulin Public morals

Lawson Challenging the ASA
Lawson R “Challenging the Advertising Standards Authority” New law journal (2001) 526

Le Roux Contractual relationships
Le Roux R “Does the Constitution have any implications for ordinary contractual relationships?” Juta’s Business Law (2002) 132

Liebenberg & O’Sullivan Equality


Lowe Every voice (accessed December 2007)

Marcus & Spitz Expression
Marcus Censorship
Marcus G “The wider reaches of censorship” SA journal on human rights (1985) 69

Marcus Fine Distinctions

Marcus Freedom of expression
Marcus G “Freedom of expression under the Constitution” SA journal on human rights (1994) 140

Massmart Annual report
Massmart Annual report (2005)

Meyerson Multiculturalism

Meyerson Rights limited

Miller FTC

Milo, Penfold & Stein Freedom of expression
Motala & Ramaphosa Constitutional law
Motala Z & Ramaphosa C Constitutional law – analysis and cases (2002)
Oxford University Press Southern Africa, Cape Town, South Africa

NAD Policies and procedures www.nadreview.org (accessed August 2007)

Naidu Freedom
Naidu A “The right to freedom of thought and religion and to freedom of expression and opinion” Obiter (1987) 59

Nevett Advertising history

Ogletree, Miller & Jessamy Names and logos

Ovey & White European Convention

Petty Marketing without consent

Pinto T “Putting advertising claims to the test” Managing intellectual
Bibliography


Pretorius Regulation of broadcasting

Quinn Comparative commercial speech

Rautenbach General introduction
Rautenbach IM “General introduction to the bill of rights” in The bill of rights compendium (1996) Butterworths, Durban, South Africa

Reinhard De gustibus (unpublished and unnumbered)
Reinhard K “De gustibus non est disputandum” AAAA management conference (2001) (unpublished and unnumbered)

SA Concise Oxford Dictionary

SAMSO and Gender Links Gender image workshop – chapter 7: sex sells, or does it? (www.genderlinks.org.za/docs/training (accessed May 2003)

Schermers Freedom of expression

Sharpe & Swinton Limitation of Charter Rights
Sharpe RJ & Swinton KE “Limitation of Charter Rights” in Sharpe RJ &
Swinton KE The Charter of Rights and Freedoms (1998) Irwin Law, Toronto, Canada

Shelton Remedies

Sinclair Advertising book

Singh Clawback clauses
Singh “The impact of clawback clauses on human and peoples’ rights in Africa” African security review (2009) 95

Smith Blasphemy

Swanepoel Seks
Swanepoel M “Sat vir seks in advertensies” Sarie (January 2005) Media 24, Cape Town, South Africa


Turner Shocking history
Van der Schyff Limitation

Van der Vyver Censorship
Van der Vyver JD “Censorship in South Africa by J CW van Rooyen” De jure (1988) 182

Van der Walt Horizontal application
Van der Walt J “Progressive indirect horizontal application of the bill of rights: towards a co-operative relation between common-law and constitutional jurisprudence” SA journal on human rights (2001) 341

Van der Westhuizen Calvinist puritans
Van der Westhuizen J “Do we have to be Calvinist puritans to enter the new South Africa? (A review of current trends in the Publications Appeal Board)” SA journal on human rights (1990) 425

Van der Westhuizen Freedom of expression

Van Rooyen Absolute rules
Van Rooyen JWC “Absolute rules of morality?” Tydskrif vir regswetenskap (1992) 85
Van Rooyen Censorship
Van Rooyen JWC “Censorship in a future South Africa: a legal perspective” De jure (1993) 283

Van Rooyen Otto-Preminger

Van Wyk Rights and constitutionalism

Venter Constitutional comparison
Venter F Constitutional comparison – Japan, Germany and South Africa as constitutional states (2000) Juta & Co Ltd, Landsdowne, Cape Town, South Africa

Waller Attitudes
Waller DS “Attitudes towards offensive advertising: an Australian study” The journal of consumer marketing (1999) 288

Waller Factors
Waller DS “What factors make controversial advertising offensive?” ANZCA conference (July 2004) University of Technology, Sydney, Australia

Weisman & Monagan Clearing your copy
Weisman RM & Monagan TM “Back to the basics – clearing your copy” (June 2004) Advertising & trademark law seminar Chicago, United States of America (unpublished and unnumbered)
Bibliography

Whyte, Lederman & Bur Canadian constitutional law
  Whyte JD, Lederman WR & Bur DF Canadian constitutional law - cases, notes and materials (1992) Third edition Butterworths & Company, Toronto, Canada

Woker Advertising law
  Woker T Advertising law in South Africa (1999) Juta & Co, Kenwyn, Cape Town, South Africa

Woker Legitimate protection
  Woker T “Legitimate protection of the public or censorship? Advertising controls and the right to freedom of speech” SA mercantile law journal (1997) 291

Woolman, Roux & Bishop (eds) Constitutional law

Woolman, Roux & Bishop Constitutional law - student edition
Bibliography

Codes

Australian code

South African broadcast programming code

British non-broadcast advertising code

British radio advertising code

British television advertising code

Canadian advertising code

South African broadcast regulator’s code
Code of Conduct for Broadcasting Services Schedule 1 to the Independent Broadcasting Authority Act (Act 153 of 1993)
Bibliography

ICC Code
International Chamber of Commerce Advertising and Marketing Communication Practice – Consolidated ICC Code (August 2006)
www.iccwbo.org

South African advertising code
Websites

Advertising Standards Authority of South Africa
www.asasa.org.za

Advertising Standards Authority of the United Kingdom
www.asa.org.uk

Advertising Standards Canada
www.adstandards.com

Broadcasting Complaints Commission of South Africa
www.bccsa.co.za

Committee of Advertising Practitioners in the United Kingdom
www.cap.org.uk

FHM
www.ucm.co.za

National Advertising Division of the United States
www.nadreview.org
Table of Cases

Canada

Judgments

Andrews
  

Big M Drug Mart
  
  R v Big M Drug Mart Ltd (1985) 13 CRR 64

Canadian Broadcasting Corp
  
  Canadian Broadcasting Corp v New Brunswick (Attorney-General) [1996] 3 SCR 480

Canadian Foundation
  
  Canadian Foundation for Children, Youth and the Law v Canada (Attorney General) [2004] 1 SCR 76

Commonwealth of Canada
  

Edmonton Journal
  
  Edmonton Journal v Alberta (Attorney General) [1989] 2 SCR 1326

Ford v Quebec
  
  Ford v Quebec (Attorney General) [1988] 2 SCR 712

Hawkins
  
  R v Hawkins (1993) 15 OR (3d) 549
<table>
<thead>
<tr>
<th>Case Name</th>
<th>Cases and Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irwin Toy</td>
<td><em>Irwin Toy Ltd v Quebec (Attorney General)</em> [1989] 1 SCR 927</td>
</tr>
<tr>
<td>Keegstra</td>
<td><em>R v Keegstra</em> [1990] 3 SCR 697</td>
</tr>
<tr>
<td>Little Sisters Book and Art Emporium</td>
<td><em>Little Sisters Book and Art Emporium v Canada (Minister of Justice)</em></td>
</tr>
<tr>
<td>Oakes</td>
<td><em>R v Oakes</em> [1986] 1 SCR 103</td>
</tr>
<tr>
<td>Ontario Film and Video</td>
<td><em>Re Ontario Film and Video Appreciation Society and Ontario Board of Censors</em> (1983) 147 DLR (3d) 58</td>
</tr>
<tr>
<td>Orbanski</td>
<td><em>R v Orbanski; R v Elias</em> [2005] 2 SCR 3</td>
</tr>
<tr>
<td>Osborne v Canada</td>
<td><em>Osborne v Canada (Treasury Board)</em> [1991] 2 SCR 69</td>
</tr>
</tbody>
</table>
Table of Cases

R v Butler
  
  R v Butler [1992] 1 SCR 452

Ramsden
  
  Ramsden v Corporation of the City of Peterborough [1993] 2 SCR 1084

Retail Union v Dolphin Delivery
  
  Retail, Wholesale and Department Store Union, Local 580 v Dolphin Delivery Ltd (1986) 33 DLR (4th) 174 (SCC)

RJR McDonald
  
  RJR McDonald Inc v Attorney General, Canada [1994] 1 SCR 311

Rocket v Royal College
  
  Rocket v Royal College of Dental Surgeons (1990) 2 SCR 232

Ross v New Brunswick
  

Syndicat Northcrest
  
  Syndicat Northcrest v Amselem [2004] 2 SCR 551

Therens
  
  R v Therens [1985] 1 SCR 613

Towne Cinema Theatres
  
  R v Towne Cinema Theatres Ltd (1985) 18 CCC (3rd) 193

Tremblay
  
  R v Tremblay [1993] 2 SCR 932

Weisfeld v Canada
  
  Weisfeld v Canada [1995] 1 FC 68
Table of Cases

Zundel

*R v Zundel* [1992] 2 SCR 731

European Union

Judgments of the European Court of Justice

Estée Lauder v Lancaster

*Estée Lauder v Lancaster Group* [2000] ECR1-117

Society v Grogan

*Society for the Protection of Unborn Children v Grogan* [1991] 11 3 CMLR 849

Judgments of the European Court of Human Rights

Barthold

*Barthold v Germany* (1985) EHRR 383

Casado Coca

*Casado Coca v Spain* (1994) 18 EHRR 1

Gay News

*Gay News Ltd and Lemon v United Kingdom* (1982) 5 EHRR 123

Groppera Radio

*Groppera Radio AG v Switzerland* (1990) 12 EHRR 321

Handyside

*Handyside v The United Kingdom* (1976) 1 EHRR 737
<table>
<thead>
<tr>
<th>Case</th>
<th>Date</th>
<th>Series</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jersild v Denmark</td>
<td>1994</td>
<td>19 EHRR</td>
</tr>
<tr>
<td>Kopp v Switzerland</td>
<td>1999</td>
<td>27 EHRR</td>
</tr>
<tr>
<td>Markt Intern</td>
<td>1990</td>
<td>12 EHRR</td>
</tr>
<tr>
<td>Müller v Switzerland</td>
<td>1991</td>
<td>13 EHRR</td>
</tr>
<tr>
<td>Murphy v Ireland</td>
<td>2004</td>
<td>38 EHRR</td>
</tr>
<tr>
<td>Open Door</td>
<td>1993</td>
<td>24 EHRR</td>
</tr>
<tr>
<td>Otto-Preminger Institut</td>
<td>1994</td>
<td>19 EHRR</td>
</tr>
<tr>
<td>Sunday Times</td>
<td>1979</td>
<td>2 EHRR</td>
</tr>
<tr>
<td>Tierfabriken v Switzerland</td>
<td>2002</td>
<td>34 EHRR</td>
</tr>
<tr>
<td>Wingrove</td>
<td>1997</td>
<td>24 EHRR</td>
</tr>
</tbody>
</table>
Namibia

Judgments

Fantasy Enterprises

Fantasy Enterprises CC t/a Hustler The Shop v Minister of Home Affairs and Another; Nasilowski and Others v Minister of Justice and Others [1998] NAHC 1

South Africa

Judgments

Ad Outpost

City of Cape Town v Ad Outpost (Pty) Ltd and Others 2000 (2) SA 733 (C); 2000 (2) BCLR 130 (C)

August v Electoral Commission

August v Electoral Commission 1999 (3) SA 1 (CC); 1999 (4) BCLR 363 (CC)

Bathgate

Director of Public Prosecutions: Cape of Good Hope v Bathgate 2000 (2) SA 535 (C); 2000 (2) BCLR 151 (C)

Bernstein v Bester

Bernstein and Others v Bester and Others NNO 1996 (2) SA 751; 1996 (4) BCLR 449 (CC)

Bhulwana

S v Bhulwana; S v Gwadiso 1996 (1) SA 388; 1995 (12) BCLR 1579
<table>
<thead>
<tr>
<th>Case</th>
<th>Court Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brink v Kitshoff</td>
<td>Brink v Kitshoff NO 1996 (4) SA 197 (CC); 1996 (6) BCLR 752 (CC)</td>
</tr>
<tr>
<td>Brisley v Drotsky</td>
<td>Brisley v Drotsky 2002 4 SA 1 (SCA); 2002 12 BCLR 1229 (SCA)</td>
</tr>
<tr>
<td>Buren Uitgewers</td>
<td>Buren Uitgewers (Edms) Bpk v Raad van Beheer oor Publikasies 1975 (1) SA 379 (C)</td>
</tr>
<tr>
<td>Case v Minister of Safety and Security</td>
<td>Case and Another v Minister of Safety and Security and Others; Curtis v Minister of Safety and Security and Others 1996(3) SA 617(CC); 1996(5) BCLR 609(CC)</td>
</tr>
<tr>
<td>Christian Education</td>
<td>Christian Education South Africa v Minister of Education 2000 (4) SA 757 (CC); 2000 (10) BCLR 1051 (CC)</td>
</tr>
<tr>
<td>City Council of Pretoria v Walker</td>
<td>City Council of Pretoria v Walker 1998 (2) SA 363 (CC); 1998 (3) BCLR 257 (CC)</td>
</tr>
<tr>
<td>Coetzee v Government</td>
<td>Coetzee v Government of the Republic of South Africa; Matiso and Others v Commanding Officer Port Elizabeth Prison and Others 1997 (3) SA 527 (CC); 1997 (4) BCLR 437</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dawood; Shalabi; Thomas v Minister of Home Affairs</td>
<td>2000 (3) SA 936 (CC); 2000 (8) BCLR 837 (CC)</td>
</tr>
<tr>
<td>De Reuck v Director of Public Prosecutions (Witwatersrand Local Division) and Others</td>
<td>2003 2004 (1) SA 406 (CC); 2003 (12) BCLR 1333 (CC)</td>
</tr>
<tr>
<td>Demmers v Wylie and others</td>
<td>1980 (1) SA 385 (AD)</td>
</tr>
<tr>
<td>Du Plessis v De Klerk</td>
<td>1996 (3) SA 850 (CC); 1996 (5) BCLR 658 (CC)</td>
</tr>
<tr>
<td>Executors of McCorkindale v Bok NO</td>
<td>1884 (1) SAR 202</td>
</tr>
<tr>
<td>Fose v Minister of Safety and Security</td>
<td>1997 (3) SA 786 (CC); 1997 (7) BCLR 851 (CC)</td>
</tr>
<tr>
<td>National Coalition for Gay and Lesbian Equality</td>
<td>NO 1999 (1) SA 6 (CC); 1998 (12) BCLR 1517 (CC)</td>
</tr>
<tr>
<td>Government v Sunday Times</td>
<td>1995 (2) SA 221 (W); 1995 (2) BCLR 182 (T)</td>
</tr>
<tr>
<td>Harksen v Lane</td>
<td>1998 (1) SA 300 (CC); 1997 (11) BCLR 1489 (CC)</td>
</tr>
</tbody>
</table>
Human & Rousseau

*Human & Rousseau Uitgewers (Edms) Bpk v Snyman NO* 1978 (3) SA 836 (T)

Hyundai Motor Distributors

*Investigating Directorate, Serious Economic Offences No v Hyundai Motor Distributors (Pty) Ltd NO* 2001 (1) SA 545 (CC); 2000 (10) BCLR 1079 (CC)

Islamic Unity

*Islamic Unity Convention v Independent Broadcasting Authority NO* 2002 (4) SA 294 (CC); 2002 (5) BCLR 433 (CC)

Jaftha v Schoeman

*Jaftha v Schoeman* 2005 (2) SA 140 (CC); 2005 (1) BCLR 78 (CC)

Jockey Club

*Turner v The Jockey Club of South Africa* 1974 (3) SA 633 (AD)

JT Publishing

*JT Publishing (Pty) Ltd and another v Minister of Safety and Security and others* 1997 (3) SA 514; 1996 (12) BCLR 1599 (CC)

Khumalo v Holomisa

*Khumalo v Holomisa* 2002 (5) SA 401 (CC), 2002 (8) BCLR 771 (CC)

Laugh It Off

*Laugh It Off Promotions CC v South African Breweries International (Finance) BV t/a Sabmark International and Another* 2006 (1) SA 144 (CC); 2005 (5) BCLR 743 (CC)
Makwanyane

S v Makwanyane and Another 1995 (3) SA 391 (CC); 1995 (6) BCLR 665 (CC)

Mamabolo

S v Mamabolo (E TV and Others Intervening) 2001 (3) SA 409 (CC); 2001 (5) BCLR 449 (CC)

Manamela

S v Manamela and Another (Director-General of Justice Intervening) 2000 (3) SA 1 (CC); 2000 (5) BCLR 491 (CC)

Marruchi v Harris

Marruchi v Harris 1943 OPD 15

Minister of Health v New Clicks

Minister of Health and Another v New Clicks South Africa (Pty) Ltd and Others In re: Application for Declaratory Relief 2006 (2) SA 311 (CC); 2006 (1) BCLR 1 (CC)

Minister of Home Affairs v Fourie

Minister of Home Affairs and Another v Fourie and Another 2006 (1) SA 524 (CC); 2006 (3) BCLR 355 (CC)

Nestle v Mars

Nestle (SA) (Pty) Ltd v Mars Inc 2001 (4) SA 542 (SCA)

Phillips v Director of Public Prosecutions

Phillips and another v Director of Public Prosecutions and others 2003 (3) SA 345 (CC); 2003 (4) BCLR 357 (CC)
President v Hugo

*President of the RSA v Hugo* 1997 (4) SA 1 (CC); 1997 (6) BCLR 708 (CC)

Prince

*Prince v President of the Law Society of the Cape of Good Hope NO* 2001 2 SA 388 (CC); 2001 (2) BCLR 133 (CC); and 2002 (2) SA 794 (CC); 2002 (3) BCLR 231 (CC)

Reckitt & Colman

*Reckitt & Colman SA (Pty) Ltd v SC Johnson & Son SA (Pty) Ltd* 1993(2) SA 307 (A)

Roundabout Outdoor

*Northern Central Local Council and South Central Local Council v Roundabout Outdoor (Pty) Ltd and Others* 2002 (2) SA 625 (D)

S v Coetzee

*S v Coetzee NO* 1997 (3) SA 527 (CC); 1997 (4) BCLR 437 (CC)

S v K

*S v K* 1983 (1) SA 65 (C)

S v W

*S v W* 1975 (3) SA 841 (T)

SANDU v Minister of Defence

*South African National Defence Union v Minister of Defence and Another* 1999 (4) SA 469 (CC); 1999 (6) BCLR 615 (CC)

Shabalala

*Shabalala and Others v Attorney-General, Transvaal and Another* 1996 (1) SA 725 (CC); 1995 (12) BCLR 1593 (CC)
<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Solberg</strong></td>
<td><em>S v Lawrence; S v Negal; S v Solberg</em> 1997 4 SA 1176 (CC); 1997 (10) BCLR 1348 (CC)</td>
</tr>
<tr>
<td><strong>Telematrix</strong></td>
<td><em>Telematrix (Pty) Ltd v Advertising Standards Authority SA</em> 2006 (1) SA 461 (SCA)</td>
</tr>
<tr>
<td><strong>Thebus</strong></td>
<td><em>S v Thebus NO</em> 2003 (6) SA 505 (CC); 2003 (2) SACR 319 (CC)</td>
</tr>
<tr>
<td><strong>Williams</strong></td>
<td><em>S v Williams and Others</em> 1995 (3) SA 632 (CC); 1995 (7) BCLR 861 (CC)</td>
</tr>
<tr>
<td><strong>Zuma</strong></td>
<td><em>S v Zuma and Others</em> 1995 (2) SA 642 (CC); 1995 (4) BCLR 401 (CC)</td>
</tr>
</tbody>
</table>

**Self-regulatory judgments**

<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Chicken Licken</strong></td>
<td>(ASA Final Appeal Committee ruling)</td>
</tr>
<tr>
<td><em>Kentucky Fried Chicken / Chicken Licken</em> (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2004</td>
<td></td>
</tr>
<tr>
<td><strong>Dulux v Kapp</strong></td>
<td>(ASA Directorate ruling)</td>
</tr>
<tr>
<td><em>Dulux v Kapp</em> (Ruling of the Directorate of the Advertising Standards Authority of SA) 2005</td>
<td></td>
</tr>
<tr>
<td><strong>Dumisa v Med-Lemon</strong></td>
<td>(ASA Final Appeal Committee ruling)</td>
</tr>
<tr>
<td><em>Dumisa v Med-Lemon</em> (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2003</td>
<td></td>
</tr>
</tbody>
</table>
Table of Cases

Eskort (ASA Final Appeal Committee ruling)
    *Eskort v Enterprise Foods* (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2007

Etv S’Camto (ASA Final Appeal Committee ruling)
    *Etv S’Camto and Another v Wolder* (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2001

Fattis & Monis (ASA Final Appeal Committee ruling)
    *Tiger Foods Brands Limited ‘Fattis & Monis’ v Yeomans and Stone* (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2002

Good Hope FM (ASA Final Appeal Committee ruling)
    *Good Hope FM v Venables & Others* (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2005

Hi-Fi Corporation (ASA Final Appeal Committee ruling)
    *Hi-Fi Corporation v Various Complainants* (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2001

HTH (ASA Directorate ruling)
    *HTH v Maronite Church and Others* (Ruling of the Directorate of the Advertising Standards Authority of SA) 2001

Ingrams (ASA Directorate ruling)
    *Ingrams v Janse van Rensburg & Others* (Ruling of the Directorate of the Advertising Standards Authority of SA) 2006

John Hoeben (ASA Final Appeal Committee ruling)
    *John Hoeben v African Harvest* (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2000
Table of Cases

KFC v Naidoo (ASA Standards Committee ruling)
  KFC v Naidoo (Ruling of the Advertising Standards Committee of the Advertising Standards Authority of SA) 2005

Lacoste v Vegter (ASA Standards Committee ruling)
  Lacoste v Vegter (Ruling of the Advertising Standards Committee of the Advertising Standards Authority of SA) 2003

Lentheric v Jooste (ASA Directorate ruling)
  Lentheric v Jooste (Ruling of the Directorate of the Advertising Standards Authority of SA) 2004

Little Holland (ASA Directorate ruling)
  Little Holland v Jaffee (Ruling of the Directorate of the Advertising Standards Authority of SA) 2006

Lounge Billboard (ASA Directorate ruling)
  The Lounge Billboard v Snyman (Ruling of the Directorate of the Advertising Standards Authority of SA) 2007

Med-Lemon (ASA Final Appeal Committee ruling)
  Med-Lemon v Dumisa (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2003

Mexican Embassy (ASA Final Appeal Committee ruling)
  National Brands Limited v Mexican Embassy (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 1996

Nampak (ASA Final Appeal Committee ruling)
  Nampak v Various Complainants (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 1999
<table>
<thead>
<tr>
<th>Case Details</th>
<th>Ruling Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nandos (ASA Final Appeal Committee ruling)</td>
<td><em>Nandos v Uthingo</em> (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2001</td>
</tr>
<tr>
<td>National Brands (ASA Final Appeal Committee ruling)</td>
<td><em>National Brands v Kwality Biscuits</em> (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2003</td>
</tr>
<tr>
<td>Nipple Caps &amp; G Strings (ASA Directorate ruling)</td>
<td><em>Nipple Caps &amp; G Strings v Limbouris</em> (Ruling of the Directorate of the Advertising Standards Authority of SA) 2007</td>
</tr>
<tr>
<td>Opium (ASA Standards Committee ruling)</td>
<td><em>Opium v Various Complainants</em> (Ruling of the Advertising Standards Committee of the Advertising Standards Authority of SA) 2001</td>
</tr>
<tr>
<td>Rape Crisis (ASA Final Appeal Committee ruling)</td>
<td><em>Rape Crisis ‘Charlize Theron’ v Various Complainants</em> (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 1999</td>
</tr>
<tr>
<td>South African Sugar Association (ASA Final Appeal Committee ruling)</td>
<td><em>The South African Sugar Association v Monsanto</em> (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 1998</td>
</tr>
<tr>
<td>Sun International (ASA Directorate ruling)</td>
<td><em>Sun International v Falkson</em> (Ruling of the Directorate of the Advertising Standards Authority of SA) 2004</td>
</tr>
<tr>
<td>Teazers v Huckle (ASA Final Appeal Committee ruling)</td>
<td><em>Teazers v Huckle NO</em> (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 2006</td>
</tr>
</tbody>
</table>
Venter v SASOL (ASA Final Appeal Committee ruling)
   *Anton Venter v SASOL (Pty) Ltd (Ruling of the Final Appeal Committee of the Advertising Standards Authority of SA) 1997*

Virgin Mobile v Bohnen (ASA Directorate ruling)
   *Virgin Mobile v Bohnen (Ruling of the Directorate of the Advertising Standards Authority of SA) 2006*

Virgin Mobile v Moller (ASA Directorate ruling)
   *Virgin Mobile v Moller & Others (Ruling of the Directorate of the Advertising Standards Authority of SA) 2006*

Vodacom Dstv (ASA Directorate ruling)
   *Vodacom Dstv v Barkhuizen & Another (Ruling of the Directorate of the Advertising Standards Authority of SA) 2007*

Young Designers Emporium (ASA Directorate ruling)
   *Young Designers Emporium v Quinlan & Others (Ruling of the Directorate of the Advertising Standards Authority of SA) 2003*

Zimbali Lodge (ASA Directorate ruling)
   *Zimbali Lodge v Kusel & Another (Ruling of the Directorate of the Advertising Standards Authority of SA) 2006*

**United Kingdom**

**Judgments**

Anderson
   *R v Anderson [1972] 1 QB 304*
DPP v Whyte
   DPP v Whyte [1972] 3 All ER 12

Knoller v DPP
   Knoller v DPP [1972] All ER 898

Matthias Rath
   R v Advertising Standards Authority, ex parte Matthias Rath [2001] EMLR 582

McWhirter v IBA
   AG ex re McWhirter v IBA [1973] 1 All ER 689

O’Shea v MGN Ltd
   O’Shea v MGN Ltd (2001) All ER (D) 65

Penguin Books

Percy v DPP
   Percy v DPP (2002) Crim LR 835

Perrin
   R v Perrin [2002] All ER 359

R v ASA
   R v Advertising Standards Authority, ex parte Insurance Services plc (1989) 2 Admin law review 77

R v CAP
   R v Committee of Advertising Practice, ex parte the Bradford Exchange Ltd (unreported, July 31, 1990)(QB)
Smithkline v ASA
   *Smithkline Beecham plc v Advertising Standards Authority* [2001] EMLR 23

Wiggins v Field
   *Wiggins v Field* [1968] Crim LR 50

**United States**

**Judgments**

Action for Children's Television
   *Action for Children's Television* v FCC 503 US 913 (1992)

Ashcroft v Free Speech Coalition

Bates v State Bar

Bolger v Youngs
   *Bolger v Youngs Drug Store Products Corp* 463 US 60 (1983)

Brandenburg v Ohio
   *Brandenburg v Ohio* 395 US 444 (1969)

Butler v Michigan
   *Butler v Michigan* 352 US 380 (1957)

Capital Traction Co
   *United States v Capital Traction Co* 34 App DC 592 (1910)
Central Hudson

Clark v Community for Creative Non-Violence

Cohen v California
   *Cohen v California* 403 US 15 (1971)

Darbo v DPP
   *Darbo v DPP* [1992] Crim LR 56

Denver

Dunagin

Erznoznik v City of Jacksonville
   *Erznoznik v City of Jacksonville* 422 US 205 (1975)

Ginsberg
   *Ginsberg v New York* 390 US 629 (1968)

Grayned v City of Rockford
   *Grayned v City of Rockford* 408 US 104 (1972)

Hill v Colorado
Table of Cases

Jacobellis v Ohio
   Jacobellis v Ohio 378 US 184 (1964)

Linmark Association
   Linmark Association v Township of Willingboro 431 US 85 (1977)

Memoirs v Massachusetts
   Memoirs v Massachusetts 383 US 413 (1966)

Metromedia, Inc v San Diego

Miller
   Miller v California 413 US 15 (1973)

Osborne v Ohio
   Osborne v Ohio 495 US 103 (1990)

Pacifica Foundation
   FCC v Pacifica Foundation 438 US 726 (1978)

Peel v Illinois Disciplinary Commission
   Peel v Illinois Attorney Registration and Disciplinary Commission 496 US 91
   (1990)

Playboy Entertainment

Pope v Illinois
<table>
<thead>
<tr>
<th>Case&gt;Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posados de Puerto Rico</td>
</tr>
<tr>
<td>RAV v City of St. Paul</td>
</tr>
<tr>
<td>RAV v City of St. Paul 505 US 377 (1992)</td>
</tr>
<tr>
<td>Reno v ACLU</td>
</tr>
<tr>
<td>Roth</td>
</tr>
<tr>
<td>Roth v United States 354 US 476 (1957)</td>
</tr>
<tr>
<td>Sable Communications</td>
</tr>
<tr>
<td>Sable Communications, Inc v FCC 492 US 115 (1989)</td>
</tr>
<tr>
<td>Shapero v Kentucky Bar</td>
</tr>
<tr>
<td>Shapero v Kentucky Bar Association 486 US 466 (1988)</td>
</tr>
<tr>
<td>Sherbert v Verner</td>
</tr>
<tr>
<td>Sherbert v Verner 374 US 398 (1963)</td>
</tr>
<tr>
<td>Smith v US</td>
</tr>
<tr>
<td>Smith v United States 431 US 291 (1977)</td>
</tr>
<tr>
<td>Stanley v Georgia</td>
</tr>
<tr>
<td>Stanley v Georgia 394 US 557 (1969)</td>
</tr>
<tr>
<td>United Reporting Publishing</td>
</tr>
<tr>
<td>United Reporting Publishing Corporation v California Highway Patrol 146 F 3d 1133 (CA) 1998</td>
</tr>
</tbody>
</table>
United States v Grace
   *United States v Grace* 461 US 171 (1983)

Virginia State Board
   *Virginia State Board of Pharmacy v Virginia Citizens Consumer Council Inc* 425 US 748 (1976)

Ward v Rock Against Racism

Wisconsin v Yoder
   *Wisconsin v Yoder* 406 US 205 (1972)
Table of Statutes

Canada

Canadian Charter
  Canadian Charter of Rights and Freedoms

Canadian Criminal Code
  Canadian Criminal Code

Competition Act
  Competition Act

Radio-television Act
  Radio-television and Telecommunications Commission Act

European Union

European Convention
  European Convention for the Protection of Human Rights and Fundamental Freedoms 213 UNTS 222

Directives

AMS Directive

Misleading Advertising Directive
Television without Frontiers Directive
   *Television without Frontiers Directive (1989)*

**Namibia**

Indecent and Obscene Photographic Matter Act (Namibia)
   *Indecent and Obscene Photographic Matter Act (Act 37 of 1967)*

**South Africa**

Constitution, 1996
   *Constitution of the Republic of South Africa, 1996*

Consumer Affairs Act
   *Consumer Affairs (Harmful Business Practices) Act (Act 71 of 1988)*

Consumer Protection Act
   *Consumer Protection Act (Act 68 of 2008)*

Drugs and Drug Trafficking Act
   *Drugs and Drug Trafficking Act (Act 140 of 1992)*

Electronic Communications Act
   *Electronic Communications Act (Act 36 of 2005)*

Film and Publication Act
   *Film and Publication Act (Act 65 of 1996)*

Films and Publications Act
   *Films and Publications Act (Act 65 of 1996)*
Table of Statutes

IBA Act
  Independent Broadcasting Authority Act (Act 153 of 1993)

ICASA Act
  Independent Communications Authority Act (Act 13 of 2000)

Indecent or Obscene Photographic Matter Act
  Indecent or Obscene Photographic Matter Act (Act 37 of 1967)

Interim Constitution, 1993

MCC Act
  Medicines and Related Substances Control Act (Act 101 of 1965)

South African Schools Act
  South African Schools Act (Act 84 of 1996)

Trade Marks Act
  Trade Marks Act (Act 194 of 1993)

Unfair Discrimination Act

United Kingdom

Communications Act
  Communications Act 2003
Control of Misleading Advertisements Regulations
    Control of Misleading Advertisements Regulations 1988

Criminal Law Act
    Criminal Law Act 1977

Indecent Displays (Control) Act
    Indecent Displays (Control) Act 1981

Obscene Publications Act
    Obscene Publications Act 1959

OfCom Act
    Office of Communications Act 2002

Protection of Children Act
    Protection of Children Act 1978

Race Relations Act
    Race Relations Act 1976

Theatres Act
    Theatres Act 1968

Video Recordings Act
    Video Recordings Act 1984

**United States**

CDA
    Communications Decency Act of 1996
Communications Act
   Communications Act of 1934

First Amendment
   First Amendment to the United States Constitution of 1787

FTC Act
   Federal Trade Commission Act (15 United States Code sections 41-58, as amended)

Telecommunications Act
   Telecommunications Act 1996

US Code
   United States Code