



Responsible Marketing Communications Checklist

Your go-to checklist for creating and delivering responsible marketing communications in line with the 11th edition of the ICC Code.

- Select all
- Legal
- Decent
- Honest
- Truthful
- Creative

About the ICC Code

The world's standard for responsible marketing communications since 1937.

The ICC Advertising and Marketing Communications Code has been the global backbone of self-regulation in marketing communications since 1937. Published by the International Chamber of Commerce, it aims to ensure all marketing communications are legal, decent, honest and truthful in order to build consumer trust.

The ICC Code is the basis of most self-regulatory systems around the world and provides comprehensive guidance on creating marketing communications that are ethical and responsible. In addition, it is used by many of the world's leading brands, agencies and media platforms to inform their in-house standards, and can also be used by SMEs, startups, influencers or anyone creating commercial communications and content.

How this checklist can help

This checklist has been designed to help you to understand if the Code applies to your specific communication and make decisions on ensuring it meets the standards laid out. In doing so, it supports anyone designing or delivering marketing communications to create work that is ethical and responsible. For more detailed guidance, this checklist can be viewed alongside the 11th edition of the ICC Code.

Select all



The Checklist

1 **Is your intended communication a marketing communication thus falling within the remit of the ICC Code, or not?**

The Code applies to all marketing communications, regardless of form, format or medium of delivery. It addresses both B2C and B2B marketing communications. “Marketing Communications” is defined in the Code to include advertising as well as other techniques, such as direct marketing, data-driven marketing, digital marketing communications, promotions, and sponsorships, and should be interpreted broadly to mean any communications produced directly by or on behalf of marketers intended primarily to promote products or to influence consumer behaviour. Likewise, when influencers create content for their own brands or products, or use affiliate links in their content, such content is marketing communications.

The Code applies to the marketing communication in its entire content and form. The fact that the content or form of a marketing communication may originate wholly or in part from other sources does not justify non-observance of the Code rules. It may be necessary to identify the primary purpose of a communication to determine if it falls within the scope of a marketing communication.

2 **Are all forms of your marketing communications compliant with applicable laws and self-regulatory rules as well as the ICC Code?**

The Code embraces the principle of legality in Article 1 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 marketing communication is legal does not necessarily mean it is also ethically acceptable or appropriate. Marketers and other parties thus need to make sure their marketing communications activities observe both applicable laws and regulations in a market, as well as the relevant provisions of the Code.

3 **Have you ensured that your marketing communications whether created by people including influencers, AI or delivered by algorithms, meet these standards and your own principles and policies?**

Marketers should assume overall responsibility for the communications they initiate and bring to the market, whether they largely do it themselves or have it done on their behalf. Responsibility cannot be avoided or circumvented by means of outsourcing or other organisational arrangements. Marketers should undertake their best efforts to ensure that their responsibility is reflected in arrangements with third parties over which they have control.

In addition to the prime responsibility of the marketer, all those who contribute to the marketing communication have a responsibility, in relation to their participation, influence, control and expected knowledge. See Article 24. Marketers who use algorithms or other artificial intelligence instruments have responsibility for the communication results they produce.

4

Have you considered where or in what context your marketing communications will appear? Have you considered how your marketing communication is likely to be perceived by an average member of your target group?

Because of the different characteristics of the various media, a marketing communication which can be accepted for one is not necessarily acceptable for another.

Communications should be evaluated based on their likely impact on the reasonable consumer, having regard to the characteristics of the targeted group and the medium used. Therefore, the meaning of a claim should be established based on how it is likely to be perceived by the consumer in the overall context of the communication. This means that marketing communications should be assessed in light of the recipient's knowledge, experience and discernment abilities of the typical consumer to whom it is directed, as well as social, cultural and linguistic factors.

Marketing communications should not contain any claim likely to mislead the consumer, regardless of how it is conveyed – by text, sound, visual elements or any combinations thereof – and regardless of how the misleading effect occurs – directly or by implication, omission, ambiguity or exaggeration.

5

Are your marketing communications within the standards of prevailing decency, respect local cultures and traditions, do not discriminate, and are mindful of diversity?

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, physical attributes, mental health, disability, or sexual orientation. Marketers are encouraged to be mindful of diversity and inclusion and seek to avoid stereotypes and objectification.

6

Have you checked whether your marketing communications are environmentally responsible and do not undermine environmentally responsible behaviour?

Marketing communications should not appear to condone or encourage actions which contravene the law, self-regulatory codes or generally accepted standards concerning climate change, sustainable and environmentally responsible behaviour.

Marketers should respect the principles set out in Chapter D on environmental claims in marketing communications and the ICC Framework for Responsible Environmental marketing.

7

If the descriptions or claims of your marketing communications were challenged, would you be able to substantiate them with robust evidence to demonstrate that they are truthful?

Marketing communications should be truthful and not misleading. They should not contain any claim likely to mislead the consumer, regardless of how it is conveyed – by text, sound, visual elements or any combinations thereof – and regardless of how the misleading effect occurs – directly or by implication, omission, ambiguity or exaggeration.

Marketers should have a reasonable basis for making claims relating to verifiable facts at the time the claim is made. Claims that state or imply that a particular level or type of substantiation exists should have at least the level of substantiation advertised. Supporting documentation should be provided promptly upon request to the self-regulatory organisations responsible for the application and enforcement of the Code. The standard of proof required generally depends on factors such as the type of claim, the product, the consequences of a false claim and the benefits of a truthful claim.

Substantiation should be based on documentation, tests or other factual evidence that is valid, reliable and sufficiently precise to support the claim made. In the absence of required substantiation, the claim would be regarded as misleading.

8 Are your marketing communications clearly distinguishable and transparently presented as advertising, and immediately recognisable by the consumer as commercial messages?

Marketing communications, regardless of format or medium, should be easily identifiable, allowing consumers to clearly distinguish between commercial and non-commercial content. Identification disclosures should be prominent, clear, easily legible and appear in close proximity to the commercial message where they are unlikely to be overlooked by consumers. Marketing communications should be transparent about their true commercial purpose, and not misrepresent it.

9 Are your marketing communications targeting or likely to appeal to a vulnerable audience, such as children or teens? What measures have you put in place to deal with this?

Marketing communications should be assessed in light of the recipient's knowledge, experience and discernment abilities of the typical consumer to whom it is directed, as well as social, cultural and linguistic factors. For instance, when assessing communications addressed to children, their natural credulity and inexperience should always be taken into account.

10 Do your marketing communications respect the credulity of children or the inexperience of teens and consider the additional care that must be shown to avoid harm, and not undermine positive social values that are important for younger audiences?

Special care should be taken in marketing communications directed to or featuring children or teens. Marketing communications should not exploit the natural credulity of children or the lack of experience of teens. In directing marketing communications to children and/or teens, the principles of the Code should be applied with due regard to the age and other characteristics of the actual target group, their differing cognitive abilities, and developing personal privacy rights independent of parents or guardians.

11 If you are collecting personal data from children, have you ensured that you are communicating relevant information in an age-appropriate way and have appropriate consent?

The Code requires that 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.

Marketers should ensure that relevant information pertaining to the collection and processing of personal data from children or teens is communicated. Where relevant and practicable this should be done in terms understandable to the target group.

12 Are you confident that any data or information presented in the marketing communications is stated and presented in a manner adapted to the target group and which it can easily understand?

Consumers are generally assumed to have a certain degree of experience, knowledge and sound judgment, and to be reasonably observant and prudent. Professional or otherwise qualified groups are presumed to have a suitable degree of specialised knowledge and expertise in their field of operations.

Marketing communications should not:

- misuse technical data, e.g. research results or quotations from technical and scientific publications
- present statistics in such a way as to exaggerate the validity of a claim
- use scientific terminology or vocabulary in such a way as falsely to suggest that a claim has scientific validity, or misuse any label, symbol, logo, or seal to that effect

13 If you are using a comparison in your marketing communications, is it clear whether the comparison is based on all the relevant facts or selected ones? Do you fairly make comparative claims?

Marketing communications containing comparisons should be carefully designed so as not to mislead and should comply with the principles of fair competition. Points of comparison should be based on verifiable facts. Product or price advantages that are demonstrable per se should not be exaggerated or overdramatised. Comparisons should be clear whether they are to a competitor's product or to another version of the same product.

14 Have you avoided any form of denigration or ridicule of others in your marketing communications?

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.

15 Have you ensured that any testimonials, endorsements, or influencer marketing communications for your brand follow the Code and are suitably transparent as a marketing communication?

Marketing communications should not contain or refer to any testimonial, endorsement or supportive documentation unless it is genuine, verifiable and relevant.

The sponsored nature of a testimonial or endorsement 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.

All influencer marketing communications should be designed and presented in such a way that it is obviously identifiable as such. Identification should be appropriate to the medium and message, particularly in the context of social media. Marketers and their influencers, as well as creators, should ensure the content is properly presented as marketing communications in accordance with the principles of identification and transparency (see Article 7).

16 If you have portrayed or referred to a specific individual, have you obtained prior consent from that person?

Marketing communications should not portray or refer to any persons, whether in a private or a public capacity, unless prior permission has been obtained.

17 Have you been careful to not use or imply the use of others' trademarks or goodwill?

Marketing communications should not make unjustifiable use of the name, initials, logo and/or trademarks of another firm, company or institution. Marketing communications should not in any way take undue advantage of another firm's, individual's or institution's goodwill in its name, brands or other intellectual property, or take advantage of the goodwill earned by other marketing campaigns without obtaining prior consent.

18 Do your marketing communications respect the local standards for appropriate health and safety measures, including the use of warnings or disclaimers?

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.

19 Do you intend for your marketing communications to address children or teens, use environmental claims, use specific digital communications or online behavioural advertising, applying sales promotions or a sponsorship scheme? If so, have you consulted the relevant Code chapter?

- Chapter A – Sales promotion
- Chapter B – Sponsorship
- Chapter C – Data-driven, direct marketing and digital marketing communications
- Chapter D – Environmental claims in marketing communications
- Chapter E – Children and teens

The Code should also be read in conjunction with other current ICC codes, principles, and framework interpretations in the area of marketing and advertising. These for example deal with market, opinion and social research and data analytics, food and beverage marketing communications, marketing communications of alcohol and environmental marketing communications.

20**Have you ensured that your responsible approach to marketing communications has been communicated to your contractors and others you work with, and throughout the advertising chain and ecosystem you interact with?**

All parties should include a clause in their contracts and other agreements pertaining to marketing communication, committing signatories to comply with the applicable laws and self-regulatory rules, and to respect decisions by the relevant self-regulatory body and support its operation.

In countries where no effective self-regulatory codes and arrangements exist, contracts and other agreements should include a clause committing signatories to comply with the current ICC Code.

21**Have you applied a responsible approach and due care in the preparation of the marketing communications? Have you put in place a means to make people aware of the ICC Code and your responsible marketing policies within your company and provide training on these? Do you have a compliance process in place?**

ICC has produced a Guide to Implementing the ICC Codes, Frameworks and Guidance. The objective of this guide is to facilitate effective implementation of the ICC Code and similar self-regulatory codes and frameworks. The guide can be used as a stand-alone document but should preferably be combined with other relevant instruments such as compliance or training programmes where they exist.

It's important that you ensure that the Code and inhouse guidance are known and respected within your organisational structure and in key relationships with third parties up and downstream.

We suggest you:

- establish clear responsibility
- develop a responsible marketing communications toolkit including elements such as an inhouse policy, principles, checklist, compliance and enforcement to ensure company-wide consistency
- implement sign-off processes and effective verification and controls in respect of claims and copy
- customise your own responsibility checklist based on the one at hand as a guide for ensuring a screening check for marketing communications
- ensure clear substantiation and robust evidence of key marketing communications claims
- clarify the application of your responsibility principles up and downstream to third parties such as influencers, brand ambassadors, and communications agencies
- set those principles out as part of the reference material in any contractual relationship
- establish a clear in-house agency brief for a campaign which clearly identifies the responsible approach you take
- ensure regular training and education of related employees
- ensure you measure the application of your policies and principles across your organisation

- establish clear targets that have measurable KPIs you can regularly report on
- enable a clear contact point for consumer feedback and complaints
- review any consumer complaints and ensure a mechanism for dealing with them and clear sanctions when the rules have been breached as well as correcting the situation to avoid it happening again
- regularly check the outcome of consumer complaints handled about your company in-house or by SROs
- report internally and externally on the outcome of implementation and dealing with feedback and complaints

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If in doubt, have you consulted your local self-regulatory body for guidance and copy advice?

In many countries there is an independent self-regulatory body dealing with marketing communications and advertising. These bodies regularly issue local codes and guidance notes. They also review consumer and competitive complaints and issue decisions thereon which are useful for your internal compliance and interpretation of the rules. Many also provide copy advice on ads and marketing communications concerning compliance with local codes and laws.

You can find your local self-regulatory body by using the interactive map on the [ICC website](#), or through the [International Council for Advertising Self-Regulation \(ICAS\)](#) and [The European Advertising Standards Alliance \(EASA\)](#).

To download the full ICC Advertising and Marketing Communications Code, [visit the ICC website](#).