

ICC FRAMEWORK FOR RESPONSIBLE MARKETING COMMUNICATIONS OF ALCOHOL



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I. Introduction

The International Chamber of Commerce (ICC) is uniquely positioned to provide guidance on marketing and advertising around the globe. As the world's foremost business organization, whose membership is composed of thousands of enterprises from all sectors and regions, ICC has been a major rule-setter in marketing and advertising since 1937 when it issued the first ICC Code on Advertising Practice.

Over the years, the ICC Code has served as the foundation and building block for self-regulatory structures around the world. These self-regulatory systems have helped industry build trust with consumers by promoting advertising that is honest, legal, decent and truthful, while offering quick and easy redress when transgressions occur.

The Code also serves business and society by providing ethical guidelines that build on fundamental pillars, create a level playing field and harmonize approaches across markets while minimizing the need for legislative or regulatory restrictions that add inefficiency and cost. As new practices and technologies have evolved, ICC has revised and extended the scope of the Code to assure its usefulness and relevance. In this way, the Code also demonstrates that when effectively implemented, self-regulation has an ability to be more rapidly adaptable and responsive to market needs than most legislative alternatives.

In 2011, the ninth revision was completed and the [Consolidated ICC Code of Advertising and Marketing Communication Practice](#) (the Code) was published and launched around the world. In addition to the printed Code, an online, searchable version of the Code is available at www.CodesCentre.com along with a wealth of information on self-regulation for marketers, agencies, academics and regulators. The site also contains downloadable translations, companion codes, training materials and links to national and sector-specific codes around the world.

2. The ICC Code and application to marketing of alcohol

The ICC Code sets forth general principles governing all marketing communications, and includes separate sections on sales promotion, sponsorship, direct marketing, digital interactive marketing and environmental marketing. The application of self-regulation in marketing communication for alcohol requires that it be legal, decent, honest and truthful and prepared with a due regard for social responsibility and all other general principles of the Code apply. In order to help them meet commitments for responsible marketing practice, industry stakeholders asked for a Framework that outlines a global set of rules for alcohol that help companies that market across borders and promote consistency for self-regulation.

To that end, the ICC Framework for responsible marketing communications of alcohol (Framework) helps to interpret the fundamental global standards of the Consolidated ICC Code to offer more specific guidance on issues unique to this sector. Countries seeking to establish or enhance marketing self-regulation codes for alcohol can look to the ICC principles as the baseline global standards and use the interpretation of this framework to easily adapt them into national codes according to varying cultures and contexts.

The Framework has been developed in consultation with the sector and against the background of existing principles, including the [Guiding Principles for Responsible Beverage Alcohol Marketing](#), through which the International Center for Alcohol Policies (ICAP) established a consensus among international producers of alcohol regarding effective self-regulation. Enabling this collective commitment to succeed is in the general interest of preserving and strengthening trust in self-regulation while also demonstrating its efficacy.

The Framework is to be applied against the background of whatever legislation may be applicable. When applied in different countries or specific markets, ICC codes and frameworks enhance harmonization and coherence, yet they are flexible enough to accommodate variations in culture and societal rules and norms.

3. Scope and definitions

The Framework applies to advertising and marketing communications as defined in the Code. The Code defines "advertisement" or "advertising" as *any form of marketing communications carried by the media, usually in return for payment or other valuable consideration*. The definition of the term "marketing communications" *includes advertising as well as other techniques such as promotions, sponsorships and direct marketing and should be interpreted broadly to mean any communications produced directly by or on behalf of marketers intended to promote products or to influence consumer behaviour*.¹

¹ The Code does not apply indiscriminately to every type of corporate communication. For example, the Code does not apply to corporate public affairs messages in press releases and other media statements, or to information in annual reports and the like, or

All definitions from the Consolidated ICC Code apply where used in this document.

For the purpose of this Framework:

- The term 'alcohol' refers to a liquid that contains ethanol (ethyl alcohol, commonly called 'alcohol') and is intended for drinking. In most countries with a legal definition of 'alcoholic beverage' a threshold for content of ethanol by volume in a beverage is set at $\geq 0.5\%$ or 1.0% . The predominant categories of alcoholic beverages are beers, wines and spirits. Where a legal definition of alcoholic beverages does not exist, this Framework applies to all beverages of an alcoholic strength above 1% by volume.
- 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 alcohol. In countries where purchase age and consumption age are not the same, the higher age applies. For the purpose of this Framework, in countries where there is no legal purchase or consumption age minors are defined as those below the age of 18.

information required to be included on product labels. Likewise, statements on matters of public policy fall outside the scope of the Code.

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<p><u>Article 1 Basic principles</u> All marketing communications 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 communication should be such as to impair public confidence in marketing.</p>	<p>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.</p> <p>Marketing communications should not incite or condone illegal behavior, excessive consumption or undermine healthy lifestyles.</p> <p>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.</p>
<p><u>Article 2 Decency</u> Marketing communications should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned.</p>	<p>Marketing communications should not use themes, images, symbols or portrayals likely to be offensive, derogatory or demeaning.</p> <p>If a marketing communication is to be used in more than one country, the cultural and religious sensitivities of all the countries involved should be respected.</p>
<p><u>Article 3 Honesty</u></p> <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>	<p>Alcohol marketing communications should not mislead consumers or create confusion about the nature (i.e. whether it is an alcoholic or non-alcoholic beverage) or the strength of an alcoholic beverage.</p>
<p><u>Article 4 Social responsibility</u> Marketing communications should respect human dignity</p>	<p>Marketing communications should portray alcohol products and drinkers in a responsible manner.</p>

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<p>and should not incite or condone any form of discrimination, including that based upon race, 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.</p> <p>Marketing communications should not appear to condone or incite violent, unlawful or anti-social behaviour.</p> <p>Marketing communications should not play on superstition.</p>	<p>Alcohol products and drinkers may be portrayed as part of responsible social experiences and activities.</p> <p>Marketing communications should not depict situations where alcohol is being consumed excessively or in an irresponsible manner. Persons should not be portrayed in a state of intoxication or in any way that suggests it is socially acceptable conduct nor should they promote the intoxicating effect of alcohol consumption. This includes using intoxication as a subject for amusement.</p> <p>Marketing communications should not contain claims or representations that suggest individuals can attain social, professional, educational, or athletic success or status as a result of alcohol consumption.</p> <p>Marketing communications should avoid portraying abstinence or moderate consumption in a negative way and implying those who do not drink are at a disadvantage to those who drink.</p> <p>Marketing communications should not present the consumption of alcohol as a means of removing social or sexual inhibitions, achieving sexual success, or making an individual more sexually attractive.</p> <p>Sexualized or otherwise indecent images should not be used; particular care should be taken with regard to nudity.</p> <p>Marketing communications should not be associated with violent, aggressive, hazardous, illegal or anti-social behavior; They should not be associated with illegal activity of any kind, or make reference to drugs or the drug culture.</p> <p>The consumption of alcohol should not be associated with abusive or violent relationships or situations.</p> <p>Marketing communications should not depict alcohol consumption in a manner associated with the attainment of adulthood or the “rite of passage” to adulthood.</p>

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<p><u>Article 17</u> Safety and health</p> <p>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.</p>	<p>Marketing communications should portray and reflect moderate and responsible consumption by individuals of legal purchase age. 'Moderate and responsible' refers both to the amount of alcohol consumed and to the way in which it is consumed.</p> <p>Sales promotions should not encourage excessive or irresponsible consumption.</p> <p>Marketing communications that refer to the alcohol content of a product should do so in a straight forward and factual manner and not present higher alcohol strength as a principal basis for appeal.</p> <p>Marketing communications may provide facts about product contents, including calories, but should not suggest that alcohol can prevent, treat or cure illness or that alcohol offers a remedy for personal problems such as loneliness, stress or boredom. Consequently, marketing communications should not link such information to any health, fitness or weight-control claims except as a relevant and truthful reference to official guidelines or recommendations, or as otherwise permitted by law.</p> <p>Marketing communications of alcohol should not depict or be addressed to at-risk groups, e.g. pregnant women.</p> <p>Marketing communications should not portray people in situations or activities in which drinking would be unsafe. Consequently, they should not portray alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.</p> <p>In particular, marketing communications should not portray, encourage or condone driving any motorized form of transportation while intoxicated.</p>
<p><u>Article 18</u> Children and young people</p> <p>Products unsuitable for children or young people should not be advertised in media targeted to them.</p>	<p>Marketing communications should be intended for persons of legal purchase age.</p> <p>Marketing communications should not be intended to primarily appeal to minors (i.e. making it more attractive to minors than to persons of legal purchase age). Therefore, marketing communications should avoid featuring settings, music, games, language, characters or personalities, for example, that are primarily appealing to minors. This does not preclude communications directed to a wider,</p>

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<p>Material unsuitable for children should be clearly identified as such.</p> <p>(Digital and Interactive Media Marketing Communications Chapter <u>Article D5</u>)</p> <p>Websites devoted to products that are subject to age restrictions such as alcohol...should undertake measures to restrict access to such websites by minors;</p>	<p>adult audience that may have incidental or unintended appeal to persons under legal purchase age.</p> <p>Marketing communications should not show minors (or people likely to be perceived as such) drinking alcohol.</p> <p>Promotions, prizes or games linked to marketing alcohol, including on digital media, should not be open to minors.</p> <p>Marketing communications of alcohol should be placed only in media where it is reasonably expected to meet applicable audience composition targets (i.e. where the audience composition can reasonably be expected to meet the agreed target of people that are not minors, those under legal purchase age as defined previously in this Framework).²</p> <p>Alcohol company controlled websites marketing alcohol should include age affirmation mechanisms, using reasonably available technology intended to limit access by minors.</p>
<p><u>Article 25</u> Implementation</p> <p>The Code, and the principles enshrined in it, should be adopted and implemented, nationally and internationally, by the relevant local, national or regional self-regulatory bodies. The Code should also be applied, where appropriate, by all organizations, companies and individuals involved and at all stages in the marketing communication process.</p> <p>Marketers, communications practitioners or advertising agencies, publishers, media owners and contractors should be familiar with the Code and with other relevant local self-regulatory guidelines on advertising and other marketing</p>	<p>Marketing communications should respect ICC, local and sectoral self-regulatory codes in the spirit as well as to the letter, in order to maintain confidence both in marketing communications and in the self-regulation system.</p> <p>Where the provisions of a national self-regulatory code are more restrictive than the ICC Code the national code takes precedence. Where this is not the case, code owners are strongly encouraged to adapt their codes to be in line with the ICC Framework.</p>

² Global producers of beer, wine, and spirits have adopted ICAP public commitments (<http://commitments.global-actions.org/>) including to undertake independently verifiable measures (using reasonably available data) to support placement of advertising of their products in media which have a minimum 70% adult audience.

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<p>communications, and should familiarise themselves with decisions taken by the appropriate self-regulatory body. They should ensure an appropriate means exists for consumers to make a complaint and that consumers can readily be aware of it and use it easily.</p>	
<p><u>Article 26 – Respect for self-regulatory decisions</u></p> <p>No marketer, communications practitioner or advertising agency, publisher, media owner or contractor should be party to the publication or distribution of an advertisement or other marketing communication which has been found unacceptable by the relevant self-regulatory body.</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.</p> <p>Where no effective self-regulatory codes and arrangements are in place in a particular country, all parties are encouraged to include in their contracts and other agreements pertaining to advertising and marketing communication a statement committing the signatories to respect the current Consolidated ICC Code.</p>	<p>Alcohol companies should ensure that marketing communications adhere to applicable rules and the decisions thereon by self-regulatory organizations. Companies should ensure that all those involved in a company's marketing communication activities are aware of the rules and implications of the marketing communications code. They should ensure contracts reflect this responsibility.</p>

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The International Chamber of Commerce (ICC)

ICC is the world business organization, a representative body that speaks with authority on behalf of enterprises from all sectors in every part of the world.

The fundamental mission of ICC is to promote open international trade and investment and help business meet the challenges and opportunities of globalization. Its conviction that trade is a powerful force for peace and prosperity dates from the organization's origins early in the 20th century. The small group of far-sighted business leaders who founded ICC called themselves "the merchants of peace".

ICC has three main activities: rule setting, dispute resolution, and policy advocacy. Because its member companies and associations are themselves engaged in international business, ICC has unrivalled authority in making rules that govern the conduct of business across borders. Although these rules are voluntary, they are observed in countless thousands of transactions every day and have become part of the fabric of international trade.

ICC also provides essential services, foremost among them the ICC International Court of Arbitration, the world's leading arbitral institution. Another service is the World Chambers Federation, ICC's worldwide network of chambers of commerce, fostering interaction and exchange of chamber best practice. ICC also offers specialized training and seminars and is an industry-leading publisher of practical and educational reference tools for international business, banking and arbitration.

Business leaders and experts drawn from the ICC membership establish the business stance on broad issues of trade and investment policy as well as on relevant technical subjects. These include anti-corruption, banking, the digital economy, marketing ethics, environment and energy, competition policy and intellectual property, among others.

ICC works closely with the United Nations, the World Trade Organization and intergovernmental forums including the G20.

ICC was founded in 1919. Today its global network comprises over 6 million companies, chambers of commerce and business associations in more than 130 countries. National committees work with ICC members in their countries to address their concerns and convey to their governments the business views formulated by ICC.



33-43 Avenue du Président Wilson
75116 Paris, France
Telephone +33 (0)1 49 53 28 28
Fax +33 (0)1 49 53 28 59
Website www.iccwbo.org