Stockholm, 19 April 2024

ICC Sweden Comments for the Revision of ICC’s Advertising and Marketing Communications Code

We welcome this opportunity to share our thoughts, ideas, and comments on the draft for the ICC Advertising and Marketing Communications Code. These comments have been prepared in close dialogue with ICC Sweden’s Marketing Committee, which gathers senior experts from across the Swedish business community. Below you will find suggestions and comments considering the substance of some articles and sections. In parallel you may also find our proposed changes in detail through track changes in separate documents. In those documents you will also find additional text edits, not enumerated below. In addition to those suggestions, we also suggest thoroughly examining the frameworks/statements referenced throughout the entire Code. Some may no longer be relevant, while others may be missing. We hope that you will give these comments due consideration and look forward to engaging with you in the continued process of revising the Code.

GENERAL PROVISIONS

**Table of contents**

* We very much welcome the changes made to the structure and disposition. It makes it much clearer for users where they can find information.
* The Frameworks should be in alphabetical order. Should our other guidance, e.g. on automatic renewals, diversity and inclusion and statement on AI be included in the Annex?

**Purpose of the Code**

* Under Special responsibility, we suggest to add “social and environmental sustainability”. Considering the regulatory developments in these areas, this is becoming an increasingly important special responsibility for marketers. It would be good to recognize this here as well.

**Code Structure and interaction with related codes and guidance**

* We opt for alternative 2 regarding the structure of the Chapters, i.e. to maintain the current order and put the Chapter on Children and Teens last.
* Is it necessary to enumerate all of the codes and frameworks here? It could be easier to instead refer to Annex II. In general, we suggest to look over the frameworks/statements to see if they are still relevant to the Code.

**Illustrative examples where examination reveals whether the code is applicable**

* The text currently says that the Code covers “misleading use of private labels or marks”. However, the Code is relevant for all use, not only misleading ones.
* We suggest to use the term “packaging” rather than “packing”, considering that “packaging” is used later in the Code.

**General Definitions in the Code**

* Please double-check the used citation marks throughout the list. E.g. ‘claim’ and “consumer”.
* Under “influencers”, we suggest to remove the last part, i.e. “(sometimes known as nano-influencers)”. This does not add anything, and risks becoming irrelevant if the term changes.
* Under “mobile”, we suggest to add “(SIM)” after “subscriber identity module”. There is a greater chance the average person knows what the former is rather than the latter.

**18.2 Influencer marketing communications**

* We suggest to use ”immediately” as previously has been done, rather than ”obviously”. Otherwise, this could have practical consequences, as ’obviously identifiable’ does not ensure that the identification of the marketing communication is made from the start. ”Immediately” has been important for self-regulatory praxis as there is a time aspect to ”immediately”, that there is not to ”obviously”. The change to ”obviously” also seems unnecessary, when the rest of the article seems to be trying to define that the practical meaning of ”obviously” is that marketing communications should be immediately identifiable.
* Add a clarification, that the article applies to situations when the influencer is marketing their own brand or products. While this is already clear from the definition of "influencer marketing”, it is good to emphasize it again here in the applicable article.

**24 Code Responsibility**

* Consider if ”professional knowledge” is the right term. Is there a risk that it suggests that the responsibility to respect the rules of the Code depends on one’s professional knowledge of the Code? Could ”insight” be a better choice of word?

CHAPTER A: SALES PROMOTION

**Introduction**

* We suggest the following introduction, which is a bit shorter than the current version: “This Chapter is to be read in conjunction with the General Provisions as well as the chapters relating to the scope, application and definitions of the Code (Chapters II–III). This chapter is a subset and a further specification of the principles set out in those chapters, which all apply to sales promotion. Terms used here have the same meaning as in the General Definitions above, unless stated otherwise. Terms specific to sales promotion are defined below.”  The same introduction should be used in all chapters, with necessary adjustments.

CHAPTER B: SPONSORSHIP

**Introduction**

* We suggest the following introduction: “This Chapter is to be read in conjunction with the General Provisions as well as the chapters relating to the scope, application and definitions of the Code (Chapters II–III). This chapter is a subset and a further specification of the principles set out in those chapters, which all apply to sponsorship. Terms used here have the same meaning as in the General Definitions above, unless stated otherwise. Terms specific to sponsorship are defined below.”

**Article B1 – Principles governing sponsorship**

* As previously suggested, we believe it would be better to remove all of the bullet points in this article to ensure consistency for readers.

CHAPTER C: DATA DRIVEN MARKETING, DIGITAL MARKETING AND DIRECT MARKETING COMMUNICATIONS

**Introduction**

* We suggest the following introduction: “This Chapter is to be read in conjunction with the General Provisions as well as the chapters relating to the scope, application and definitions of the Code (Chapters II–III). This chapter is a subset and a further specification of the principles set out in those chapters, which all apply to data driven marketing, digital marketing and direct marketing communications. Terms used here have the same meaning as in the General Definitions above, unless stated otherwise. Terms specific to this chapter are defined below.”

**Scope of Chapter C**

* Remove the reference to the ICC Code Centre website. The website no longer belongs to the ICC. It refers to an adult-content website.

CHAPTER D: ENVIRONMENTAL CLAIMS IN MARKETING COMMUNICATIONS

**Introduction**

* We suggest the following introduction: “This Chapter is to be read in conjunction with the General Provisions as well as the chapters relating to the scope, application and definitions of the Code (Chapters II–III). This chapter is a subset and a further specification of the principles set out in those chapters, which all apply to environmental marketing communications. Terms used here have the same meaning as in the General Definitions above, unless stated otherwise. Terms specific to environmental claims are defined below. Additional guidance is available in the ICC Framework for Responsible Environmental Marketing Communications.”

**Scope and application of Chapter D**

* The last para should be written together with the second para under the Scope, since these both applies to the scope of this chapter. It is logical that references to further guidance in the form of the Framework is placed last.

**Article D2.1 – General Approach**

* Consider removing the fifth para. This is already explained in the Framework.

**Article D2.2 – Vague or general, non-specifc claims**

* Regarding the sentence starting with “Claims such as..” in the first para, we suggest to keep the old sentence in order the make it comprehendible with the rest of the para. “If this is not the case, general environmental claims should either be qualified or avoided. In particular, claims such as…”
* We suggest to remove the last para. It risks lowering the bar for what is acceptable in terms of environmental claims. In case it is kept, it is important to recognize that markets should not only avoid, they should never state or imply that an entire product, facility or operation is sustainable without qualification simply because it has some positive environmental benefits.

**Article D6 – Claims regarding components and elements**

* Move the fourth footnote to the end of the of the sentence.

**Additional guidance**

* Consider if this section is needed, since the Framework has been properly introduced already in the Scope and Application section of this chapter.
* The link to the Code Centre is no longer owned by the ICC. It refers to an adult-content website. Remove the link and refer to the marketing page on the website instead.

CHAPTER X: CHILDREN AND TEENS

**Introduction**

* We suggest the following introduction: “This Chapter is to be read in conjunction with the General Provisions as well as the chapters relating to the scope, application and definitions of the Code (Chapters II–III). This chapter is a subset and a further specification of the principles set out in those chapters, which all apply to to marketing communications directed to children or teens. Terms used here have the same meaning as in the General Definitions above, unless stated otherwise.”

**Article X1 – General Principles**

* We suggest to remove the numbering of the paras. If kept, consider using bullet points to align with the rest of the code.

**Article X4 – Social values**

* In the last para regarding the obtaining of permission of a parent, legal guardian or appropriate adult, change “encourage” to “require”. It should not be optional.

**Article X5 – Children’s personal data**

* Align the last two bullets with Art 22 of the GP. Here it says “where consent is needed”, whereas in Art 22, it reads more like a general requirement.