

Direct Marketing

Scope

Section 11 of the Act addresses the consumer's right to restrict unwanted direct marketing. Included in the Act's definition of direct marketing are approaches in person, by mail or electronic communication.

Electronic communication is further defined in the Act to include communication by means of electronic transmission, including by telephone, fax, sms, wireless computer access, email or any similar technology or device.

Who does it apply to?

This section applies to any person or supplier who markets goods or services to another person.

How does it apply?

The section protects consumers as defined by this Act against unwanted direct marketing. The consumers may refuse to accept; require another person to discontinue; or pre-emptively block any direct marketing approaches from any person. Therefore suppliers of goods and services may be requested by consumers not to contact them.

So what?

Businesses need to ensure they have permission from consumers before engaging in any direct marketing approaches. With the pre-emptive blocking, businesses will have to first ensure that consumers have not registered a pre-emptive block against their product or service before approaching them; otherwise they will be in contravention of the Act.

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