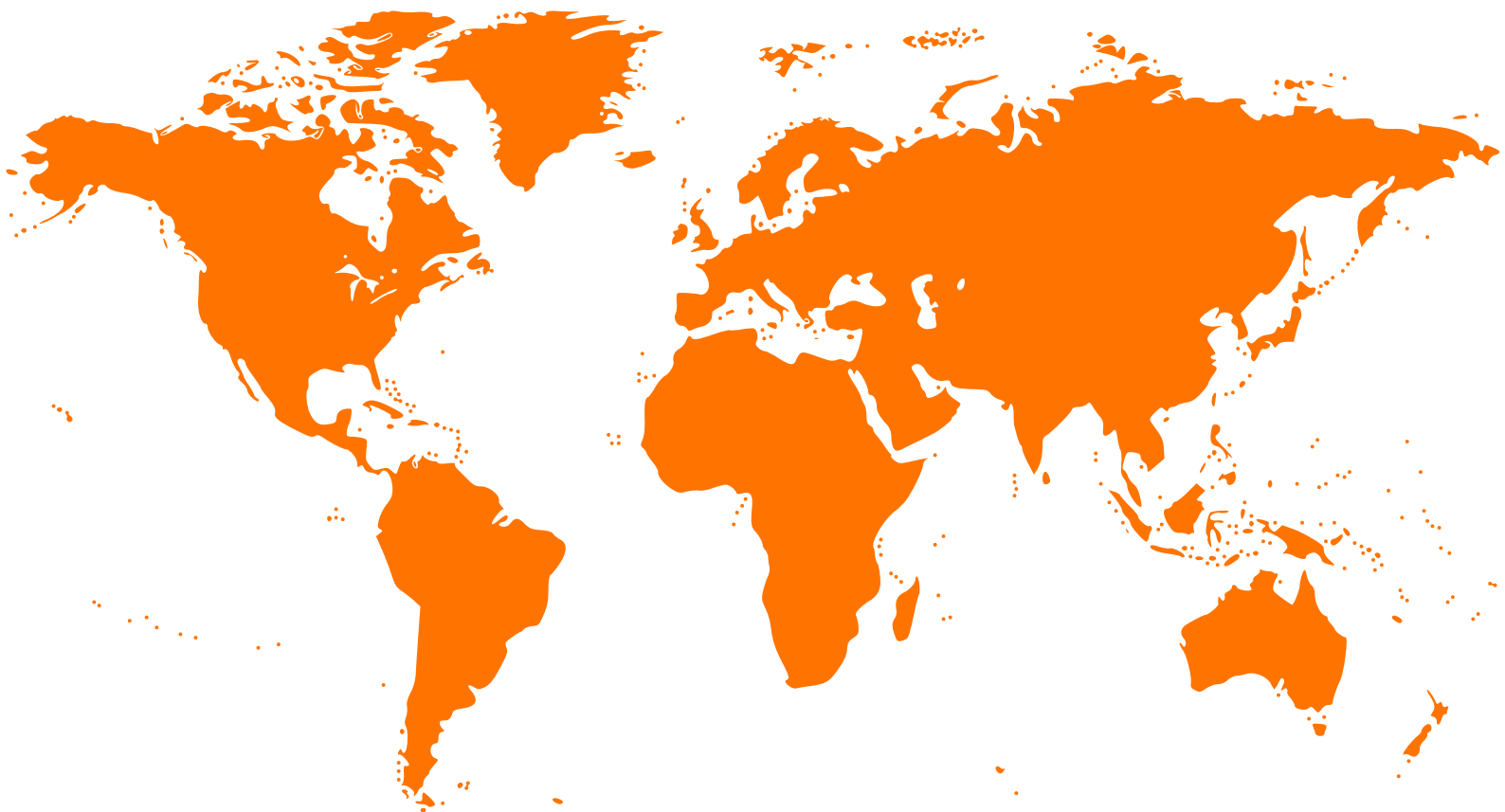


# CHARTER

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## CHARTER OF THE INTERNATIONAL COUNCIL FOR ADVERTISING SELF-REGULATION



# INTRODUCTION

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The International Council for Advertising Self-Regulation (ICAS) has been set up as a global platform to promote responsible advertising through effective advertising self-regulation. It brings together a network of Self-Regulatory Organizations (SROs) from Africa, Asia-Pacific, Europe and North & South America, as well as global associations representing the advertising industry and experts on global advertising and marketing laws.

Advertising self-regulation has been successful for many decades and is being established in a growing number of countries. It is defined by an effective collaboration of the advertising industry in developing robust advertising standards at a national level, a system for adoption, review and application of these standards and by funding a Self-Regulatory Organization that then independently monitors and enforces these standards at local level.

This type of effective self-regulation is supported by national governments and international and supranational bodies such as APEC, EU Institutions, the OECD and the UN, because it has numerous benefits for policy makers, consumers, marketers, and society as a whole.

While the concept of advertising self-regulation as defined above is universally understood, the actual systems in place in every country are what brings the concept to life. And these systems are as varied and diverse as the countries themselves. Differences in language, cultural sensitivities, business practices and legal requirements mean that a universal model would be unlikely to achieve effective outcomes. Effective self-regulation requires the development of solutions tailored to local characteristics and depends heavily on the local legislative landscape.

However, in a world that is increasingly digital and interconnected, where companies trade globally, and consumers have access to information, goods and services worldwide, ICAS members strongly believe that it is important to strive for a strong international, self-regulatory network, creating a global level-playing field for businesses and a high level of consumer protection worldwide.

In this spirit, they are committed to working together towards upholding high standards in advertising self-regulation, this in an increasing number of markets and – for the benefit of global consumers and businesses – to strive for a high level of co-operation, coherence and consistency wherever possible.

The ICAS Charter sets out the goals for self-regulatory systems while recognizing that the means of achieving these goals may differ.

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# CHARTER

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We, the undersigned representatives of the global advertising industry and members of the International Council for Advertising Self-Regulation (ICAS), are committing to effective advertising self-regulation as the best means to ensure responsible advertising for the benefit of consumers and businesses worldwide.

We strongly believe that effective advertising self-regulation demonstrates industry's ability but also responsibility to successfully regulate itself, by actively promoting the highest ethical standards in all commercial communications and thus safeguarding the public and consumer interest. We further believe that contractual relationships between advertisers, agencies and the various media channels and platforms should recognize the need for responsible marketing communications and that all the different industry stakeholders should support and promote effective advertising self-regulation.

## We declare:

- That effective self-regulation provides compelling evidence of business' commitment to responsible advertising and Corporate Social Responsibility;
- That effective self-regulation supported by statutory enforcement authorities helps protect consumers and provides a level playing field for businesses and thus can increase trust in advertising and brands, which is essential for the success of a global economy;
- That national and international governmental organizations have recognized the important role self-regulation plays in achieving public objectives , not only when it comes to the prevention of bad practices in commercial<sup>1</sup> communications but in encouraging and promoting good practices ;
- Legislation alone cannot achieve these aims on<sup>2</sup> its own while maintaining the key qualities of a self-regulatory system , but it can provide legal backstop for self-regulatory organizations<sup>3</sup> in cases where businesses repeatedly and deliberately breach self-regulatory codes or advertising laws;
- That the continued acceptance of self-regulation by consumers and national governments and the buy-in of the advertising industry can best be assured by the application of common principles and high standards of best practice in all self-regulatory systems across the world.

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<sup>1</sup> 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).

<sup>2</sup> "Self regulation can provide good practices, not just prevent bad practices", see UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD). Manual on consumer protection, 2018; [https://unctad.org/en/PublicationsLibrary/ditccplp2017d1\\_en.pdf](https://unctad.org/en/PublicationsLibrary/ditccplp2017d1_en.pdf), p. 43.

<sup>3</sup> National advertising self-regulatory bodies provide many different services beyond pure enforcement measures. They help educate and thus avoid problems before they happen by providing training and copy advice. They keep track of key concerns about advertising and take steps to address them when needed. Self-regulation is also more efficient and faster than the legal process in complaint handling but also in adapting to technological and societal changes.

## To this end, we confirm our commitment to achieving:

1. **High standards:** To put into place comprehensive and effective codes of advertising practices and/or high advertising standards<sup>4</sup>, in compliance with applicable laws and fundamental rights;
2. **Universality and comprehensive coverage:** To engage self-regulatory systems of all forms of commercial communications and bring together as many actors of the advertising industry as possible, including advertisers, agencies, media/publishers and platforms;
3. **Inclusivity and Openness:** To regularly communicate with other interested parties such as civil society and public authorities and to involve them where appropriate and necessary<sup>5</sup>;
4. **Independence:** To set up and fund a self-regulatory body, an SRO, that administers and enforces the codes/standards independently from the government, specific interest groups and the advertising industry<sup>6</sup>;
5. **Sustainable Funding:** The advertising industry to ensure adequate and sustained funding proportionate to the advertising expenditure and/or market share in each country;
6. **Advice and Training:** To provide advice (e.g. copy advice) and training to industry practitioners in order to raise awareness and standards;
7. **Effective and impartial dispute resolution:** To provide a quick, efficient and impartial complaint resolution system. Non-compliance of industry actors should be subject to a staggered scale of sanctions;
8. **Monitoring and Evaluation:** Where possible to proactively monitor industry compliance with applicable advertising codes, standards and/or the applicable advertising laws as well as to regularly evaluate the advertising codes and performance of the self-regulatory system to better reflect changes in technology or societal needs. Based on the identified issues to strive for a regular improvement of the advertising codes/standards or the self-regulatory system itself to ensure the efficiency and effectiveness of advertising self-regulation;
9. **Technological innovation:** To keep pace with changes in the media and the corresponding advertising landscapes in order to effectively regulate advertising, including online advertising. Where possible, to invest in improved technology including automation and artificial intelligence.
10. **Accountability and Transparency:** To strive for a high awareness of the self-regulatory system by the industry, consumers and regulatory authorities and to communicate publicly in a transparent manner about the activities and enforcement actions of the self-regulatory system.

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<sup>4</sup> To ensure consistency, advertising codes should where possible be based on the universally accepted Advertising and Marketing Communications Code of the International Chamber of Commerce (ICC) applicable to all forms of marketing communications. It may subsequently be extended and developed in response to national requirements.

<sup>5</sup> A Self-Regulatory System can achieve this by seeking non-binding consultation with relevant external stakeholders when (re-)drafting its Code(s) and by making sure that it includes members of civil society in the form of lay experts in its jury or complaints committee.

<sup>6</sup> If advertising industry professionals are involved in administering the codes/standards, for example through their membership of a jury, they act both impartially and as individuals, bringing their expertise to bear but seeking to reflect the likely perspective of public.