



International Chamber of Commerce

The world business organization

Department of Policy and Business Practices

ICC framework for responsible food and beverage marketing communication

Introduction

The International Chamber of Commerce (ICC), as the world business organization, promotes high standards of business ethics through the development and dissemination of rules, including codes and guidelines on how business should direct its efforts to assure that marketing communication to consumers are responsible.

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. The following framework has been 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.

While underscoring the multi-sectoral nature of ICC's guidelines, ICC sets forth the framework below to illustrate how some important ICC principles contained in the consolidated ICC Code of Advertising and Marketing Communication Practice apply in the context of food and beverage marketing communication. For the purposes of both the ICC Code and the following framework, the term 'Marketing Communication' covers any paid marketing communication using the following vehicles: telephone, TV, radio, press, cinema, Internet, DVD/CD-ROM, direct marketing, outdoor marketing, sales promotions and sponsorship.

ICC's longstanding view is that marketing communication is 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 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 communication 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 communication.

The application of self-regulation in food marketing communication requires that it be legal, decent, honest and truthful. This framework focuses on the three intertwined issues addressed in other ICC publications: the role of commercial communication in our information-focused society, guidelines for communicating to children, and freedom of commercial speech.



The role of marketing communication 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 communication.

Responsible marketing communication 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 communicators 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 the consumer to choose among them according to his needs, desires, tastes and personal priorities.

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

Communicators must market 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 communication and other media messages so that they become better informed.

These issues have been discussed at some length in the *Compendium of ICC Rules on Children and Young People and Marketing*, and these rules apply to food and beverage marketing communication as they do to any other type of marketing communication to children.

Freedom of commercial speech

Freedom of commercial speech in the sale of all legal products is a fundamental principle of free markets. This freedom has nourished competition among companies and led to demonstrable benefits to consumers. As companies compete, consumers are presented with a wider array of choices, more information on which to base those choices and better prices.

But this exercise of freedom of speech, as with all rights, carries with it attendant obligations. ICC has long held that an essential element in freedom of commercial speech is responsibility.



Conclusion

ICC encourages food and beverage communicators to adhere to principles of responsible consumer communication, above and beyond compliance with laws and regulations, especially in communicating to children. In doing so, marketing communication from this sector will meet its 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.



<p style="text-align: center;">ICC PRINCIPLES GENERAL PROVISION ON ADVERTISING AND MARKETING COMMUNICATION PRACTICE</p>	<p style="text-align: center;">APPLICATION TO FOOD AND BEVERAGE MARKETING COMMUNICATION</p>
<p><i>Article 1</i></p> <p>All marketing communication 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 marketing communication should be such as to impair public confidence in marketing.</p>	<p>Application in the context of food and beverage marketing communication of this principle means that nutrition 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. Nutrition information and claims should also be judged by the likely perception of the reasonable consumer, especially where children and young people are concerned.</p> <p>Food and beverage marketing communication should not encourage or condone excess consumption and portion sizes should be appropriate to the setting portrayed. Marketing communication should not undermine the importance of healthy lifestyles.</p> <p>Marketing communication should respect the spirit of ICC, local and sectoral self-regulatory codes, in order to maintain confidence both in marketing communication and in the self-regulation system.</p>
<p><i>Article 3</i></p> <p>Marketing communication should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.</p>	<p>Where claims or terminology used in marketing communication might reasonably be interpreted by a consumer as health or nutrition claims, they should be supportable with appropriate scientific evidence.</p>



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<p><u>Article 5</u></p> <p>Marketing communication should not contain any statement, or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is likely to mislead the consumer, in particular, but not exclusively, with regard to: Characteristics of the product which are material, i.e. likely to influence the consumer's choice, such as: nature, composition, 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 communication 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. Food products not intended to be substitutes for meals should not be represented as such.</p>
<p><u>Article 6</u></p> <p>Marketing communication should not:</p> <ul style="list-style-type: none"> - misuse technical data, e.g. research results or quotations from technical and scientific publications; - present statistics in such a way as to exaggerate the validity of a product claim; - use scientific terminology or vocabulary in such a way as falsely to suggest that a product claim has scientific validity. 	<p>All nutritional and health-benefit information and claims for food and beverage products should have a sound scientific basis. Consumer taste or preference tests should not be used in a way that might imply statistical validity if there is none. Testimonials should be based on well accepted and recognized opinion from experts.</p>



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<p><u>Article 17</u></p> <p>Marketing communication 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>	<p>Food and beverage marketing communication should not undermine the promotion of healthy balanced diets, nor the importance of a healthy active lifestyle.</p>
<p><u>Article 18</u></p> <p>The following provisions apply to marketing communication addressed to children and young people, as defined in national laws and regulations relevant to such communications.</p> <p><u>Inexperience and Credulity</u> Marketing communication should not exploit inexperience or credulity, of children and young people.</p>	<p>Marketing communication directed towards children for food and beverage products should not create a sense of urgency, or inappropriate price minimisation.</p> <p>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>



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<p>Social Values</p> <p>Marketing communication should not suggest that possession or use of the promoted product will give a child or young person physical, psychological or social advantages over other children or young people, or that not possessing the product will have the opposite effect.</p> <p>Marketing communication should not undermine the authority, responsibility, judgement or tastes of parents, having regard to relevant social and cultural values.</p> <p>Marketing communication should not include any direct appeal to children and young people to persuade their parents or other adults to buy products for them.</p>	<p>Food and beverage marketing communication should not mislead consumers about potential health or other benefits from the consumption of the advertised product. In marketing communication to children or young people, this includes such things as status or popularity with peers, success in school or sports, or intelligence.</p> <p>Food product marketing communication should not undermine the role of parents and other adults responsible for a child’s welfare in guiding diet and lifestyle choices.</p> <p>Advertisements should not include any direct appeal to children to persuade their parents or other adults to buy advertised products for them.</p>
<p>ARTICLE 18 and ARTICLE A6 (Sales Promotions)</p> <p>Marketing communication should not exploit the inexperience or credulity of children and young people. Sales promotions should be presented in such a way that they are made aware, before making a purchase, of any conditions likely to affect their decision to purchase.</p>	<p>Sales promotion offers addressed to children should provide the conditions of the premium offer, sweepstake or contest being advertised in terms that children can understand.</p> <p>Marketers should strive to be sure that young children have an understanding of the products to be purchased, if any, to receive the premium; and for sweepstakes and contests, the conditions of entry, types of prizes and the likelihood of winning.</p>