

16 June 2021

ICAS & EASA submission to ISO on the new work item proposal 'Guidance for advertising and marketing affecting children'

**Recommendation to avoid duplication of existing standards
and remove the proposal**

This submission was drafted jointly by the International Council for Advertising Self-Regulation ([ICAS](#)) and the European Advertising Standards Alliance ([EASA](#)) in response to the new work item proposal on 'Guidance for advertising and marketing affecting children' that is currently out for vote at ISO membership level.

ICAS and EASA strongly support the **existing and well-established international framework for advertising standards**, combined with a proper adaptation to local needs that takes into account historical, social and cultural specificities. Both our organizations have worked since their founding on initiatives to promote **responsible advertising practices respecting children's rights**.

We welcome the opportunity to contribute to the consultation through the national ISO members. We also welcome, that in the proposal consideration is given to the need for broad consensus and interaction with international organizations, such as ICAS and EASA.

In this spirit we would like to highlight the following:

1. That our respective networks of advertising self-regulatory organizations across the world ensure responsible advertising by enforcing national programs and standards which reflect the principles of the **International Chamber of Commerce (ICC) Marketing Code** and related frameworks;
2. These programs and standards already include provisions addressing special responsibilities for marketing products to children and teenagers;
3. With the ICC Code there are thus already internationally agreed upon standards that address marketing to children and teenagers which already have the buy-in of the global advertising industry and which are being regularly updated to reflect changes in technology or societal needs. A mapping of the ICC Code against the proposed ISO guidelines shows that there are no gaps in the ICC code and that all important aspects are covered (see Annex).
4. There is thus no compelling business case for this new ISO proposal, in fact there is a serious concern that the ISO 'Guidance for advertising and marketing affecting children' gives rise to duplication, but it will also increase complexity and inconsistency of guidelines across the globe without resolving any of the perceived issues¹ that gave rise to the development of the proposal;
5. **We thus recommend removing this proposal from the workplan and to support instead the existing self-regulatory frameworks and guidelines that are in place to protect children and minors from irresponsible and harmful advertising.**

¹ With the ICC Code there is a globally recognized and up-to-date guidelines for marketing to children in place which can be used by national stakeholders at local level as guidance for the development of national advertising codes. While there is thus no need to develop another set of diverging global guidelines, the issue of effective implementation is a different problem that cannot be solved by another code, but by the promotion of the set-up of self-regulatory organizations in countries where there is no such body.

What is advertising self-regulation and what are SROs doing?

Advertising self-regulation is defined by a fruitful collaboration of the whole advertising industry (advertisers, agencies and the media) in developing:

- **robust advertising standards** at a national level;
- **a system for adoption, review and application of these standards;**
- **an adequately funded Self-Regulatory Organization (SRO) which then independently² monitors and enforces these standards.**

The core principles for an effective advertising self-regulatory system:

High advertising standards: The existence of a self-regulatory code of standards or a set of guiding principles governing the content of ads is typically a pre-requisite for establishing a self-regulatory system. Most self-regulatory standards and programs reflect the basic principles that:

- All ads should be prepared with a due sense of social responsibility, notably in terms of being legal, decent, honest and truthful;
- All ads should conform to the principle of fair competition, as generally accepted in business, and consistent with competition laws;
- No ad should impair public confidence in advertising.

In most countries, advertising standards are based on the [Advertising and Marketing Communications Code](#) of the International Chamber of Commerce (the 'ICC Marketing Code'). National adjustments are however often made to take into account legal, social, cultural and economic features of the country.

Where the codes contain specific provisions, those provisions are typically agreed upon by an independent standards-making body within the SRO, and subsequently updated on a regular basis. The main standards are also often accompanied by sectoral guidelines addressing the marketing of specific products or services (e.g., alcohol, cosmetics...) or by issue-specific guidelines (e.g., on advertising to children, on interest-based advertising, on influencer marketing, etc.), or by detailed case-specific guidance on the applicable self-regulatory standards.

Comprehensive coverage: The advertising standards cover all forms of marketing communications appearing in all types of media, including digital marketing techniques and influencer marketing. The systems also cover all or a large majority of commercial actors in the advertising ecosystem. They all share a common interest in upholding high standards as loss of consumer and public trust can undermine the entire advertising industry.

Proactive compliance services, training and monitoring: To ensure a high level of awareness with the advertising standards, SROs provide a number of services to serve the needs of consumers and of the advertising industry. Educational services are especially important to make sure advertisers, agencies and the media understand their responsibilities and to ensure that there are fewer problems with ads. Such services can include online and in-person courses and trainings, certification programs, conferences, as well as partnerships with universities and other educational institutions.

² Although Self-Regulatory Organizations (SROs) are primarily funded by the advertising industry, they operate independently. There are several safeguards in place to ensure that complaints on individual ads are decided independently and impartially, and decisions are usually made publicly available to ensure maximum transparency. To find more about how SROs are financed, please read our publication: https://icas.global/wp-content/uploads/2018_10_01_SRO_Funding_Overview.pdf

Many SROs also provide copy advice, i.e., an opinion as to whether the advertisement is compliant with the local advertising standards prior to the dissemination of an advertisement. Some SROs also pre-clear advertisements. Pre-clearance, where done, requires that an ad must be assessed by the SRO as a compulsory pre-condition before it can be disseminated. Such obligation, where it exists, often covers specific media such as TV or radio, or is required for particularly sensitive sectors such as medications and medical devices, ads directed at children, or ads for financial services.³

Where possible, SROs also provide monitoring services in relation to specific sectors, sometimes carried out in cooperation with public authorities in co-regulation scenarios. Finally, a few SROs offer mediation services (e.g., in the telecoms sector) and specialized services to address privacy and data protection concerns around marketing practices.

Effective and impartial dispute resolution: In addition to services mentioned above, SROs can provide a quick, efficient and impartial complaint resolution system, which is cost-free for consumers. In most cases, the complaints are examined by an independent body within the SRO. Separate from the standards-making body, this independent body is in charge of determining whether an individual ad is in breach of the applicable self-regulatory standards and/or the applicable advertising laws. Other systems rely on qualified expert staff to make decisions.

Transparency: To ensure accountability and transparency, SROs also generally publish their decisions, or detailed summaries, online. The list of decisions (sometimes called ‘rulings’) or summaries is typically available on the SRO’s website.

Effective sanctions: Most advertisers voluntarily comply with SRO decisions by changing or withdrawing an ad or claim which has been determined as in breach of the standards. Should they refuse to do so, in some regions, SROs ask the media to refuse to publish/run or air the campaign. Ultimately, self-regulatory bodies may refer a situation where an advertiser refuses to comply with a decision or to participate in the self-regulatory process to the appropriate statutory authorities. Options available to the self-regulatory body will depend on the procedures of the self-regulatory organizations, its remit and the existing legal framework. All have proven to be effective in promoting high levels of compliance with self-regulatory decisions.

Addressing global challenges

Recognizing that our world is increasingly interconnected, with companies trading globally and consumers having access to information, goods and services worldwide, ICAS members have also committed to strive for a stronger international, self-regulatory network, which will benefit global consumers and businesses. In this spirit, they have committed to increase co-operation, coherence and consistency wherever possible and have set up a number of commitments that cover all aspects of an effective and trusted self-regulatory system. This Charter builds on the [European Advertising Self-Regulation Charter of EASA](#) which has been in existence since 2004. See the ICAS Charter Commitments [here](#).

³ In 2019, ICAS SRO members processed more than 65,000 copy advice requests. More than 68,000 advertisements were additionally pre-cleared. More information can be found in the [2019 Global Factbook of Advertising Self-Regulatory Organizations](#) available on the ICAS website.

ICAS is also committed to facilitate the establishment of new SROs in emerging markets and empowering them to grow. For this purpose, an [International Guide to Developing a Self-Regulatory Organization](#) has been published and is regularly updated.

Global Recognition of Advertising Self-Regulation

The benefits of advertising self-regulation are recognized by international governmental organizations such as the Asia-Pacific Economic Cooperation (APEC), the European Union (EU), the Organization for Economic Cooperation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD).

- The Asia-Pacific Economic Cooperation (APEC)⁴ and the Organisation for Economic Cooperation and Development (OECD)⁵ have both recognized advertising self-regulation's important role and called for greater capacity building of such systems.
- The United Nations Conference on Trade and Development (UNCTAD) states in the 'Guidelines for consumer protection'⁶ that Member States should encourage the formulation and implementation of codes of marketing and other business practices to ensure adequate consumer protection.
- In Europe, effective advertising self-regulation is promoted as a complement to general legislation within several policy and regulatory initiatives, such as the Audiovisual Media Services Directive (AVMSD).
- The European Union's Better Regulation package⁷ commends principles for effective self-regulation and its inclusion in the policy toolkit and regulatory impact assessment.
- In the US, the regulatory authority primarily responsible for oversight of advertising and marketing practice, the Federal Trade Commission (FTC), recognizes the role and efficacy of advertising self-regulation, and actively promotes participation by members of the advertising ecosystem. FTC guidance has spurred evolution of self-regulatory requirements, such as the Children's Food and Beverage Advertising Initiative, FTC-approved industry safe harbor programs pursuant to the Children's Online Privacy Protection Act, and the Digital Advertising Accountability Program, regarding interest-based advertising,⁸ offering a first line of compliance enforcement, reducing the burden on regulators.

⁴ [Asia Pacific Economic Cooperation \(APEC\) Joint Ministerial Statement](#), APEC, 2017

⁵ Industry Self Regulation : ROLE AND USE IN SUPPORTING CONSUMER INTERESTS, OECD (2015-03-01), OECD Digital Economy Papers, No. 247, OECD Publishing, Paris. <http://dx.doi.org/10.1787/5js4k1fjqkwh-en>

⁶ UNCTAD Guidelines for Consumer Protection, 2015. https://unctad.org/system/files/official-document/ditccplpmisc2016d1_en.pdf, item 31 ; UNCTAD Manual on Consumer Protection, 2018. Page 45 https://unctad.org/system/files/official-document/ditccplp2017d1_en.pdf

⁷ [European Union's Better Regulation Package](#), European Commission, 2015

⁸ See Federal Trade Commission Staff Report: Self-Regulatory Principles For Online Behavioral Advertising: Tracking, Targeting, and Technology, <https://www.ftc.gov/reports/federal-trade-commission-staff-report-self-regulatory-principles-online-behavioral>

Conclusion

With the advertising self-regulatory framework in place across many markets across the globe, a strong system is in place to protect children and minors from irresponsible and harmful marketing. These frameworks have not only robust codes or standards in place which have the buy-in from responsible brand owners, marketers and media but also effective enforcement systems which are recognized by national authorities and international governmental organizations.

They operate against the background of the globally applicable provisions of the [ICC Advertising and Marketing Communications Code](#). These include recognized up-to-date guidelines for advertising and marketing to children and teens which can serve as the standard for businesses also in countries where no self-regulatory body exists.

We thus believe that the development of another set of guidelines would only lead to duplication and inconsistencies, and not enhance a better protection of children.

However, we stand ready for a dialogue to discuss the best way we could work together to ensure that the highest international standards are in place and applied on marketing to children worldwide.

About ICAS and EASA

The International Council for Advertising Self-Regulation (ICAS) ICAS is a global platform which promotes responsible advertising through effective advertising self-regulation. It brings together a network of Self-Regulatory Organizations (SROs) from Asia-Pacific, Africa, Europe, North & South America⁹ as well as global associations representing the advertising industry (The World Federation of Advertisers (WFA), the International Advertising Association (IAA), the European Publishers Council (EPC), and the World Out of Home Organization (WOO)) and experts on global advertising and marketing laws, the Global Advertising Lawyers Alliance (GALA). As of May 2021, ICAS had 32 member organizations active in all major regions of the world: Europe, the Americas, Asia-Pacific, Africa and the Middle East.

For more information on ICAS, its members, mission and activities, please visit <https://icas.global>

The **European Advertising Standards Alliance (EASA)**, founding member of ICAS, is the single authoritative voice on advertising self-regulation in Europe and promotes high ethical standards in commercial communications by means of effective self-regulation, while being mindful of national differences of culture, legal and commercial practice. EASA was created in 1992 and today its membership includes 28 independent advertising standards bodies and 14 stakeholders representing the advertising ecosystem (advertisers, agencies, media and digital platforms) which are all committed to ensuring responsible advertising.

For more information on EASA its members, mission and activities, please visit <http://www.easa-alliance.org/>

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Annex: Comparison table: ISO guidelines/ICC Code compiled by the ICC

| Guidelines (ISO) | ICC | |
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| Foreword | | |
| Contents | | |
| Introduction | | |
| Use of these guidelines | | The ICC Code is used as a basis for the national codes in 42 countries. |
| 1. Range of application | Scope | The introduction of the ICC Code explains its scope: "...the Code covers all marketing communications, regardless of form, format or medium. Marketing communications are to be understood in a broad sense (see definitions) but obviously do not extend indiscriminately to every type of corporate communication." |
| 2. Definitions | Definitions | |
| *Child / children | | Means individuals 12 years of age or younger |
| *teens | | Means individuals 13 to 18 years of age |
| *Advertising | | Means any form of marketing communications carried by the media, usually in return for payment or other valuable consideration |
| *Marketing communications [this is the term used in the ICC Code] | | Includes advertising as well as other techniques, such as promotions, sponsorships as well as direct marketing and digital marketing communications. |
| 3. General Principles | 18.1 General Principles | <p>Special care should be taken in marketing communications directed to or featuring children or teens.</p> <ul style="list-style-type: none"> : Such communications should not undermine positive social behaviour, lifestyles and attitudes. : Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them. : Marketing communications directed to children or teens should not be inserted in media where the editorial matter is unsuitable for them. : For rules on data protection relating specifically to children's personal data see article 19. : For other specific rules on marketing communications with regard to children: : with respect to direct marketing and digital marketing communications see chapter C, article C7 : within the context of food and non-alcoholic beverages see the ICC Framework for responsible food and beverage marketing communications |
| 3-1 Advertising and Marketing that is Conscious of the Development and Characteristics of Children | 18.2 Inexperience and credulity of children | <p>Marketing communications should not exploit inexperience or credulity of children, with particular regard to the following areas:</p> <ol style="list-style-type: none"> When demonstrating a product's performance and use, marketing communications should not <ol style="list-style-type: none"> minimise the degree of skill or understate the age level generally required for a child to assemble or operate products exaggerate the true size, value, nature, durability and performance of the product fail to disclose data about the need for additional purchases, such as accessories, or individual items in a collection or series, required to produce the result shown or described While the use of fantasy is appropriate for younger as well as older children, it should not make it difficult for them to distinguish between reality and fantasy. Marketing communications directed to children should be clearly distinguishable to them as such. |
| 3-1-1 Ensure the accuracy and credibility of information | Art. 5 | Marketing communications should be truthful and not misleading. 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, |

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| | Art. 6 Substantiation | <p>but not exclusively, with regard to: [...]</p> <p>Descriptions, claims or illustrations relating to verifiable facts in marketing communications should be capable of substantiation. Claims that state or imply that a particular level or type of substantiation exists must have at least the level of substantiation advertised. Substantiation should be available so that evidence can be produced without delay and upon request to the self-regulatory organisations responsible for the implementation of the Code.</p> |
| 3-1-2 Avoid unreasonable, unfair and deceptive advertising and marketing | Art. 3 Honesty | <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>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p> |
| 3-1-3 Ensure safety | 18.3 Avoidance of harm | <p>Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens mentally, morally or physically. Children and teens 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 inappropriate behaviour in light of the expected physical and mental capabilities of the target demographic.</p> |
| 3-1-4 Respect for diversity | <p>Art. 2 Social responsibility</p> <p>C10 General Provisions</p> | <p>Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation.</p> <p>Respect for the potential sensitivities of a global audience Marketers should strive to avoid causing offense by respecting social norms, local culture and tradition in markets where they are directing marketing communications. Given the global reach of electronic networks, and the variety and diversity of possible recipients, marketers should take steps to align their marketing communications with the principles of social responsibility contained in the General Provisions.</p> |
| 3-1-5 Avoid advertising and marketing that is harmful or infringes on human rights | Art. 2 Social Responsibility | <p>Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation.</p> <p>Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering. Marketing communications should not appear to condone or incite violent, unlawful or anti-social behaviour. Marketing communications should not play on superstition.</p> |
| 3-1-6 Protection of children's personal information or their privacy | 19.4 Children's personal data | <p>When personal data is collected from individuals known or reasonably believed to be children, guidance should be provided to parents or legal guardians about protecting children's privacy if feasible.</p> <ul style="list-style-type: none"> : Children should be encouraged to obtain a parent's or responsible adult's consent before providing personal data via digital interactive media, and reasonable steps should be taken to check that such permission has been given. : Only as much personal data should be collected as is necessary to enable the child to engage in the featured activity. A parent or legal guardian should be notified, and consent obtained where required. : Personal data collected from children should not be used to address marketing communications to them, the children's parents or other family members without the consent of the parent. : Personal data about individuals known or reasonably believed to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide technical or operational support to the marketer and who do not use or disclose children's personal data for any other purpose. : For additional rules specific to marketing communications to children using digital interactive media, see chapter C, article C7. |

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| | ARTICLE C7 | <p>MARKETING COMMUNICATIONS AND CHILDREN</p> <p>: Parents and/or guardians should be encouraged to participate in and/or supervise their children's interactive activities.</p> <p>: Personal data about individuals known to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide support for operational purposes of the website and who do not use or disclose a child's personal information for any other purpose.</p> <p>: Websites devoted to products that are subject to age restrictions such as alcoholic beverages, gambling and tobacco products should undertake measures, such as age screens, to restrict access to such websites by minors.: Marketing communications directed at children in a particular age group should be appropriate and suitable for such children.</p> |
| 3-1-7 Consideration of sustainable consumption | Art. 3 Honesty | <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>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p> |
| 3-1-8 Business enterprises' constructive contribution to the relationship between children and their parents and caregivers | 18.4 Social values | <p>Marketing communications should not suggest that possession or use of the promoted product will give a child or teen physical, psychological or social advantages over other children or teens, or that not possessing the product will have the opposite effect.</p> <p>Marketing communications should not undermine the authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values.</p> <p>Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them.</p> <p>Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget.</p> <p>Marketing communications which invite children and teens to contact the marketer should encourage them to obtain the permission of a parent or other appropriate adult if any cost, including that of a communication, is involved.</p> |
| 3-2 Respect for children's human rights in the context of freedom of expression | Art. 3 Honesty | <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>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p> |
| 3-3 Compliance with legislation and domestic and international guidelines | Art. 1 Introduction: ICC Code and the law | <p>All marketing communications should be legal, decent, honest and truthful</p> <p>The Code embraces the principle of legality in Article 1 of the Code in that all marketing communications should be legal, decent, honest and truthful. It follows that it can never be in accordance with good business standards to break the law. But the fact that a communication is legal does not necessarily mean it is also ethically acceptable or appropriate. Therefore, marketers and other parties need to make sure their marketing communications activities observe applicable laws and regulations in a market, as well as the relevant provisions of the Code.</p> |
| 4. Considerations regarding advertising presentations and methods | 18.1 Children and Teens – General Principles | <p>Special care should be taken in marketing communications directed to or featuring children or teens.</p> <ul style="list-style-type: none"> Such communications should not undermine positive social behaviour, lifestyles and attitudes. Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them. Marketing communications directed to children or teens should not be inserted in media where the editorial matter is unsuitable for them. <p>For rules on data protection relating specifically to children's personal data see article 19.</p> <p>For other specific rules on marketing communications with regard to children:</p> <ul style="list-style-type: none"> with respect to direct marketing and digital marketing communications see chapter C, article C7 |

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| | | <ul style="list-style-type: none"> • within the context of food and non-alcoholic beverages see the ICC Framework for responsible food and beverage marketing communications |
| 4-1 Considerations regarding advertising presentations | Art. 18.1 Art. A3 Presentation | As above A sales promotion should not be presented in a way likely to mislead those to whom it is addressed about its value, nature or the means of participation. Any marketing communication regarding the sales promotion, including activities at the point of sale, should be in strict accordance with the General Provisions of the Code. |
| 4-1-1 Imposition of advertising, persistent recommendation of products and services | 18.4 Children and Teens – Social Values Art. C5 High Pressure Tactics | Marketing communications should not suggest that possession or use of the promoted product will give a child or teen physical, psychological or social advantages over other children or teens, or that not possessing the product will have the opposite effect. Marketing communications should not undermine the authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values. Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them. Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget. Marketing communications which invite children and teens to contact the marketer should encourage them to obtain the permission of a parent or other appropriate adult if any cost, including that of a communication, is involved. High-pressure tactics which might be construed as harassment should not be used. Consumers should not be asked to sign up to an offer where there will be no means provided to confirm the terms and conditions. |
| 4-1-2 Encouraging pestering | Art. 18.3 Children and Teens – Avoidance of harm Art. 18.4 Social values Art. C5 High Pressure Tactics | Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens mentally, morally or physically. Children and teens 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 inappropriate behaviour in light of the expected physical and mental capabilities of the target demographic. Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them. As above |
| 4-1-3 Exaggeration or emphasis of benefits or features | Art. 5 | Marketing communications should be truthful and not misleading. 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: <ul style="list-style-type: none"> • 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 • the value of the product and the total price to be paid by the consumer • terms for the delivery, provision, exchange, return, repair and maintenance • terms of guarantee • copyright and industrial property rights such as patents, trade-marks, designs and models • and trade names • compliance with standards • official recognition or approval, awards such as medals, prizes and diplomas • the extent of benefits for charitable causes |
| 4-1-4 Exaggeration or emphasis of pricing, or lack of clear indication of what is not included in price | Art. 18.4 Children and Teens – Social Values | Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget. |

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| 4-1-5 Presentations that cause fear or anxiety | Art. 18.3 Children and Teens – Avoidance of harm Art. 2 Social Responsibility | Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens mentally, morally or physically. [...] Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering. [...] |
| 4-1-6 Presentations that are suggestive of discrimination, ostracism or bullying | Art. 2 Social Responsibility Art. 12 Denigration | Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation. Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering. Marketing communications should not appear to condone or incite violent, unlawful or anti-social behaviour. [...] Marketing communications should not denigrate any person or group of persons, firm, organisation, industrial or commercial activity, profession or product, or seek to bring it or them into public contempt or ridicule. |
| 4-1-7 Presentations that force fixed notions | Art. 3 Honesty | Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge. Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account. |
| 4-1-8 Presentations that are excessively sexual | Art. 3 Decency | Marketing communications should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned. |
| 4-1-9 Acts or presentations that could be imitated | Art. 18.3 Avoidance of harm | Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens mentally, morally or physically. Children and teens 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 inappropriate behaviour in light of the expected physical and mental capabilities of the target demographic. |
| 4-1-10 Presentations that could provoke danger or misuse | Art. 17 Safety and Health | 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. Information provided with the product should include proper directions for use and full instructions covering health and safety aspects whenever necessary. Such health and safety warnings should be made clear by the use of pictures, sound, text or a combination of these. |
| 4-1-11 Presentations that condone or implicitly encourage smoking and drinking of alcohol by children | Art C7 Marketing communications and children ICC Framework for Responsible Alcohol Marketing Art. 1 | Websites devoted to products that are subject to age restrictions such as alcoholic beverages, gambling and tobacco products should undertake measures, such as age screens, to restrict access to such websites by minors. As an overriding principle, all marketing communications of alcohol should be so designed to market products to persons of legal purchase age in a responsible and appropriate manner. Marketing communications should not incite or condone illegal behaviour, excessive consumption or undermine healthy lifestyles. 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. |
| 4-1-12 Presentations that undermine children's healthy food habits | ICC Framework for Responsible Food and Beverage Marketing Communications Art. 1 | [...] Nutritional information and claims should also be judged by the likely perception of the reasonable consumer, especially where children are concerned. 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. |
| 4-2 Considerations regarding advertising methods | Article 18: Children and teens General Principles | Special care should be taken in marketing communications directed to or featuring children or teens. * Such communications should not undermine positive social behaviour, lifestyles and attitudes. * Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them. * Marketing communications directed to children or teens should not be |

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| | <p>Article C7: Marketing communications and children</p> <p>Art.17 Safety and Suitability</p> | <p>inserted in media where the editorial matter is unsuitable for them.</p> <p>Marketing communications directed at children in a particular age group should be appropriate and suitable for such children.</p> <p>Care should be taken to ensure that promotional items, provided they are properly used, do not expose consumers, intermediaries, or any other persons or their property to any harm or danger.</p> <p>Promoters should ensure that their promotional activities are consistent with the principles of social responsibilities contained in the General Provisions, and in particular take reasonable steps to prevent unsuitable or inappropriate materials from reaching children.</p> |
| 4-2-1 Excessive use of premiums and giveaways | Art. 3 Honesty | <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>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p> |
| 4-2-2 Excessive inducement to join membership clubs | Art. 3 Honesty | <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>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p> |
| 4-2-3 Unrealistic presentations using special techniques | Art. 3 Honesty | <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>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p> |
| 4-2-4 Clear distinction between program/editorial content and advertising | Art 7: Identification | <p>Marketing communications should be clearly distinguishable as such, whatever their form and whatever the medium used. When an advertisement, including so-called "native advertising", appears in a medium containing news or editorial matter, it should be so presented that it is readily recognisable as an advertisement and where appropriate, labelled as such.</p> <p>The true commercial purpose of marketing communications should be transparent and not misrepresent their true commercial purpose. Hence, a communication promoting the sale of a product should not be disguised as, for example, market research, consumer surveys, user-generated content, private blogs, private postings on social media or independent reviews</p> |
| 4-2-5 Precautions when using characters, experts, or celebrities to endorse a product or service | <p>Art. 13 Testimonials</p> <p>Art. 14 Portrayal or imitation of persons and references to personal property</p> | <p>Marketing communications should not contain or refer to any testimonial, endorsement or supportive documentation unless it is genuine, verifiable and relevant. Testimonials or endorsements which have become obsolete or misleading through passage of time should not be used. The sponsored nature of an endorsement or testimonial should be made clear through an appropriate disclosure if the form and format of the communication would not otherwise be understood to constitute a sponsored message.</p> <p>Marketing communications should not portray or refer to any persons, whether in a private or a public capacity, unless prior permission has been obtained; nor should marketing communications without prior permission depict or refer to any person's property in a way likely to convey the impression of a personal endorsement of the product or organisation involved.</p> |
| 4-2-6 Precautions when using children in advertisements | Art. 18.3 | Children and teens 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 inappropriate behaviour in light of the expected physical and mental capabilities of the target demographic. |
| 4-2-7 Precautions for advertising and marketing in places where children receive education and on their school commuting route | | |
| 4-2-8 digital marketing and children's personal data/privacy | Art. C7 Marketing Communications and Children | <ul style="list-style-type: none"> • Parents and/or guardians should be encouraged to participate in and/or supervise their children's interactive activities. • Personal data about individuals known to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide support for operational purposes of the website and who do not use or disclose a child's personal |

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| | Art, 19. Data Protection and Privacy Art. 19.4 Children's personal data | <p>information for any other purpose. [...]</p> <ul style="list-style-type: none"> • When personal data is collected from individuals known or reasonably believed to be children, guidance should be provided to parents or legal guardians about protecting children's privacy if feasible. • Children should be encouraged to obtain a parent's or responsible adult's consent before providing personal data via digital interactive media, and reasonable steps should be taken to check that such permission has been given. • Only as much personal data should be collected as is necessary to enable the child to engage in the featured activity. A parent or legal guardian should be notified and consent obtained where required. • Personal data collected from children should not be used to address marketing communications to them, the children's parents or other family members without the consent of the parent. • Personal data about individuals known or reasonably believed to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorized by law. Third parties do not include agents or others who provide technical or operational support to the marketer and who do not use or disclose children's personal data for any other purpose. • For additional rules specific to marketing communications to children using digital interactive media, see chapter C, article C7. |
| 5. Preferred attitude of business enterprises towards advertising and marketing directed to children | <p>Introduction: Interpretation</p> <p>Article 18</p> | <p>This means that marketing communications should be assessed having regard to the knowledge, experience and discriminatory ability of the typical consumer to whom it is directed, as well as social, cultural and linguistic factors. For example, when judging communications addressed to children, their natural credulity and inexperience should always be taken into account.</p> <p>Special care should be taken in marketing communications directed to or featuring children or teens.</p> |
| 5-1 Efforts to conduct advertising and marketing that will not have an adverse impact on children | Art. 18.3 Avoidance of harm | Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens mentally, morally or physically. Children and teens 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 inappropriate behaviour in light of the expected physical and mental capabilities of the target demographic. |
| 5-2 Establishing a division for dealing with complaints, understanding and analyzing complaints, and making continuous improvements | <p>Article 25: Implementation</p> <p>Article 26: Respect for self-regulatory decisions</p> <p>Annex II: Implementation Guide for ICC Marketing Codes</p> | <p>The ICC Code and its principles are generally reflected in the advertising and marketing communications codes of self-regulatory organisations across the world. Complaints under these codes should be made to the relevant self-regulatory organisations.</p> <p>All parties are encouraged to include in their contracts and other agreements pertaining to advertising and other marketing communication, a statement committing the signatories to adhere to the applicable self-regulatory rules and to respect decisions and rulings made by the appropriate self-regulatory body and support its operation.</p> |
| 5-3 Collection and effective use of information from related external organizations and groups | | ICC utilizes its extensive membership network and national committees (+100 countries) to obtain input. Those national committees in turn follow their own procedures to get stakeholder input. |
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| ANNEX 1 Lists of relevant information of the international organizations / lists of relevant research and report | | The list included with the proposal is incomplete and inadequate. |
| ANNEX 2 Example of best practices / Example of risky marketing / Check lists for advertising review organizations | | <p>The ICC Framework for Responsible Environmental Marketing Communications includes a checklist for marketers which is intended to assist advertisers and advertising agencies in identifying when they are making an environmental claim and offers guidance on questions about such advertising.</p> <p>The ICC Ethical Marketing and Advertising online course provides practical guidance, using case studies, and is aimed at developing the skills needed to create, design and deliver responsible marketing</p> |

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| ANNEX 3 Example of complaint handling / example of external organizations / example of PDCA improvement cycle | | The ICC Toolkit on the Benefits of Advertising Self-Regulation in Ensuring Responsible and Compliant Advertising provides insight on the complaints handling procedure in advertising self-regulatory system. |
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