

## ICC Sweden Comments for the Revision of the General Provisions, Chapter B and X in ICC's Advertising and Marketing Communications Code

We welcome this opportunity to share our thoughts, ideas, and comments on the draft for the General Provisions, Chapter B and Chapter X in the ICC Advertising and Marketing Communications Code. These comments have been prepared in close dialogue with ICC Sweden's Marketing Committee, which gathers senior experts from across the Swedish business community. Below you will find suggestions and comments considering the substance of some articles and sections. In parallel you may also find our proposed changes in detail through track changes in a separate document. In those documents you will also find additional minor text edits, not enumerated below. We hope that you will give these comments due consideration and look forward to engaging with you in the continued process of revising the Code.

### INTRODUCTION AND GENERAL PROVISIONS

#### **Structure of the Introduction and General Provisions**

We welcome the changes made to the structure per our previous proposal that suggested the Introduction be divided in two with the theoretical descriptions and background information separated from the concrete instructions for marketers on how to use and apply the code. Part of that proposal was also to separate the definitions from the General Provisions, as to make the General Provisions clearer and easier to use. Recognizing the importance of increasing user-experience of the Marketing Code, we reiterate the suggestion to divide the General Definition and Provisions into distinct chapters. With the current structure, the General Provisions become submerged within the rest of this large section making them less accessible. We therefore propose the following changes in the structure for the General Provisions:

- Introduction
- Section 1: General Definitions, Scope and Application
- Section 2: General Provisions
- Section 3: Detailed Chapters

#### **Responsible advertising and marketing communications**

- We propose an addition on the positive contributions on self regulation.

## **Purpose of the Code**

- Regarding the importance of sustainability issues, both social and environmental, it would be good to highlight their importance under “Special responsibility”. We therefore suggest the following formulation, see separate document.

## **Code structure and Interaction with Related Codes**

- We recognize the importance of listing all the ICC codes, principles and frameworks within this section. We suggest the following:
  - o ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics
  - o ICC Framework for Responsible Environmental Marketing Communications
  - o ICC Framework for Responsible Food and Beverage Communications
  - o ICC Framework for Responsible Marketing Communications of Alcohol
  - o ICC International Code of Direct Selling
  - o ICC Principles on Automatic Subscription Renewals
  - o ICC Principles on Responsible Deployment of Electronic Product Codes
  - o ICC Diversity and Inclusion in Advertising

## **General definitions**

- A small change to the definition of “influencers”, not limiting the audience of influencer’s to those that actively follow them on social media.
- We have aligned the definitions from Chapter C to those in the General Provisions.
- We suggest adding a new definition of “affiliate links”, which is a recurring term referenced in the Code.
- Changes to the definition of marketing communications, when discussing influencers. It should be noted that this is also applicable to collaborations between marketers and media houses.
- Question related to the definition of “mobile”.

## **Scope and application**

- Add a subheading regarding “general exemptions” in order to highlight this important paragraph as has been done with “General Coverage”.

## **Article 1 Basic Principles**

- Reiterate our suggestion to add writing regarding public trust and confidence in marketing **and commerce as such**, keeping ICC’s overarching mission in mind.

## **Article 12 Automatic renewals**

- Drastically shorten the footnote referred to in the article. It does not make sense to include a footnote that, in itself, is longer than the article.

#### **Article 13 Use of “guarantee”**

- Suggest placing this article immediately after article 11 Use of “free”. Although they have been separated into individual articles, they should structurally be placed together.

#### **Article 20 Safety and Health – Article 21 Children and Teens**

- Change the order of these to articles. Since Safety and Health references special responsibility relating to children, it is natural that this article comes after the general article about children.

#### **Article 22 Data Protection and Privacy**

- Minor changes to the text.

#### **Article 24 Code Responsibility**

- Updated reference.

#### **Article 26 Respect for Self-Regulatory Decisions**

- Suggested textual changes including changing back to “all parties are encouraged to” from “should”, regarding contract clauses on marketing self-regulation. We should encourage them to add such clauses but are hesitant to whether it should be presented as an absolute requirement.

### **CHAPTER B SPONSORSHIP**

#### **Scope of Chapter B**

- Suggest the removal of “as much as possible”. Activities owned by sponsors should always comply with this chapter’s principles.

#### **Article B1 Principles governing sponsorship**

- We suggest this article to be written similarly to the other articles, i.e. to remove the bullet points.

#### **Article B6 The sponsorship audience**

- Restriction on sponsoring events targeted at children may be too restrictive and could lead to the loss of funding for educational and other positive activities. Can the article be formulated in a way that is less stringent?

#### **Article B9 Social and environmental sponsorship**

- Is it still relevant to refer to the ICC Business Charter for Sustainable Development? Has it been recently updated?

## CHAPTER X CHILDREN AND TEENS

### **Article X1 General Principles**

- We suggest this article to be written similarly to the other articles, i.e. to remove the bullet points.
- In the last para, suggested changes to emphasis that this applies to the contractual relationship towards children and teens.

### **Article X2 Exploitation of Credulity of Children or Inexperience of Teens**

- Remove “in a manner not likely to be understood by the target group”, otherwise it reads as if it is suggesting that exaggerations are acceptable.
- Consider if there needs to be an exemption regarding obviously hyperbole claims, see separate document for more details.
- Minor editions to point X2.C.

### **Article X4 Social Values**

- Strengthening wording on children and teens obtaining permission, including changing “other appropriate adult” to “legal guardian”.