

Full title of law or regulation

ICC ADVERTISING AND MARKETING COMMUNICATIONS CODE 2018

<https://cms.iccwbo.org/content/uploads/sites/3/2018/09/icc-advertising-and-marketing-communications-code-int.pdf>

Title of relevant section

Articles A7, A8, A9, A10

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#### ARTICLE A7 - PRESENTATION TO INTERMEDIARIES

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##### **Information for intermediaries**

Sales promotions should be so presented to intermediaries that they are able to evaluate the services and commitments required of them. In particular, there should be adequate details as to:

- the organisation and scope of the promotion, including the timing and any time limit
- the ways in which the promotion will be presented to the trade and to the public
- the conditions for participation
- the financial implications for intermediaries
- any special administrative task required of intermediaries

##### **Information on outer packing**

Where appropriate, relevant information for intermediaries, such as any closing date or time limit, should appear on the outer packing of products bearing promotional offers, so that the intermediary is able to carry out the necessary stock control.

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#### ARTICLE A8 - PARTICULAR OBLIGATIONS OF PROMOTERS

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##### **Interests of intermediaries**

Sales promotions should be devised and administered with due regard to the legitimate interests of intermediaries and should respect their freedom of decision.

##### **Interests of employees, employers and consumer relations**

The terms of sales promotions should be so designed as to respect the bond of loyalty between employees and their employers.

Promotion and incentive schemes should be designed and implemented to take account of the interests of everyone involved and should not conflict with the duty of employees to their employer or their obligation to give honest advice to consumers.

##### **Rights of intermediaries' employees**

The prior agreement of the intermediary or his/her responsible manager should always be sought if the proposed promotion involves:

- inviting the employees of the intermediary to assist in any promotional activity
- offering any inducement or reward, financial or otherwise, to such employees for their assistance or for any sales achievements in connection with any sales promotion

In the case of an offer addressed openly through public media, for which such prior permission cannot be obtained, it should be made clear that employees must obtain their employer's permission before participating.

##### **Timely delivery of goods and materials to intermediaries**

All goods, including promotional items and other relevant material, should be delivered to the intermediary within a period which is reasonable in terms of any time limitation on the promotional offer.

##### **Contractual relationships between intermediaries and consumers**

Sales promotions involving active co-operation by the intermediary or his/her employees

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should be so devised as not to prejudice any contractual relationship which may exist between the intermediary and the consumers.

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#### ARTICLE A9 - PARTICULAR OBLIGATIONS OF INTERMEDIARIES

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##### **Honesty**

Sales promotions which have been accepted by the intermediary should be fairly and honestly handled, and properly administered by him/her and his/her employees.

##### **Misrepresentation**

Sales promotions involving any specific responsibility on the part of the intermediary should be so handled by him/her that no misinterpretation is likely to arise as to the terms, value, limitations or availability of the offer.

In particular, the intermediary should adhere to the plan and conditions of the promotion as laid down by the promoter. No changes to the agreed arrangements, e.g. alteration of the time limit, should be made by the intermediary without the prior agreement of the promoter.

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#### A10 - RESPONSIBILITY

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The onus for observing the Code falls on the promoter, who has the ultimate responsibility for all aspects of sales promotions, whatever their kind or content.

Anyone taking part in the planning, creation or execution of any sales promotion has responsibility, as defined in article 23 of the General Provisions, for ensuring the observance of the Code towards intermediaries, consumers, and other parties affected or likely to be affected by the promotion.

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