

FIFA loses 5-0

Beware Orange. It signals caution at stop streets, announces to South Africans that they are close to experiencing rolling blackouts, or identifies you as a Dutch soccer fan. These days it also serves as a 'go directly to jail' card thanks to the ministrations of FIFA and a whipped South African parliament.

 By Herman Manson: @marklives 18 Jun 2010



By now everybody has heard of the ambush marketing stunt pulled by Dutch brewer Bavaria, who has reportedly been selling orange mini dresses as part of a [gift pack with its beer](#) in the Netherlands. It flew a couple of these dresses over to SA, hired some girls to wear them, sneaked them into a stadium (FIFA claims they wore other outfits over the Orange outfit in a bid to outwit security), and the girls then proceeded to cheer on the Dutch team - until they were ejected from the stadium that is. Two Dutch women, Barbara Castelein and Mirte Nieuwpoort, have been targeted for arrest and prosecution by FIFA and its enforcement arm, the SA Police Service.

An over-reaction of note

Some folks in the world of marketing and intellectual property 'rights' would argue these girls deserve what is coming to them. They would say that FIFA has warned firms not to try their luck with 'ambush marketing' (as defined by FIFA of course). You ignore the rules, you get smacked, sorry imprisoned. I disagree - FIFA's over-reacted to a ridiculous extent and has shown South Africans and fans that they really are humourless, heavy-handed, controlling micro-managers with no sense of justice or fair play.

1. FIFA undermines our human and constitutional rights:

The draconian laws insisted upon by FIFA and inflicted on the South African public (and their international guests) undermines many of the rights citizens would rightly expect to be protected by the state. Pierre de Vos notes in his [popular blog Constitutionally Speaking](#) that the definition of ambush marketing as enacted into law on behalf of FIFA is intentionally broad. It means FIFA's lawyers can read it any which way they please. De Vos also notes that the municipality of each host city "has in effect become the enforcement arm of a private company - FIFA - to protect that private company's image and profits." By-laws also limit free speech with a ban on the distribution of pamphlets (including political) of any kind in the vicinity of stadiums or fan parks. "Politics should not and does not stop just because 22 men are chasing a ball around a green field in a vast marketing and money-making exercise," writes De Vos. "In fact, as the eyes of the world are on South Africa, social movements and other political players have a unique opportunity to make their voices heard. What better way to do this than to distribute political pamphlets at fan parks?"

FIFA also strictly controls which media voices it allows into its stadiums. Through its one-sided accreditation process it ensures known critics, like journalist Andrew Jennings, never make it near Sepp Blatter. It even controls the questions journalists ask at its press conferences as when a FIFA media officer [cut off journalists](#) questioning North Korean coach Park Jong-Hun.

Finally it took a High Court order to force FIFA's local organising committee (LOC) to [release tender documentation](#) to the media on how exactly it spent South African taxpayers' money. The court concluded, to quote the *Mail & Guardian* newspaper that brought the application in terms of the Promotion of Access to Information Act, that the committee "charge with organising the most significant sporting event in the world, purporting to do so in the public interest, takes a legally insupportable stance in seeking to keep its conduct inaccessible to public scrutiny".

2. FIFA is ignoring growing discontent with its practices:

Ham-fisted tactics to protect its narrow commercial interests have brought about a growing tide of negative commentary in the media. In turn, the public has been exposed to some of the more unsavoury aspects of FIFA and the beautiful game it now effectively seems to own. Let's face it, citizens the world over are expecting more transparency and greater good corporate citizenship from big business (OK, all business), and FIFA has failed to take cognisance of this. Business has to change to stay relevant to the modern consumer. If they don't, goodwill toward it will dissipate as is increasingly happening companies in the financial services industry for example.

3. FIFA proves its disconnect with its customers:

The growing media backlash is going hand-in-hand with a [backlash from fans](#) who wonder at the staggering arrogance FIFA so often displays to the detriment of the game they love. The Sepp Blatter account on [Twitter](#) is a case in point - tweets to @SeppBlatter are critical of the organisation as often as not. Hardly the adoring crowd his PR mavens must have assured him off. South Africans were already upset by FIFA claims on its [national emblems](#). Apparently FIFA had little sense of the uproar the persecution of Castelein and Nieuwpoort would cause in the Netherlands. It points to a total disconnect with people outside of FIFA's ivory tower. Mild-mannered [CNN recently noted](#) the "corporate stuffiness that is threatening to stifle football's natural joie de vivre." It's about the fans they tell us - well make us believe it!

4. FIFA doesn't have any sense of an appropriate response:

No person deserves to go to a South African prison for a marketing stunt. Our prisons make a mockery of any right to human dignity. Human rights should trump IP rights -only when companies fund lawmakers this gets reversed.

What would have lead to a few laughs in the Netherlands has caused an international diplomatic incident with the Dutch government calling the arrests absurd and protesting to South African authorities. "It is absurd that the two women have a term hanging over their heads for wearing orange dresses in a football stadium," Dutch Foreign Minister Maxime Verhage has said.

5. FIFA doesn't do its sponsors any favours:

I don't think FIFA did its official beer sponsor, Anheuser-Busch's Budweiser beer, any favours by its heavy-handed action. The negative publicity around the case (the general agreement seems to be FIFA has gone too far) links Budweiser to a bunch of bullies arresting women wearing mini-skirts at a soccer game. Can anybody think of a better way to alienate Budweiser's core audience? Bullying is not a core brand value of Budweiser last time I checked.

ABOUT HERMAN MANSON: @MARKLIVES

The inaugural Vodacom Social Media Journalist of the Year in 2011, Herman Manson (@marklives) is a business journalist and media commentator who edits industry news site [www.marklives.com](#). His writing has appeared in newspapers and magazines locally and abroad, including [Bizcommunity.com](#). He also co-founded *Brand* magazine. [View my profile and articles...](#)

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