



**International Chamber of Commerce**

*The world business organization*

**Department of Policy and Business Practices**

## **ICC framework for responsible food and beverage communications**

### **Introduction**

The increasing worldwide attention to diet, nutrition and physical activity 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.

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 commercial communications to consumers are responsible.

World business supports the notion that responsible commercial 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 commercial communications consistent with principles of good nutrition, diet, physical activity and personal choice, business can play an important role.

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

As a multi sectoral organization, ICC recognizes that its codes serve as an international standard and that they are used to develop regional and national codes by industry sector groups and by regional and national self-regulatory bodies.

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

ICC welcomes the adoption by regional and national self-regulatory advertising bodies around the world of the general principles expressed in ICC's own codes. Furthermore, world business values the enforcement mechanisms such bodies have put in place to sanction or amend advertisements that do not meet applicable self-regulatory requirements.

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The application of self-regulation in food advertising 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 communications in our information-focused society, guidelines for communicating to children, and freedom of commercial speech.

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

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

Good communications, 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.

An informed consumer is also crucial in the matter discussed in this paper and, as such, the focus on the operative principles that should guide marketers in their commercial communications is all the more timely.

### **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 advertising, which is why it includes specific provisions on commercial communications to children in its guidelines and codes.

Communicators must advertise 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 lifestyle, physical activity and diet. Moreover, parents, educators, the media, entertainment content providers and others have important roles in helping children develop a critical understanding of advertising 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 advertising as they do to any other type of commercial communications 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 communications, above and beyond compliance with laws and regulations, especially in communicating to children. In doing so, advertising 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.

While underscoring the multi-sectoral nature of ICC's guidelines, we set forth below how ICC believes that some important ICC principles contained in existing ICC codes would apply in the context of food and beverage commercial communications.



## ICC PRINCIPLES

## APPLICATION TO FOOD AND BEVERAGE ADVERTISING

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### **ICC International Code of Advertising Practice Article 1**

All advertising should be legal, decent, honest, and **truthful**.

Application in the context of food and beverage advertising of this principle means that claims about nutrition and health benefits should have a sound scientific basis. The claims should be conveyed consistent with the nature and scope of the evidence, providing the consumer with supportable information.

The claim should also be judged by the likely perception of the reasonable consumer, especially where children and young people are concerned.

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### **Article 1 continued**

Every advertisement should be prepared with a due sense of **social responsibility**....

Food and beverage advertisements should not encourage or condone excess consumption and portion sizes should be appropriate to the setting portrayed. Advertising should not undermine the importance of healthy lifestyles.

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### **Article 1 continued**

No advertisement should be such as to impair **public confidence** in advertising.

Advertisements should respect the spirit of ICC, local and sectoral self-regulatory codes, in order to maintain confidence both in advertising and in the self-regulation system.

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### **ICC International Code of Advertising Practice Article 3**

Advertisements should be so framed as not to abuse the trust of consumers or **exploit their lack of experience or knowledge**.

Where claims or terminology used in advertisements might reasonably be interpreted by a consumer as health or nutrition claims, they should be supportable with appropriate scientific evidence.



## ICC PRINCIPLES

## APPLICATION TO FOOD AND BEVERAGE ADVERTISING

### **ICC International Code of Advertising Practice Article 5.1**

Advertisements should not contain any statement or visual presentation which directly or by implication, omission, ambiguity or exaggerated claim is **likely to mislead the consumer**, in particular with regards to

a. characteristics such as: **nature, compositions**, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact.

Copy, sound and visual presentations in advertisements for food and beverage products should accurately represent the material characteristics featured in the advertisement for the product, 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.

### **ICC International Code of Advertising Practice Article 5.2**

Advertisements should **not misuse research results** or quotations from technical and scientific publications. Statistics should not be so presented as to **exaggerate the validity** of advertising claims. Scientific terms should not be used to falsely ascribe scientific validity to advertising claims.

All nutritional and health-benefit 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.

### **ICC International Code of Advertising Practice Article 6**

Advertisements containing comparisons should be so designed that the comparison is **not likely to mislead**, and should comply with the principles of fair competition. Points of comparison should be based on facts which can be substantiated and should not be **unfairly selected**.

Nutritional or health-related comparisons should be based on an objectively supportable and clearly understandable basis.



## ICC PRINCIPLES

## APPLICATION TO FOOD AND BEVERAGE ADVERTISING

### **ICC International Code of Advertising Practice Article 12**

Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when an advertisement appears in a medium which contains news or editorial matter, it should be so presented that it will be **readily recognised** as an advertisement.

Food and beverage manufacturers should particularly note that in advertising directed to children, broadcast or print media personalities (live or animated) should not be used to sell products, premiums or services in a way that obscures the distinction between programme or editorial content and commercial promotion.

### **ICC International Code of Advertising Practice Article 13**

Advertisements should not without reason, justifiable on educational or social grounds, contain any visual presentation or any description of dangerous practices or of situations which **show a disregard** for safety or **health**.

Food and beverage advertisements should not undermine the promotion of healthy balanced diets, nor the importance of a healthy, active lifestyle.

### **ICC International Code of Advertising Practice Article 14**

The following provisions apply to advertisements addressed to children and young people who are minors under the applicable national law.

#### **Inexperience and Credulity**

a. Advertisements should not exploit the **inexperience or credulity** of children and young people.

Advertisements 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.



## ICC PRINCIPLES

## APPLICATION TO FOOD AND BEVERAGE ADVERTISING

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**ICC International Code of Advertising Practice Article 14 continued**

**Social Value**

a. Advertisements should not suggest that possession or use of a product alone will give the child or young person **physical, social or psychological advantages** over other children or young people of the same age, on that non-possession of the product would have the opposite effect.

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Food and beverage advertisements should not mislead consumers about potential health or other benefits from the consumption of the advertised product. In advertisements to children or young people, this includes such things as status or popularity with peers, success in school or sports, or intelligence.

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**ICC International Code of Advertising Practice Article 14 continued**

**Social Value**

b. Advertisements should not undermine the **authority, responsibility, judgement or tastes** of parents, taking into account **current social values**. Advertisements should not include any direct appeal to children and young people to **persuade their parents** or other adults to buy advertised products for them.

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Food product advertisements should not undermine the role of parents and other adults responsible for a child's welfare in guiding diet and lifestyle choices. Advertisements should not include any direct appeal to children to persuade their parents or other adults to buy advertised products for them.

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**ICC International Code of Sales Promotion Article 8**

Sales promotions addressed to children and young people should not exploit their **credulity or inexperience**. No sales promotion should be undertaken which is likely to **harm** children or young people mentally, morally or **physically**, or to **strain their sense of loyalty vis-a-vis their parents** and guardians.

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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. Advertisers 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.