Background

In response to fast-paced market developments, an ever-changing regulatory environment and recommendations from the network, the International Chamber of Commerce (ICC) has launched its eleventh revision process of its flagship ICC Advertising and Marketing Communications Code (ICC Code) first established in 1937. The ICC's Code is the gold standard for advertising and marketing communications self-regulation and rules and we want to ensure it remains so. In order to do this we need to regularly review the Code to ensure it stays up to date with the technological, marketing techniques and societal changes. We will be thus undertaking first a pre-revision study through the end of 2022, followed by detailed discussions in 2023 on adapting the Code within the ICC's Code revision taskforce and Global Marketing and Advertising Commission.

As the process is a collaborative effort with stakeholders, we are reaching out to you as a key player in the industry to invite you to be part of this exciting and unique opportunity to contribute to the next iteration/revision of the ICC Code.

Effective self-regulation requires the support and involvement of the whole business community which it applies to. Consultation with you is an essential element of the timeline that builds up to the official kick-off of the revision process envisaged for January 2023. This review is being conducted under the leadership of the ICC Global Marketing and Advertising Commission and, more specifically, its taskforce on Code Revision, co-chaired by Anders Stenlund and Oliver Gray and includes diverse actors from the advertising ecosystem, business members of the ICC network, alongside key international associations representing advertising self-regulatory organisations.

The last time we undertook the revision in 2018 we made limited changes to reflect emerging digital challenges. This time around we want to ensure we take a more holistic approach to the Code in:

- The scope and application of marketing and marketing communications;
- The applicability up and downstream, across platforms, channels and media;

- Applicability to new emerging areas and issues.

We also want to explore the best way to present the Code in terms of digital accessibility and top level principles to ensure it remains at the heart of taking a responsible approach that provides professional diligence and consumer trust. As always we want the rules to be simple to use, commanding respect, neutral and future proof.

The Pre-Revision Study

The pre-revision study/exercise is an integral part of the process to help inform the future work in revising the Code. We expect to present a preliminary report at the next meeting of the ICC Global Marketing and Advertising Commission expected at the end of the year. To this end, we would greatly value you discussing this within your organization/sector and receiving your input and contributions, on the following:

(i) The code content: We have so far identified the following list of potential new areas (in no particular order) which could be considered for further reflection:

- environmental claims and planned obsolescence (i.e. the practice of deliberately designing products to limit their life span to encourage replacement);
- "dual quality" marketing of goods (i.e. where a manufacturer places or promotes products of differing qualities on the market but with the same or similar [indistinguishable for the consumer] packaging);
- obligations of online platforms and marketplaces;
- transparency of search results;
- consumer reviews and endorsements;
- influencer marketing;
- data-driven personalisation and dark patterns;
- gaming practices;
- consumer lock-in (i.e. where a barrier is created for customers to switch from a brand or offering and instead move to a competitor offering i.e. hidden or increasing switching costs);
- health;
- the use of AI for marketing purposes;
- diversity & inclusion;
- children including the issue of "kidfluencers" (i.e. kidfluencers are the new generation of influencers. Usually classified as influencers under the age of 16, they create their own content and promote products that are relevant to them and their age-mates).

We would appreciate hearing back from you regarding whether we have correctly mapped the significant potential advertising and marketing communication issues, existing or emerging, that need further addressing in the Code and whether there may be other areas related to scope, application or coverage of areas that need addressing or may lack clarity.

(ii) The structure: We would like to understand if the current structure of the Code is fit-for-purpose. For example, should it continue to have specific chapters and links to other ICC frameworks and guidance in the area. We would appreciate any other comments you might have in terms of how the Code could be presented and its contents promoted.