



Commission on Marketing and Advertising

ICC comments on Codex Discussion Paper on Advertising CL 2004/54-FL

ICC recognizes the important mission of Codex Alimentarius in protecting the health of consumers and ensuring fair practices in the food trade. ICC also supports the efforts of Codex Alimentarius to promote coordination of all food standards work undertaken by intergovernmental and non-governmental organizations.

The Codex Committee on Food labelling (CCFL) was established to focus on provisions on labelling applicable to all foods. Recently, CCFL has considered undertaking projects on advertising in relation to health and nutrition claims, including a definition of advertising, as complementary to labelling, in view of the terms of reference of the Committee. Regulations and standards for claims on food labels and claims in advertising are neither identical, nor need to be identical, to appropriately serve the communications goal. Advertising and labelling face very different constraints in terms of space, time, costs and objectives. Consequently, they are treated under different regulatory regimes at national level.

As it has been pointed out by participants in Codex themselves, “advertising” is already defined and regulated under national law, so this proposed initiative by Codex is perplexing. There are no deficiencies in current definitions which could or should be appropriately addressed by Codex. Moreover, ICC is seriously concerned that the proposed Codex work in the field of food advertising would undermine the successful and robust advertising self-regulatory system currently in place.

For the last 70 years, world business has worked through ICC to promote high standards of ethics by business self-regulation through the ICC international advertising and marketing codes. These codes have been implemented, referenced and endorsed by companies, associations, governments and national organizations across the world. The ICC codes govern all products, including food and beverage products. In the case of food and beverage products, the ICC International Code of Advertising Practice has been supplemented by a Framework on Responsible Food and Beverage Communications to provide further guidance for industry and self-regulatory bodies. The result, with the ICC Codes as a guide, is a dynamic system of advertising self-regulation which on a daily basis benefits consumers, governments and businesses by providing accessible, effective and flexible mechanisms to handle complaints and enforce the self-regulatory framework for advertising communications, including food and beverage advertising.



ICC codes on marketing and advertising

The ICC codes set forth ethical principles on advertising aimed at protecting consumers, including special provisions on children and young people. The ICC International Code of Advertising Practice applies to the advertising of food and beverage products, just as it does to other advertised products, and has been supplemented through the adoption of the ICC Framework on Responsible Food and Beverage Communications. Below are relevant examples of principles established by the ICC International Code of Advertising Practice and the Framework on Responsible Food and Beverage Communications:

- All advertising should be legal, decent, honest and truthful. Every advertisement should be prepared with a due sense of social responsibility.
(Article 1, International Code of Advertising Practice – see Annex 1)
- Descriptions, claims or illustrations relating to verifiable facts should be capable of substantiation.
(Article 21, International Code of Advertising Practice – see Annex 1)
- Information provided with the product should include proper directions for use and full instructions covering health and safety warnings whenever necessary.
(Article 15, International Code of Advertising Practice - see Annex 1)
- Advertisements should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.
(Article 3, International Code of Advertising Practice - see Annex 1)
- Advertisements should not contain any statement or visual presentation which directly or by implication, omission, ambiguity or exaggerated claim is likely to mislead the consumer.
(Article 5, International Code of Advertising Practice - see Annex 1)
- Food and beverage advertisements should not encourage or condone excess consumption and portion sizes should be appropriate to the setting portrayed. Advertising should not undermine the importance of healthy lifestyles.
(ICC Framework on responsible food and beverage communications - see Annex 2)
- Claims about nutrition and health benefits should have a sound scientific basis. The claims should be conveyed consistent with the nature and scope of the evidence, providing the consumer with supportable information. The claim should also be judged by the likely perception of the reasonable consumer, especially where children and young people are concerned.
(ICC Framework on responsible food and beverage communications - see Annex 2)
- Where claims or terminology used in advertisements might reasonably be interpreted by a consumer as health or nutrition claims, they should be supportable with appropriate scientific evidence.
(ICC Framework on responsible food and beverage communications - see Annex 2)
- Food and beverage advertisements should not mislead consumers about potential health or other benefits from the consumption of the advertised product.
(ICC Framework on responsible food and beverage communications - see Annex 2)



The benefits of self-regulation

ICC firmly believes that there is no need for the Codex Commission and CCFL to prepare specific texts on food and beverage advertising or definitions of advertising in relation to health and nutrition. Indeed, any further work by CCFL in this field would add complexity to the existing legal framework at an international and national level, increase cost to companies and put SMEs in a competitive difficulty given their lack of sophisticated legal infrastructure to cope with additional laws. It is also important to note how further regulatory work would jeopardize the benefits of the existing self-regulatory system including:

- the ability to swiftly update codes to address new issues. The ICC Commission on Marketing and Advertising keeps the codes under constant review, adjusting them when necessary to meet changing public sensitivities and the demands of new technologies. For example, in order to address the international focus on nutrition and health, ICC called on food and beverage companies to champion the ICC Framework on Responsible Food and Beverage Communications, which offers additional guidance on how existing general principles of truthful and fair advertising reflected in the ICC International Advertising Code apply to food and beverage communications.
- a set of universal standards that can be accepted by different cultures and political systems. The self-regulatory codes and guidelines offer a basis for national codes applied by professional associations.
- a true global consensus with buy-in from business. ICC's unique consensus building process means that the self-regulatory codes reflect the views of companies from all sectors, of all sizes, and from developed, transition and developing economies.
- an effective and cost-efficient system. Self-regulation assures consumers of ethical and responsible advertising. It reduces costs that otherwise would be required for governments to legislate and administer detailed regulatory codes.



Adoption of existing standards

ICC respectfully encourages Codex to acknowledge, endorse and promote existing international advertising standards, which have roots in a solid historical tradition of responsible and ethical advertising practices, and maintain its focus on food safety, quality and science. In essence, the principle of advertising substantiation that is at the heart of the ICC Codes serves to establish that claims in labelling and advertising will not be contradictory.

These considerations were taken into account by CCFL's 18th Session as well as the Codex Alimentarius Commission's 16th and 19th Sessions. ICC believes that these decisions are still valid.

ICC would welcome a dialogue with Codex Alimentarius and its member governments, delegations and observers on issues that may arise from discussions within CCFL related to advertising and marketing communications.

About ICC

ICC is the world business organization, the only representative body that speaks with authority on behalf of enterprises from all sectors in every part of the world. ICC promotes an open international trade and investment system and the market economy. Business leaders and experts drawn from the ICC membership establish the business stance on broad issues of trade and investment policy as well as on vital technical and sectoral subjects. ICC was founded in 1919 and today it groups thousands of member companies and associations from over 130 countries. Within a year of the creation of the United Nations, ICC was granted consultative status at the highest level with the UN and its specialized agencies.



ANNEX 1

ICC International Code of Advertising Practice

Commission on Marketing, Advertising and Distribution, April 1997

Introduction

This edition of the ICC International Code of Advertising Practice follows the well-established policy of the ICC of promoting high standards of ethics in marketing via self-regulatory codes intended to complement the existing frameworks of national and international law. The Code, which was first issued in 1937, and revised in 1949, 1955, 1966, 1973 and 1987, is an expression of the business community's recognition of its social responsibilities in respect of commercial communications. The globalization of the world's economies, and the intense competition which ensues therefrom, require the international business community to adopt standard rules. The adoption of these self-disciplinary rules is the best way that business leaders have of demonstrating that they are motivated by a sense of social responsibility, particularly in light of the increased liberalization of markets. A manifestation of this commitment to social responsibility is to be found in the ICC's decision to incorporate formally within this code the former ICC Guidelines for Advertising Addressed to Children.

This edition combines past experience with current thinking based on the concept of advertising as a means of communication between sellers and customers. In this respect the ICC considers freedom of communication (as embodied in article 19 of the United Nations International Covenant of Civil and Political Rights) as a fundamental principle.

The Code is designed primarily as an instrument for self-discipline but it is also intended for use by the Courts as a reference document within the framework of applicable laws.

The ICC believes that this new edition of the Code will promote adherence to high standards of commercial communications leading to efficient international markets and significant consumer benefits.

Scope of the Code

The Code applies to all advertisements for the promotion of any form of goods and services. It should be read in conjunction with the other ICC Codes of Marketing Practice, namely:

- ICC International Code of Sales Promotion
- ICC International Code of Practice on Direct Marketing
- ICC Code on Environmental Advertising
- ICC Code on Sponsorship
- ICC/ESOMAR International Code of Marketing and Social Research Practice

The Code sets standards of ethical conduct to be followed by all concerned with advertising, whether as marketers or advertisers, advertising practitioners or agencies, or media, and is to be applied against the background of the applicable law.

Interpretation

The Code is to be applied in the spirit as well as in the letter.

Because of the different characteristics of the various media (press, television, radio and other broadcast media, outdoor advertising, films, direct mail, fax, e-mail, Internet and online services, etc.) an advertisement which is acceptable for one medium may not necessarily be acceptable for another. Advertisements, therefore, should be judged by their likely impact on the consumer, bearing in mind the medium used.

The Code applies to the entire content of an advertisement, including all words and numbers (spoken and written), visual presentations, music and sound effects.



Definitions

For the purpose of this code:

- the term "advertisement" is taken in its broadest sense, and means any form of advertising for goods or services, regardless of the medium used;
- the term "product" refers to any good or service;
- the term "consumer" refers to any person to whom an advertisement is addressed or who can reasonably be expected to be reached by it whether as a final consumer or as a trade customer or user.

Basic Principles

Article 1

All advertising should be legal, decent, honest and truthful.

Every advertisement should be prepared with a due sense of social responsibility and should conform to the principles of fair competition, as generally accepted in business.

No advertisement should be such as to impair public confidence in advertising.

Decency

Article 2

Advertisements should not contain statements or visual presentations which offend prevailing standards of decency.

Honesty

Article 3

Advertisements should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.

Social Responsibility

Article 4

1. Advertisements should not condone any form of discrimination, including that based upon race, national origin, religion, sex or age, nor should they in any way undermine human dignity.
2. Advertisements should not without justifiable reason play on fear.
3. Advertisements should not appear to condone or incite violence, nor to encourage unlawful or reprehensible behaviour.
4. Advertisements should not play on superstition.

Truthful presentation

Article 5

1. Advertisements should not contain any statement or visual presentation which directly or by implication, omission, ambiguity or exaggerated claim is likely to mislead the consumer, in particular with regard to
 - a. characteristics such as: nature, composition, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact;
 - b. the value of the product and the total price actually to be paid;
 - c. delivery, exchange, return, repair and maintenance;
 - d. terms of guarantee;
 - e. copyright and industrial property rights such as patents, trade marks, designs and models and trade names;
 - f. official recognition or approval, awards of medals, prizes and diplomas;
 - g. the extent of benefits for charitable causes.
2. Advertisements should not misuse research results or quotations from technical and scientific publications. Statistics should not be so presented as to exaggerate the validity of advertising claims. Scientific terms should not be used to falsely ascribe scientific validity to advertising claims.



Comparisons

Article 6

Advertisements containing comparisons should be so designed that the comparison is not likely to mislead, and should comply with the principles of fair competition. Points of comparison should be based on facts which can be substantiated and should not be unfairly selected.

Denigration

Article 7

Advertisements should not denigrate any firm, organization, industrial or commercial activity, profession or product by seeking to bring it or them into public contempt or ridicule, or in any similar way.

Testimonials

Article 8

Advertisements should not contain or refer to any testimonial or endorsement unless it is genuine, verifiable, relevant and based on personal experience or knowledge. Testimonials or endorsements which have become obsolete or misleading through passage of time should not be used.

Portrayal or imitation of personal property

Article 9

Advertisements should not portray or refer to any persons, whether in a private or a public capacity, unless prior permission has been obtained; nor should advertisements without prior permission depict or refer to any person's property in a way likely to convey the impression of a personal endorsement.

Exploitation of goodwill

Article 10

Advertisements should not make unjustifiable use of the name, initials, logo and/or trademarks of another firm, company or institution nor should advertisements in any way take undue advantage of another firm, person or institution's goodwill in its name, trade name or other intellectual property, nor should advertisements take advantage of the goodwill earned by other advertising campaigns.

Imitation

Article 11

1. Advertisements should not imitate the general layout, text, slogan, visual presentation, music and sound effects, etc., of any other advertisements in a way that is likely to mislead or confuse the consumer.
2. Where advertisers have established distinctive advertising campaigns in one or more countries, other advertisers should not unduly imitate these campaigns in the other countries where the former may operate, thus preventing them from extending their campaigns within a reasonable period of time to such countries.

Identification of advertisements

Article 12

Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when an advertisement appears in a medium which contains news or editorial matter, it should be so presented that it will be readily recognized as an advertisement.

Safety and health

Article 13

Advertisements should not without reason, justifiable on educational or social grounds, contain any visual presentation or any description of dangerous practices or of situations which show a disregard for safety or health.

Children and young people

Article 14

The following provisions apply to advertisements addressed to children and young people who are minors under the applicable national law.



Inexperience and Credulity

- a. Advertisements should not exploit the inexperience or credulity of children and young people.
- b. Advertisements should not understate the degree of skill or age level generally required to use or enjoy the product.
 - i. Special care should be taken to ensure that advertisements do not mislead children and young people as to the true size, value, nature, durability and performance of the advertised product.
 - ii. If extra items are needed to use it (e.g., batteries) or to produce the result shown or described (e.g., paint) this should be made clear.
 - iii. A product which is part of a series should be clearly indicated as should the method of acquiring the series.
 - iv. Where results of product use are shown or described, the advertisement should represent what is reasonably attainable by the average child or young person in the age range for which the product is intended.
- c. Price indication should not be such as to lead children and young people to an unreal perception of the true value of the product, for instance by using the word 'only'. No advertisements should imply that the advertised product is immediately within reach of every family budget.

Avoidance of Harm

Advertisements should not contain any statement or visual presentation that could have the effect of harming children and young people mentally, morally or physically or of bringing them into unsafe situations or activities seriously threatening their health or security, or of encouraging them to consort with strangers or to enter strange or hazardous places.

Social Value

- a. Advertisements should not suggest that possession or use of a product alone will give the child or young person physical, social or psychological advantages over other children or young people of the same age, or that non-possession of the product would have the opposite effect.
- b. Advertisements should not undermine the authority, responsibility, judgment or tastes of parents, taking into account the current social values. Advertisements should not include any direct appeal to children and young people to persuade their parents or other adults to buy advertised products for them.

Guarantees

Article 15

Advertisements should not contain any reference to a guarantee which does not provide the consumer with additional rights to those provided by law. Advertisements may contain the word "guarantee", "guaranteed", "warranty" or "warranted" or words having the same meaning only if the full terms of the guarantee as well as the remedial action open to the purchaser are clearly set out in the advertisements, or are available to the purchaser in writing at the point of sale, or come with the goods.

Unsolicited products

Article 16



Advertisements should not be used to introduce or support the practice whereby unsolicited products are sent to persons who are required, or given the impression that they are obliged to accept and pay for these products (inertia selling).

Environmental behaviour

Article 17

Advertisements should not appear to approve or encourage actions which contravene the law, self-regulating codes or generally accepted standards of environmentally responsible behaviour. Advertisers should respect the principles set forth in the ICC Code on Environmental Advertising.

Responsibility

Article 18

1. Responsibility for the observance of the rules of conduct laid down in the Code rests with the advertiser, the advertising practitioner or agency, and the publisher, media owner or contractor.
 - a. Advertisers should take the overall responsibility for their advertising.
 - b. Advertising practitioners or agencies should exercise every care in the preparation of advertisements and should operate in such a way as to enable advertisers to fulfil their responsibilities.
 - c. Publishers, medium-owners or contractors, who publish, transmit or distribute advertisements should exercise due care in the acceptance of advertisements and their presentation to the public.
2. Those employed within a firm, company or institution coming under the above three categories and who take part in the planning, creation, publishing or transmitting of an advertisement have a degree of responsibility commensurate with their positions for ensuring that the rules of the Code are observed and should act accordingly.

Rules apply to entirety of advertisement

Article 19

The responsibility for observance of the rules of the Code embraces the advertisement in its entire content and form, including testimonials and statements or visual presentations originating from other sources. The fact that the content or form originates wholly or in part from other sources is not an excuse for non-observance of the rules.

Effect of subsequent redress for contravention

Article 20

While an advertiser's subsequent correction and appropriate redress for a contravention of the Code are desirable, they cannot excuse the original contravention of the Code.

Substantiation

Article 21

Descriptions, claims or illustrations relating to verifiable facts should be capable of substantiation. Advertisers should have such substantiation available so that they can produce evidence without delay to the self-regulatory bodies responsible for the operation of the Code.

Respect of self-regulatory decisions

Article 22

No advertiser, advertising practitioner or agency, publisher, medium-owner or contractor should be party to the publication of any advertisement which has been found unacceptable by the appropriate self-regulatory body.

Implementation

Article 23

This Code is to be applied nationally and internationally, and should be the basis for the decisions by bodies set up for the purpose of self-regulation.

Any request for interpretation of the principles contained in this Code should be submitted to the ICC Code Interpretation Panel.*



* FOOTNOTE: See the Terms of Reference of the ICC Code Interpretation Panel - www.iccwbo.org

Document No. 240/381 Rev.
International Chamber of Commerce
The World Business Organization

Copyright © 1997. All rights reserved.



ANNEX 2

ICC framework for responsible food and beverage communications

INTRODUCTION

The increasing worldwide attention to diet, nutrition and physical activity is of great significance to the international food and beverage community and to the broader business community of which it is a part. The following framework has been prepared by the Commission on Marketing and Advertising of the International Chamber of Commerce (ICC) to address some of the issues raised by these concerns.

The International Chamber of Commerce (ICC), as the world business organization, promotes high standards of business ethics through the development and dissemination of rules, including codes and guidelines on how business should direct its efforts to assure that commercial communications to consumers are responsible.

World business supports the notion that responsible commercial communications can assist consumers in making appropriate choices about food and beverage products, and in understanding the role of nutrition, diet and physical activity in healthy lifestyles. By conveying commercial communications consistent with principles of good nutrition, diet, physical activity and personal choice, business can play an important role.

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

As a multi-sectoral organization, ICC recognizes that its codes serve as an international standard and that they are used to develop regional and national codes by industry sector groups and by regional and national self-regulatory bodies.

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

ICC welcomes the adoption by regional and national self-regulatory advertising bodies around the world of the general principles expressed in ICC's own codes. Furthermore, world business values the enforcement mechanisms such bodies have put in place to sanction or amend advertisements that do not meet applicable self-regulatory requirements.

The application of self-regulation in food advertising requires that it be legal, decent, honest and truthful. This framework focuses on the three intertwined issues addressed in other ICC publications: the role of commercial communications in our information-



focused society, guidelines for communicating to children, and freedom of commercial speech.

THE ROLE OF COMMERCIAL COMMUNICATIONS IN AN INFORMATION-FOCUSED SOCIETY

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

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

An informed consumer is also crucial in the matter discussed in this paper and, as such, the focus on the operative principles that should guide marketers in their commercial communications is all the more timely.

GUIDELINES FOR MARKETING TO CHILDREN

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

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

These issues have been discussed at some length in the *Compendium of ICC Rules on Children and Young People and Marketing*, and these rules apply to food and beverage advertising as they do to any other type of commercial communications to children.

FREEDOM OF COMMERCIAL SPEECH

Freedom of commercial speech in the sale of all legal products is a fundamental principle of free markets. This freedom has nourished competition among companies and led to demonstrable benefits to consumers. As companies compete, consumers are presented with a wider array of choices, more information on which to base those choices and better prices.



But this exercise of freedom of speech, as with all rights, carries with it attendant obligations. ICC has long held that an essential element in freedom of commercial speech is responsibility.

CONCLUSION

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

While underscoring the multi-sectoral nature of ICC's guidelines, we set forth below how ICC believes that some important ICC principles contained in existing ICC codes would apply in the context of food and beverage commercial communications.



ICC PRINCIPLES

APPLICATION TO FOOD AND BEVERAGE ADVERTISING

**ICC International Code of Advertising
Practice Article 1**

All advertising should be legal, decent, honest, and **truthful**.

Application in the context of food and beverage advertising of this principle means that claims about nutrition and health benefits should have a sound scientific basis. The claims should be conveyed consistent with the nature and scope of the evidence, providing the consumer with supportable information. The claim should also be judged by the likely perception of the reasonable consumer, especially where children and young people are concerned.

Article 1 continued

Every advertisement should be prepared with a due sense of **social responsibility**....

Food and beverage advertisements should not encourage or condone excess consumption and portion sizes should be appropriate to the setting portrayed. Advertising should not undermine the importance of healthy lifestyles.

Article 1 continued

No advertisement should be such as to impair **public confidence** in advertising.

Advertisements should respect the spirit of ICC, local and sectoral self-regulatory codes, in order to maintain confidence both in advertising and in the self-regulation system.

**ICC International Code of Advertising
Practice Article 3**

Advertisements should be so framed as not to abuse the trust of consumers or **exploit their lack of experience or knowledge**.

Where claims or terminology used in advertisements might reasonably be interpreted by a consumer as health or nutrition claims, they should be supportable with appropriate scientific evidence.



ICC PRINCIPLES

APPLICATION TO FOOD AND BEVERAGE ADVERTISING

ICC International Code of Advertising Practice Article 5.1

Advertisements should not contain any statement or visual presentation which directly or by implication, omission, ambiguity or exaggerated claim is **likely to mislead the consumer**, in particular with regards to

a. characteristics such as: **nature, compositions**, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact.

Copy, sound and visual presentations in advertisements for food and beverage products should accurately represent the material characteristics featured in the advertisement for the product, such as taste, size, content nutrition or health benefits, and should not mislead consumers concerning any of those characteristics. Food products not intended to be substitutes for meals should not be represented as such.

ICC International Code of Advertising Practice Article 5.2

Advertisements should **not misuse research results** or quotations from technical and scientific publications. Statistics should not be so presented as to **exaggerate the validity** of advertising claims. Scientific terms should not be used to falsely ascribe scientific validity to advertising claims.

All nutritional and health-benefit claims for food and beverage products should have a sound scientific basis. Consumer taste or preference tests should not be used in a way that might imply statistical validity if there is none.

ICC International Code of Advertising Practice Article 6

Advertisements containing comparisons should be so designed that the comparison is **not likely to mislead**, and should comply with the principles of fair competition. Points of comparison should be based on facts which can be substantiated and should not be **unfairly selected**.

Nutritional or health-related comparisons should be based on an objectively supportable and clearly understandable basis.



ICC PRINCIPLES

APPLICATION TO FOOD AND BEVERAGE ADVERTISING

**ICC International Code of Advertising
Practice Article 12**

Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when an advertisement appears in a medium which contains news or editorial matter, it should be so presented that it will be **readily recognised** as an advertisement.

Food and beverage manufacturers should particularly note that in advertising directed to children, broadcast or print media personalities (live or animated) should not be used to sell products, premiums or services in a way that obscures the distinction between programme or editorial content and commercial promotion.

**ICC International Code of Advertising
Practice Article 13**

Advertisements should not without reason, justifiable on educational or social grounds, contain any visual presentation or any description of dangerous practices or of situations which **show a disregard** for safety or **health**.

Food and beverage advertisements should not undermine the promotion of healthy balanced diets, nor the importance of a healthy, active lifestyle.

**ICC International Code of Advertising
Practice Article 14**

The following provisions apply to advertisements addressed to children and young people who are minors under the applicable national law.

INEXPERIENCE AND CREDULITY

a. Advertisements should not exploit the **inexperience or credulity** of children and young people.

Advertisements directed towards children for food and beverage products should not create a sense of urgency, or inappropriate price minimisation. While fantasy, including animation is appropriate in communication with younger as well as older children, care should be taken not to exploit a child's imagination in a way that could mislead him/her about the nutritional benefits of the product involved.



ICC PRINCIPLES

APPLICATION TO FOOD AND BEVERAGE ADVERTISING

**ICC International Code of Advertising
Practice Article 14 continued**

Social Value

a. Advertisements should not suggest that possession or use of a product alone will give the child or young person **physical, social or psychological advantages** over other children or young people of the same age, on that non-possession of the product would have the opposite effect.

Food and beverage advertisements should not mislead consumers about potential health or other benefits from the consumption of the advertised product. In advertisements to children or young people, this includes such things as status or popularity with peers, success in school or sports, or intelligence.

**ICC International Code of Advertising
Practice Article 14 continued**

SOCIAL VALUE

b. Advertisements should not undermine the **authority, responsibility, judgement or tastes** of parents, taking into account **current social values**. Advertisements should not include any direct appeal to children and young people to **persuade their parents** or other adults to buy advertised products for them.

Food product advertisements should not undermine the role of parents and other adults responsible for a child's welfare in guiding diet and lifestyle choices. Advertisements should not include any direct appeal to children to persuade their parents or other adults to buy advertised products for them.

**ICC International Code of Sales
Promotion Article 8**

Sales promotions addressed to children and young people should not exploit their **credulity or inexperience**. No sales promotion should be undertaken which is likely to **harm** children or young people mentally, morally or **physically**, or to **strain their sense of loyalty vis-a-vis their parents** and guardians.

Sales promotion offers addressed to children should provide the conditions of the premium offer, sweepstake or contest being advertised in terms that children can understand. Advertisers should strive to be sure that young children have an understanding of the products to be purchased, if any, to receive the premium; and for sweepstakes and contests, the conditions of entry, types of prizes and the likelihood of winning.

Document No. 240-48/19.
International Chamber of Commerce
The World Business Organization

Copyright © 2004. All rights reserved.