

53. ICC. Guidelines on Advertising and Marketing on the Internet.

Questo codice di autoregolamentazione è ripreso dal sito web della Federal Trade Comision: www.ftc.gov/bcp/icpw/comments/iccguidelines.htm.

Introduction

The global promise of new communications technologies has become a subject of great public interest, as businesses and governments discuss the best ways of introducing these technologies and of sharing with consumers the benefits they offer. By marrying the user-friendliness of the computer/television screen to the instantaneous transmission of telecommunications, these technologies are providing a new means for the delivery of information, entertainment and business services, bringing consumers and business closer together. Consumers are being empowered, more than ever before, to dialogue with producers and to precisely express their particular needs and desires.

Advertisers and marketers are helping to develop the new media just as they helped to develop the traditional media of the past. Today, advertising represents the main source of revenue for traditional media. Similarly, advertising and marketing will make a vital contribution to the new interactive media by allowing it to offer more affordable goods and services to a wider, global audience.

The International Chamber of Commerce (ICC) is the world's foremost developer of self-regulatory codes of ethical conduct for advertising and marketing practices. The ICC believes that advertising and marketing on the Internet, World Wide Web, and online services should reflect the highest standards of ethical conduct as laid down in the ICC International Code of Advertising Practice and other relevant ICC self-regulatory Codes.

The global character and technological properties of the new media have created a unique business environment. Media owners, in the traditional sense, do not exist, which has led to the bypassing of traditional intermediaries such as publishers and broadcasters. Responsible advertisers and marketers (which, in this new context, will mean any person or company posting an electronic commercial message) should recognize that it is in their own interest to observe self-disciplinary guidelines specifically adapted for electronic or interactive advertising and marketing. Advertisers and marketers should strive to create an electronic environment which all the world's consumers can fully trust.

Consumers and marketers should seek to cooperate in order to minimize the potential cost and to enhance efficiency savings of electronic networks. By choosing to share pertinent data about themselves, consumers can be provided with relevant product information and efficient and economical services. This will enable consumers to choose goods and services better adapted to their needs and tastes.

The ICC recognizes that advertising and marketing in the interactive media is at an early stage of development and acknowledges that the relevant principles and guidelines may have to change and evolve as we learn more about the new technologies and their specific uses. Thus, in light of experience acquired, the ICC presents hereafter an updated version of the 1996 Guidelines. The ICC commits itself to the regular review of these guidelines to ensure their continued viability.

With the above in mind, the ICC recommends the worldwide promulgation of the guidelines below, which intend to fulfil the following objectives:

- to enhance the confidence of the public at large in advertising and marketing provided over the new interactive systems;
- to safeguard an optimum of freedom of expression for advertisers and marketers;
- to minimize the need for governmental and/or inter-governmental legislation or regulations; and
- to meet reasonable consumer privacy expectations.

Scope of the Guidelines

These Guidelines apply to all marketing and advertising activities on the Internet for the promotion of any form of goods or services. The Guidelines set standards of ethical conduct to be observed by all involved with advertising and marketing activities on the Internet.

Definitions

For the purpose of these guidelines:

- the term "Internet" refers to the public network of computer networks which enables the transmission of information between users, or between users and a place on the network, as well as to all interactive media and electronic networks such as

the World Wide Web and online services;

- the term "content" means all forms of advertising and marketing information and covers text, pictures, animation, video and audio, and may also include software;

- the term "World Wide Web" refers to the network of resources accessible on the Internet using the Hypertext Transfer Protocol ("http").

1. *Basic Principles.* All advertising and marketing on the Internet should comply with the spirit as well as the letter of the principles set forth in the **ICC's Codes** on Advertising Practice, Sales Promotion, Direct Marketing, Environmental Advertising, and Sponsorship as well as the ICC-ESOMAR Code on Marketing and Social Research Practice.

All advertising and marketing should be legal, decent, honest and truthful. "Legal", in the context of these guidelines, is presumed to mean that advertising and marketing messages should be legal in their country of origin. ⁽¹⁾

Advertising and marketing messages should be sensitive to issues of social responsibility and should in addition conform to generally accepted principles as regards ethical marketing.

Advertising and marketing messages should not be designed or transmitted in such a way as to impair overall public confidence in the Internet as a medium and marketplace.

Rules

2. *Disclosure of identity.* Advertisers and marketers of goods and services who post commercial messages via the Internet should always disclose their own identity and that of the relevant subsidiary, if applicable, in such a way that the user can contact the advertiser or marketer without difficulty.

3. *Costs and responsibilities associated with electronic sales and marketing.* Advertisers and marketers should clearly inform users of the cost of accessing a message or a service where the cost is higher than the basic telecommunications rate. Users should be provided with such notice of cost at the time they are about to access the message or service. This notice mechanism should allow users a reasonable amount of time, as set by the marketer or mandated by applicable law, to disconnect from the service without incurring the charge.

4. *Respect for public groups.* Advertisers and marketers should respect the role of particular electronic news groups, forums or bulletin boards as public meeting places which may have rules and standards as to acceptable commercial behaviour. Advertising and marketing messages posted to public sites are appropriate:

- when the forum or site receiving the message has a fundamentally commercial nature or activity; or
- when the subject or theme of the bulletin board or news group is pertinent to the content of the advertising or marketing message; or
- when the forum or site has otherwise implicitly or explicitly indicated consent to the receipt of advertising and marketing messages.

5. *Users' rights.* 1. Collection and use of data

Advertisers and marketers should disclose the purpose(s) for collecting and using personal data to users and should not use the data in a way incompatible with those purposes. Data files should be accurate, complete and kept up to date.

2. Data privacy

Advertisers and marketers should take reasonable precautions to safeguard the security of their data files.

3. Disclosure of data

The user should be given the opportunity to refuse the transfer of data to another advertiser or marketer. Personal data should not be disclosed when the user has objected except by authority of law. Online mechanisms should be put in place to allow users to exercise their right to opt-out by electronic means.

4. Correction and blocking of data

Advertisers and marketers should give the user the right to obtain data relating to him and, where appropriate, to have such data corrected, completed, or blocked.

5. Privacy policy statements

Advertisers and marketers are encouraged to post their privacy policy statement on their online site. When such privacy policy statements exist, they should be easy to find, easy to use and comprehensible.

6. Unsolicited commercial messages

Advertisers and marketers should not send unsolicited commercial messages online to users who have indicated that they do not wish to receive such messages.

Codice della pubblicità

Advertisers and marketers should make an online mechanism available to users by which the users can make known to the advertisers and marketers that they do not wish to receive future online solicitations. Unsolicited online advertising or marketing commercial messages should be clearly identified as such and should identify the advertiser or marketer.

6. *Advertising to children.* Advertisers and marketers offering goods or services to children online should:

- not exploit the natural credulity of children or the lack of experience of young people and should not strain their sense of loyalty;
- not contain any content which might result in harm to children;
- identify material intended only for adults;
- encourage parents and/or guardians to participate in and/or supervise their children's online activities;
- encourage young children to obtain their parent's and/or guardian's permission before the children provide information online, and make reasonable efforts to ensure that parental consent is given;
- provide information to parents and/or guardians about ways to protect their children's privacy online.

7. *Respect for the potential sensitivities of a global audience.* Given the global reach of electronic networks, and the variety and diversity of possible recipients of electronic messages, advertisers and marketers should be especially sensitive regarding the possibility that a particular message might be perceived as pornographic, violent, racist or sexist.