



International Chamber of Commerce

The world business organization

Department of Policy and Business Practices

Alex Wilde
Australasian Society for the Study of Obesity
Medical Foundation Building
University of Sydney
Sydney NSW 2006

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Dear Mr Wilde,

As the world business organization, the International Chamber of Commerce (ICC) represents thousands of member companies and associations from some 130 countries operating in every major industrial and service sector. For more than 70 years, ICC has worked to promote high standards of business ethics through the development and dissemination of rules, codes and guidelines.

I am writing to provide our perspective on the draft Guiding Principles for Reducing the Commercial Promotion of Foods and Beverages to Children (Sydney Principles). ICC supports the objective of reducing childhood obesity, but questions the approach proposed in the Sydney Principles. In brief, regulators must not attempt to assume the role of nutritional arbiters for the world; to deal effectively and successfully with the complex cultural, social, and economic factors that influence obesity requires a different and much more comprehensive competence. Given that a broad consensus exists on the multi-factoral nature of the obesity problem, addressing the issue requires a multi-dimensional response.

Global regulations would be impractical, unlikely to be accepted, and likely to be counter-productive. Prohibitions, bans and restrictions do not promote awareness and change behavior. The key is rather to promote and encourage responsible marketing communications. The freedom to make informed choices from a range of options is a basic freedom that should not be violated.

ICC and the business community recognize the need for a legal basic infrastructure, targeting misleading or otherwise deceptive practices and geared particularly towards dealing with the so-called rogue traders. However, those legal mechanisms should always leave ample room to be complemented by effective self-regulatory measures, much better suited to deal with ethical aspects in fast-moving markets. Governments should strive to realize the synergies that can result from such a combination and that a

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regulatory intervention cannot, and will not, achieve by itself. In short, governments should work with the industry concerned, not against it. Business has a fundamental interest in building and sustaining strong consumer confidence over the longer term.

ICC codes and guidelines are part of a robust system of self-regulation under national laws that already exists to protect consumers, including children. The eighth revised version, the Consolidated ICC Code on Advertising and Marketing Communication Practice, was published in September 2006 with expanded provisions on responsible, appropriate marketing to children. In October 2006, an additional Framework for Responsible Food and Beverage Marketing Communications was introduced to supplement the Consolidated Code, providing specific guidance for food and beverage marketers to adhere to high standards for responsible practice.

A variety of studies and policy statements by major regulatory institutions confirm that compliance with robust self-regulatory frameworks is high, and that these frameworks serve as effective and legitimate instruments in regulating commercial advertising.¹ The ICC's Consolidated Code and Framework set an internationally agreed standard for responsible marketing communications, with many countries then using this common baseline to go further on specific codes, responding as appropriate to national and cultural sensitivities.

These codes of self-regulation evolve to address society's concerns in a rapid, efficient, non-bureaucratic and cost-effective manner. At the country level, self-regulatory organizations are working closely with regulators to expand and strengthen efforts to curb childhood obesity. The broad language of the Sydney Principles would threaten these efforts, which include initiatives with bodies like the Children's Advertising Review Unit (CARU) in the United States and the cooperation within the European Commission's Platform for Action on Diet, Physical Activity, and Health to modify certain forms of advertising to children, to reformulate and market new healthier products, to foster children's and parents' media awareness, and to communicate information to consumers about healthy lifestyles, nutrition, and dietary choices. Restricting such initiatives favors no stakeholder in the fight to address children's obesity.

Global efforts should focus on providing consumers, including children, with more information – not restricting or eliminating it. Business and business organizations have repeatedly demonstrated their willingness to engage in dialogue, to respond to changing consumer demands, and to work constructively with other stakeholders to promote responsible marketing to all consumers, recognizing that consumers and society as a whole benefit from receiving truthful information about commercially available products and services geared to their level of understanding.

¹ See "Self Regulation in the EU Advertising Sector", Health and Consumer Protection Directorate General, European Commission, 2006; see "Final Report: Study on Co-Regulation Measures in the Media Sector", Hans Bredow Institute for the European Commission, 2006; see "Study to identify best practice in the use of soft law and to analyse how this best practice can be made to work for consumers in the European Union", Lex Fori for the European Commission (DG SANCO - Public Health and Consumer Affairs), 2002; see "Study on the impact of advertising and telesshopping on minors", INRA / Bird&Bird for the European Commission EAC, 2001.



We would welcome the opportunity to discuss these issues further and stand ready to assist in a dialogue aimed at practical and workable solutions.

Sincerely,

John F. Manfredi
Chairman, Commission on Marketing &
Advertising
International Chamber of Commerce

Enc: ICC Framework for Responsible Food and Beverage Marketing Communications
ICC Consolidated Code of Advertising and Marketing Communication Practice

CC: Professor Boyd Swinburn, Deakin University, Melbourne (Sydney Principles WG
Convener)
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