

# ICC FRAMEWORK FOR RESPONSIBLE FOOD AND BEVERAGE MARKETING COMMUNICATIONS

As the world's foremost business organization, the [International Chamber of Commerce](#) (ICC) promotes high standards of business ethics through the development and dissemination of codes and guidance on responsible marketing and advertising communications. One of ICC's landmark achievements is the [ICC Advertising and Marketing Communications Code](#) (The Code), which serves as the foundation of most nationally-applied self-regulatory codes. First created in 1937, the tenth revision of the ICC Code was published in 2018. It provides practical guidance to industry, including advertisers, agencies and media, as well as to self-regulatory advertising organisations, regulators and governments. By promoting self-regulation in the business sector in accordance with the highest ethical and legal standards, the Code provides assurance to consumers that businesses abiding by the Code can be relied upon to provide truthful advertising. A downloadable version of the Code is available at [www.iccwbo.org/MarketingCode](http://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 food and beverage marketing**

The increasing worldwide attention to diet, physical activity and health is of great significance to the international food and beverage community and to the broader business community of which it is a part. In 2004 the following framework was first 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. It was first revised in 2006 and later in 2012 to conform to the Code published in 2006 and 2011. In 2019, this framework was updated to align with recent changes to the Code and to ensure it remains a relevant tool for industry.

ICC's longstanding view is that marketing 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, marketers should be guided by self-regulatory principles and participate in the self-regulatory processes.

To be effective, marketing communication self-regulatory systems bring together marketers, marketing communication agencies and the media to develop standards, evaluate marketing communications 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 marketing communications.

The application of self-regulation in food marketing communications requires that it be legal, decent, honest and truthful. This framework should be read against the background of three intertwined issues: the role of commercial communication in our information-focused society, responsible marketing to children, and the importance of marketing to a competitive economy and consumer choice.

### **Scope and definitions**

The 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 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 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.<sup>1</sup>

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.

The Code also provides i.a. the following updated definitions, which also apply to this Framework:

- The term “children” refers to individuals aged 12 years and under.<sup>2</sup>
- The term “teens” means those individuals aged 13—17 years.

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.

While underscoring the multi-sectoral nature of ICC guidance, the framework below illustrates how some important ICC principles contained in the ICC Code apply in the context of food and beverage marketing communications.

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.

### **The role of marketing communications in an information-focused society**

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

Responsible marketing 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 marketing communication consistent with principles of good nutrition, diet, physical activity and personal choice, business must play an important role.

Good communication, and indeed good business practice, means that marketers 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 one to choose among them according to one’s needs, desires, tastes and personal priorities.

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<sup>1</sup> 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.

<sup>2</sup> [ICC toolkit: Marketing and Advertising to Children](#) provides more details regarding research on age 12 as a reference age for the application of rules on marketing, advertising and data collection involving children. Local laws may define “children” differently.

## Responsible 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, children deserve especially careful treatment by marketers in any marketing communications directed to them. ICC recognises that children constitute an audience with a more limited capacity to assess information in marketing communications, which is why specific provisions on marketing communications to children are included in ICC guidelines and codes.

Marketers must promote 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 diet, physical activity and health. Moreover, parents, educators, the media, entertainment content providers and others have important roles in helping children develop a critical understanding of marketing communications and other media messages so that they become better informed.

## The importance of marketing to a competitive economy and consumer choice

As with all guidance issued by the ICC Marketing and Advertising Commission, this Framework for Responsible Food and Beverage Marketing Communications is predicated on the principle that [freedom of commercial speech](#) in the sale of all legal products is a fundamental tenet for markets that promote innovation and competition, thus benefitting consumers by giving them more choices and efficient pricing. Advertising promotes economic development, supports consumer choice, and leads companies to compete to provide consumers with products that reflect their interests and concerns.

At the same time, the global business community is keenly aware that the proper functioning of a market economy depends on consumers receiving accurate and non-misleading information about products and responsible use of marketing communications is primordial to the ICC position. Consequently, the goal of this framework is to provide added guidance for self-regulation to help those developing food and beverage marketing communications apply the rules effectively and responsibly to their campaigns.

## Conclusion

ICC encourages food and beverage marketers to adhere to principles of responsible marketing communications, above and beyond compliance with legal requirements, especially when communicating to children. In doing so, marketing communications from this sector will meet the 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.

## ICC Framework for Responsible Food and Beverage Marketing Communications 2019

ICC PRINCIPLES GENERAL PROVISIONS ON ADVERTISING AND MARKETING COMMUNICATIONS	APPLICATION TO FOOD AND BEVERAGE MARKETING COMMUNICATIONS
<p><b><i>Article 1 Basic principles</i></b></p> <p>All marketing communications should be legal, decent, honest, and <b>truthful</b>.</p> <p>All marketing communications should be prepared with a due sense of <b>social and professional responsibility</b> and should conform to the principles of fair competition, as generally accepted in business.</p> <p>No marketing communication should be such as to impair <b>public confidence</b> in marketing.</p>	<p>Application in the context of food and beverage marketing communications of this principle means that nutritional information and claims about nutrition and health benefits should have a sound scientific basis. Claims should be conveyed consistent with the nature and scope of the evidence, providing the consumer with supportable information.</p> <p>Nutritional information and claims should also be judged by the likely perception of the reasonable consumer, especially where children are concerned.</p> <p>Food and beverage marketing communications should not encourage or condone excess consumption and portion sizes should be appropriate to the setting portrayed. Marketing communications should not undermine the importance of 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><b><i>Article 4 Honesty</i></b></p> <p>Marketing communications should be so framed as not to abuse the trust of consumers or <b>exploit their lack of experience or knowledge</b>.</p>	<p>Where claims or terminology used in marketing communications might reasonably be interpreted by a consumer as health or nutrition claims, they should be supportable with appropriate scientific evidence.</p>

<p><b><u>Article 5 Truthfulness</u></b></p> <p>Marketing communications should be truthful and not misleading</p> <p>Marketing communications should not contain any statement, claim or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is <b>likely to mislead the consumer</b>, in particular, but not exclusively, with regard to:</p> <p>Characteristics of the product which are material, i.e. likely to influence the consumer's choice, such as: <b>nature, composition</b>, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact.</p>	<p>Copy, sound and visual presentations in marketing communications for food and beverage products should accurately represent the material characteristics of the product featured, such as taste, size, content nutrition or health benefits, and should not mislead consumers concerning any of those characteristics.</p> <p>Food products not intended to be substitutes for meals should not be represented as such.</p>
<p><b><u>Article 6 Substantiation</u></b></p> <p>Descriptions, claims or illustrations relating to verifiable facts in marketing communications <b>should be capable of substantiation</b>. Such substantiation should be available so that <b>evidence can be produced without delay and upon request</b> to the self-regulatory organisations responsible for the implementation of the Code.</p>	
<p><b><u>Article 9 Use of technical/scientific data</u></b></p> <p>Marketing communications should <b>not</b>:</p> <ul style="list-style-type: none"> <li>- <b>misuse technical data, e.g. research results</b> or quotations from technical and scientific publications;</li> <li>- present statistics in such a way as to <b>exaggerate the validity</b> of a product claim;</li> <li>- use scientific terminology or vocabulary in such a way as falsely to suggest that a product claim has scientific validity.</li> </ul>	<p>All nutritional and health-benefit information and claims for food and beverage products should have a sound scientific basis.</p> <p>Consumer taste or preference tests should not be used in a way that might imply statistical validity if there is none.</p> <p>Testimonials should be based on well accepted and recognised opinion from experts</p>
<p><b><u>Article 17 Safety and Health</u></b></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. Instructions for use should include appropriate safety warnings and, where necessary, disclaimers. Children should be shown to be under adult supervision whenever a product or an activity involves a safety risk.</p>	

**Article 18 Children and teens**

Special care should be taken in marketing communications directed to or featuring children or teens.

- Such communications should not undermine positive social behaviour, lifestyles and attitudes;
- Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them.
- Marketing communications directed to children or teens should not be inserted in media where the editorial matter is unsuitable for them.

**Inexperience and Credulity**

Marketing communications should not exploit inexperience or credulity of children with particular regard to the following area:

- Exaggerate the true size, value, nature, durability and performance of the product.

**Avoidance of harm**

Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or young people mentally, morally or physically. Children and teens should not be portrayed in unsafe situations or engaging in actions harmful to themselves or others, or be encouraged to engage in potentially hazardous activities or inappropriate behaviour in light of the expected physical and mental capabilities of the target demographic.

**Social Values**

Marketing communications should not suggest that possession or use of the promoted product will give a child or teen physical, psychological or social advantages over other children or teens, or that not possessing the product will have the opposite effect.

Marketing communications should not undermine the authority, responsibility, judgement or tastes of parents, having regard to relevant social and cultural values.

Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them.

Marketing communications 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.

<p><b><i>ARTICLE 18 (Children and teens) and ARTICLE A6 (Sales Promotion: information requirements)</i></b></p> <p>Marketing communications should not exploit inexperience or credulity of children.</p> <p>Sales promotions should be presented in such a way as to ensure that consumers are made aware, before making a purchase, of any conditions likely to affect their decision to purchase.</p>	
<p><b>Article 25 – Implementation</b></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 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 ecosystem, such as market influencers, bloggers, vloggers, affiliate networks, data analytics and ad tech companies as well as those responsible for preparing 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><b>Article 26 – Respect for self-regulatory decisions</b></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 and</p>	<p>Companies should ensure that marketing communications adhere to applicable rules and the decisions thereon by self-regulatory organizations. 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>

support its operation.

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.



## 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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### **INTERNATIONAL CHAMBER OF COMMERCE**

33-43 avenue du Président Wilson, 75116 Paris, France

T +33 (0)1 49 53 28 28 F +33 (0)1 49 53 28 59

E [icc@iccwbo.org](mailto:icc@iccwbo.org) [www.iccwbo.org](http://www.iccwbo.org)