



International Chamber of Commerce

The world business organization

Framework



Prepared by ICC Commission on
Marketing and Advertising

Framework for Responsible Food and Beverage Marketing Communications 2012

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**Commission on Marketing and Advertising
Task Force on Code Revision**

ICC Framework for Responsible Food and Beverage Marketing Communications 2012

As the world's foremost business organization, the [International Chamber of Commerce](#) (ICC) promotes high standards of business ethics through the development and dissemination of codes and guidance on responsible marketing and advertising communications. One of ICC's landmark achievements is the [Consolidated ICC Code of Advertising and Marketing Communication Practice](#) (The Code), which serves as the foundation of most nationally-applied self-regulatory codes. First created in 1937, the ninth revision of the ICC Code was published in 2011. It provides practical guidance to industry, including advertisers, agencies and media, as well as to self-regulatory advertising organizations, regulators and governments. By promoting self-regulation in the business sector in accordance with the highest ethical and legal standards, the Code provides assurance to consumers that businesses abiding by the Code can be relied upon to provide truthful advertising. An online, searchable version of the Code is available at www.CodesCentre.com along with a wealth of information on self-regulation for marketers, agencies, academics and regulators. The site also contains downloadable translations, companion codes, training materials and links to national and sector-specific codes around the world.

Background: The ICC Code and application to food and beverage marketing

The Code sets forth general principles governing all marketing communications, and includes separate sections on sales promotion, sponsorship, direct marketing, digital interactive marketing and environmental marketing. The Code defines "advertisement" or "advertising" as any form of marketing communications carried by the media, usually in return for payment or other valuable consideration. The term "marketing communications" includes advertising as well as other techniques such as promotions, sponsorships and direct marketing and should be interpreted broadly to mean any communications produced directly by or on behalf of marketers intended to promote products or to influence consumer behaviour¹. While underscoring the multi-sectoral nature of ICC guidance, the framework below illustrates how some important ICC principles contained in the Consolidated ICC Code apply in the context of food and beverage marketing communications.

The increasing worldwide attention to diet, physical activity and health is of great significance to the international food and beverage community and to the broader business community of which it is a part. In 2004 the following framework was first prepared by the [Commission on](#)

¹ *The Code does not apply indiscriminately to every type of corporate communication. For example, the Code does not apply to corporate public affairs messages in press releases and other media statements, or to information in annual reports and the like, or information required to be included on product labels. Likewise, statements on matters of public policy fall outside the scope of the Code.*

[Marketing and Advertising](#) of the International Chamber of Commerce (ICC) to address some of the issues raised by these concerns. It was first revised in 2006 to conform to the Code published earlier that same year. In 2012, this framework was updated to align with recent changes to the Code and to ensure it remains a relevant tool for industry.

ICC's longstanding view is that marketing communications are best regulated by effective self-regulation within a legal framework that protects consumers from false and misleading claims. In this way, self-regulation best serves the consumer's interest in receiving truthful and accurate communications. More broadly, marketers should be guided by self-regulatory principles and participate in the self-regulatory processes.

To be effective, marketing communication self-regulatory systems bring together marketers, marketing communication agencies and the media to develop standards, evaluate marketing communications for compliance with those standards, and take appropriate action to enforce them. World business agrees that effective self-regulation is the system that, through a combination of best practices and determined enforcement, can best inspire consumer confidence in marketing communications.

The application of self-regulation in food marketing communications requires that it be legal, decent, honest and truthful. This framework should be read against the background of three intertwined issues: the role of commercial communication in our information-focused society, responsible marketing to children, and the importance of marketing to a competitive economy and consumer choice.

The role of marketing communications in an information-focused society

Never has so much information been as broadly and readily available to so many as it is now. This includes information about healthy lifestyles, nutrition, and dietary choices that is available from a great number of sources, including marketing communications.

Responsible marketing communications can assist consumers in making appropriate choices about food and beverage products, and in understanding the role of nutrition, diet and physical activity in healthy lifestyles. By conveying marketing communication consistent with principles of good nutrition, diet, physical activity and personal choice, business must play an important role.

Good communication, and indeed good business practice, means that marketers must remain mindful of the need to provide honest and truthful information about their products, both to make the consumer aware of the choices available and to enable one to choose among them according to one's needs, desires, tastes and personal priorities.

Responsible marketing to children

As children are consumers of food and beverages, they are legitimately a focus of marketing and have the right to information about the products that interest them. However, because of their lack of experience as consumers, children deserve especially careful treatment by marketers in any marketing communications directed to them. ICC recognizes that children constitute an audience with a more limited capacity to assess information in marketing communications, which is why specific provisions on marketing communications to children are included in ICC guidelines and codes.

Marketers must promote and sell their products to children in a responsible manner. ICC remains mindful, however, that parents and other adults responsible for a child's welfare play a primary role in the broad range of decisions affecting their children, including choices about diet, physical activity and health. Moreover, parents, educators, the media, entertainment content providers and others have important roles in helping children develop a critical understanding of marketing communications and other media messages so that they become better informed.

The importance of marketing to a competitive economy and consumer choice

As with all guidance issued by the ICC Marketing and Advertising Commission, this Framework for Responsible Food and Beverage Marketing Communications is predicated on the principle that [freedom of commercial speech](#) in the sale of all legal products is a fundamental tenet for markets that promote innovation and competition, thus benefitting consumers by giving them more choices and efficient pricing. Advertising promotes economic development, supports consumer choice, and leads companies to compete to provide consumers with products that reflect their interests and concerns.

At the same time, the global business community is keenly aware that the proper functioning of a market economy depends on consumers receiving accurate and non-misleading information about products and responsible use of marketing communications is primordial to the ICC position. Consequently, the goal of this framework is to provide added guidance for self-regulation to help those developing food and beverage marketing communications apply the rules effectively and responsibly to their campaigns.

Conclusion

ICC encourages food and beverage marketers to adhere to principles of responsible marketing communications, above and beyond compliance with legal requirements, especially when communicating to children. In doing so, marketing communications from this sector will meet the obligation to remain responsible as well as legal, decent, honest and truthful. Food and beverage marketers, and national and regional self-regulatory bodies, should continue to review and update their self-regulatory guidelines to assure that communications reflect contemporary standards of responsible marketing.

ICC Framework for Responsible Food and Beverage Marketing Communications 2012

ICC PRINCIPLES GENERAL PROVISION ON ADVERTISING AND MARKETING COMMUNICATION PRACTICE	APPLICATION TO FOOD AND BEVERAGE MARKETING COMMUNICATIONS
<p><u>Article 1 Basic principles</u></p> <p>All marketing communications should be legal, decent, honest, and truthful.</p> <p>All marketing communications should be prepared with a due sense of social and professional responsibility and should conform to the principles of fair competition, as generally accepted in business.</p> <p>No marketing communication should be such as to impair public confidence in marketing.</p>	<p>Application in the context of food and beverage marketing communications of this principle means that nutritional information and claims about nutrition and health benefits should have a sound scientific basis. Claims should be conveyed consistent with the nature and scope of the evidence, providing the consumer with supportable information.</p> <p>Nutritional information and claims should also be judged by the likely perception of the reasonable consumer, especially where children are concerned.</p> <p>Food and beverage marketing communications should not encourage or condone excess consumption and portion sizes should be appropriate to the setting portrayed. Marketing communications should not undermine the importance of healthy lifestyles.</p> <p>Marketing communications should respect the spirit of ICC, local and sectoral self-regulatory codes, in order to maintain confidence both in marketing communications and in the self-regulation system.</p>
<p><u>Article 3 Honesty</u></p> <p>Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.</p>	<p>Where claims or terminology used in marketing communications might reasonably be interpreted by a consumer as health or nutrition claims, they should be supportable with appropriate scientific evidence.</p>

<p><u>Article 5 Truthfulness</u></p> <p>Marketing communications should be truthful and not misleading</p> <p>Marketing communications should not contain any statement, claim or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is likely to mislead the consumer, in particular, but not exclusively, with regard to:</p> <p>Characteristics of the product which are material, i.e. likely to influence the consumer's choice, such as: nature, composition, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact;</p>	<p>Copy, sound and visual presentations in marketing communications for food and beverage products should accurately represent the material characteristics of the product featured, such as taste, size, content nutrition or health benefits, and should not mislead consumers concerning any of those characteristics.</p> <p>Food products not intended to be substitutes for meals should not be represented as such.</p>
<p><u>Article 6 Use of technical/scientific data</u></p> <p>Marketing communications should not:</p> <ul style="list-style-type: none"> - misuse technical data, e.g. research results or quotations from technical and scientific publications; - present statistics in such a way as to exaggerate the validity of a product claim; - use scientific terminology or vocabulary in such a way as falsely to suggest that a product claim has scientific validity. 	<p>All nutritional and health-benefit information and claims for food and beverage products should have a sound scientific basis.</p> <p>Consumer taste or preference tests should not be used in a way that might imply statistical validity if there is none.</p> <p>Testimonials should be based on well accepted and recognized opinion from experts</p>
<p><u>Article 8 Substantiation</u></p> <p>Descriptions, claims or illustrations relating to verifiable facts in marketing communications should be capable of substantiation. Such substantiation should be available so that evidence can be produced without delay and upon request to the self-regulatory organizations responsible for the implementation of the Code.</p>	

<p><u>Article 17 Safety and Health</u></p> <p>Marketing communications should not, without justification on educational or social grounds, contain any visual portrayal or any description of potentially dangerous practices, or situations which show a disregard for safety or health, as defined by local national standards. Instructions for use should include appropriate safety warnings and, where necessary, disclaimers. Children should be shown to be under adult supervision whenever a product or an activity involves a safety risk.</p>	<p>Food and beverage marketing communications should not undermine the promotion of healthy balanced diets, or the importance of a healthy active lifestyle.</p>
<p><u>Article 18 Children and young people</u></p> <p>Special care should be taken in marketing communications directed to or featuring children or young people. The following provisions apply to marketing communications addressed to children and young people, as defined in national laws and regulations relevant to such communications.</p> <ul style="list-style-type: none"> • Such communications should not undermine positive social behaviour, lifestyles and attitudes; <p>Inexperience and Credulity Marketing communications should not exploit inexperience or credulity, of children and young people with particular regard to the following areas:</p> <ul style="list-style-type: none"> • Exaggerate the true size, value, nature, durability and performance of the product. <p>Avoidance of harm Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or young people mentally, morally or physically. Children and young people should not be portrayed in unsafe situations or engaging in actions harmful to themselves or others, or be encouraged to engage in potentially hazardous activities or</p>	<p>Marketing communications directed towards children for food and beverage products should not create a sense of urgency, or inappropriate price minimisation. While fantasy, including animation, is appropriate in communication with younger as well as older children, care should be taken not to exploit a child's imagination in a way that could mislead him/her about the nutritional benefits of the product involved.</p>

<p>behaviour.</p> <ul style="list-style-type: none"> • products unsuitable for children or young people should not be advertised in media targeted to them, and advertisements directed to children or young people should not be inserted in media where the editorial matter is unsuitable for them <p>Material unsuitable for children should be clearly identified as such.</p> <p>Social Values Marketing communications should not suggest that possession or use of the promoted product will give a child or young person physical, psychological or social advantages over other children or young people, or that not possessing the product will have the opposite effect.</p> <p>Marketing communications should not undermine the authority, responsibility, judgement or tastes of parents, having regard to relevant social and cultural values.</p> <p>Marketing communications should not include any direct appeal to children and young people to persuade their parents or other adults to buy products for them.</p>	<p>Food and beverage marketing communications should not mislead consumers about potential health or other benefits from the consumption of the advertised product. In marketing communications to children, this includes such things as status or popularity with peers, success in school or sports, or intelligence.</p> <p>Food product marketing communications should not undermine the role of parents and other adults responsible for a child's welfare in guiding diet and lifestyle choices.</p> <p>Advertisements should not include any direct appeal to children to persuade their parents or other adults to buy advertised products for them.</p>
<p><u>ARTICLE 18 (Children and young people) and ARTICLE A6 (Sales Promotion: information requirements)</u></p> <p>Marketing communications should not exploit inexperience or credulity.</p> <p>Sales promotions should be presented in such a way as to ensure that consumers are made aware, before making a purchase, of any conditions likely to affect their decision to purchase.</p>	<p>Sales promotion offers addressed to children should provide the conditions of any premium offer, sweepstake or contest being advertised in terms that children can understand.</p> <p>Marketers should strive to be sure that children understand which products must be purchased, if any, to receive a premium; and for sweepstakes and contests, the conditions of entry, types of prizes and the likelihood of winning.</p>

The International Chamber of Commerce (ICC)

ICC is the world business organization, a representative body that speaks with authority on behalf of enterprises from all sectors in every part of the world.

The fundamental mission of ICC is to promote open international trade and investment and help business meet the challenges and opportunities of globalization. Its conviction that trade is a powerful force for peace and prosperity dates from the organization's origins early in the 20th century. The small group of far-sighted business leaders who founded ICC called themselves "the merchants of peace".

ICC has three main activities: rule setting, dispute resolution, and policy advocacy. Because its member companies and associations are themselves engaged in international business, ICC has unrivalled authority in making rules that govern the conduct of business across borders. Although these rules are voluntary, they are observed in countless thousands of transactions every day and have become part of the fabric of international trade.

ICC also provides essential services, foremost among them the ICC International Court of Arbitration, the world's leading arbitral institution. Another service is the World Chambers Federation, ICC's worldwide network of chambers of commerce, fostering interaction and exchange of chamber best practice. ICC also offers specialized training and seminars and is an industry-leading publisher of practical and educational reference tools for international business, banking and arbitration.

Business leaders and experts drawn from the ICC membership establish the business stance on broad issues of trade and investment policy as well as on relevant technical subjects. These include anti-corruption, banking, the digital economy, marketing ethics, environment and energy, competition policy and intellectual property, among others.

ICC works closely with the United Nations, the World Trade Organization and intergovernmental forums including the G20.

ICC was founded in 1919. Today it groups hundreds of thousands of member companies and associations from over 120 countries. National committees work with ICC members in their countries to address their concerns and convey to their governments the business views formulated by ICC.

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Policy and Business Practices

38 Cours Albert 1er, 75008 Paris, France

Tel +33 (0)1 49 53 28 28 Fax +33 (0)1 49 53 28 59

E-mail icc@iccwbo.org Website www.iccwbo.org