

Lietuvos Standartizacijos Departamentui

2021 m. liepos 5 d., 21-125VK

**DĖL TARPTAUTINĖS STANDARTIZACIJOS ORGANIZACIJOS PASIŪLYMO DĖL RINKODAROS VAIKAMS GAIRIŲ**

Lietuvos verslo konfederacija (toliau – LVK), Tarptautinių prekybos rūmų (toliau – ICC) atstovė Lietuvoje, kreipiasi dėl 2021 balandžio 24 d. pateikto [pasiūlymo dėl reklamos ir rinkodaros, darančios įtaką vaikams, gairių](#) (toliau – pasiūlymas), pateikto Tarptautinės standartizacijos organizacijos vartotojų politikos komiteto (ISO COPOLCO) nariams balsuoti iki liepos 17 d. Šiuo pasiūlymu siekiama suformuluoti rinkodaros ir reklamos vaikams principus ir geros praktikos gaires tam, kad vaikai būtų apsaugoti nuo fiziškai ar psichologiškai žalingo turinio. Gairės apima televizijoje, socialiniuose tinkluose, žiniasklaidoje ir kitose (skaitmeninėse) platformose (YouTube, tinklaidžių platformų ir kt.) įtraukiamas reklamas vaikams filmuose, kompiuteriniuose žaidimuose ar kitur.

LVK ir ICC pritaria suformuluoto pasiūlymo siekiams, tačiau laikomės nuomonės, kad pasiūlymas atkartoja **ICC Reklamos ir rinkodaros kodekso (toliau – ICC kodeksas), pripažinto 42 šalyse, nuostatas**. 42 šalių, tarp jų ir Lietuva, reguliuoja nustato reklamos ir rinkodaros gaires pagal ICC kodeksą. Įgyvendinus siūlomas nuostatas kiltų grėsmė dėl teisės normų kolizijos ir tarptautinių standartų erozijos šioje srityje.

**Atsižvelgiant į išdėstytą problematiką, prisegame ICC nuomonę pasiūlymo atžvilgiu (anglų k.).** Pažymėtina, kad pasiūlymo tekste yra pateikiama lyginamoji lentelė ICC kodekso atžvilgiu, tačiau mūsų įsitikinimu, lentelėje išdėstytas turinys nėra tikslus. ICC nuomonės 2 priede pateikiama patikslinta lyginamoji lentelė.

Dėkojame už bendradarbiavimą.

Pagarbiai

Generalinė direktorė

Eglė Radišauskienė

PRIDEDAMA: Tarptautinių prekybos rūmų pozicija pasiūlymo atžvilgiu

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## 1 PRIEDAS. TARPTAUTINIŲ PREKYBOS RŪMŲ POZICIJA PASIŪLYMO ATŽVILGIU

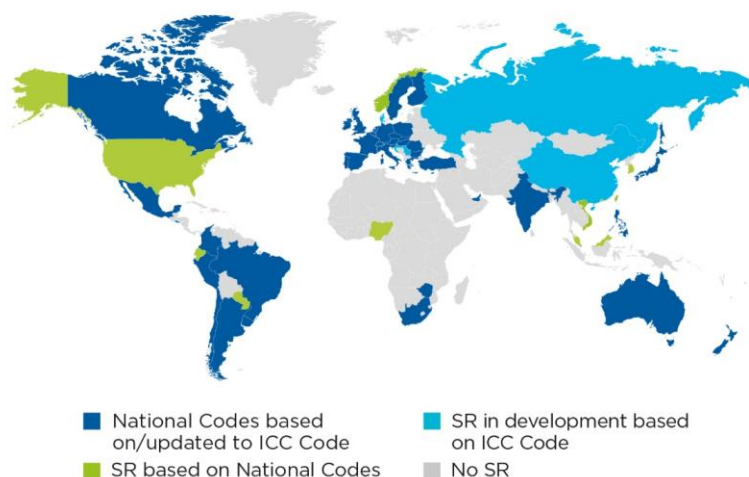
### **An ISO children's advertising standard duplicates existing standards and the proposed work project should be reconsidered/set aside**

ICC does not support the proposed initiative by ISO and respectfully encourages ISO to defer instead to the existing international advertising standards, embodied by the ICC Code and recognized in many countries throughout the world, which have roots in a solid historical tradition of responsible and ethical advertising practices.

The International Chamber of Commerce (ICC) would like to take the opportunity to comment on the recent International Organization for Standardization (ISO) revised new work item proposal for guidance for advertising and marketing that affects children, which has been presented for vote by ISO members by the 17<sup>th</sup> of July 2021.

ICC recognises ISO's commitment to developing international standards to provide solutions to global challenges and developing principles and best practice guidelines for all advertisers to protect children at different ages and stages of development from harm.

For the last 80 years, world businesses have worked through ICC to promote high standards of ethics by business self-regulation through the ICC international advertising and marketing codes. These codes have been implemented, referenced and endorsed by companies, associations, governments and national organizations across the world and provide a framework for responsible advertising that is both globally consistent and reflects global consumer protection standards. In fact, **the ICC Advertising and Marketing Communications Code** (ICC Code) is already expressly recognized in 42 countries<sup>1</sup> around the world as shown in the map below.



The guidelines and principles of the ICC Code align with those in additional jurisdictions that apply national guidelines and codes governing advertising and marketing. ICC's approach to specific

<sup>1</sup> Countries using the ICC Code as basis for national codes: Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, UK, Brazil, Canada, Chile, Argentina, Mexico, El Salvador, Uruguay, Colombia, Australia, India, New Zealand, Japan, Philippines, Singapore, UAE, South Africa, Zimbabwe.

provisions on advertising to children and teens has been informed by almost 100 years of research on child development, and recognises that children, on the one hand, and teens, on the other, require special, but different, consideration based on their differing ability to understand marketing messages. The Code and other ICC documents also recognize that constitutional and other legal frameworks protect truthful commercial speech around the world. The result, with the ICC Code as a guide, is a dynamic system of advertising self-regulation which, on a daily basis, benefits consumers, governments and businesses by providing accessible, effective and flexible mechanisms to handle complaints and enforce the self-regulatory framework for advertising communications. Over the years, the ICC Code has served as the foundation and building block for self-regulatory structures around the world, where it is enforced and adapted to reflect the local context. The ICC Code was updated in 2018 to incorporate changes in the digital landscape and includes relevant updated guidance on advertising to children. Additionally, the ICC has engaged in capacity-building initiatives in emerging markets to promote adoption of the ICC Code and support development and enhancement of advertising self-regulatory systems.

ICC has made efforts, together with the International Council for Advertising Self-Regulation (ICAS) and the European Advertising Alliance (EASA) to provide insight to ISO COPOLCO on the global implementation of ICC Code guidance through the self-regulatory network and support from the broader advertising industry and express concern about the risk of duplication with the ICC's guidance on marketing to children.

Nonetheless, ICC notes that the current proposal expresses the intention “to provide principles and best practice guidelines for advertising and marketing to protect children at different ages and stages of development from harm and to promote their healthy physical and psychological growth”. It also notes that the proposed “standard will provide guidance for advertisers and governments wishing to introduce voluntary or mandatory advertising codes and help improve existing voluntary or mandatory advertising codes. An internationally agreed guidance and international collaboration between national advertising standards councils will help create good harmonization of existing gaps between countries.” Such a framework already exists in the form of the ICC Code and the system of advertising self-regulation. The stated objectives serve to reaffirm our concerns for duplication of widely-accepted global advertising standards and complexity in terms of implementation.

**ICC therefore once again urges ISO to remove this project from its work plan since effective globally recognized and up-to-date guidelines for advertising and marketing to children and teens are already in place.**

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### **ICC Advertising and Marketing Communications Code**

The ICC Code is recognised as the ‘gold standard’ for international advertising self-regulation. As a globally applicable self-regulatory framework first issued more than 80 years ago, it has served as the cornerstone for most advertising self-regulatory systems around the world. It is regularly updated and the 10<sup>th</sup> edition in 2018 addresses new marketing techniques reflecting today's digital world. The ICC Code is available in 14 languages, namely English, Spanish, French, Swedish, Dutch, Danish,

German, Serbian, Russian, Finnish, Croatian, Mandarin, Arabic and Thai, allowing practitioners in many mature and emerging markets to consult with and follow the ICC Code.

### **Scope of the ICC Code**

The ICC Code sets forth ethical principles covering all forms of advertising aimed at protecting consumers, including provisions addressing special responsibilities for marketing “products” (as defined by the ICC Code, which includes services) to children and teens. Article 18 of the ICC Code outlines principles for advertising to children and teens, while Article 19 establishes principles for data collection involving children.

ICC recognizes that teens have significantly different interests and understanding and have greater cognitive abilities to think critically about advertising as compared to children. Rules or standards that attempt to treat teenagers 13 – 18 like children are, quite simply, not supported by available data. Given the growing globalisation of markets, inconsistency in how “children” are defined from both a regulatory and self-regulatory perspective risks undermining the ability to provide free advertiser-supported content suitable for these distinct demographic groups and could result in a need to collect more personal information from teens to confirm their age. ICC adopts and encourages international harmonisation around a definition that “children” are age 12 and younger for purposes of advertising, and “teens” means those individuals aged 13 – 17 years. Distinctions between children and teens are based on many decades of child development research.

As noted above, ICC’s approach to advertising to minors has been informed by almost 100 years of research on child development, and recognises that children, on the one hand, and teens, on the other, require special, but different, consideration based on their differing ability to understand marketing messages. A wealth of data and historical customs and practices support defining “children” as age 12 and younger (i.e., under 13 years old) for marketing-related purposes. Children and teens are typically considered “minors” and are barred from purchasing, consuming or using particular products intended for adults, such as alcohol, tobacco, household cleaners, drugs, etc, restrictions also reflected in the ICC Code.

An overarching principle of the ICC Code is that marketing communications must be legal, decent, honest and truthful, considering how the communication is likely to be interpreted by the primary target audience. Where the primary target audience includes children or teens, that is the audience of interest. Thus, all of the general principles of the Code fully apply to marketing communications directed to children and teens.

The ICC Code also recognises that some added fair marketing communications principles should apply to advertising directed to both children and teens, while other specific marketing communications principles should apply only to advertising directed to children. For example, products that are unsuitable for purchase, use or consumption by children and teens in the jurisdiction where the marketing communications appear should not be advertised in media targeted to them, while other provisions of the Code (e.g., the use of fantasy in advertising) include additional best practices for child-directed marketing communications since their understanding of such techniques may be less well-developed. Likewise, children and teens should not be portrayed in advertisements using products that are not appropriate for them to use. ICC recognises that some local laws may define “children” and “teens” differently. Marketers of course must respect local laws when it comes to structuring local marketing communications, and social and cultural norms that implicate the

acceptability of advertising and marketing initiatives vary from country to country. The ICC decision to adopt age 12 and younger as the reference age of “children” for purposes of advertising and privacy provisions of the ICC Code, and to define “teens” as individuals aged 13 – 17 years, reflects proven differences in the ability of children versus teens to understand marketing communications, the very real differences in teens’ interests as compared to children, the practical impediments to obtaining parental consent where data collection from teens is concerned, sensitivities about teens’ own privacy rights, and respect for freedom of commercial communications where the principal audience is adults.

For further information please see [the ICC Statement of Code Interpretation and Reference Guide on Advertising to Children](#) and the [ICC Toolkit: Marketing and Advertising to Children](#) (which includes references to additional ICC papers and guidance documents relevant to this proposal).

ICC believes that adopting the Convention on the Rights of a Child definition of children as persons under 18 years of age, as outlined in the proposal, is entirely misguided. It does not reflect existing legal instruments, international standards or approaches specifically applicable to advertising and could present challenges operationally in various jurisdictions globally. Most importantly, treating all minors under 18 as “children” is not grounded in available child development research. ICC recognises the need to protect the privacy of all consumers, including children, teens and adults, but would recommend that ISO rely on existing ICC guidance that, recognizes the vast differences in cognitive abilities between children and teens, and which differentiates between children and teens in this context. The ICC Code harmonizes the definition of “children” as those 12 and younger and “teens” as those 13 – 17. This will help maintain international consistency and is consistent with many content ratings and safety laws around the world.

Article 18 of the ICC Code provides specific provisions on children and teens, Article 19 elaborates on Children’s Personal Data and Article C7 provides guidelines on marketing communications and children, with respect to digital marketing communications.

In this regard, please refer to the relevant extracts of ICC Code provisions in Annex I.

Furthermore, ICC notes that the latest version of the proposal includes a “comparison table” between the draft ISO guideline and the ICC Code. However, the table reflected in the proposal does not provide an accurate or complete depiction of applicability of the ICC Code in relation to the principles outlined. Please refer to Annex II below which provides a comparison including relevant ICC provisions (*highlighted in blue*) that address the relevant ISO principles outlined. The revised mapping clearly demonstrates the extent of duplication vis-à-vis the proposed ISO guidance and the existing ICC Code provisions.

Whilst the proposal references the ICC Code, it does not acknowledge the risk of duplication with existing guidance, but instead implies that the guidance would complement existing codes of conduct (page 8 of the proposal). ICC members fail to understand how duplication would be minimised in this instance – the existence of similar guidance in parallel would risk adding a layer of complexity in terms of compliance, application and implementation, especially given that the current self-regulatory system already uses the ICC Code as a reference in developing national codes of practice. It is also unclear how the proposed standard would be applied in practice, especially in the 42 countries that already recognize and rely on the ICC Code or in jurisdictions which follow their own codes, such as the U.S.

## **Self-regulation**

The advertising and marketing industry has well-established self-regulatory systems and initiatives to protect children's privacy online in effect in markets around the world. Advertising self-regulation is recognised by international organisations and forums such as APEC, the European Union and OECD. The ICC Code serves as a backbone for the industry globally and as a basis for advertising codes of practice developed at the national level.

The ICC Code and systems of advertising self-regulation around the world share a common objective: assuring that advertising – including advertising directed to children and teens – is fair and appropriate, protects consumer privacy online, and ultimately enhances consumer trust and satisfaction by creating common shared standards of conduct that businesses support.

### **The benefits of self-regulation**

It is also important to note the benefits of the existing self-regulatory system including:

- the ability to swiftly update codes to address new issues. The ICC Commission on Marketing and Advertising keeps the codes under constant review, adjusting them when necessary, to meet changing public sensitivities and the demands of new technologies.
- a set of universal standards that can be accepted by different cultures and political systems worldwide. The self-regulatory codes and guidelines offer a basis for national codes applied by professional organizations specializing in evaluating the truthfulness and fairness of advertising.
- a true global consensus reflecting current issues and concerns surrounding advertising and marketing. ICC's unique consensus-building process means that the self-regulatory codes reflect the collective global intelligence on standards for ethical advertising.
- an effective and cost-efficient system. Self-regulation assures consumers of ethical and responsible advertising through a network of self-regulatory organizations across the world which enforce advertising standards by addressing consumer complaints and by taking action to prevent non-compliant ads.
- It reduces costs that otherwise would be required for governments to legislate and administer detailed regulatory codes.

Further details are provided in the [ICC Toolkit on the Benefits of Advertising Self-Regulation in Ensuring Responsible and Compliant Advertising](#)

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**An ISO children's advertising standard duplicates existing standards and the proposed work project should be rejected.**

Whilst our comments focus on how the provisions of the ICC Code and the system of advertising self-regulation address stated concerns about marketing and advertising to children and teens, making this work project unnecessary, we note numerous shortcomings. In addition to the incomplete and inaccurate comparison table, the list of recommended referenced materials (described as “relevant existing documents”) also fails to include numerous seminal documents that are central to any comprehensive review of advertising principles. For example, U.S. Children’s Food and Beverage Initiative (a food pledge marketing program) is not referenced, although it was the first such global programme, yet, the EU Food Pledge is listed. The U.S. Children’s Online Privacy Protection Act (COPPA) – the first major children’s privacy law to be enacted anywhere in the world – is not referenced. Many expert research papers and historically important, peer-reviewed child development research reports are also not referenced.

It is not possible to provide a comprehensive list of all relevant documents that should be included. We simply note that from the ICC’s perspective, numerous relevant ICC documents were not listed. A complete compilation of ICC codes, policy statements, guidelines and discussion materials is available at the ICC website, but the following ICC documents are most relevant to those interested in responsible advertising and marketing to children and teens that should have been included in the proposed work project:

1. [ICC Code of Advertising and Marketing Communications Practice](#);
2. [ICC Policy Statement on Freedom of Commercial Communications](#);
3. [ICC Statement of Code Interpretation and Reference Guide to Advertising to Children](#);
4. [Implementation Guide for the ICC Marketing Codes](#); (Annex II of ICC Code)
5. [ICC Guidance on Native Advertising](#);
6. [ICC Paper on Code Drafting: maintaining the effectiveness of self-regulation in marketing communications](#);
7. [ICC/ESOMAR International Code on Market Research and Social Opinion and Data Analytics](#);
8. [ICC discussion paper on labelling and packaging measures impacting brand assets](#);
9. [Framework for Responsible Food and Beverage Marketing Communications 2019](#); and
10. [ICC Framework for Responsible Marketing Communications of Alcohol 2019](#).

ICC firmly believes that there is no need for ISO to initiate a multi-year work project to develop a “standard” on advertising and marketing to children and teens. A globally accepted standard exists in the form of the ICC Code and related ICC documents and are currently relied on in many countries. Indeed, any further work by ISO in this area would unnecessarily duplicate and add complexity to existing frameworks at an international and national level. This would not only increase costs and create confusion with policymakers and businesses, but it is highly unlikely that any such standard would be adopted by the businesses to which this proposed standard is intended.

**In this regard, ICC respectfully believes that the current proposal would not serve as an appropriate use of ISO resources, considering existing guidance and initiatives that serve the intended purpose of assuring that advertising directed to children and teens is fair and appropriate, protects children’s privacy online, and thus contributes to improving customer trust and satisfaction and promoting continuous responsible business development.**

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## **Food and Beverage Advertising self-regulatory initiatives**

The proposal also makes reference to a Consumers International Report, which states: *“Self-regulation in the food industry has not been effective and it may be time to push for stronger regulation, standards, guidelines and political action. Regardless of where they live, consumers should have affordable access to a nutritious diet.”*

To this end, ICC would like to highlight two key self-regulatory initiatives related to food and beverage marketing:

- i) The [EU Pledge](#), and
- ii) The US [Children’s Food and Beverage Advertising Initiative](#)

### **EU Pledge**

The [EU Pledge](#) is a voluntary initiative by leading food and beverage companies to change the way they advertise to children. This is a response from industry leaders to calls made by the EU institutions for the food industry to use commercial communications to support parents in making the right diet and lifestyle choices for their children.

Further details of the initiative are provided below, including a relevant infographic in Annex III, which demonstrate the high level of industry compliance and a significant impact on children’s exposure to audiovisual communications, as well as a robust complaints mechanisms.

- **A commitment to change food marketing to children:**

Launched in 2007 as a World Federation of Advertisers (WFA) commitment to the [EU Platform for Action on Diet, Physical Activity and Health](#), the EU Pledge commits member companies either to only advertise better-for-you products to children under 12, subject to common nutrition criteria; or not to advertise any products to children under this age at all. The EU Pledge is a framework commitment; individual [companies’ commitments](#) can and often do go beyond.

- **By a critical mass of advertisers:**

Having built up EU Pledge membership over the years, the EU Pledge now represents over 80% of EU food and beverage marketing spend.

- **Fulfilling an EU mandate:**

In addition to the [EU Nutrition Strategy](#), the EU Pledge **responds to Article 9.3 of the [Audiovisual Media Services Directive \(AVMSD\)](#)**, which asks Member States to foster *“self-regulation through codes of conduct [...] regarding inappropriate audiovisual commercial communications, accompanying or included in children’s programmes, for foods and beverages containing [...] fat, trans-fatty acids, salt or sodium and sugars [HFSS], of which excessive intakes in the overall diet are not recommended.”*

- **With a common set of nutrition criteria:**

In the absence of an agreed EU nutrient profiling model, the EU Pledge has developed a set of [common nutrition criteria](#), which companies use to define “HFSS” products and apply restrictions on marketing to children. These criteria have been strengthened repeatedly since their adoption in 2012.



With the [latest enhancements](#), which entered into force in January 2020 and reduce the sodium and sugar thresholds applicable in several product categories, according to the [latest analysis](#) by the European Commission's Joint Research Centre, these criteria exclude on average over half (55%) of products from being advertised to children.

- **A significant impact on children's exposure:**

Based on extensive annual third-party audits, the EU Pledge has been able to report not only [high levels of compliance](#), but also a [significant impact on children's exposure](#) to audiovisual communications for these foods and beverages, notably **an 83% reduction in children's exposure in and around children's programmes, and a 48% reduction in children's exposure overall**, across all programmes.

- This accomplishment is in line with the mandate of the AVMSD, which states that *"those codes shall aim to effectively reduce the exposure of children to audiovisual commercial communications for such foods and beverages."*

- **Covering new media comprehensively:**

Beyond audiovisual media, the EU Pledge has been [strengthened](#) over the years to ensure comprehensive coverage of the rapidly evolving digital landscape. While marketing spend by the food and beverage sector accounts for only c. 3.5% of online advertising, children are increasingly online, and YouTube has grown to become children's favourite medium.

- In line with the extended scope of the new AVMSD, which now also covers video-sharing platforms, the **EU Pledge members companies are now applying control measures to minimise children's exposure to "HFSS" food advertising on YouTube.**
- Since the beginning of 2020, another new EU Pledge rule has been added, which ensures that companies do not use [influencer marketing](#) – growing rapidly on social media – to promote "HFSS" products to children.

- **A new accountability mechanism:**

Following discussion with the European Commission, WFA has sought to **strengthen accountability** and has put in place an [EU Pledge accountability mechanism](#), which allows citizens and interested parties across the EU to make complaints. These are channelled to an **independent panel of experts** administered by the [European Advertising Standards Alliance](#) (EASA), which delivers rulings. These are [published](#) on the EU Pledge website. Member companies that are found in breach must take corrective measures as directed by the panel's ruling.

The Pledge commitment provides adequate protection of children via a rules-based scheme, widely accepted by relevant advertisers and effectively implemented and enforced.

### **Looking ahead:**

- As a dynamic initiative, the EU Pledge will continue evolving in response to a changing landscape and societal expectations.

### *The US Children's Food and Beverage Advertising Initiative*

"The [Children's Food and Beverage Advertising Initiative \(CFBAI\)](#) was created to improve the landscape of food advertising to children under age 12. Under CFBAI, participants voluntarily commit that, in advertising primarily directed to children, they will either not advertise foods or beverages to children at all or advertise only products that meet CFBAI's strict Uniform Nutrition Criteria. Participants also do not advertise in elementary schools.

Nineteen leading good, beverage and quick-service restaurants participate in CFBAI by developing individual pledges that set out how the company will meet the requirements of CFBAI's [Core Principles](#). Since CFBAI began in 2007, participants have reduced nutrients to limit, like added sugars of sodium, and added more food groups or important nutrients like calcium and Vitamin D in foods advertised to children. Some participants no longer advertise to children. The CFBAI participants account for 70% of advertising on children's television.

CFBAI's Core Principles set requirements regarding media coverage and nutrition criteria for food advertising to children under 12. CFBAI has evolved over the years to respond to changes in the children's advertising landscape. The most recent enhancements to the Core Principles more strictly define what constitutes a child-directed audience, formally expand digital media coverage to cover platforms like YouTube and influencer communications, and incorporate the Uniform Nutrition Criteria 2<sup>nd</sup> ed. These updates are in effect as of January 2021.

Although CFBAI's Core Principles always have applied to online advertising, this enhancement reflects ongoing changes in the children's media environment and provides greater transparency regarding the application of participants' commitments.

For measured media like television, CFBAI defines "child-directed" by reviewing the percentage of children under age 12 in the audience. Under the 2021 guidelines, the required threshold is now stricter, defining any program with an audience of 30% or more children as child-directed. (Some CFBAI participants already apply a 30% threshold or even 25%.)

The 2021 Core Principles also incorporate CFBAI's Category-Specific Uniform Nutrition Criteria, 2<sup>nd</sup> edition, which updated the program's nutrition criteria in September 2018, and which were implemented in January 2020.

CFBAI monitors and evaluates the participants' compliance with their pledge commitments, and companies also submit annual self-assessments; CFBAI publishes an annual report on compliance and progress."

The progress CFBAI is making in improving the children's food advertising landscape has been recognized by the Federal Trade Commission (FTC) and others. There have been many improvements in advertised foods that are tied to the implementation of CFBAI's Uniform Nutrition Criteria. Foods commonly advertised to children (e.g., yoghurts, meals, and small meals) generally contain fewer calories, less sugar or sodium, and more whole grains, fruit or vegetables or vitamins and minerals, like Vitamin D and calcium.

The [CFBAI report](#) assesses participants' compliance with their pledges and notes the nutritional contributions of foods added to the CFBAI Product List in 2019 and 2020.

\* \* \*

**An ISO children's advertising standard duplicates existing standards and the work project should be reconsidered/set aside.**

ICC does not support the proposed initiative by ISO and respectfully encourages ISO to defer instead to the existing international advertising standards, embodied by the ICC Code, which have roots in a solid historical tradition of responsible and ethical advertising practices.

In this regard, ICC respectfully believes that the current proposal would not serve as an appropriate use of ISO resources, considering existing guidance and initiatives that serve the intended purpose of assuring that advertising directed to children and teens is fair and appropriate, protecting children's privacy online, thus contributing to improving customer trust and satisfaction and promoting continuous responsible business development.

**About ICC**

ICC is the world's largest business organisation with a network of over 45 million companies in more than 100 countries. We work to promote international trade, responsible business conduct and a global approach to regulation through a unique mix of advocacy and standard setting activities—together with market-leading dispute resolution services. Our members include many of the world's largest companies, SMEs, business associations and local chambers of commerce.

ICC members work through national committees in their countries to address business concerns and convey ICC views to their respective governments. ICC conveys international business views and priorities through active engagement with the United Nations, the World Trade Organization, the Organisation for Economic Co-Operation and Development (OECD), the G20 and other intergovernmental forums.

## **Annex I - Relevant extracts of ICC Code provisions**

### **Article 18 – Children and teens**

#### ***18.1 General Principles***

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.

For rules on data protection relating specifically to children's personal data see article 19.

For other specific rules on marketing communications with regard to children:

- with respect to direct marketing and digital marketing communications see chapter C, article C7
- within the context of food and non-alcoholic beverages see the ICC Framework for responsible food and beverage marketing communication

#### ***18.2 Inexperience and credulity of children***

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

1. When demonstrating a product's performance and use, marketing communications should not
  - a. minimise the degree of skill or understate the age level generally required for a child to assemble or operate products
  - b. exaggerate the true size, value, nature, durability and performance of the product
  - c. fail to disclose data about the need for additional purchases, such as accessories, or individual items in a collection or series, required to produce the result shown or described
2. While the use of fantasy is appropriate for younger as well as older children, it should not make it difficult for them to distinguish between reality and fantasy.
3. Marketing communications directed to children should be clearly distinguishable to them as such.

#### ***18.3 Avoidance of harm***

Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens 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.

#### ***18.4 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, judgment 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.

Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget.

Marketing communications which invite children and teens to contact the marketer should encourage them to obtain the permission of a parent or other appropriate adult if any cost, including that of a communication, is involved.

## **Article 19: Data protection and privacy**

### ***Children's personal data***

- When personal data is collected from individuals known or reasonably believed to be children, guidance should be provided to parents or legal guardians about protecting children's privacy if feasible.
- Children should be encouraged to obtain a parent's or responsible adult's consent before providing personal data via digital interactive media, and reasonable steps should be taken to check that such permission has been given.
- Only as much personal data should be collected as is necessary to enable the child to engage in the featured activity. A parent or legal guardian should be notified, and consent obtained where required.
- Personal data collected from children should not be used to address marketing communications to them, the children's parents or other family members without the consent of the parent.
- Personal data about individuals known or reasonably believed to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide technical or operational support to the marketer and who do not use or disclose children's personal data for any other purpose.

## **Article C7 – Marketing communications and children**

- Parents and/or guardians should be encouraged to participate in and/or supervise their children's interactive activities.
- Identifiable personal information about individuals known to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide support for operational purposes of the website and who do not use or disclose a child's personal information for any other purpose.

- Websites devoted to products that are subject to age restrictions such as alcoholic beverages, gambling and tobacco products should undertake measures, such as age screens, to restrict access to such websites by minors<sup>2</sup>.
- Marketing communications directed at children in a particular age group should be appropriate and suitable for such children.

## **Annex II: Comparison table: ISO guidelines/ICC Code**

Guidelines (ISO)	ICC	
Foreword		
Contents		
Introduction		
Use of these guidelines		The ICC Code is used as a basis for the national codes in 42 countries.
1. Range of application	Scope	The introduction of the ICC Code explains its scope: "...the Code covers all marketing communications, regardless of form, format or medium. Marketing communications are to be understood in a broad sense (see definitions) but obviously do not extend indiscriminately to every type of corporate communication."
2. Definitions	Definitions	
*Child / children		Means individuals 12 years of age or younger
*teens		Means individuals 13 to 18 years of age
*Advertising		Means any form of marketing communications carried by the media, usually in return for payment or other valuable consideration
*Marketing communications [this is the term used in the ICC Code]		Includes advertising as well as other techniques, such as promotions, sponsorships as well as direct marketing and digital marketing communications,
3. General Principles	18.1 General Principles	<p>Special care should be taken in marketing communications directed to or featuring children or teens.</p> <p>: Such communications should not undermine positive social behaviour, lifestyles and attitudes.</p> <p>: Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them.</p> <p>: Marketing communications directed to children or teens should not be inserted in media where the editorial matter is unsuitable for them.</p> <p>: For rules on data protection relating specifically to children's personal data see article 19.</p> <p>: For other specific rules on marketing communications with regard to children:</p> <p>: with respect to direct marketing and digital marketing communications see chapter C, article C7</p> <p>: within the context of food and non-alcoholic beverages see the ICC Framework for responsible food and beverage marketing communications</p>

<sup>2</sup> The term 'minor' refers to those below the legal purchase age, i.e., the age at which national legislation permits the purchase or consumption of such restricted products. In countries where purchase age and consumption age are not the same, the higher age applies. For the purpose of this Article, in countries where there is no legal purchase or consumption age minors are defined as those below the age of 18. The meaning of this term has been derived from the definition provided in the [ICC Framework for Responsible Marketing Communications of Alcohol](#)



3-1 Advertising and Marketing that is Conscious of the Development and Characteristics of Children	18.2 Inexperience and credulity of children	<p>Marketing communications should not exploit inexperience or credulity of children, with particular regard to the following areas:</p> <ol style="list-style-type: none"> <li>1. When demonstrating a product's performance and use, marketing communications should not <ol style="list-style-type: none"> <li>a. minimise the degree of skill or understate the age level generally required for a child to assemble or operate products</li> <li>b. exaggerate the true size, value, nature, durability and performance of the product</li> <li>c. fail to disclose data about the need for additional purchases, such as accessories, or individual items in a collection or series, required to produce the result shown or described</li> </ol> </li> <li>2. While the use of fantasy is appropriate for younger as well as older children, it should not make it difficult for them to distinguish between reality and fantasy.</li> <li>3. Marketing communications directed to children should be clearly distinguishable to them as such.</li> </ol>
3-1-1 Ensure the accuracy and credibility of information	<p>Art. 5</p> <p>Art. 6 Substantiation</p>	<p>Marketing communications should be truthful and not misleading. Marketing communications should not contain any statement, claim 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: [...]</p> <p>Descriptions, claims or illustrations relating to verifiable facts in marketing communications should be capable of substantiation. Claims that state or imply that a particular level or type of substantiation exists must have at least the level of substantiation advertised. Substantiation should be available so that evidence can be produced without delay and upon request to the self-regulatory organisations responsible for the implementation of the Code.</p>
3-1-2 Avoid unreasonable, unfair and deceptive advertising and marketing	Art. 3 Honesty	<p>Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.</p> <p>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p>
3-1-3 Ensure safety	18.3 Avoidance of harm	Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens 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.
3-1-4 Respect for diversity	<p>Art. 2 Social responsibility</p> <p>C10 General Provisions</p>	<p>Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation.</p> <p>Respect for the potential sensitivities of a global audience Marketers should strive to avoid causing offense by respecting social norms, local culture and tradition in markets where they are directing marketing communications. Given the global reach of electronic networks, and the variety and diversity of possible recipients, marketers should take steps to align their marketing communications with the principles of social responsibility contained in the General Provisions.</p>
3-1-5 Avoid advertising and marketing that is harmful or infringes on human rights	Art. 2 Social Responsibility	<p>Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation.</p> <p>Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering. Marketing communications should not appear to condone or incite violent, unlawful or anti-social behaviour. Marketing communications should not play on superstition.</p>

3-1-6 Protection of children's personal information or their privacy	19.4 Children's personal data	<p>When personal data is collected from individuals known or reasonably believed to be children, guidance should be provided to parents or legal guardians about protecting children's privacy if feasible.</p> <p>: Children should be encouraged to obtain a parent's or responsible adult's consent before providing personal data via digital interactive media, and reasonable steps should be taken to check that such permission has been given.</p> <p>: Only as much personal data should be collected as is necessary to enable the child to engage in the featured activity. A parent or legal guardian should be notified, and consent obtained where required.</p> <p>: Personal data collected from children should not be used to address marketing communications to them, the children's parents or other family members without the consent of the parent.</p> <p>: Personal data about individuals known or reasonably believed to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide technical or operational support to the marketer and who do not use or disclose children's personal data for any other purpose.</p> <p>: For additional rules specific to marketing communications to children using digital interactive media, see chapter C, article C7.</p>
	ARTICLE C7	<p>MARKETING COMMUNICATIONS AND CHILDREN</p> <p>: Parents and/or guardians should be encouraged to participate in and/or supervise their children's interactive activities.</p> <p>: Personal data about individuals known to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide support for operational purposes of the website and who do not use or disclose a child's personal information for any other purpose.</p> <p>: Websites devoted to products that are subject to age restrictions such as alcoholic beverages, gambling and tobacco products should undertake measures, such as age screens, to restrict access to such websites by minors.: Marketing communications directed at children in a particular age group should be appropriate and suitable for such children.</p>
3-1-7 Consideration of sustainable consumption	Art. 3 Honesty	<p>Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.</p> <p>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p>
3-1-8 Business enterprises' constructive contribution to the relationship between children and their parents and caregivers	18.4 Social values	<p>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.</p> <p>Marketing communications should not undermine the authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values.</p> <p>Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them.</p> <p>Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget.</p> <p>Marketing communications which invite children and teens to contact the marketer should encourage them to obtain the permission of a parent or other appropriate adult if any cost, including that of a communication, is involved.</p>
3-2 Respect for children's human rights in the context of freedom of expression	Art. 3 Honesty	<p>Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.</p> <p>Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.</p>

3-3 Compliance with legislation and domestic and international guidelines	Art. 1 Introduction: ICC Code and the law	All marketing communications should be legal, decent, honest and truthful  The Code embraces the principle of legality in Article 1 of the Code in that all marketing communications should be legal, decent honest and truthful. It follows that it can never be in accordance with good business standards to break the law. But the fact that a communication is legal does not necessarily mean it is also ethically acceptable or appropriate. Therefore, marketers and other parties need to make sure their marketing communications activities observe applicable laws and regulations in a market, as well as the relevant provisions of the Code.
4. Considerations regarding advertising presentations and methods	18.1 Children and Teens – General Principles	Special care should be taken in marketing communications directed to or featuring children or teens. <ul style="list-style-type: none"> <li>Such communications should not undermine positive social behaviour, lifestyles and attitudes.</li> <li>Products which are illegal for children or teens to purchase or are unsuitable for them should not be advertised in media targeted to them.</li> <li>Marketing communications directed to children or teens should not be inserted in media where the editorial matter is unsuitable for them.</li> </ul> For rules on data protection relating specifically to children's personal data see article 19. For other specific rules on marketing communications with regard to children: <ul style="list-style-type: none"> <li>with respect to direct marketing and digital marketing communications see chapter C, article C7</li> <li>within the context of food and non-alcoholic beverages see the ICC Framework for responsible food and beverage marketing communications</li> </ul>
4-1 Considerations regarding advertising presentations	Art. 18.1  Art. A3 Presentation	As above  A sales promotion should not be presented in a way likely to mislead those to whom it is addressed about its value, nature or the means of participation. Any marketing communication regarding the sales promotion, including activities at the point of sale, should be in strict accordance with the General Provisions of the Code.
4-1-1 Imposition of advertising, persistent recommendation of products and services	18.4 Children and Teens – Social Values          Art. C5 High Pressure Tactics	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, judgment 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. Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget. Marketing communications which invite children and teens to contact the marketer should encourage them to obtain the permission of a parent or other appropriate adult if any cost, including that of a communication, is involved.  High-pressure tactics which might be construed as harassment should not be used. Consumers should not be asked to sign up to an offer where there will be no means provided to confirm the terms and conditions.
4-1-2 Encouraging pestering	Art. 18.3 Children and Teens – Avoidance of harm          Art. 18.4 Social values  Art. C5 High Pressure	Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens 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.  Marketing communications should not include any direct appeal to children to persuade their parents or other adults to buy products for them.  As above

	Tactics	
4-1-3 Exaggeration or emphasis of benefits or features	Art. 5	<p>Marketing communications should be truthful and not misleading. Marketing communications should not contain any statement, claim 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:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• the value of the product and the total price to be paid by the consumer</li> <li>• terms for the delivery, provision, exchange, return, repair and maintenance</li> <li>• terms of guarantee</li> <li>• copyright and industrial property rights such as patents, trade-marks, designs and models</li> <li>• and trade names</li> <li>• compliance with standards</li> <li>• official recognition or approval, awards such as medals, prizes and diplomas</li> <li>• the extent of benefits for charitable causes</li> </ul>
4-1-4 Exaggeration or emphasis of pricing, or lack of clear indication of what is not included in price	Art. 18.4 Children and Teens – Social Values	Prices should not be presented in such a way as to lead children to an unrealistic perception of the cost or value of the product, for example by minimising them. Marketing communications should not imply that the product being promoted is immediately within the reach of every family budget.
4-1-5 Presentations that cause fear or anxiety	Art. 18.3 Children and Teens – Avoidance of harm	Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens mentally, morally or physically.
	Art. 2 Social Responsibility	[...] Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering. [...]
4-1-6 Presentations that are suggestive of discrimination, ostracism or bullying	Art. 2 Social Responsibility	Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation.
	Art. 12 Denigration	Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering. Marketing communications should not appear to condone or incite violent, unlawful or anti-social behaviour. [...] Marketing communications should not denigrate any person or group of persons, firm, organisation, industrial or commercial activity, profession or product, or seek to bring it or them into public contempt or ridicule.
4-1-7 Presentations that force fixed notions	Art. 3 Honesty	Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.  Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.
4-1-8 Presentations that are excessively sexual	Art. 3 Decency	Marketing communications should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned.
4-1-9 Acts or presentations that could be imitated	Art. 18.3 Avoidance of harm	Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens 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.
4-1-10 Presentations that could provoke danger or misuse	Art. 17 Safety and Health	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. Information provided with the product should include proper directions for

		use and full instructions covering health and safety aspects whenever necessary. Such health and safety warnings should be made clear by the use of pictures, sound, text or a combination of these.
4-1-11 Presentations that condone or implicitly encouragesmoking and drinking of alcohol by children	Art C7 Marketing communications and children  ICC Framework for Responsible Alcohol Marketing Art. 1	Websites devoted to products that are subject to age restrictions such as alcoholic beverages, gambling and tobacco products should undertake measures, such as age screens, to restrict access to such websites by minors.  As an overriding principle, all marketing communications of alcohol should be so designed to market products to persons of legal purchase age in a responsible and appropriate manner. Marketing communications should not incite or condone illegal behaviour, excessive consumption or undermine healthy lifestyles. 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.
4-1-12 Presentations that undermine children's healthy foodhabits	ICC Framework for Responsible Food and Beverage Marketing Communications Art. 1	[...] Nutritional information and claims should also be judged by the likely perception of the reasonable consumer, especially where children are concerned. 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.
4-2 Considerations regarding advertising methods	Article 18: Children and teens General Principles  Article C7: Marketing communications and children  Art.17 Safety and Suitability	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.  Marketing communications directed at children in a particular age group should be appropriate and suitable for such children.  Care should be taken to ensure that promotional items, provided they are properly used, do not expose consumers, intermediaries, or any other persons or their property to any harm or danger. Promoters should ensure that their promotional activities are consistent with the principles of social responsibilities contained in the General Provisions, and in particular take reasonable steps to prevent unsuitable or inappropriate materials from reaching children.
4-2-1 Excessive use of premiums and giveaways	Art. 3 Honesty	Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.  Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.
4-2-2 Excessive inducement to join membership clubs	Art. 3 Honesty	Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.  Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.
4-2-3 Unrealistic presentations using special techniques	Art. 3 Honesty	Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge.  Relevant factors likely to affect consumers' decisions should be communicated in such a way and at such a time that consumers can take them into account.
4-2-4 Clear distinction between program/editorial content andadvertising	Art 7: Identification	Marketing communications should be clearly distinguishable as such, whatever their form and whatever the medium used. When an advertisement, including so-called "native advertising", appears in a medium containing news or editorial matter, it should be so presented that it is readily recognisable as an advertisement and where appropriate, labelled as such.  The true commercial purpose of marketing communications should be transparent and not misrepresent their true commercial purpose. Hence, a communication promoting the sale of a product should not be disguised

		as, for example, market research, consumer surveys, user-generated content, private blogs, private postings on social media or independent reviews
4-2-5 Precautions when using characters, experts, or celebrities to endorse a product or service	Art. 13 Testimonials  Art. 14 Portrayal or imitation of persons and references to personal property	Marketing communications should not contain or refer to any testimonial, endorsement or supportive documentation unless it is genuine, verifiable and relevant. Testimonials or endorsements which have become obsolete or misleading through passage of time should not be used. The sponsored nature of an endorsement or testimonial should be made clear through an appropriate disclosure if the form and format of the communication would not otherwise be understood to constitute a sponsored message.  Marketing communications should not portray or refer to any persons, whether in a private or a public capacity, unless prior permission has been obtained; nor should marketing communications without prior permission depict or refer to any person's property in a way likely to convey the impression of a personal endorsement of the product or organisation involved.
4-2-6 Precautions when using children in advertisements	Art. 18.3	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.
4-2-7 Precautions for advertising and marketing in places where children receive education and on their school commuting route		
4-2-8 digital marketing and children's personal data/privacy	Art. C7 Marketing Communications and Children  Art. 19. Data Protection and Privacy Art. 19.4 Children's personal data	<ul style="list-style-type: none"> <li>• Parents and/or guardians should be encouraged to participate in and/or supervise their children's interactive activities.</li> <li>• Personal data about individuals known to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorised by law. Third parties do not include agents or others who provide support for operational purposes of the website and who do not use or disclose a child's personal information for any other purpose. [...]</li> <li>• When personal data is collected from individuals known or reasonably believed to be children, guidance should be provided to parents or legal guardians about protecting children's privacy if feasible.</li> <li>• Children should be encouraged to obtain a parent's or responsible adult's consent before providing personal data via digital interactive media, and reasonable steps should be taken to check that such permission has been given.</li> <li>• Only as much personal data should be collected as is necessary to enable the child to engage in the featured activity. A parent or legal guardian should be notified and consent obtained where required.</li> <li>• Personal data collected from children should not be used to address marketing communications to them, the children's parents or other family members without the consent of the parent.</li> <li>• Personal data about individuals known or reasonably believed to be children should only be disclosed to third parties after obtaining consent from a parent or legal guardian or where disclosure is authorized by law. Third parties do not include agents or others who provide technical or operational support to the marketer and who do not use or disclose children's personal data for any other purpose.</li> <li>• For additional rules specific to marketing communications to children using digital interactive media, see chapter C, article C7.</li> </ul>
5. Preferred attitude of business enterprises towards advertising and marketing directed to children	Introduction: Interpretation  Article 18	This means that marketing communications should be assessed having regard to the knowledge, experience and discriminatory ability of the typical consumer to whom it is directed, as well as social, cultural and linguistic factors. For example, when judging communications addressed to children, their natural credulity and inexperience should always be taken into account.  Special care should be taken in marketing communications directed to or featuring children or teens.
5-1 Efforts to conduct advertising and marketing that will not have an adverse impact on children	Art. 18.3 Avoidance of harm	Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or teens 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.
5-2 Establishing a division for dealing with complaints, understanding and analyzing complaints, and making continuous improvements	<p>Article 25: Implementation</p> <p>Article 26: Respect for self-regulatory decisions</p> <p>Annex II: Implementation Guide for ICC Marketing Codes</p>	<p>The ICC Code and its principles are generally reflected in the advertising and marketing communications codes of self-regulatory organisations across the world. Complaints under these codes should be made to the relevant self-regulatory organisations.</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 support its operation.</p>
5-3 Collection and effective use of information from related external organizations and groups		ICC utilizes its extensive membership network and national committees (+100 countries) to obtain input. Those national committees in turn follow their own procedures to get stakeholder input.
ANNEX 1 Lists of relevant information of the international organizations / lists of relevant research and report		The list included with the proposal is incomplete and inadequate.
ANNEX 2 Example of best practices / Example of risky marketing / Check lists for advertising review organizations		<p>The <a href="#">ICC Framework for Responsible Environmental Marketing Communications</a> includes a checklist for marketers which is intended to assist advertisers and advertising agencies in identifying when they are making an environmental claim and offers guidance on questions about such advertising.</p> <p>The <a href="#">ICC Ethical Marketing and Advertising online course</a> provides practical guidance, using case studies, and is aimed at developing the skills needed to create, design and deliver responsible marketing communications.</p>
ANNEX 3 Example of complaint handling / example of external organizations / example of PDCA improvement cycle		The <a href="#">ICC Toolkit on the Benefits of Advertising Self-Regulation in Ensuring Responsible and Compliant Advertising</a> provides insight on the complaints handling procedure in advertising self-regulatory system.



# The EU Pledge



- A voluntary initiative by **23 leading companies** to change **food advertising to kids**



Companies representing over **80%** of food ad spend in the EU

## The pledge covers



TV



Radio



Cinema



Print



Outdoor marketing



Internet



Mobile apps



Social networking websites



Influencer marketing



Interactive games

**No commercial communications in primary schools\***



\*Except when the school specifically requests materials and only for educational purposes

**Only advertise products that meet common nutrition criteria to under 12 year olds\***



\*Common nutrition criteria are scientifically grounded and have been scrutinized and welcomed by non-industry experts, NGOs and the European Commission. They were reinforced in 2019.

**Or not advertise any products at all to under 12 year olds**



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**Or not advertise any products at all to under 12 year olds**



**A commitment by WFA to the European Commission**



**Monitored independently by**



**Outcome: children see a lot less food and soft drink ads on TV\***

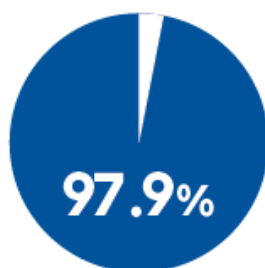


\*Average drop in exposure 2009-2014 compared to 2005

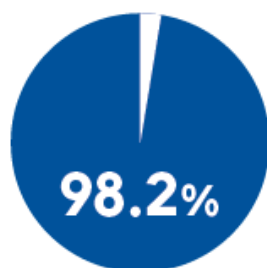
## 2020 compliance rates



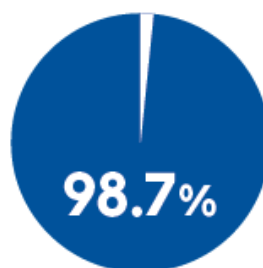
Influencers



Social media  
profiles



Company-owned  
websites



TV  
advertising

## Complaints Mechanism

6 complaints adjudicated since the launch in 2018.

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