



# ICC Global Marketing & Advertising Commission

## SUMMARY RECORD

Hybrid meeting held on Thursday 16 June 2022, 14.00 - 17.00 CET

### 1. Welcome and opening session

The Global Commission Chair, Brent Sanders, welcomed participants to the meeting, noting broad representation from 17 countries. As this session marked the last meeting chaired by the current leadership, some reflections were shared recognising the achievements and extensive contributions of the leadership team to the work of the ICC Global Marketing & Advertising Commission. Words of appreciation were also expressed to Raelene Martin who is currently transitioning to a new role as Head of Sustainability at ICC.

The ICC Secretariat announced the appointments of the new ICC Global Marketing & Advertising Commission Chair and Vice-Chairs, whose mandates will be effective as of the 1<sup>st</sup> of July, as noted below.

#### Chair

Kristin Green, Assistant General Counsel, Marketing & Consumers, Microsoft (US)

#### Vice-Chairs

Lucas Boudet, Director General, European Advertising Standards Alliance (Belgium)

Jia Hongyi, Vice-President & General Counsel, Kuaishou Group (China)

Maria Mossenberg, Public Corporate and Public Affairs Director, L'Oréal (Sweden)

Carla Michelotti, Executive Board Member/President, International Advertising Association/Better Business Bureau Programs (US)

Yelile Habib Ramos, Head of Public Affairs, Mars Wrigley (Mexico)

Agnes Yetunde Adesina, CEO, Prima Garnet Africa (Nigeria)

Further details on the new leadership team were circulated to Commission members and National Committees on the 23<sup>rd</sup> of June, also noting that Oliver Gray will serve in a special advisory role to the Global Commission.

## **2. Industry initiatives**

### **2.1. UNICEF**

Emer Doherty, Gender & Marketing Programme Manager at the Gender Equality Programme Division, UNICEF, shared insights regarding the [UNICEF Playbook: Promoting Diversity & Inclusion in Advertising](#). UNICEF acknowledges the power of marketing and advertising in shaping children's aspirations and reinforcing or deconstructing stereotypes such as gender roles and norms. The Playbook was developed in collaboration with LEGO Group and provides tools for businesses to create guidelines and strategies, along with a multitude of examples of companies that demonstrate diversity and inclusion in their creative content and products for children. Children need diverse role models who can positively impact their perceptions of themselves, their own empowerment, and the world around them. Engaging business to promote positive representation through the marketing and advertising of products designed for children is a vital part of achieving equality and inclusion. The Playbook provides starting points for defining the different types of stereotyping that can have a harmful impact on a child's well-being and development, with tools for business to create guidelines and strategies for ensuring diversity and inclusion in their creative content and products for children. It covers gender, ethnicity, culture, disability etc. *(A copy of the presentation is attached for reference)*

### **2.2 World Federation of Advertisers**

Camelia Cristache-Podgorean, Senior Communications Manager and Global Diversity and Inclusion Lead, World Federation of Advertisers (WFA), shared key insights on the development of guidance related to diversity and inclusion/representation.

[Guide to potential areas for bias in the creative process](#). This [framework](#) highlights 12 key areas where bias can occur, aiming to provide brands and their agencies with practical guidance that helps them avoid such pitfalls and ensure that content is as representative and inclusive as possible.

[WFA Guide to Diversity and Representation in media planning and buying](#). The guide seeks to tackle diversity and representation issues in the media planning and buying process, covering issues ranging from inclusive audience planning to measuring success. Developed by the WFA Diversity Task Force with the support of GARM – the Global Alliance for Responsible Media, the guide highlights four key areas where bias can occur and proposes questions and approaches that can be used to ensure progress. It also pulls together key resources that can be used to tackle any gaps or areas of concern.

Other useful guides to reference include: [Guide to progressive gender portrayals in Advertising](#) and [A Marketer's approach to diversity and inclusion](#) *(A copy of the presentation is attached for reference)*

### **2.3 Meta – building consumer trust in the online environment**

Siobhan Cummiskey, Director of Content Policy, Meta, shared latest efforts by Meta to enhance responsibility and build consumer trust in the online environment. Ms Cummiskey elaborated on the use of codes of ethics as well as the role of advertising self-regulation and highlighted the aim to empower consumers with respect to their data management within Meta. On the use of codes, Ms Cummiskey also shared how advertisers in Meta are required to follow Community Standards (as [FB Community Standards](#) and IG Guidelines) and [Advertising Policies](#). With respect to the empowerment of consumers, she exemplified how consumers can access their data and understand why they receive specific ads. Finally, she shared about Meta's Ad Library which aims to provide advertising transparency across Meta technologies. Members discussed challenges in building consumer trust and transparency, particularly in the case of influencers' content and advertising to young people.

### **3. Global Commission work projects**

#### **3.1. Diversity and Inclusion in Advertising**

Commission members were provided with an update regarding discussions related to diversity and inclusion in advertising as well as progress in developing an ICC paper on the topic. A small working group was established early in 2022. The group prepared a mapping of existing initiatives and statistics on the topic to have a broader understanding on the issues and existing work, and look to the need for potential, additional ICC guidance on the topic. An initial draft ICC document has been developed to underscore the growing importance of this issue, highlight existing ICC guidance, and points to consideration of these developments in a future update of the ICC Code. A copy of the draft working paper was shared with members in advance of the Commission. The document needs to be refined further within the working group and once a concrete draft has been agreed upon, it will be circulated to the broader Commission membership for review and input.

#### **For action:**

- Members interested in participating in the working group are invited to inform the [ICC Secretariat](#) at their earliest convenience.
- Members are also invited to contact the [ICC Secretariat](#) should they wish to submit any preliminary views on the approach taken in the initial document shared with members in advance of the meeting.

#### **3.2. Dark Commercial Patterns**

The issue of dark commercial patterns has garnered increased attention and action by regulators and policymakers, including the Federal Trade Commission, the European Commission, and the OECD. Further to discussions at the previous Commission meeting, a small working group was established earlier in 2022 to address this issue. A mapping exercise was also conducted, with the input and contribution of WFA/ICAS, outlining the concept and applications, also elaborating on different efforts or actions by policy makers, as well as providing insight on related existing ICC Code guidance on the topic. An initial draft approach for a potential ICC paper has been prepared which emphasizes the need for an affirmative approach, noting the relevance of ICC

guidance, with a view to providing additional insight and guidance in terms of application to ensure that practices are fair and useful to the consumer. The focus of the document will be on negative options and auto-renewals specifically. Members noted that the guidance should also be taken into consideration for future updates of the ICC Marketing Code. Given the fact that a revision of the Code could take up to two years to complete, it would be worth exploring additional guidance on this topic already at this stage. The working group will convene further meetings to develop a concrete document for review.

**For action:** Members interested in participating in this working group are invited to inform the [ICC Secretariat](#) at their earliest convenience.

### **3.3. ICC Task force on Code revision: ICC Marketing Code and ICC Framework for Food & Beverage Marketing**

Co-Chairs of the Task Force on Code Revision, Anders Stenlund and Oliver Gray, introduced a discussion on a potential update of the [ICC Advertising and Marketing Communications Code](#) and the possibility of conducting a pre-revision analysis/study to determine key areas for consideration. The last revision of the ICC Marketing Code was completed in 2018 which focused on a more targeted revision to account for changes/practices in the digital landscape. Essentially, this means that some parts of the Code have remained unchanged since 2011, which highlights the need for a holistic revision of the entire Code, also considering emerging issues, such as dark commercial patterns, diversity and inclusion, amongst others.

A call for interest will be circulated to the Commission to reactivate the Task Force on Code Revision to support the development of the analysis/report to identify areas/gaps where the Code will require updates/revision.

Members also reflected on a potential update to the [ICC Framework for Food & Beverage Marketing](#) in view of increasing regulatory pressure and issues related to child obesity. Addressing this revision shall require broader participation of companies within the food and beverage industry, which are currently under-represented in the Commission.

Members agreed to:

- 1) put together a core group with high industry representation to conduct a pre-revision study/analysis for revision of the ICC Marketing Code to be presented at the next Global Marketing & Advertising Commission meeting at the end of the year;
- 2) conduct a gap analysis as part of the study to identify the areas where the Code guidance should be updated;
- 3) envisage kick-starting the revision process at the beginning of 2023 with the aim to publish it in 2024 – 2025.

**For action:** Commission members and National Committee representatives are invited to reach out to the [ICC Secretariat](#) should:

- they be interested in supporting efforts to conduct a pre-revision study/analysis for revision of the ICC Marketing Code

- they represent the food and beverage sector and wish to engage in the Commission's work or should National Committees wish to nominate companies within the food and beverage industry.

## **4. International and regional developments**

### **4.1. Marketing to Children**

Commission Vice-Chair, Sheila Millar, provided an update on developments regarding marketing to children, and in particular implications of the Age-Appropriate Design Code. A version of this code is progressing through the California legislature.

Whilst many of its principles may be supported, some issues were raised with respect to the scope of such a regulation. Regulators' aim to target all devices "likely to be accessed by a child" which is not consistent with how ICC views target audiences from an advertising perspective. It is difficult to envisage how an "online service", which comprehends connected products, will be able to meet many of the requirements. Members also considered the role of ICC in addressing related and emerging issues and other potential risks with respect to protecting children, such as the metaverse.

### **4.2 European and other developments**

Lucas Boudet, Director General and Alexandre Dérobert, Public Affairs and Policy Officer at EASA provided an overview of latest European developments related to marketing and advertising. Members had been provided with a mapping of latest Intergovernmental Organisation Developments (IGO) which included European developments.

As further detailed in the IGO table, the European Union is moving forward on several regulatory projects that are highly relevant for marketers. Mr Boudet and Mr Dérobert stressed the Proposals for a [Directive on empowering consumers in the green transition](#) and [Regulation on the substantiation of green claims](#).

Further insight was also provided on the Update of the [Unfair Commercial Practices Directive \(UCPD\)](#) since this revision brings further detail to the chapters on green claims and on influencer marketing, along with a new section on dark commercial patterns. A number of these issues are related to the current work priorities of the ICC Global Marketing & Advertising Commission and should also be considered in the revision of the ICC Marketing Code.

## **5. National Committee engagement**

ICC National Committees were given the opportunity to share insights regarding their efforts to advance and promote the work of the ICC Global Marketing & Advertising Commission. ICC Mexico and ICC Colombia highlighted their work in the active promotion and implementation of the [ICC Framework for Environmental Marketing Communications](#), recently translated to Spanish. ICC Sweden also elaborated on the Swedish translation of the Environmental Framework as well as further advocacy and implementation efforts – including a new short online training course

inspired by [the ICC Code for Ethical Marketing & Advertising \(EMA\) course](#). ICC China shared insights regarding their upcoming **International Consumer Conference** to be held on 5 and 6 July 2022 and invited members of the Global Commission to attend.

## **6. Conclusion and next meeting**

In concluding remarks, the ICC Secretariat invited members to engage in the ongoing Commission projects - follow-up meetings on the different workstreams will be scheduled in the coming weeks. The immense appreciation of the collective efforts and contributions of the current leadership team were reiterated, as well as welcoming the new leadership team on board to continue to advance the Commission's work. The date and location of the next meeting will be communicated in due course.