Advertising plays a very significant role in shaping the mindset, perception and actions of any audience and compels people to change the way they do things. It is for this reason that the rapid and upward growth trend of the advertising industry in Ghana which is not backed by the requisite statute is a cause for concern. The situation has had an enormous negative implication on the sector and economy at large.

The action of some practitioners who do not conform to the required industry standards has resulted in the lack of public confidence in the whole industry. Efforts over the last decade by the Advertising Association of Ghana (AAG) to get the bill passed by Parliament has been painstaking slow. This policy brief brings to the fore the challenges confronting the advertising industry, presents the impact of these challenges on the business community. It also highlights solutions and recommendations to the challenges and provides specific action points to duty bearers.

### Identified Challenges

- No regulations, standards, licensing, registration, monitoring and compliance of adverts
- Price fixing and distortion among industry players
- Media owners overlook irregularities and inconsistencies in adverts brought to them
- Lack of business ethics and professional responsibility amongst the practitioners
- Mistrust between industry players especially between the media and advertising agencies
- Violation of consumer rights due poor advert content
- Unfair and the almost absent competition in the industry has resulted in price under-cutting
- Absence of legal framework for all industry players

### Effects of challenges on Business Community

- The absence of the Advertising Council to sanitize regulate, license and monitor the advertising space has resulted in the collapse of 50-70 advertising agencies
- The slow pace of work at the Ministry of Trade and Industry (MOTI) towards the passage of the Bill has resulted in unethical practice and unprofessionalism in the industry. Everyone does what pleases them with impunity.
- There is also a significant dip in public confidence and substandard services as there have been several instances where patients who had visited health facilities with avoidable health complication, claim to have used a product that was advertised in the media as medical products
- Furthermore, price undercuttings and granting of permits to individuals to the involuntary placement of billboards at unauthorized sites is a major hurdle affecting the business community
This Advocacy is funded by

Wide stakeholder consultation on the draft bill has been done.

The draft bill went through the first reading in Parliament in 2016 but couldn’t be passed due to transition and change of government same year.

The Ministry of Trade and Industry is currently finalizing the draft bill to be presented to Cabinet for approval.

Executives of the Advertising Association of Ghana recently paid a courtesy call on the Minister of Information to present to him the realities and woes of the industry and implored him to lobby and get the bill to Parliament.

As a matter of public interest and in the absence of regulations, there is the need to promote more responsible and responsive advertising to reassure consumers who are entitled as of right to factual information. Industry players, the Media, Food and Drugs Authority and Ghana Standard Authority should lead this campaign.

Furthermore, there should be a complaints mechanism in place to address concerns of consumers.

The Ghana Advertising Association (GAA) has offered to host the Council in their facility in the interim till government establishes an office space to house it.

We propose that the Ministry of Trade and Industry should finalize work on the draft bill and present it to Cabinet for their consideration and approval.

We implore the Attorney General to as a matter of public interest expedite the drafting of the bill and present it before the Parliamentary for discussion and passage before the next general election in 2020.

Benefits of the Advertising bill when passed to Ghanaians

- Provide a legal framework for the establishment and operation of advertising agencies
- Regulate advertising content in the media landscape
- Establish a National Advertising Council to oversee the smooth running of the industry
- Constitute an agency to handle and address all consumer complaints
- Provide sanctions to non-compliant industry players who breach various advertising laws

A Peek at the Role of the National Advertising Council

- Register and maintain a register of persons licensed to practice in Ghana
- Determine who the advertising practitioners in Ghana are
- Ensure regular review of standards
- Determine who becomes a registered members of the advertising profession
- Conduct examinations and certify practitioners

Current State of the Advertising Bill

- Wide stakeholder consultation on the draft bill has been done.
- The draft bill went through the first reading in Parliament in 2016 but couldn't be passed due to transition and change of government same year.
- The Ministry of Trade and Industry is currently finalizing the draft bill to be presented to Cabinet for approval.
- Executives of the Advertising Association of Ghana recently paid a courtesy call on the Minister of Information to present to him the realities and woes of the industry and implored him to lobby and get the bill to Parliament.

Recommendations

- As a matter of public interest and in the absence of regulations, there is the need to promote more responsible and responsive advertising to reassure consumers who are entitled as of right to factual information. Industry players, the Media, Food and Drugs Authority and Ghana Standard Authority should lead this campaign.
- Furthermore, there should be a complaints mechanism in place to address concerns of consumers
- The Ghana Advertising Association (GAA) has offered to host the Council in their facility in the interim till government establishes an office space to house it.

Required Action!

- We propose that the Ministry of Trade and Industry should finalize work on the draft bill and present it to Cabinet for their consideration and approval.
- We implore the Attorney General to as a matter of public interest expedite the drafting of the bill and present it before the Parliamentary for discussion and passage before the next general election in 2020.