



Cosmetics Europe  
the personal care association



# CHARTER AND GUIDING PRINCIPLES ON RESPONSIBLE ADVERTISING AND MARKETING COMMUNICATIONS

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# INTRODUCTION

## Context

In 2016, the European Commission acknowledged that the existing European regulatory framework for cosmetic product claims and advertising “was very comprehensive and ensured a high level of consumer protection. At the same time, it enabled the European cosmetics industry to be competitive within the EU and in the world.”<sup>1</sup>

Cosmetics Europe has been working proactively since 2010 to promote best practice in cosmetics advertising, in response to consumer concerns about potential adverse impacts that cosmetics advertising may have on individuals and the society as a whole. In June 2012, it adopted the Charter and Guiding Principles for Responsible Marketing Communications.

This revised document, like the initial version, is largely inspired by the broader self-regulatory framework for advertising and marketing communications promoted by the Internal Chamber of Commerce (ICC) and the European Advertising Standards Alliance (EASA).

As many aspects covered by the ICC Advertising and Marketing Communications Code and the EASA Best Practice documents are subject to legally-binding regulations that apply to cosmetic products, this document addresses self-regulatory aspects and, among those, it focuses on aspects that are particularly relevant to cosmetics claims and advertising.

## Objective

The purpose of this document is to complement the already comprehensive regulatory framework, in order to further protect consumers from misleading claims and advertising.

## Definitions

The definitions referred to in this document are either legally binding (laid down in European Regulations and Directives) or self-regulatory (e.g. quoted from the ICC Code or the EASA Best Practice documents). Regarding the self-regulatory definitions, it should be noted that, in certain markets, national definitions may differ, for example as regards ‘children’ and ‘teens’. Marketers are therefore advised to check whether such diverging national definitions exist in markets relevant to them.

## What is new in this first revision?

The initial version of Cosmetics Europe’s Charter and Guiding Principles for Responsible Marketing Communications was developed at the same time as the European Commission was drafting the Common Criteria Regulation<sup>2</sup> (CCR). Many of the principles covered by the former – such as honesty, truthfulness, claim substantiation, informed choice – are now included in the CCR, having thus become legal requirements.

Therefore, the Charter and Guiding Principles for Responsible Marketing Communications were thoroughly revised to focus on self-regulatory aspects rather than maintain aspects which are now mere compliance with the law.

Areas which are updated and/or addressed in further detail in this revised version are:

- the evolution of the digital environment / influencer marketing
- advertising to vulnerable populations / children and teens
- promotion of environmental benefits of products.

# CHARTER

## FOR RESPONSIBLE ADVERTISING AND MARKETING COMMUNICATIONS

The European cosmetics industry recognises the importance of responsible advertising and marketing communications as essential means of informing consumers about the characteristics and benefits of their cosmetic products. In particular, the cosmetics industry commits, through this Charter, to ensure that its advertising and marketing communications shall:

- comply with the relevant European and national self-regulatory frameworks (in addition to complying with the legal requirements);
- be socially responsible;
- be responsible when promoting environmental benefits of cosmetic products.

The purpose of this Charter is to set out the cosmetics industry's common ground on responsible cosmetics advertising and marketing communications in Europe, which complements the comprehensive legislative framework in this field.

The Charter is endorsed by the members of Cosmetics Europe as a fair and honest representation of their commitment.

### Complying with the relevant European and national self-regulatory frameworks

(in addition to compliance with the applicable laws)

Such self-regulatory frameworks facilitate responsible trade and bring benefits to both consumers and economic operators. The industry commits to continue to cooperate with public authorities and self-regulatory organisations at European and national level.

### Being socially responsible

The European cosmetics industry commits to respect society's evolving values towards social responsibility and to recognise the variety of cultures and standards. Advertising and marketing communications should meet taste and decency principles and should in particular:

- respect the human being, individual beliefs and lifestyle choices;
- responsibly consider the impact of advertising on vulnerable populations.

These aspects are especially relevant given the rapid evolution of technology and technologically enhanced advertising and marketing communications, as well as of the social networks and media.

### Being responsible when promoting the environmental benefits of cosmetic products

Consumers' interest for the environmental benefits of cosmetic products is constantly increasing.

Consumer information and education are part of the cosmetics industry's global commitment to high standards in marketing communications which is aimed to assist the consumers in making an informed choice.



# GUIDING PRINCIPLES

## FOR RESPONSIBLE ADVERTISING AND MARKETING COMMUNICATIONS

These guidelines translate the principles to which the European cosmetics industry commits in the Charter on Responsible Advertising and Marketing Communications into concrete provisions. This document is a framework specific to cosmetic products that consolidates existing principles and best practices, setting out common ground on cosmetics advertising and marketing communications in Europe.

### 1. INTRODUCTION

#### 1.1 Regulatory framework

These Guiding Principles complement the relevant provisions included in:

- Directive 2005/29 on Unfair Commercial Practices (UCPD)
- Directive 2006/114 on Misleading and Comparative Advertising (MCAD)
- Regulation 1223/2009 on Cosmetic Products (CPR)
- Regulation 655/2013 on Common Criteria for the justification of cosmetic product claims (CCR)

#### 1.2 Definitions

For the purposes of these Guiding Principles:

- a) The term **“advertising” or “advertisement”** means “any form of marketing communications carried by any media, usually in return for payment or other valuable consideration” (Consolidated International Chamber of Commerce – ICC - Code). This includes digital marketing communications.
- b) The term **“average consumer”** means any person “who is reasonably well-informed and reasonably observant and circumspect, taking into account social, cultural and linguistic factors” (Recital 18, Directive 2005/29/EC).
- c) The term **“children”** refers to individuals aged 12 years and under (ICC Advertising and Marketing Communications Code, 2018).
- d) The term **“cosmetic product”** means “any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours” (Article 2 of the CPR).
- e) **“Cosmetic product claims”** refer to “text, names, trademarks, pictures and figurative or other signs” used in the labelling, marketing and advertising of cosmetic products (Article 20 of the Cosmetic Regulation).
- f) The **“influencer”** is an independent third-party endorser who shapes audience attitudes through blogs, posts, tweets, and use of other social media. Subsequently, **influencer marketing** traditionally involves elements of identification of such individuals by the advertisers and engaging them in marketing activities and promotion of the brand and/or its products<sup>3</sup>.
- g) The term **“marketing communications”** includes “advertising as well as other techniques, such as promotions, sponsorships and direct marketing, 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” (Consolidated ICC Code).
- h) **“Misleading advertising”** means “any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour or which, for those reasons, injures or is likely to injure a competitor” (Directive 2006/114/EC).

- i) The term **“teens”** refers to individual aged 13 – 17 years (ICC Advertising and Marketing Communications Code, 2018).
- j) The term **“vulnerable consumer”** means “a consumer who as a result of socio-demographic characteristics, behavioural characteristics, personal situation, or market environment:
  - a. is at higher risk of expecting negative outcomes in the market;
  - b. has limited ability to maximise his/her well-being;
  - c. has difficulty in obtaining or assimilating information;
  - d. is less able to buy, choose or access suitable products, or
  - e. is more susceptible to certain marketing practices.

(European Commission, Consumer vulnerability across key markets in the European Union, Final Report, January 2016)

### 1.3 Scope of application

Claims and advertising are essential tools for differentiating between products, stimulating innovation and fostering competition. To fulfil their role, it is vital that they evolve with national markets, scientific progress and the diversity of consumers, as well as the changes in societal demands, trends and fashions.

The regulatory regime must take all these factors into account and must, while protecting consumers from being misled, promote innovation and foster competition. This objective is best served by a framework combining horizontal and specific legislation with self-regulation. All these together establish key principles that must be complied with whilst allowing a certain degree of flexibility for their application, to accommodate cultural and linguistic differences, scientific progress, evolving societal trends and consumer expectations, etc.

Therefore, these Guiding Principles aim to lay down the common ground for responsible advertising and marketing communications across Europe, via all media (print, tv/radio, internet), beyond mere compliance with the applicable laws. However, as with all self-regulatory provisions, they may need to be tailored to reflect local conditions across Member States in order to be effective and credible.

In practice, this means that national self-regulatory rules, while meeting a common pan-European baseline, can go beyond these Guiding Principles, if appropriate.

### 1.4 Participatory drafting of the Guiding Principles

Reflecting the accepted best practice model for effective advertising self-regulation<sup>4</sup>, Cosmetics Europe has consulted a range of stakeholders when drawing up these Guiding Principles.

### 1.5 Implementation

All Cosmetics Europe members commit to implement and uphold, in letter and in spirit, these Guiding Principles. In order to ensure maximum effectiveness, and reflecting the accepted European best practice model, national cosmetics associations that are members of Cosmetics Europe are encouraged to cooperate with their respective self-regulatory organisations (SROs) in the most appropriate manner, with a view to having these Principles adopted at national level.

In countries where, for that purpose, SROs adopt specific national guidelines, SROs are responsible for adjudicating on complaints from both competitors and consumers and help ensure that any cases of non-compliance with such guidelines are rectified.

### 1.6 Reporting, compliance monitoring and review

Cosmetics Europe commits to report regularly and publicly on progress in terms of having these Guiding Principles shared with national SROs. Cosmetics Europe will also endeavour to ensure that compliance with the provisions of these guiding principles by its members is monitored regularly in a transparent, participative and accountable manner, in cooperation with EASA<sup>5</sup>. On the basis of progress in implementing the guiding principles, compliance data, ongoing dialogue with relevant stakeholders etc., Cosmetics Europe commits to regularly review the guiding principles. This is in order to ensure they continue to reflect societal trends and expectations, and to amend them as necessary.

Cosmetics Europe encourages its association members to support national SROs in those countries where they or their members are active, and an effective SRO exists.

## 2. GUIDING PRINCIPLES

### 2.1 Compliance with self-regulatory codes of conduct

As indicated in the 10th edition of the ICC Advertising and Marketing Communications Code<sup>6</sup>, the “fundamental value of self-regulation lies in its ability to create, enhance, and preserve consumer trust and confidence in the business communities behind it, and therefore in the marketplace itself. Effective self-regulation is also an instrument for the protection of individual companies’ goodwill and reputation.”

The EU legal framework addresses misleading claims and comparative advertising; it does not cover ethical criteria such as taste and decency. Self-regulation has a positive and critical role to play in this regard. Typically, ethical considerations are addressed by the ICC and the national self-regulatory organisations (SROs) in their codes of conduct, which are regularly reviewed in order to adapt and respond to evolving societal needs and concerns.

Self-regulatory systems help industry provide an additional level of consumer protection by building consumer trust in brands through the promotion of responsible advertising. The systems are characterised by:

- a highly flexible and responsive nature; such a nature is well adapted to cosmetic claims and advertising because it can easily evolve along with societal and market changes as well as with changes in consumer expectations over time;
- adaptability to national, cultural and linguistic specificities; for example, taste and decency are best assessed against national sensitivities; this is an area where the role of national SROs is particularly well adapted and efficient.
- alternative dispute resolution mechanisms or complaint handling systems which can quickly respond to complaints and are free of charge for consumers.

### 2.2 Social responsibility in advertising

The cosmetics industry is committed to responsible advertising and marketing communications which respect the human being, body image and human dignity.

These aspects are also covered in the ICC Advertising and Marketing Communications Code, as applied to the advertising and marketing of cosmetic products.

As an aspiration, cosmetic advertising and marketing communications should be geared at helping consumers to choose the right product for them, tailored to their personal needs and respective lifestyles, and, as a result, improve elements of their life experience.

#### 2.2.1 General principles

All cosmetic advertising and marketing communications should comply with general provisions, concerning:

- a) **Denigration:** cosmetics advertising and 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”<sup>7</sup>.
- b) **Discrimination:** cosmetics advertising and marketing communications should respect human dignity and diversity. It should not incite or condone any form of discrimination, including that based upon ethnic group, national origin, religion (or no religion), gender, age, disability, lifestyle choice or sexual orientation.
- c) **Exploitation of credulity and inexperience:** cosmetics advertising and marketing communications should not be framed so as to abuse the trust of consumers or exploit their lack of experience or knowledge.
- d) **Humour** may be used in advertising and marketing communications in such a manner that it does not stigmatize, humiliate or undermine any person, group of persons or beliefs.
- e) **Lifestyle choices:** cosmetic advertising and marketing communications should not be denigrating or judgmental regarding lifestyle choices that consumers choose to make.
- f) **Play on fear:** cosmetics advertising and marketing communications “should not without justifiable reason play on fear or exploit misfortune or suffering”<sup>8</sup>.
- g) **Play on superstition:** “Marketing communications should not play on superstition”<sup>9</sup>.
- h) **Portrayal of gender:** cosmetics advertising and marketing communications should not contain any sexually offensive material and should avoid any textual material or verbal statements of a sexual nature that could be degrading to those that associate themselves with any type of gender identity. Furthermore, advertising and marketing communications should not be hostile toward any gender identity.

- i) **Offensiveness:** any statement or visual presentation likely to cause profound or widespread offence to those likely to be reached by it, irrespective of whether or not it is directly addressed to them, is not acceptable. This includes the use of shocking images or claims used merely to attract attention.
- j) **Taste and Decency:** cosmetics advertising and marketing communications “should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned”<sup>10</sup>.
- k) **Violence:** cosmetics advertising and marketing communications “should not appear to condone or incite violent, unlawful or anti-social behaviour”<sup>11</sup>.
- l) **Safety and health:** cosmetics advertising and marketing communications “should not without reason, justifiable on educational or social grounds, contain any visual presentation or any description of dangerous practices or of situations which show a disregard for safety or health”<sup>12</sup>. Models used in advertisements and post-production techniques should not appear to promote a preferred body image of extreme thinness.

## 2.2.2 Specific principles related to the consideration of the human being

### Respect for the human being

Given the possible impact that cosmetics advertising and marketing communications may have on the self-esteem of consumers, the following should be taken into consideration when using models of any gender in advertising:

- a) Do not focus on bodies and parts of bodies as objects when not relevant to the advertised product.
- b) Do not stage nude models in a way that is demeaning, alienating or sexually offensive. When using nudity, the media used and the intended as well as potential audience should be considered. This also applies to any way a model may be dressed, where this may be offensive in certain cultural contexts.

### Vulnerable populations

The European cosmetics industry commits to provide responsible advertising and marketing communications towards vulnerable consumers, including children and teens, that treats them with care and dignity.

Therefore:

- a) Advertising could consider promoting the concept of hygiene and sanitary benefits of cosmetic products to children and teens, in particular sun protection products, oral care products, and cleaning products (including soap, shampoos and teenage acne cover-ups).
- b) Advertising of decorative cosmetics and perfumes should not incite children to overuse of such products.
- c) Advertising of cosmetic products, including images, should not promote early sexualisation of young people.
- d) Advertising in social media platforms, smartphone applications or games that children or teens may be attracted to or targeted by should be considered very carefully in terms of the effects they may have.

## 2.2.3 Specific principles related to the evolution of technology and of associated societal trends

The recent years were marked by the significant evolution of technology (which also includes the incremental use of artificial intelligence (“AI”) and the consequential need to promote a trustworthy AI lifecycle by means of ethics guidelines<sup>13</sup>) and technologically-enhanced advertising and marketing communications, as well as by the emergence of new societal trends in the use of social networks and media for advertising. These should be considered and addressed in a responsible manner.

### Image honesty

Digital techniques may be used to enhance the beauty of images to convey brand personality and positioning or any specific product benefit.

However, the use of pre- and post-production techniques such as styling, re-touching, lash inserts, hair extensions, etc., should abide by the following principles:

- a) The advertiser should ensure that the illustration of a performance of an advertised product is not misleading (see Product Claim Substantiation).
- b) Digital techniques should not alter images of models such that their body shapes or features become unrealistic and misleading regarding the performance achievable by the product.

- c) Pre- and post-production techniques are acceptable provided they do not imply that the product has characteristics or functions that it does not have.

For example, the following cases would not be considered misleading:

- Using obvious exaggeration or stylized beauty images that are not intended to be taken literally.
- Using techniques to enhance the beauty of the images that are independent from the product or effect being advertised.

### Testimonials

Testimonials may be used to emphasize the characteristics of cosmetic products and create a brand image, provided that they are presented as a personal assessment or impression of a product. These may be used in the form of written or spoken statements.

They:

- a) must be genuine, responsible and verifiable.
- b) cannot replace material substantiation of a claim<sup>14</sup>.
- c) should avoid any misrepresentation and misinformation with regards to the nature of the product being advertised, its properties and the achievable results.

### Influencer Recommendations<sup>15</sup>

Content created by social influencers is viewed and followed by many consumers and is often an integral part of daily life, and an important source of information. It is important to distinguish between genuine, unbiased opinions shared by influencers and the ones that are marketing. Detailed guidance can be found in EASA's Best Practice Recommendation on influencer marketing (2018).

Communication from an influencer should not be used by the marketer as a covert route to advertise a cosmetic product<sup>16</sup>. Such a communication may indeed be considered as an advertisement under the marketer's responsibility, and subject to advertising rules if the marketer of the cosmetic product has:

- a) Paid the influencer or has some other reciprocal arrangement and/or
- b) Had some form of editorial 'control' over the content, which could merely be final approval and/or

- c) Has intentionally linked, endorsed, incorporated, distributed or promoted the free communication of the influencer for advertising purposes in its marketing communications<sup>17</sup>.

In this case, the general requirements for an advertisement would apply, including:

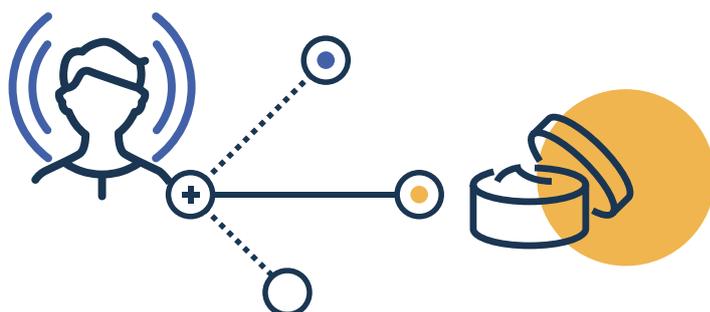
- being obviously identifiable as an advertisement.
- not misleading people (e.g. being supported with appropriate evidence).

1. A **payment/ reciprocal** arrangement or material connection is defined as where:

- The influencer is paid a specified amount of money to create and/or post a particular piece of content.
- There is any other sort of commercial relationship with the influencer including being paid to be an ambassador for the Brand.
- The influencer is provided the cosmetic product they endorse, free of charge.
- The influencer is provided cosmetic products, gifts, services, etc. at no expense.
- The influencer has a business, family or other close relationship to seller that is known to the advertiser unless proved otherwise.

2. **Editorial control** is defined as where:

- The influencer with a payment or reciprocal arrangement is not completely free to do and say whatever she/he wants whenever she/he wants.
- This could include:
  - Telling the influencer to include particular words, phrases, themes or 'key messages', or to use a particular #hashtag.
  - Specifying what needs to be in an image/video, e.g. requiring the influencer to include a specific action in a video or specifying the type of content to create (e.g. 'unboxing' the featured product).
  - Requiring the influencer to post a certain number of times, on certain days and/or at specific times
  - Reserving the right to check/approve the content before it is posted.
  - Reserving the right to ask for a post to be changed before it is posted.



### 3. To make an advert clearly identifiable and recognisable

Recognisability of commercial communications is of paramount importance and a cornerstone of responsible cosmetic product advertising. Both the marketer and the influencer are responsible for ensuring dedicated disclosure that the content is clearly presented as a marketing communications, in a way that is adapted to the context (e.g. whether in traditional or digital media).

#### Specialist recommendations

Where permissible, recommendations from medical, para-medical or scientific specialists (referred to as “specialist(s)”) on an ingredient, a product, or a general message on hygiene or beauty, can be used provided they are established on the basis of adequate and appropriate evidence.

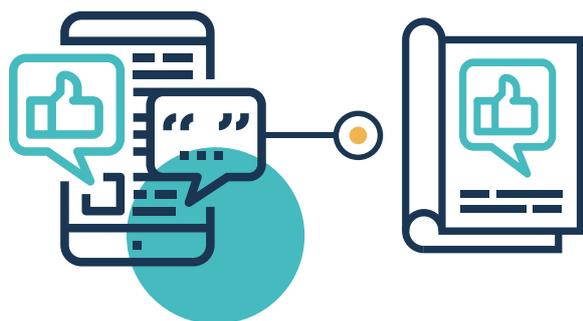
Such specialists must be selected on the basis of their qualifications, expertise or experience in the particular area.

When directly promoting or inferring the benefits or credentials of a marketer’s product or other activities (e.g. research profile, Corporate Social Responsibility, etc.), the marketer is responsible for ensuring that the content is clearly identified as advertising.

#### Consumer recommendations (user generated content)

Where a marketer takes a piece of consumer feedback, and features it in an advertisement, or uses it for advertising purposes in its marketing communications, then it should only be used where the comment is supported by verifiable claims support evidence.

General advertisement rules apply to the recommendations (reviews, comments, feedback) from consumers intentionally used for advertising purposes by the marketer. They should be without payment/material connection and editorial control, but where this is not the case, they should meet the same disclosure requirements as those applying to influencers.



### 2.3 Responsibility in promoting environmental benefits of cosmetic products

Marketing communications should be so framed as not to abuse consumers’ concern for the environment or exploit their possible lack of environmental knowledge. Environmental jargon or scientific terminology is acceptable provided that it is relevant and used in a way that can be readily understood by those targeted by the message.

Environmental superiority over competitors should be claimed only when a significant advantage in terms of reduced impact on the environment can be demonstrated. Products being compared should meet the same needs and be intended for the same purpose.

Whilst the existing freedom of product positioning through advertising is to be fundamentally preserved, specific attention should be paid to the following:

#### General presentation

The general presentation of a cosmetic product (colours, visuals, etc.) and individual claims shall not:

- a) give a false impression;
- b) exaggerate the environmental aspect/benefit of the product to which the claim relates;
- c) emphasize any single environmental benefit while deliberately concealing the aspects which present a negative environmental impact;
- d) use vague, ambiguous and broad (general environmental benefit) claims except where accompanied by clear and prominent qualifying language that limits the claim to one or more specific benefits or where justified by an official labelling scheme (e.g. Ecolabel) or a life cycle assessment study (based on generally accepted methods and subject to third party verification).

#### Use of images, symbols and logos

- a) Any supporting information, imagery or symbols shall be justified and understandable by the average consumer.
- b) Any use of a symbol or logo must not imply that the product has achieved the required relevant third-party endorsement when it is not the case.

### Accuracy, relevance and clarity of the environmental claim

- a) The environmental claim shall be presented in a manner that clearly indicates whether the claim applies to the complete product or only to a product component or to the packaging.
- b) The environmental claim shall be relevant to the particular product and used only in an appropriate context or setting.
- c) The claim shall be specific as to the environmental benefit or environmental improvement which is claimed; consequently, an environmental benefit may be claimed provided that an appropriate assessment of the claimed aspect has been carried out.
- d) The environmental claim should be communicated in a way that facilitates its understanding by the average consumer. For example, some product categories may be perceived as automatically having a better impact on the environment; in such cases, marketers should be careful not to emphasize such benefits if they are not substantiated.

### Substantiation

- a) Test methods and studies being used as evidence should be relevant to the product and to the environmental benefit claimed.
- b) Environmental claims should be reassessed and updated as necessary to reflect changes in technology, competitive products or other circumstances that could alter the accuracy of the claim.

## REFERENCE DOCUMENTS

ICC Advertising and Marketing Communications Code, 10th revision, 2018

ICC Framework for Responsible Environmental Marketing Communications, 2019

EASA Cosmetics Advertising Audit, 2015

EASA Best Practice Recommendation on Influencer Marketing, 2018

EASA Digital Marketing Communications Best Practice Recommendations, 2015

European Commission Report on Cosmetic Product Claims, 2016

European Commission Working Group on Cosmetics, Sub-group on Claims: Technical Document, 2017

Cosmetics Europe Guidance on Claim Substantiation, 2019

## REFERENCES

1. REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on product claims made based on common criteria in the field of cosmetics, 19.09.2016
2. COMMISSION REGULATION (EU) No 655/2013 of 10 July 2013 laying down common criteria for the justification of claims used in relation to cosmetic products, OJEU L190, 11.07.2013
3. Best Practice Recommendation on Influencer Marketing, EASA, 2018
4. European Commission Report on Self-Regulation in the EU Advertising Sector, 2006.
5. The European Advertising Standards Alliance
6. <https://iccwbo.org/publication/icc-advertising-and-marketing-communications-code/>
7. Article 12, ICC Advertising and Marketing Communication Code 2018
8. Article 2, ICC Advertising and Marketing Communication Code 2018
9. Article 2, ICC Advertising and Marketing Communication Code 2018
10. Article 3, ICC Advertising and Marketing Communication Code 2018
11. Article 2, ICC Advertising and Marketing Communication Code 2018
12. Article 17, ICC Advertising and Marketing Communication Code 2018
13. Ethics Guidelines of the High-Level Expert Group on Artificial Intelligence available at: <https://ec.europa.eu/futurium/en/ai-alliance-consultation/guidelines#Top>
14. See Cosmetics Europe's Guidance for Claim Substantiation, 2019
15. The principles laid out are inspired by EASA's Best Practice Recommendation on influencer marketing (2018)
16. This guidance refers to the relationship between a marketer and an influencer; if no relationship exists, the responsibility for the content and transparency rests with the individual influencer.
17. Since the requirements regarding each of the above-mentioned conditions might differ across European markets, the marketers are always advised to first consult their national SRO or to obtain the latter's national code and/or guidelines on influencer marketing. In addition, national requirements may exist in certain Member States, as well as relevant court rulings.