

30 September 2024

**Subject: ICAS & EASA Submission on ISO Proposal for Digital Marketing Standards: Recommendation to Avoid Duplication of Existing Standards**

We are writing on behalf of the International Council for Advertising Self-Regulation ([ICAS](#)) and the European Advertising Standards Alliance ([EASA](#)) in response to the recent proposal for the creation of a new ISO standard and technical committee on "Standardization in the field of terminology, requirements, guidance, practices, tools, and methods for organizations and professionals conducting digital marketing."

While we recognize the good intentions behind this proposal, we have significant concerns that any future ISO standard in this area could duplicate or potentially undermine the application of already existing and well-established international advertising standards. As a result, we respectfully urge ISO members not to proceed with this proposal.

**Key Concerns and Recommendations:**

1. **Established Frameworks Already in Place:** Both ICAS and EASA work closely with a global network of advertising standards bodies/self-regulatory organizations (SROs) that ensure responsible advertising practices. These national programs, rooted in the International Chamber of Commerce (ICC) Marketing Code, already reflect comprehensive standards, including provisions for digital marketing. This is exemplified by the complete adoption by ad standards bodies of EASA's [Best Practice Recommendation on Digital Marketing Communication](#), first published in 2008 and last updated in 2023.
2. **Existing Provisions for Digital Marketing:** The current advertising self-regulation system, which covers digital marketing, has proven to be effective across various markets and is sufficiently adaptable to the rapidly evolving digital landscape. Furthermore, EASA is a front-runner in addressing influencer-related marketing issues, through [various initiatives](#) including online tools, guidance, training and monitoring.
3. **Recent Update of the ICC Code:** The ICC recently published the 11th edition of the [ICC Advertising and Marketing Communications Code](#). This update, the most comprehensive revision in over a decade, includes specific guidance on new technologies such as AI, algorithms, and provides enhanced transparency guidelines, especially around cost, communication, and child protection. Notably, the Code remains technology-neutral and future-proof, making it highly adaptable to new digital developments.
4. **Technological Advancements in SRO Monitoring:** Many ad standards bodies are now leveraging sophisticated technological tools, including AI, to monitor and regulate online advertising. These technological advancements ensure that our self-regulatory systems are well-equipped to address challenges in online marketing, further reducing the need for a new ISO standard.

5. **Risks of Duplication:** Introducing a new ISO standard for digital marketing risks creating a parallel and potentially conflicting framework. Such duplication would only serve to increase complexity, confusion, and inconsistency across global markets, without addressing any pressing needs that aren't already covered by existing frameworks. It may also severely undermine consumer protection efforts, especially at a time when the current existing ad standards system is constantly adapting to consumer concerns and expectations.
6. **Recommendation:** We strongly recommend that this proposal be removed from the ISO workplan. Instead, we encourage ISO members to support the robust, self-regulatory mechanisms already in place, which have successfully promoted responsible advertising while addressing societal concerns such as protecting children and vulnerable groups from harmful advertising.

ICAS and EASA remain committed to collaborating with stakeholders to uphold high standards in advertising and to ensure that regulations keep pace with digital innovation. We believe that this goal can best be achieved by supporting and enhancing the frameworks that are already well-established rather than introducing new layers of standardization.

### What is Advertising Self-Regulation and What Do Self-Regulatory Organizations (SROs) Do?

Advertising self-regulation is the result of a collaborative effort between the entire advertising ecosystem—advertisers, agencies, and media organizations—to ensure responsible advertising. It involves:

- Developing robust advertising standards at the national level;
- Establishing a system for adopting, reviewing, and applying these standards;
- Creating a well-funded Self-Regulatory Organization (SRO) that independently monitors and enforces these standards.

### Core Principles of an Effective Advertising Self-Regulation System:

#### High Advertising Standards:

A self-regulatory code of conduct or guiding principles for advertising is crucial for an effective self-regulation system. Most self-regulatory standards are based on the following key principles:

- All advertisements must be legal, decent, honest, and truthful, with a strong sense of social responsibility.
- Ads must conform to fair competition principles and comply with competition laws.
- No ad should undermine public confidence in advertising.

Advertising standards in most countries are based on the **International Chamber of Commerce (ICC) Advertising and Marketing Communications Code**, with national adaptations reflecting each country’s legal, social, cultural, and economic specifics. Codes may contain specific provisions, which are agreed upon by an independent standards body within the SRO and updated regularly. These standards are often accompanied by sector-specific guidelines (e.g., for alcohol, cosmetics) and issue-specific guidance (e.g., advertising to children, influencer marketing etc.).

### Comprehensive Coverage:

Advertising standards cover all forms of marketing communications across all media, including digital marketing and influencer campaigns, as well as ads generated by AI. The standards apply to most, if not all, commercial actors in the advertising ecosystem. High standards are critical, as loss of consumer trust can damage the entire industry.

### Proactive Compliance, Training, and Monitoring:

SROs offer a range of services to raise awareness of advertising standards. These include educational programs—such as courses, certifications, conferences—and partnerships with educational institutions.

Many SROs also offer **copy advice**, providing feedback on whether ads comply with local standards before they are aired or published. Some SROs require **pre-clearance** of ads, particularly in sensitive sectors such as healthcare, children’s advertising, or financial services.

SROs are increasingly using **AI-driven data monitoring** to proactively identify problematic advertising practices, particularly online. This data informs updates to SRO guidelines.

In addition, some SROs also offer mediation services (e.g., in the telecom sector) and specialized services to address privacy and data protection issues in marketing.

### Effective and Impartial Dispute Resolution:

SROs provide a fast, cost-free, and impartial complaint resolution system for consumers. Complaints are typically reviewed by an independent body within the SRO, separate from the standards-making body, to ensure independence and objectivity in determining whether an ad violates self-regulatory standards or applicable advertising laws. In some systems, qualified expert staff handle the decisions directly.

### Transparency:

To ensure accountability, SROs generally publish their rulings or summaries of

decisions online. This transparency helps maintain public trust and reinforces the integrity of the self-regulatory system.

### Effective Sanctions:

Most advertisers voluntarily comply with SRO decisions, either withdrawing or modifying ads that breach standards. If they refuse, SROs can request that media outlets stop airing or publishing the ad. In cases of continued non-compliance, SROs may refer the matter to statutory authorities. These mechanisms—tailored to each SRO’s procedures and legal framework—have proven highly effective in promoting adherence to self-regulatory decisions and ensuring responsible advertising.

## 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. See the ICAS Charter Commitments [here](#). This Charter builds on the [European Advertising Self-Regulation Charter of EASA](#) which has been in existence since 2004.

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.

Similarly, EASA actively supports the development of national ad standards bodies and their related self-regulatory network to ensure broad buy-in from industry and recognition from policymakers. Through its broad network of [local ad standards bodies](#), [industry](#) and [digital players](#), and [activation guides](#), EASA is at the forefront of promoting responsible advertising at local and European levels.

## 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)<sup>1</sup> and the Organisation for Economic Cooperation and Development (OECD)<sup>2</sup> 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'<sup>3</sup> 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 package<sup>4</sup> 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<sup>5</sup> offering a first line of compliance enforcement, reducing the burden on regulators.

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<sup>1</sup> [Asia Pacific Economic Cooperation \(APEC\) Joint Ministerial Statement](#), APEC, 2017

<sup>2</sup> 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>

<sup>3</sup> UNCTAD Guidelines for Consumer Protection, 2015. [https://unctad.org/system/files/official-document/ditccplpmisc2016d1\\_en.pdf](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](https://unctad.org/system/files/official-document/ditccplp2017d1_en.pdf)

<sup>4</sup> [European Union's Better Regulation Package](#), European Commission, 2015

<sup>5</sup> 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

In conclusion, we urge ISO members to reconsider advancing this proposal for a new digital marketing standard, given the robust frameworks that already exist under the guidance of national SROs and organizations like ICAS and EASA. These self-regulatory systems, backed by the ICC Marketing Code, have long ensured responsible advertising practices, including provisions for digital marketing. The recent update of the ICC Code, which addresses emerging technologies like AI, further demonstrates the ability of current standards to evolve and adapt to new challenges.

Moreover, with many SROs already using advanced technologies to monitor and regulate online advertising, including AI-powered tools, the self-regulatory system is more than capable of addressing the complexities of digital marketing. Introducing an ISO standard risks duplicating efforts and creating inconsistencies across global markets, which would only add unnecessary complexity and confusion.

Therefore, we recommend focusing on enhancing the existing self-regulatory frameworks, which have proven effective in promoting responsible advertising while protecting consumers and addressing societal concerns. Supporting these established mechanisms will allow for continued innovation and high standards in advertising without introducing redundant standards.

We appreciate your consideration and look forward to continued collaboration.

## **Annex I - Relevant extracts of 2024 ICC Code provisions**

### **Chapter C – Data Driven Marketing, Direct Marketing and Digital Marketing Communications**

#### **Scope of Chapter C**

Unless specifically indicated otherwise, this chapter applies to all participants in the data driven marketing, digital marketing and direct marketing eco-system and their marketing communications activities. It sets standards of ethical conduct to be followed by all parties involved in data driven, digital and direct marketing communications.

These rules, as well as the General Provisions, apply regardless of how marketing communications are created, modified or delivered, i.e., whether by humans or through automated means, such as AI and algorithms. Those employing such automated technologies should exercise due oversight to ensure that they meet ethical standards and maintain compliance with the Code, commensurate with their role in the process (see Article C1, Responsibility).

The rules are designed to be technology neutral and future proof. Companies should seek to apply the Code as soon as possible to new technologies.

Due to the rapidly changing and developing nature of digital interactive media, additional guidance regarding interpretation and application of these rules is made by the ICC where necessary and can be found on the ICC [website's page](#) concerning Marketing Communications and Advertising codes.

#### **Terms specific to data driven marketing, digital marketing and direct marketing communications**

- the term “**data driven marketing**” is the communication, by whatever means, of advertising or marketing material based on the processing of data (personal or non-personal) acquired through direct interactions with individuals or through third parties to gain insights on, for example, customer interests, trends and behaviors
- the term “**digital marketing communications**” refers to marketing communications, using digital advertising or digital interactive media, including virtual universes, platforms and channels, intended primarily to promote products or to influence consumer behaviour
- “**direct marketing**” is the communication, by whatever means, of advertising or marketing material carried out by a direct marketer itself or on its behalf, and which is delivered to particular individuals using their personal contact information (including mailing address, telephone number, email address, fax, personal social media account handle, and the like, but for the avoidance of

doubt, excluding online advertising displayed within a website, app or other property visited by the individual)

## **General Provisions For Data Driven Marketing, Digital Marketing And Direct Marketing Communications**

### **Article C1 – Responsibility**

As defined in Article 24 (Code Responsibility) of the General Provisions, whatever the nature of the activity, medium or technology, responsibility for data driven, digital and direct marketing activities is shared by all the parties concerned, commensurate with their respective role in the process and within the limits of their respective functions. All parties concerned need to take into account that responsibility also applies to other participants in the data driven marketing, digital marketing and direct marketing ecosystem including:

- operators, telemarketers or data controllers, or their digital ad agencies, other service providers and their subcontractors, who contribute to the activity or communication
- interest-based advertising, data analytics and ad technology companies; publishers, platforms and channels, media-owners, affiliate networks or contractors who publish, transmit or distribute the offer or any other marketing communication
- market influencers, bloggers and vloggers
- those responsible for preparing algorithms for marketing communications, and
- those responsible for designing virtual universes

### **Article C2 – Identification and transparency**

Marketing communications should be properly identified, subject descriptors should be accurate and the commercial nature of communications, as well as the identity of the marketer, should be transparent to consumers in accordance with Articles 7-8 of the General Provisions.

### **Article C3 – Presentation of the offer**

The terms of offers should be presented in a transparent and understandable manner in accordance with Article 11 (Presentation of the Offer) of the General Provisions.

### **Article C4 – Transparency on cost of communication**

Where the cost to consumers of accessing a message or communicating with the marketer is higher than the standard cost of that mode of communications, e.g. “premium rate” for an online message, connection or telephone number, this cost should be made clear to consumers, expressed either as “cost per minute,” “cost per message,” “message or data rates may apply,” or other similar means likely to be understood by the consumer. When this information is provided on-line, consumers should be clearly informed of applicable charges at the time when they are about to access the message or online service and be allowed a reasonable period of time to disconnect without incurring the charge.

Where a communication involves such a cost, the consumer should not be kept waiting for an unreasonably long time in order to achieve the purpose of the communication and calls should not be charged until the consumer can begin to fulfil that purpose. Such costs should not be charged for calls or other types of interactions aimed at making a complaint or receiving information on an ongoing order process.

#### **Article C5 – Respect for children**

All parties involved in the creation and targeting of data driven, digital and direct marketing communications should take special care to comply with Article 22 of the Code on data protection and privacy, Article C.17.8 and Chapter E pertaining to marketing communications directed to or featuring children or teens.

### **Digital Marketing**

The following provisions apply specifically to digital marketing:

#### **Article C15 – Respect for public groups and review sites**

Where digital interactive media (e.g., news groups, forums, blogs, vlogs, bulletin boards, wiki sites) has rules and standards of acceptable commercial behaviour, these should be respected. Marketing communications should only be posted to such places when the forum or site has implicitly or explicitly indicated its willingness to receive such communications. Such communications should be suitably identified.

#### **Article C16 - Respecting consumer use of digital interactive media**

Due care should be taken to ensure that digital marketing communications and/or any application used to enable consumers to open other marketing or advertising messages, do not unduly interfere with the consumer's usage or experience of digital interactive media.

### **Data Driven Marketing**

The following articles apply specifically to data driven marketing.

Participants in data driven marketing should take special care to comply with Article 22 (data protection and privacy) of the General Provisions.

#### **Article C17 – Interest-based advertising (IBA)**

##### **Scope**

The following applies to IBA focusing on web viewing behaviour over time and across multiple web domains or applications owned and operated by different unaffiliated entities in order to create interest segments (a collection of users that share one or more attributes based on prior and current online browsing activity) or to associate such viewing behaviour against interest segments for the purposes of delivering advertisements to and by that web user's interests and preferences.

These provisions apply to all individuals and entities engaged in such activities online.

##### **Definition of terms specific to IBA provisions**

- the term “**interest-based advertising**” or “**IBA**”, and also referred to as “online behavioural advertising” or “**OBA**” refers to the practice of collecting information over time on users' online actions on a particular device across different unaffiliated websites or applications in order to create interest segments or to

allocate such viewing behaviour against interest segments for the purposes of delivering advertisements to and by that web user's interests and preferences. It pertains to advertising operations on desktop, in mobile, video or TV, social, or IoT settings, and includes tracking and targeting across devices. IBA does not include quantitative ad delivery or quantitative ad reporting, or contextual advertising (e.g., advertising based on the content of the web page being visited, a consumer's current visit to a web page, or a search query)

- in the context of IBA, the term “**third party**” refers to an entity that engages in IBA on a digital property other than a digital property which it or an entity under common control owns or operates
- in the context of IBA, the term “**first party**” refers to an entity that engages in IBA on a digital property which it or an entity under common control owns or operates.
- the term “**consent**” means an individual's freely given, specific and informed indication in response to a clear and conspicuous notice regarding the collection and use of data for online behavioral advertising purposes
- the term “**user-facing portal**” refers to an internet-user-focused site and educational portal, that provides, at a minimum, a mechanism for users to receive more information and means to exercise choice with respect to the collection and use of data for IBA purposes by one or more third parties or links to a mechanism permitting user choice over IBA

### **Application of notice and choice provisions**

Any party participating in IBA should adhere to principles of notice and user control as set out below. Transparency of data collection and use, and the ability for users and consumers to choose whether to share their data for IBA purposes is vital. The following guidance provides further clarification for how these principles apply to IBA.

#### **C17.1 Notice**

Through company-specific measures and/or complementary industry frameworks that are user-friendly, accessible and intuitive - such as those featuring prominent markings - third parties and website operators should provide meaningful transparency by giving clear and conspicuous notice of their IBA data collection and use practices. Such notice may refer to the relevant self-regulatory guidance and industry best practices in each jurisdiction (for instance EDAA in Europe, DAA/DAAC in North America). Notice should be provided through deployment of one or multiple mechanisms for clearly disclosing and informing Internet users about data collection and use practices<sup>6</sup>.

#### **C17.2 User control**

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<sup>6</sup> Examples of how third parties, and where applicable website operators can provide notice of the collection of data for IBA purposes include mechanisms like an icon that links to a disclosure either in or around the advertisement delivered on the web page where data for IBA purposes is collected or somewhere else on the web page; or through a web link to an industry-developed website(s) where third parties are individually listed.

Through company-specific measures and/or complementary industry frameworks that are user-friendly, accessible and intuitive, third parties should make available a mechanism for web users to exercise their choice with respect to the collection and use of data for IBA. Such choice should be available via a link from the notice mechanisms described in footnote 10.

### **C17.3 Enforcement**

Third parties' compliance to the principles of notice and user control should be subject to mechanisms coordinated by national-level and - where applicable - international-level enforcement bodies (e.g. advertising self-regulatory organisations). Third parties that do not respect these principles should be subject to the applicable sanctions administered by the aforementioned bodies. Third parties may choose to undergo independent certifications to verify their compliance.

### **C17.4 Education**

Third parties are encouraged to point towards a consistent, common resource for the education of consumers on jurisdiction-specific multi-language user-facing portals, that provide periodically updated information in a user-friendly language and different formats - e.g., useful videos, jargon buster, etc. Third parties may - and are encouraged to - contribute materials for potential inclusion on the user-facing portals, where applicable, in support of this furthering the educational goals.

### **C17.5 Precise location**

Precise location data is location data that describes the precise location of a device derived through any technology that is capable of determining with reasonable specificity the actual physical location of an individual or device, such as GPS-level latitude/longitude coordinates or location-based frequency signal triangulation. Location data includes unique values assigned or attributed to a device or a unique combination of characteristics associated with a device where combined with location data. For example, location data may include data obtained from cell tower triangulation techniques or Wi-Fi, latitude- longitude coordinates obtained through GPS technology, or beacons using Bluetooth technology. This is relevant for both IBA based on marketing communications delivered to a group of devices as well as an individual device only. Location data does not include registration details, including postcodes, city name or billing address, or general geographic information derived from an IP address.

Privacy disclosures should make clear the ways in which sites, apps, and services (including, for example, Application Programming Interfaces (APIs) and Software Development Kits (SDKs) available for use by third parties access, use, and share precise geolocation data. Companies should also disclose all mechanisms through which location information is collected (e.g., Wi-Fi, Basic Service Set Identifier (BSSID)) and ensure that consumer choice related to collection of location data is never circumvented (by collecting Wi-Fi state, for example, when other location services are turned off).

After serving and delivering an IBA ad based on precise location data in real time, such data should be retained only for the purposes and periods specified at the time of collection.

#### **C17.6 Cross device tracking**

Disclosures and choices offered to consumers and to the first-party companies on whose websites and apps cross-device tracking companies appear should address the many forms of tracking used, including any proprietary techniques that combine technologies (e.g., cookies, fingerprinting, cookie syncing, as well as alternative cookieless technologies). These disclosures should also disclose tracking across multiple devices.

Users should not be led to believe tracking is more limited than it is, or that they have blocked all tracking across all apps, browsers and user devices when that is not the case. If the choices offered do not cover all the ways companies track consumers, then this should be clearly and prominently indicated.

#### **C17.7 Data security**

Appropriate physical, electronic, and administrative safeguards to protect the data collected and used for IBA purposes should be maintained at all times.

Data that is collected and used for IBA should only be retained for as long as necessary to fulfil a legitimate business need, or as otherwise permitted by law.

Reasonable industry-accepted protocols for data storage or disposal should be utilised.

#### **C17.8 Children**

Segments specifically designed to target known children for IBA purposes should not include children whose parent or legal guardian has not given appropriate consent.

#### **C17.9 Sensitive data segmentation**

Those seeking to create or use IBA segments relying on the use of sensitive data as defined under applicable law should obtain a web user's prior consent.

## About ICAS and EASA

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**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 America 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 September 2024, ICAS has 35 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>

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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 15 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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