

Do advertising self-regulatory organizations oversee product labels and packaging?

The main role of advertising self-regulatory organizations (SROs) is to ensure that ads and other marketing messages are legal, decent, honest, truthful, prepared with a due sense of responsibility to the consumer and society, and/or compliant with the principles of fair competition.

Product labels and packaging are in principle considered separately from advertising messages. This is because they are usually descriptive rather than promotional in nature. That said, in practice, **the information contained on product labels and packaging may include certain claims of a commercial nature** which make them akin to a form of advertising.

As a result, advertising SROs in some markets are competent to address issues around product labels and packaging, at least to a limited extent.

In order to support a better understanding of the relation between advertising and product labeling/packaging from a global perspective, this paper presents an overview of the remit of SROs in relation to product labels and packaging. It is based on a survey carried out among ICAS members in July 2019, to which 16 SROs responded¹.

1. In which markets is the SRO competent to assess product labels and packaging?

Among respondents to the ICAS survey, **all SROs except three (in Australia, Canada and France) handle complaints about product labels and packaging**, at least in certain cases.

Where packaging and labeling are excluded from the scope of SRO activities, this is typically because they are subject to specific legislation.

2. What aspects of product labeling and packaging are SROs competent to address?

¹ Ad Standards (Australia), JEP (Belgium), CONAR (Brazil), Ad Standards (Canada), ARPP (France), ASCI (India), ASAI (Ireland), IAP (Italy), ASA (New Zealand), SRC (Netherlands), CONAR (Peru), ASC (Philippines), RAC (Romania), AUTOCONTROL (Spain) and ASA (UK), BBB National Programs (USA).

When SROs oversee product labels and packaging, this is **often restricted to commercial claims included on product labels and packaging** (e.g. India, Italy). In the UK, the self-regulatory Code only applies to promotional marketing on labels and packaging.² The SRO does not assess compliance with mandatory requirements on labelling and packaging.

In Spain however, AUTOCONTROL assesses the legality of product labels and packaging.³ In addition to reviewing product labels against self-regulatory standards, the SRO also checks whether the labels and/or packaging in question complies with applicable laws and regulations. Dedicated legislation on labeling typically applies to certain categories of products such as food, alcohol, and cosmetics.

In the Philippines, the ASC checks Certificates of Product Registration issued by the Food & Drug Administration (FDA) to assess whether commercial claims on the packaging of some products have actually been approved by the authorities, but complaints on packaging not featured in an ad are not directed to the SRO but the FDA directly.

In two countries, Belgium and New Zealand, the SRO only handles complaints on commercial claims made on the packaging of alcoholic beverages because of a specific agreement with the alcohol industry to apply self-regulatory standards to labels and packaging as well as to advertising *stricto sensu*.

3. Find out more

If you are interested to find out more or wish to share further examples not included in this paper, please contact the ICAS Secretariat at info@icas.global.

² Promotional marketing is narrower than commercial claims. The definition used by the UK ASA can be found at: https://www.asa.org.uk/type/non_broadcast/code_section/08.html

³ In Spain as in many other countries, the Code of Advertising Practice contains a principle of legality. In other words, ads (and labels, where applicable) need to comply with legal requirements in order to comply with the Code. In practice, this means that the Jury of AUTOCONTROL assesses labels against legal standards, but only to the extent that these affect commercial claims.