

ICC FRAMEWORK FOR RESPONSIBLE ALCOHOL MARKETING COMMUNICATIONS

Introduction

The International Chamber of Commerce (ICC) is uniquely positioned to provide guidance on marketing and advertising around the globe. As the world's foremost business organization, whose membership is composed of thousands of enterprises from all sectors and regions, ICC has been a major rule-setter in marketing and advertising since 1937 when it issued the first ICC Code on Advertising Practice.

Over the years, the ICC Code has served as the foundation and building block for self-regulatory structures around the world. These self-regulatory systems have helped industry build trust with consumers by promoting advertising that is honest, legal, decent and truthful, while offering quick and easy redress when transgressions occur.

The Code also serves business and society by providing ethical guidelines that build on fundamental pillars, create a level playing field and harmonise approaches across markets while minimising the need for legislative or regulatory restrictions that add inefficiency and cost. As new practices and technologies have evolved, ICC has revised and extended the scope of the Code to assure its usefulness and relevance. In this way, the Code also demonstrates that when effectively implemented, self-regulation has an ability to be more rapidly adaptable and responsive to market needs than most legislative alternatives.

In 2018, the tenth revision was completed and the [ICC Advertising and Marketing Communications Code](#) (the Code) was published and launched around the world. In addition to the printed Code, a downloadable version of the Code is available at www.iccwbo.org/MarketingCode. The site also contains downloadable translations of the Code, companion codes, framework guidance, additional tools and resources, and access to an online training course.

Background: The ICC Code and application to marketing of alcohol

The ICC Code sets forth general principles governing all marketing communications, and includes separate sections on sales promotion, sponsorship, direct marketing and digital marketing communications, and environmental marketing.

The application of self-regulation in marketing communication for alcohol requires that it be legal, decent, honest and truthful and prepared with a due regard for social responsibility and all other general principles of the Code apply. In order to help them meet commitments for responsible marketing practice, industry stakeholders asked for a Framework that outlines a global set of rules for alcohol that help companies that market across borders and promote consistency for self-regulation.

To that end, the ICC Framework for responsible alcohol marketing communications (Framework) helps to interpret the fundamental global standards of the ICC Code to offer more specific guidance on issues unique to this sector. Countries seeking to establish or enhance marketing self-regulation codes for alcohol can look to the ICC principles as the baseline global standards and use the interpretation of this framework to easily adapt them into national codes according to varying cultures and contexts.

The Framework has been developed in consultation with the sector and against the background of existing principles, including the [Guiding Principles for Responsible Beverage Alcohol Marketing](#), and the [Digital Guiding Principles: Self-regulation of marketing communications of beverage alcohol](#) through which the International Alliance for Responsible Drinking (IARD) established a consensus among international producers of alcohol regarding effective self-regulation. Enabling this collective commitment to succeed is in the general interest of preserving and strengthening trust in self-regulation while also demonstrating its efficacy.

The Framework is to be applied against the background of whatever legislation may be applicable. When applied in different countries or specific markets, ICC codes and frameworks enhance harmonisation and coherence, yet they are flexible enough to accommodate variations in culture and societal rules and norms.

Scope and definitions

The Framework applies to advertising and marketing communications as defined in the Code. The Code defines “advertisement” or “advertising” as *any form of marketing communications carried by the media, usually in return for payment or other valuable consideration*. The definition of the term “marketing communications” *includes advertising as well as other techniques such as promotions, sponsorships as well as direct marketing and digital marketing communications and should be interpreted broadly to mean any communications produced directly by or on behalf of marketers intended primarily to promote products or to influence consumer behaviour*.¹

The 2018 version of the Code makes clear that it applies to all mediums and platforms including social media, mobile, virtual and marketing communications using artificial intelligence. In addition to advertisers, communications practitioners, advertising agencies, publishers and contractors, the Code applies to other participants in the marketing eco-system, including market influencers, bloggers, vloggers, affiliate networks, data analytics and ad tech companies as well as those responsible for preparing algorithms for marketing communications. As a result, the same goes for this Framework, which then also applies to digital marketing communications and digital interactive media as defined in the Code.

Whatever the nature of the activity, medium or technology, responsibility is shared by all parties concerned, commensurate with their respective role in the process and within the limits of their respective functions.

All definitions from the ICC Code apply where used in this document.

For the purpose of this Framework:

- The term ‘alcohol’ refers to a liquid that contains ethanol (ethyl alcohol, commonly called ‘alcohol’) and is intended for drinking. In most countries with a legal definition of ‘alcoholic beverage’ a threshold for content of ethanol by volume in a beverage is set at $\geq 0.5\%$ or 1.0% . The predominant categories of alcoholic beverages are beers, wines and spirits. Where a legal definition of alcoholic beverages does not exist, this Framework applies to all beverages of an alcoholic strength above 1% by volume.
- The term ‘minor’ refers to those below the legal purchase age, i.e., the age at which national legislation permits the purchase or consumption of alcohol. In countries where purchase age and consumption age are not the same, the higher age applies. For the purpose of this Framework, in countries where there is no legal purchase or consumption age minors are defined as those below the age of 18.

¹ The Code does not apply indiscriminately to every type of corporate communication. For example, the Code does not apply to corporate public affairs messages in press releases and other media statements, or to information in annual reports and the like, or information required to be included on product labels. Likewise, statements on matters of public policy fall outside the scope of the Code.

ICC Framework for Responsible Alcohol Marketing Communications 2019

ICC CODE: GENERAL PROVISIONS ON ADVERTISING AND MARKETING COMMUNICATIONS PRACTICE	APPLICATION TO MARKETING COMMUNICATIONS OF ALCOHOL
<p><u>Article 1</u> Basic principles</p> <p>All marketing communications should be legal, decent, honest, and truthful.</p> <p>All marketing communications should be prepared with a due sense of social and professional responsibility and should conform to the principles of fair competition, as generally accepted in business.</p> <p>No communication should be such as to impair public confidence in marketing.</p>	<p>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.</p> <p>Marketing communications should not incite or condone illegal behaviour, excessive consumption or undermine healthy lifestyles.</p> <p>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.</p>
<p><u>Article 2</u> Social responsibility</p> <p>Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon race, 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.</p> <p>Marketing communications should not appear to condone or incite violent, unlawful or anti-social behaviour.</p> <p>Marketing communications should not play on superstition.</p>	<p>Marketing communications should portray alcohol products and drinkers in a responsible manner. Alcohol products and drinkers may be portrayed as part of responsible social experiences and activities.</p> <p>Marketing communications should not depict situations where alcohol is being consumed excessively or in an irresponsible manner. Persons should not be portrayed in a state of intoxication or in any way that suggests it is socially acceptable conduct nor should they promote the intoxicating effect of alcohol consumption. This includes using intoxication as a subject for amusement.</p> <p>Marketing communications should not contain claims or representations that suggest individuals can attain social, professional, educational, or athletic success or status as a result of alcohol consumption.</p> <p>Marketing communications should avoid portraying abstinence or moderate consumption in a negative way and implying those who do not drink are at a disadvantage to those who drink.</p> <p>Marketing communications should not present the consumption of alcohol as a means of removing</p>

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	<p>social or sexual inhibitions, achieving sexual success, or making an individual more sexually attractive.</p> <p>Sexualised or otherwise indecent images should not be used; particular care should be taken with regard to nudity.</p> <p>Marketing communications should not be associated with violent, aggressive, hazardous, illegal or anti-social behaviour; they should not be associated with illegal activity of any kind, or make reference to drugs or the drug culture.</p> <p>The consumption of alcohol should not be associated with abusive or violent relationships or situations.</p> <p>Marketing communications should not depict alcohol consumption in a manner associated with the attainment of adulthood or the “rite of passage” to adulthood.</p>
<p><u>Article 3 Decency</u></p> <p>Marketing communications should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned.</p>	<p>Marketing communications should not use themes, images, symbols or portrayals likely to be offensive, derogatory or demeaning.</p> <p>If a marketing communication is to be used in more than one country, the cultural and religious sensitivities of all the countries involved should be respected.</p> <p>Marketing communications should not be associated with violent, aggressive, hazardous, illegal or anti-social behaviour; they should not be associated with illegal activity of any kind, or make reference to drugs or the drug culture.</p> <p>The consumption of alcohol should not be associated with abusive or violent relationships or situations.</p> <p>Marketing communications should not depict alcohol consumption in a manner associated with the attainment of adulthood or the “rite of passage” to adulthood.</p>
<p><u>Article 4 Honesty</u></p> <p>Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of</p>	<p>Alcohol marketing communications should not mislead consumers or create confusion about the nature (i.e. whether it is an alcoholic or non-alcoholic beverage) or the strength of an alcoholic</p>

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<p>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>	<p>beverage.</p>
<p><u>Article 17</u> Safety and health</p> <p>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.</p>	<p>Marketing communications should portray and reflect moderate and responsible consumption by individuals of legal purchase age. 'Moderate and responsible' refers both to the amount of alcohol consumed and to the way in which it is consumed.</p> <p>Sales promotions should not encourage excessive or irresponsible consumption.</p> <p>Marketing communications that refer to the alcohol content of a product should do so in a straight forward and factual manner and not present higher alcohol strength as a principal basis for appeal.</p> <p>Marketing communications may provide facts about product contents, including calories, but should not suggest that alcohol can prevent, treat or cure illness or that alcohol offers a remedy for personal problems such as loneliness, stress or boredom. Consequently, marketing communications should not link such information to any health, fitness or weight-control claims except as a relevant and truthful reference to official guidelines or recommendations, or as otherwise permitted by law.</p> <p>Marketing communications of alcohol should not depict or be addressed to at-risk groups, e.g. pregnant women.</p> <p>Marketing communications should not portray people in situations or activities in which drinking would be unsafe. Consequently, they should not portray alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.</p> <p>In particular, marketing communications should not portray, encourage or condone driving any motorised form of transportation while intoxicated.</p>

<p><u>Article 18</u> Children and teens</p> <p>Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them.</p> <p>Marketing communications directed to children should be clearly distinguishable to them as such.</p> <p>(Direct Marketing and Digital Marketing Communications Chapter C <u>Article C7</u>)</p> <p>Websites devoted to products that are subject to age restrictions such as alcohol... should undertake measures, such as age screens, to restrict access to such websites by minors.</p>	<p>Marketing communications should be intended for persons of legal purchase age.</p> <p>Marketing communications should not be intended to primarily appeal to minors (i.e. making it more attractive to minors than to persons of legal purchase age). Therefore, marketing communications should avoid featuring settings, music, games, language, characters or personalities, for example, that are primarily appealing to minors. This does not preclude communications directed to a wider adult audience that may have incidental or unintended appeal to persons under legal purchase age.</p> <p>Marketing communications should not show minors (or people likely to be perceived as such) drinking alcohol.</p> <p>Promotions, prizes or games linked to marketing alcohol, including on digital media, should not be open to minors.</p> <p>Marketing communications of alcohol should be placed only in media where it is reasonably expected to meet applicable audience composition targets (i.e. where the audience composition can reasonably be expected to meet the agreed target of people that are not minors, those under legal purchase age as defined previously in this Framework).²</p> <p>Alcohol company controlled websites marketing alcohol should include age affirmation mechanisms, using reasonably available technology intended to limit access by minors.</p>
<p><u>Article 25</u> Implementation</p> <p>The Code, and the principles enshrined in it, should be adopted and implemented, nationally and internationally, by the relevant local, national or regional self-regulatory bodies. The Code should also be applied, where appropriate, by all organisations, companies and individuals involved and at all stages in the marketing communication process.</p> <p>Communications practitioners or advertising agencies, publishers, media owners, contractors and other participants in the marketing eco-system, such as market influencers, bloggers, vloggers, affiliate networks, data analytics and ad tech companies as well as those responsible for preparing</p>	<p>Marketing communications should respect ICC, local and sectoral self-regulatory codes in the spirit as well as to the letter, in order to maintain confidence both in marketing communications and in the self-regulation system.</p> <p>Where the provisions of a national self-regulatory code are more restrictive than the ICC Code the national code takes precedence. Where this is not the case, code owners are strongly encouraged to adapt their codes to be in line with the ICC Framework.</p>

² Global producers of beer, wine, and spirits have adopted ICAP public commitments (<http://commitments.global-actions.org/>) including to undertake independently verifiable measures (using reasonably available data) to support placement of advertising of their products in media which have a minimum 70% adult audience.

<p>algorithms for marketing communications should be familiar with the Code and with other relevant local self-regulatory guidelines on advertising and other marketing communications, and should familiarise themselves with decisions taken by the appropriate self-regulatory body. They should ensure an appropriate means exists for consumers to make a complaint and that consumers can readily be aware of it and use it easily.</p>	
<p>Article 26 – Respect for self-regulatory decisions</p> <p>No marketer, communications practitioner or advertising agency, publisher, media owner or contractor should be party to the publication or distribution of an advertisement or other marketing communication which has been found unacceptable by the relevant self-regulatory body.</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.</p> <p>Where no effective self-regulatory codes and arrangements are in place in a particular country, all parties are encouraged to include in their contracts and other agreements pertaining to advertising and marketing communication a statement committing the signatories to respect the current ICC Code.</p>	<p>Alcohol companies should ensure that marketing communications adhere to applicable rules and the decisions thereon by self-regulatory organisations. Companies should ensure that all those involved in a company's marketing communication activities are aware of the rules and implications of the marketing communications code. They should ensure contracts reflect this responsibility.</p>



About The International Chamber of Commerce (ICC)

The International Chamber of Commerce (ICC) is the world's largest business organization representing more than 45 million companies in over 100 countries. ICC's core mission is to make business work for everyone, every day, everywhere. Through a unique mix of advocacy, solutions and standard setting, we promote international trade, responsible business conduct and a global approach to regulation, in addition to providing market-leading dispute resolution services. Our members include many of the world's leading companies, SMEs, business associations and local chambers of commerce.

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