

ARPP'S ADVERTISING CODES

GUIDE 2017



autorité de
régulation professionnelle
de la publicité

FREEDOM TO CONDUCT BUSINESS, COMMUNICATE AND CREATE WITHIN AN ETHICAL FRAMEWORK.

«Any person may engage in such business or in any profession, art or trade which he thinks fit». This principle established, as early as March 1791, the liberty of commerce and industry. In other words, the freedom to conduct business, which is at the heart of the market economy, is consubstantially attached to the society in which we live.

Article 11 of the Declaration of Human and Citizens Rights, drawn up at the time of the French Revolution, provided the liberty of expression: «*The free communication of thoughts and opinions is one of the most precious rights of man. Any citizen may therefore speak, write and publish freely, but must answer for the abuse of this freedom in the cases determined by law*».

The freedom of creation stems directly from the freedom of expression. It must be protected under this principle.

The freedom of artistic creation is also protected by Article 1 of Law No. 2016-925 of 7 July 2016 on the Freedom of Creation, Architecture and Heritage.

These three principles of freedom form the basis of marketing communication.

However, these notions can only apply insofar as they respect the receiver. If companies, and *a fortiori* the media, exercise their freedom, it must in no way undermine the freedom of the recipients.

The responsibility of the advertising industry towards society derives from its freedom of expression.

In this context, the industry defines ethical rules, accepts professional regulation and supports the organizations which ensure their implementation.

SELF-REGULATION, THE COROLLARY OF FREEDOM OF MARKETING COMMUNICATION

The proper application of self-regulatory rules within the framework of concerted professional regulation, respecting these freedoms as well as the consumer, is the key to effective and quality advertising.

MARKETING COMMUNICATION

It refers to all the actions taken by an economic operator or by any other entity (association, public service, etc.), with the aim of making itself known and communicating on its products or services mainly in order to promote sales.

The object, for whose benefit the communication is made, can be material (good, product), intangible (service, event, cause) or even institutional (brand, company).

THE ETHICS OF MARKETING COMMUNICATIONS, A WORLDWIDE CONCERN SINCE 1937

Self-regulatory rules of each country are based on the consolidated ICC Code on Advertising and Marketing Communications practices of the International Chamber of Commerce.

The International Chamber of Commerce (ICC), a global business organization, which brings together millions of members from all sectors in more than 130 countries, has been a major source of ethics in advertising since 1937, date of its first Code of Fair Practices in Advertising.

The purpose of the ICC Code is to demonstrate accountability and good practices in advertising and marketing communications around the world and to enhance the overall public confidence in marketing communication by protecting the freedom of expression of the industry. Professional regulation of advertising is specified in Articles 25 and 26 of the ICC Code .

The 9th version of the Code dates from 2011: on the occasion of its 80th anniversary, a new revision was launched, in 2017.

ARPP'S MISSION: TO RECONCILE FREEDOM OF MARKETING COMMUNICATION AND RESPECT FOR CONSUMERS

Maintaining the balance between creativity and responsibility is at the heart of advertising self-regulation.

The process of professional regulation can only be effective if the rules guide and orientate advertisers, while safeguarding the freedom of expression. If all the regulatory and ethical rules become disproportionate with regard to the objectives, the message will be altered. Advertising is no longer able to retain its original goal of engaging with consumers in order to be economically efficient.

LEAVING SPACE FOR THE CONSUMERS' IMAGINATION MEANS RESPECTING THEM

The public must be able to find its place in the perception of the message. It is important that the consumer should have the capacity of detachment, the freedom to think, to imagine, to dream and to react. Rules that are too strict would reduce advertising to an injunction, to a simplistic, exclusively descriptive, message.

Consumers may reject an advertisement which they find deceitful or shocking, but the professionals also fear those pitfalls likely to damage the durability of the campaign and the image of the brand.

It is also necessary to ensure that taking into account all the rights of expression, self-image, body, freedom, equality, minorities, etc. does not lead to a multiplication of prohibitions. Each group's right to be respected must be part of a principle of tolerance and freedom of expression for others.

SELF-REGULATION, AN ORGANIZED APPROACH

ASSOCIATED ENTITIES ENRICH SELF-REGULATION

In 2008, the Joint Council for Advertising (“*Conseil Paritaire de la Publicité*” - CPP) and the Jury of Ethical Advertising (“*Jury de Déontologie Publicitaire*” - JDP) complemented the concerted professional regulation system set up in 2005 with the creation of the Advertising Ethics Committee (“*Conseil de l’Ethique Publicitaire*” - CEP). Their responsibilities complement each other.

This structure supporting the daily activities of ARPP, ensures its openness to the outside world and its place in society.

DRAFTING OF CODES

- **Ethical provisions are based on:**

The Consolidated ICC Code on Advertising and Marketing Communications Practices, with its thematic frameworks. They are reinforced by the Charters of Commitments signed by representatives of professionals, ARPP and the public authorities.

- **The drafting of ARPP Codes follows a threefold logic of anticipation, consultation with stakeholders and accountability:**

Anticipation: the **Conseil de l’Ethique Publicitaire** alerts ARPP on the trends likely to foster the evolution of ethical codes. In 2015, it published, under the direction of its president Dominique Wolton, all of its opinions in a book entitled *Avis à la Pub. Création et autorégulation* (Cherche-Midi).

Consultation with civil society: prior to any new drafting, the **Conseil Paritaire de la Publicité** issues a public opinion on the matter at the request of associations

Accountability: in order to encourage advertising practitioners to respect them, the ethical rules are drawn up by members of ARPP, representing all the professions concerned (advertisers, agencies, media) and adopted by the Board of Directors, three-thirds of which is made up of representatives of advertisers, agencies and media. They are developed in accordance with the applicable regulatory framework.

- **Monitoring of the proper implementation** of the Codes is conducted by ARPP as part of its monitoring and ethical review activities. It is reinforced by the **Jury de déontologie publicitaire**, the third body associated with ARPP. The process is then completed by an **Advertising Ethics Reviewer**.

The JDP strives to improve the efficiency of the ethics system. This independent jury is composed of impartial experts recommended by CEP and CPP, and by ARPP's Board of Directors, which appoints its Chairman.

CODES EXPERTISE

Beyond their day-to-day application by ARPP teams, the Codes are also intended to be communicated to the various institutions, administrative authorities or professional orders, upon request.

In this context, they enable expertise on marketing communications to be pooled.

ETHICS: ARPP DAY-TO-DAY

PRIOR TO PUBLICATION: COPY ADVICE FOR ALL MEDIA AND TV PRECLEARANCE

All-media copy advice: During the development of their advertising projects, ARPP members² can ask for confidential advice in order to ensure their compliance with the rules of positive law and self-regulatory rules.

PreClearance ? for all television advertising and Audiovisual Media Services on Demand before broadcasting: All advertising broadcast on television and / or on SAd must systematically be previewed by ARPP, in application of the partnership agreement, signed with the Supreme Broadcasting Council (CSA) in 1990 by the representatives of the professions concerned (Association of Communication Agencies (AACC), National Televisual Advertising Union (SNPTV) and Advertiser Federation (UDA)).

ARPP issues a «favorable» or «to modify» or «not to be broadcast» notification.

AFTER PUBLICATION: THE OBSERVATORY, INTERVENTIONS AFTER PUBLICATION, MONITORING AND COMPLAINTS TO THE JURY OF ETHICAL ADVERTISING (JDP)

The Observatory: the Observatory of digital advertising aims to establish an inventory of digital practices. It identifies breaches of the rules adopted by the industry and promotes the resulting actions for improvement.

Monitoring: ARPP may detect a breach after publication and contact the professionals responsible for the advertisement directly.

Assessment of compliance

Ethical assessment: ARPP takes the initiative, or responds to a request, most frequently indicated in a charter of commitments signed with the public authorities. ARPP leads a systematic analysis of the advertisements on a given theme, period and selected media. Results are published.

² Exceptionally, under certain conditions, such as marketing communications claiming a commitment to sustainable development, people who are not members of ARPP, particularly outside France, may request advice from ARPP on advertising projects.

Monitoring: the European Advertising Standards Alliance (EASA) organizes, at the request of professionals, the monitoring of ethical or legal rules in Europe and beyond. It asks the national self-regulatory organizations to carry out the analysis of the relevant advertisements. The results are communicated to the professionals concerned.

JDP: the Jury of Ethical Advertising (JDP) is referred to by any person, physical or legal, who considers that an advertisement does not respect self-regulatory rules. The JDP will then decide whether the complaint should be upheld or not. An appeal procedure is possible. In this case, it involves the Advertising Ethics Reviewer.

ARPP is certified ISO 9001:2015 by Bureau Veritas for its activities before and after broadcast.

SELF-REGULATION, A VERY CURRENT ALTERNATIVE

IN 2015, ADVERTISING SELF-REGULATION CELEBRATED ITS 80TH ANNIVERSARY

The advertising industry is one of the few economic systems that can claim an ethical organization founded as early as 1935.

It started with **self-control**, created by professionals to control their own messages (first age of the Office of Announcement Supervision, before the Second World War, which was focused on flushing out scams in ads).

This system later became **self-regulation** (decision to set professional rules, with the first codes of conduct since the 1970s) and finally **self-discipline**, when a common decision gave the body responsible for enforcing its codes the necessary authority.

Today, thanks to the involvement of stakeholders, this organization has become a **concerted professional regulation system**.

Staggering at first, the code of ethics has stood the test of time by reinforcing its effectiveness and its representativeness.

Today, it is recognized both among professionals and public authorities at a national and European level and is now developing in the new economic areas (Asia, Latin America and Africa).

ARPP IS PART OF A EUROPEAN AND INTERNATIONAL STRUCTURE

ARPP was a founding member of the European Advertising Standards Alliance in Brussels in 1992, which was created to promote and guarantee self-regulation throughout the European Union and beyond.

ARPP is also a founding member of the Brussels-based International Council for Ad Self-Regulation (ICAS) in October 2016, of which AEEP / EASA is a member. This body aims to promote the effective self-regulation of global advertising.

A European Charter for Self-Discipline in Advertising was signed in June 2004 by all the European professional organizations. It endorsed, in the presence of the Commission, ten commitments related to self-regulation in advertising in order to ensure that the good practices come into force.

In 2014, by appointing a First Vice-President responsible in particular for better regulation, the President-elect of the European Commission strengthened Europe's commitments to simplify its action in order to promote essential issues: growth, jobs and security, with a focus on self-regulation when it proves effective.

AN OBSERVATION: EFFICIENCY THAT IS NOT CALLED INTO QUESTION

AEEP / EASA noted that France fulfilled the ten commitments on responsible practices defined in the European Charter.

Since 2003, public authorities have signed, with the professionals concerned, Charters of Commitments on marketing communication with ARPP, which they are now renewing. Through the low rate of non-compliance with the code, the Ethical Compliance Assessments testify to the rigorous work of professionals.

ARPP'S EXPERTISE WITH PUBLIC AUTHORITIES

ARPP, alongside its members and directors, plays a role of representation and makes suggestions on all subjects related to the content of advertising, the acceptability of commercial communication and the self-regulatory system in France and worldwide.

It is recognized as a representative and trustworthy contact partner for public bodies and administrative authorities. ARPP meets with those authorities on a regular basis about various matters relating to the evolution of practices and laws, the monitoring of their correct implementation or responses (with others organizations) to public consultations.

In order to increase the visibility of its actions, ARPP participates in numerous colloquia and demonstrations to explain its mission, promote self-regulatory rules and develop advertising ethics for the benefit of all.

Pragmatic and easy to update, this global practice of «soft law» makes the actors of the advertising world aware of their responsibilities without the least financial cost for society and public funding.

TEACHING SELF REGULATION

Soft law only really exists to the extent that it is applied. If ignored, it is of little interest.

Before the ethical code can encourage, recommend and guide advertisers, it must first be known and understood.

The European Charter for Self-Discipline contains an explicit commitment to this effect: «*The launch of campaigns and actions by professionals to ensure the promotion and sufficient knowledge of self-discipline, including for the public*», which leads concretely, within the European Advertising Standards Alliance, to the creation of ten 3E (EASA Ethics Education) training modules adapted by ARPP in France to contribute to professional training.

As the CEP stated in one of its opinions published in 2014 (Advertising and Education Opinion, August 2014): «*ARPP has every legitimacy to participate in the development of educational modules, aimed at young people, to help them understand new advertising techniques for example, but also to make them aware of themes that particularly affect them*”.

ARPP endorses with the measures developed by the advertising profession: **Pub Malin** and **Media Smart Plus** for example, which provide an educational kit about the specificities of advertising for primary and secondary school teachers.

It also maintains close relations with universities and professional training institutions, to enable students and young professionals to have direct access to these codes, and to understand their application and the structures which develop them.

Ateliers Pub was established to respond to the specific nature of these needs. By presenting these rules simply, and using many examples, these workshops aim to get participants to identify the codes on their own. This exercise shows them how they can lead to misinterpretation.

ARPP invites researchers and professors to take an interest in advertising ethics, which, instigated by France in Europe, has been gaining strength throughout the world for more than a century

ARPP's codes, updating and interpretation

UPDATE

The revision of ARPP 'codes have involved all its bodies: The Advertising Ethics Committee (CEP), the Joint Council for Advertising (CPP) and the Jury of Ethical Advertising (JDP).

In carrying out its tasks, the CPP has examined each existing code and decided on its maintenance, update or deletion.

In accordance with its statutes, opinions have been published.

These opinions explaining the CPP's analysis on the deletion or update of certain codes are available on the CPP website: www.cpp-pub.org

Following CPP's opinions, drafting groups for the revision of the codes have opened, in which only professionals who are ARPP members, participate (Article 5 of the ARPP Rules of Procedure).

INTERPRETATION

The reviewing of ARPP's codes must be consistent with principles of constitutional value: entrepreneurial Freedom and Freedom of expression, and have to respect the Freedom of creation.

In the daily, copy advices and preclearance delivered to its members, the ARPP favors the stability of the interpretation given to its members, by reconciling it with the evolutions of advertising practices and society.

CEP and CPP opinions are associated to the relevant ARPP codes, when they concern the same topic and enable to clarify the context of their elaboration. However, they do not contain applicable provisions.

Only the rules contained in ARPP codes can be directly implemented.

The codes are recognized as soft rules⁽¹⁾, they apply to all commercial communication no matter the media and the ways of expression used, including the most innovative ones.

Taking into account the features of each media, an acceptable ad for a media may require modifications in order to be acceptable for another one..

Ads must always be analyzed in terms of their probable influence on the reasonably informed consumer, taking into account the characteristics of the target ad audience and the media used.

ARPP CODES, CEP AND CPP OPINIONS ARE CLASSIFIED IN TWO PARTS: TRANSVERSALS RULES, AND SECTORAL RULES.

The transversal codes deal with issues related to commercial communications, such as image and respect of human beings or the sustainable development.

They therefore concern potentially, every advertising, regardless of the concerned sector, in addition to the sectoral provisions.

Each sectoral code address an identified commercial activity.

The Consolidated ICC (International Chamber of Commerce) **Code of Advertising and Marketing Communication Practice**, contains general provisions, recognized by all the professionals in more than 130 countries.

Article 1 of the Code states in particular that: «*All marketing communications should be legal, decent, honest and truthful*».

Articles 25 and 26 provide respectively for its application and compliance with the self-regulation organism of each country. The ARPP in France.

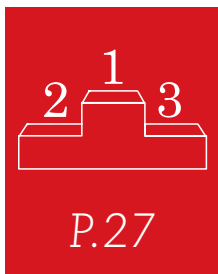
Each code, either transversal or sectoral, falls within the applicable regulation, and is drawn up in accordance with the provisions of the consolidated ICC code, concerning the specific topic.

(1) Concept defined by the Council of State in its annual 2013 study, entitled «Le Droit Souple» (La Documentation Française)

1ST PART TRANSVERSAL CODES



Advertising prices
CODE



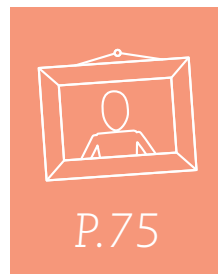
Advertising vocabulary
CODE



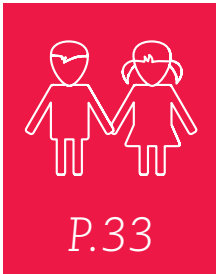
Call for public generosity
CODE



Notes and overlays
CODE



Portrayal and respect of human beings
CODE



Children
CODE



Digital advertising and marketing communications
CODE



Food behaviors
CODE



Identification of advertising and marketing communications
CODE



Results of market studies or surveys
CODE



Safety: dangerous behaviors and situations
CODE



Sustainable development
CODE



Testimony and certification
CODE

ADVERTISING PRICES CODE



ADVERTISING PRICES

PREAMBLE

The ICC Code of advertising and Marketing Communication Practice (ICC: International Chamber of Commerce) contains general provisions recognized by all professionals. One of them lays down, as a basic principle, that “All marketing communications should be legal, decent, honest and truthful”. Article 1 - Basic Principles.

According to these professional and ethical rules and to the positive law, advertising of a product, whatever form it may take, must be clear, loyal and truthful.

The ICC Code also states that: “Marketing communication should not contain any statements, claim or audio or visual treatment which directly or indirectly, or by implication, by omission, ambiguity, or exaggerations is likely to mislead the consumer, in particular, but not exclusively, with regard to [...] the value of the product and the total price to be paid by the consumer”. Article 5 on Truthfulness.

In order to encourage compliance with these principles, professionals^[1] have established rules for the presentation of prices and related remarks.

[1] Agencies, advertisers and media / devices.

Scope

This Recommendation applies to advertisements whose main purpose is to communicate on one or several price figures and that are disseminated to consumers outside the point of sale and / or outside the electronic merchant sites.

The rules of this Recommendation cover both price and the related indications.

By “remarks” we refer to the so-called legal notices (e.g. specific terms and conditions required by law), the “rectification notices” (e.g. those which limit the meaning or scope of the price mentioned in the advertisement), as well as information notices.

It is reminded that remarks that are not linked to a price figure are subject to the rules set out in the code “**Notes and overlays**”.

> also see page 69

These general and specific rules are designed for an average consumer that is to say, reasonably informed, attentive and sensible.

These rules apply unless applicable law imposes specific requirements for the presentation of the price and related indications.

1. PRESENTATION OF THE PRICE

1.1 Readability

The price must be legible in normal reading conditions.

Characters used must be:

- Of a sufficient size,
- Normally spaced apart,
- In a font allowing an easy reading (without it being necessarily consistent throughout the advertising),
- In a color that contrasts with the background color of the advertising, for instance, avoiding a light color against a light background.

When a sign accompanies the price and is used to make a reference to a related remark, the size of this sign next to the price must be large enough to be always legible under normal reading conditions.

1.2 Intelligibility, clarity and transparency

The intelligibility of the price implies to use of a wording allowing the consumer to understand it without difficulty and in a non-erroneous way.

Thus, the presentation of the price(s) must allow the consumer: to link the price(s) presented with the product or service he / she will benefit for this amount of money, and to know whether there are conditions or restrictions.

2. PRESENTATION OF THE PRICE REFERENCES

2.1 Legibility of the remarks related to the price

2.1.1 GENERAL RULES

Whatever the advertising medium, the legal, rectification and information notices or information related to the price must be legible under normal conditions of reading.

Notes must appear horizontally and use characters:

- Of a sufficient size,
- Normally spaced apart,
- In a font allowing an easy reading (without it being necessarily being consistent throughout the advertising),
- In a color that contrasts with the colour of the background of the advertising, for instance, avoiding a light color against a light background.

When a sign^[2] is used to make a reference to a related remark, the size of this sign, at the beginning of the remark must be large enough to be always legible under normal reading conditions.

[2] The sign may be, for example, an asterisk (a star), a number, a letter, etc.

2.1.2 ADDITIONAL RULES ACCORDING TO THE MEDIUM USED

2.1.2.1 For television and cinema advertising

For remarks that appears in a static overlay on the screen or within a scrolling text (whether the banner is materialized or not), the duration of exposure or the speed of the scrolling must allow the consumer to read the entirety of the information without waiting for a new broadcast of the advertisement.

When the background of the message is not the same color throughout the advertisement, depending on the script and the set, it is essential to check the perfect readability, in terms of contrast, for all remarks. If necessary, a banner will be materialized, with a single color which will contrast with the color of the characters chosen for the text appearing in the said banner.

2.1.2.2 For print advertising in the press

The character size of the remark must be chosen according to the format of the medium and the format of the advertisement. If a publication or an advertisement has a reduced format, the size of the chosen characters is decisive; it must always allow the reading of remarks and references to the price under normal conditions.

2.1.2.3 For billboard and outdoor print advertising

The font size of the remarks must be chosen according to the format of the billboard and its type of location.

2.1.2.4 For digital advertising^[3]

Special attention shall be given to the display time and the font size according to the diversity of formats, techniques and existing advertising media.

In advertisements featuring remarks in a scrolling text, special attention shall also be paid to the scrolling speed and to its good contrast with the background color.

Where the format, technique or advertising medium does not allow the remarks to appear on the advertisement itself, they shall be made directly available by any other means.

2.1.2.5 For radio advertising

Where price-related remarks are mentioned in a radio advertisement, they must be easily audible.

2.1.2.6 For other advertising material

When referring to another page (in the case of catalogs, mailing, etc.), the details of the references to the remarks, especially their location in the document, must be perfectly legible and clear.

3] For example, without being comprehensive, this definition includes: «display» advertising on Internet or on mobile, but also sponsored links, advertising emails, videos, viral advertising, advertising sms / mms, paid blogs, adver gaming, in-game advertising, social media advertising, on-demand audiovisual media services (AVMSD), advertising widgets, augmented reality, advertising on connected objects including within applications which are dedicated, native advertising, gamification...

2.2 Intelligibility, Clarity and Transparency of Price Mentions

The intelligibility of the remarks implies a wording allowing to understand their meaning without difficulty and in a non-erroneous manner.

In particular, attention shall be paid to the following principles:

- simple, direct, precise and unequivocal language,
- a clear and simple sentence structure.

Excessive overlaying of information which could affect the clarity and intelligibility of advertisements should be avoided.

The different remarks set out in an advertisement must not contradict one another.

In advertisements with several prices, accompanied by a reference, the use of a unique and apparent sign is required for each price.

In this case, to be coherent, the representation of the different signs should preferably be done with numbers or letters and be sufficiently clear so as to enable the reader to understand which remark corresponds to each of the signs present in the advertisement.

The corrective statements relating to a price must also:

a/ be located close to the gimmick in which the price appears,

b/ be clearly connected to the gimmick by means of a sign. When they come in addition to other references, the consumer must be able to distinguish them easily (use of bold type, underlining, different color or size, etc.).

3. APPLICATIONS – SPECIFIC SITUATIONS

3.1 Presentation of several prices in one single advertisement

When several prices appear in the same advertisement, it is always possible to highlight one of these prices. In order to do so, the different prices may be presented with different font sizes, provided that they comply with the aforementioned principles of legibility, intelligibility, clarity and transparency.

The presentation of several prices in an advertisement should not lead to any ambiguity for the consumer as to the relationship between the prices and the products or services to which they correspond.

3.2 Price incl. VAT / Price excluding VAT ^[4]

The “TTC” price must be included in advertisements targeted to consumers. When the price excluding tax is also indicated, the “TTC” price shall not be less readable than the “HT” price (in terms of font size, contrast, duration of exposure on the screen or positioning in the advertising).

3.3 Price of bundled products

In the case of products sold as a bundle, the advertisement must clearly and conspicuously show the total price of the set.

3.4 Price per unit of measure

When a price is linked to a unit of measure ^[5], the price to be paid for the product or service must be readily identifiable using any appropriate means (character size, character color, location, bold type or underlining, etc.)

3.5 Price discount reserved for part of the clientele

Some advertisements disseminated outside the point of sale and / or outside the electronic merchant sites may present price discounts reserved for groups of consumers (loyalty card holders, depending on age or the number of persons in a household, or in the scope of partnerships with other merchants or service providers, etc.).

When an advertisement targets both consumers benefiting from these discounts and consumers who do not benefit from them, the presentation of the different respective applicable prices must not be such that the non-promotional price appears in a less readable manner (font size, location, etc.).

When an advertisement presents a price offer linked to a loyalty card in the form of purchase or credit vouchers registered on the card, the presentation of a price, deduction made of the amount of the discount to be applied on future purchases, must not be such that the price to be paid appears under conditions of lesser readability (character size, location, etc.).

(4) These abbreviations “TTC” and “HT” are used in France to respectively designate, «All Taxes Included» and «Excluding Tax». The applicable tax is value added tax (VAT).

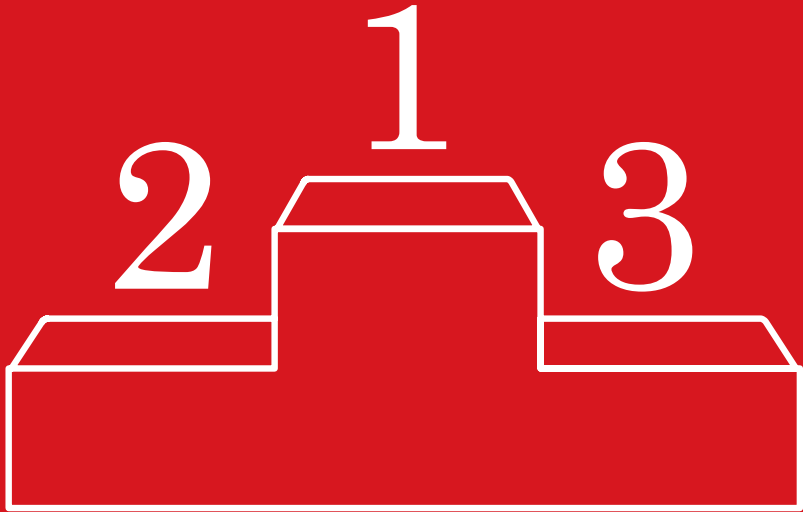
(5) Whatever it may be, whether required or not by a text of positive law.

ADVERTISING PRICES CODE

3.6 Price “*from*”

In the case of an advertisement indicating a price “*starting from*”, the price of the product or products represented must be perfectly legible and easily identifiable by the use by any appropriate means (character size, character color, location, use of bold type, underlining, etc.)

ADVERTISING VOCABULARY CODE



ADVERTISING
VOCABULARY

ADVERTISING VOCABULARY CODE

Any Advertising, no matter its format, which uses the vocabulary defined below deserves special attention and must therefore respect the following ethical rules:

1. THE FIRST, THE BEST, THE NUMBER 1, THE SPECIALIST...

The use of these wordings or any similar wording must be based on specific evidence.

Where justification can be provided, it is advised that the imprecise and general character of the wording be corrected by specifying in what way the good or the service has the claimed qualities.

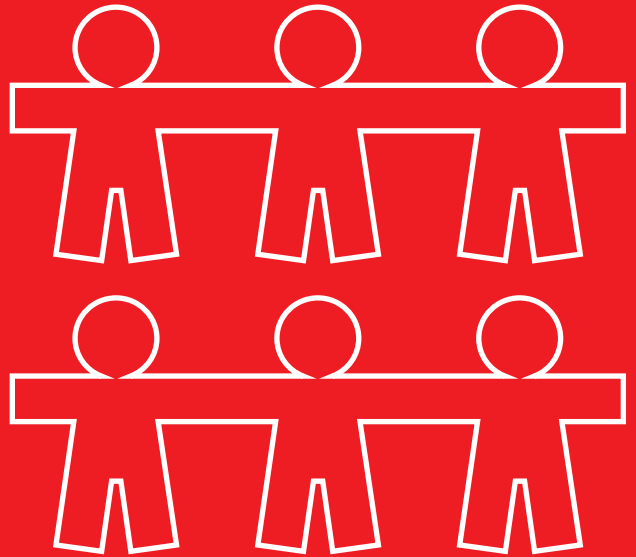
For instance, “*the first*” may refer to an anteriority in time or to a first place according to any other substantiated ranking.

2. NEW

The term “*new*” and its derivatives shall solely be used in connection with a true change in either the product or its use or in its presentation or its packaging provided that the novelty is clearly indicated as exclusively relating to these elements.

It is common practice to limit the use of this wording to a one year period.

CALL FOR PUBLIC GENEROSITY CODE



CALL

FOR PUBLIC

GENEROSITY

In addition to the applicable rules, advertising, which in one way or another involves public generosity, must, in any form whatsoever, respect the following provisions:

1. OBJECTIVE

Advertising must not contain any inaccuracies, ambiguities or omissions which are likely to mislead the public as to the actual purpose of the organization or the use of the funds, products or services sought.

2. REFERENCE TO A SPECIFIC ACTION

Messages using the call for public generosity for a specific action must indicate the applicant and the intended destination of the solicited funds.

3. REFERENCE TO A PERSON

CUSTOMIZED MESSAGES

When advertising encourages the public to send funds, personalized messages suggesting a direct link between those in need of assistance and future donors (e.g., handwritten messages from children, signatures, etc.) should be reserved for specific cases in which the organization has really established such link.

DIGNITY OF PERSONS REPRESENTED

The dignity of the persons represented must be respected.

Illustrations should not misuse the image of human distress.

TESTIMONY

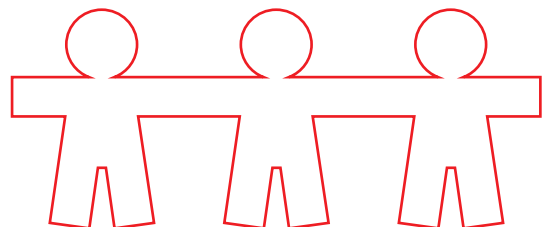
When reference is made to a known person and the name, representation or terms used by that person may be understood by the public as a guarantee of the seriousness of the organization, the person’s qualifications and thus the exact relationship between this person and the organization must be indicated.

CERTIFICATE

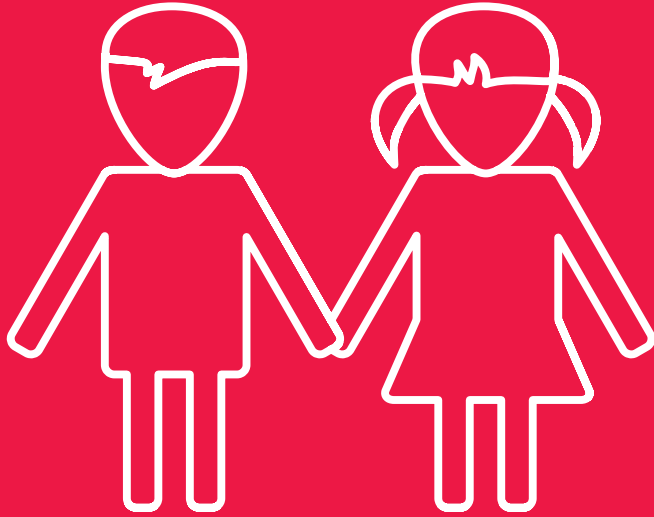
Advertising must not reproduce or quote any attestation or recommendation that is not true and unrelated to the experience of the person who gives it. The use of outdated or inapplicable certificates or recommendations is prohibited.

4. REFERENCES TO SURVEY OR STATISTICS

When advertising refers to the results of market and opinion studies and / or any statistics that measure behaviour or attitude, it must comply with the provisions of the ARPP’s code on the “Results of market studies or survey” > go to page 81.



CHILDREN CODE



CHILDREN

CHILDREN CODE

PREAMBLE

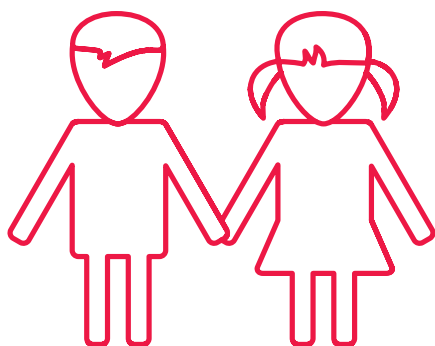
The Code of Advertising and marketing communication Practice of the International Chamber of Commerce (ICC) contains general provisions recognised by all professionals. Since their introduction, some of these have applied directly to advertising aimed at children. As a result:

Marketing communication should not exploit inexperience or credulity [of children or young people] (article 18 of the ICC Code).

Marketing communication must not include any statement or visual treatment that could have the effect of harming children or young people mentally, morally or physically (article 18 of ICC Code)

Respect for these principles must be assessed in accordance with the sensibilities of society as a whole at any given moment and those of the public sector exposed to the advertising.

In this context, the following deontological (ethical) rules apply to any message broadcast or distributed in France, irrespective of its form, when it shows children or is directly aimed at them:



1. IDENTIFICATION OF THE ADVERTISING

- 1.1** The advertising must be clearly recognisable as such, irrespective of the medium used.
- 1.2** When it is aimed at children, the fact that the message is an advertisement must be quickly identifiable.

2. SOCIAL RESPONSIBILITY

The advertising must be designed with a sense of social responsibility:

- 2.1** The advertising must not present antisocial or criminal acts in a favourable light, or invite children to commit such acts.
- 2.2** The advertising must not legitimise behaviour that would be contrary to the principles of citizenship or the rules of socially acceptable behaviour, hygiene practices, environmental protection or respect for others.
- 2.3** The advertising must not undermine the authority, responsibility or judgement of parents and educators.

3. DIGNITY, DECENCY

- 3.1** The advertising must not be likely to offend sensibilities, shock or cause provocation by disseminating images of children that violate their dignity or decency.
- 3.2** The advertising must not portray children in situations likely to devalue or harm their physical or moral integrity.
- 3.3** The advertising must not be of such a nature that it makes children feel distressed or uneasy.

CHILDREN CODE

3.4 If the advertising contains a reference to child nudity, care must be taken to ensure that the child's behaviour corresponds to that of his or her normal daily environment.

4. VIOLENCE

4.1 The advertising must avoid scenes of moral or physical violence or abuse, whether direct or implied.

4.2 Under no circumstances may the advertising, through its messages or its presentation, play down the significance of violence or abuse, or give the impression that such behaviour is acceptable.

4.3 It must not encourage children to copy aggressive or violent behaviour.

5. SAFETY

5.1 Advertising directed at children must present the products in an environment and in situations that conform to the safety rules established by the standards in force.

5.2 The advertising must not give the impression that dangerous or imprudent behaviour is acceptable and can be imitated, irrespective of the situation, including in play.

6. HONEST ADVERTISING

6.1 The possibly misleading nature of an advertisement is assessed in accordance with the public sector the message is aimed at.

Advertising directed at children must take account of their age and experience. Messages intended for children must be clear and simple to take account of their level of knowledge, vocabulary and experience.

CHILDREN CODE

6.2 The advertising must not mislead children, particularly with regard to:

- the characteristics, size, value, nature, durability or performance of the product,
- the expected results of its use, for example by minimising the strength, dexterity or skill levels required.

6.3 If the addition of certain elements or accessories is required for the product in question to function (e.g. batteries), this must be clearly indicated.

6.4 If the product is part of a set, this information must be clearly displayed in the advertising message.

6.5 Advertising shall not involve a judgment on a product or service by children in respect of which they are unquestionably unable to have a consistent opinion.

7. EDUCATION OF YOUNG CONSUMERS

7.1 The advertising must not suggest that the possession or use of a product will give a child a physical, social or psychological advantage over others of the same age, or that not possessing the product will have the opposite effect.

7.2 Advertising directed at children must not provoke an impulse to buy urgently or suggest that this purchase is essential.

7.3 The advertising must not imply that the product shown is within the range of all family budgets or minimise its price by the use of such terms as “only”, “just”, etc.

7.4 The advertising message must not include references that directly encourage children to persuade their parents to buy the product or service for them.

8. INTERACTIVE ADVERTISING

The promotional nature of this type of message must be clearly recognisable.

CHILDREN CODE

8.1 When the message appeals directly to children (by telephone or any other interactive means) and encourages some form of spending (for example, by promoting a premium rate number), it must also encourage the children to seek the permission of their parents.

8.2 Interactive advertising must be restricted to the commercial purpose of the original promotion, excluding any misleading representation (e.g. wrongly identified icon). It must not provide direct access to a website not relate to the original advertising.

8.3 There must be no encouragement to arrange meetings with strangers, online or offline, or to go to unknown or unsafe places in order to take part in a game or receive a gift.

8.4 Personal data may only be collected or used in strict compliance with the law and the rules of the Commission Nationale Informatique et Libertés (CNIL – the French Data Protection Agency).

9. VIDEOGRAMS AND ENTERTAINMENT SOFTWARE

Advertising promoting videograms and entertainment and leisure software must contain the restrictions applied to the content of certain products.

The recommended age groups for young audiences of certain films, together with the PEGI (Pan European Game Information) classification introduced by software producers within the framework of the Interactive Software Federation of Europe, must be clearly legible in the advertising.



DIGITAL
ADVERTISING
AND MARKETING
COMMUNICATIONS

Digital advertising and marketing communications must comply with rules based on the principles of the International Chamber of Commerce (ICC) [1].

The goal of this Code is to **create a trusted electronic environment that will be fully reliable for consumers** and help them appreciate the new possibilities offered by digital media.

Scope:

All advertising and marketing communications addressed electronically, other than those broadcast on radio and television services (as defined in the 30th September 1986 law on Freedom of Communication)^[2].

All targeted advertising and marketing communications matching that definition, whatever the format, including those published on advertisers' websites.

These types of advertising and marketing communications are covered by the law, by all ARPP Codes and by professional rules issued by ARPP's members and organisations ARPP is associated with. The purpose of this Code is to gather specific and general rules for digital advertising and marketing communications (for example focusing on their particular interactive nature).

[1] Advertising and Marketing Communication Practice Consolidated ICC Code including chapter D on Advertising and Marketing Communications using Digital Interactive Media.

[2] As an example, without pretending to cover everything, that definition includes: the ads "display" on internet or mobile phones, advergames, in-game advertising, social media advertising, advertising on SMS/MMS, advertising widgets, paid for blogs, paid for links, email advertising, augmented reality, advertising on connected objects, including in dedicated applications, native advertising or gamification.

1. IDENTIFICATION

1.1 Identification of advertising

Marketing communications and advertising should be clearly distinguishable as such, whatever their form.

That identification can be achieved by any means whereby the consumer can clearly and immediately understand that the message is advertising.

Two cases must be distinguished:

a) First case: the commercial nature of the message is obvious, either because it uses a common advertising format or because of the content. Therefore, no further identification elements are required.

b) Second case: the commercial nature of the message is obvious

b1. In such case it is recommended to add a clear notice identifying the commercial nature of the message. When the message is surrounded by news or editorial content, it should be presented in a way that it is instantly recognisable as an advertisement. The notice must be legible or audible, and intelligible.

b2. When the form of the advertisement, by its nature, doesn't allow an instant identification of its commercial nature^[3], its identification must be done following the requirements prescribed within the annex of this Code.

Presentations likely to create confusion about the nature of message are prohibited. (ex: imitation of the graphic of non-promotional messages issued by the computer software).

1.2 Identification of advertiser

The identity of any advertiser addressing digital advertising or marketing communication must be apparent. The identity of the advertiser must be clearly visible and easily accessible.

Identification can be done through the advertiser's brand(s) or by any other distinguishing feature/sign attributed, without any doubt, to the advertiser.

In no case should an advertising or marketing communication mislead the consumer about the identity and the quality of the advertiser.

[3] For example, viral teasing.

2. PROTECTION OF CHILDREN AND YOUNG PEOPLE

As digital media offers easily accessible information and great interactivity, it is often used by children and young people. Therefore, the advertiser and the media must be particularly careful.

Digital advertising and marketing communication, no matter the form used, must respect ICC and ARPP self-regulation rules specific to children and young people^[4].

Therefore:

Advertising and marketing communications must not contain statements or visual elements that could harm mentally, morally or physically children and young people. Special care must be taken:

- not to encourage illegal, aggressive, dangerous or antisocial behavior
- not to undermine the authority of parents, teachers and other educators
- not to present children and young people in a degrading way
- not to display indecent and/or violent images and/or comments, that could shock them
- not to exploit their inexperience and/or credulity.

The above must be ensured above and beyond the application of other rules contained in ARPP's Children Code.

With regard to web sites, home pages, internet portals and any digital service primarily targeting children and young people, it's particularly important to ensure that the object of the advertising or marketing communication and its content are not harmful for them.

When a message addresses children directly, and a cost is involved, (invitation to subscribe to a paid-for service, premium rate number...), the invitation must explicitly associate parents.

When collecting personal data from individuals, care should be taken to respect and protect their privacy by complying with relevant rules and regulations, in particular those of the CNIL.

[4] Children ARPP Code and Advertising and Marketing Communication Practice Consolidated ICC Code.

In particular, it's essential:

- to encourage, in particular for data input forms, children to ask permission from their parents or those legally responsible for them, before providing any personal data,
- not to ask a child to provide personal data concerning another person.

In order to increase consumer confidence in advertising and marketing communications, it is recommended to use targeted information (such as age or date of birth, etc.), in order to avoid children and young people from gaining access to inappropriate content which might harm them.

3. TASTE AND DECENCY

All advertising and marketing communications should be decent and respect human dignity and be compliant with ARPP's "**Portrayal and respect of human beings**" Code [> go to page 75](#)

Regarding those Codes:

- advertising should not shock or offend with representations or situations, explicit or implicit, that can be perceived as degrading or humiliating,
- advertising should not depreciate a person because of their sex, age, sexual orientation, disability, social group, in particular by minimizing their role or responsibilities,
- the use of stereotypes (sexual, racial, religious, social, etc), must be handled with an increased sense of social responsibility, and especially, with respect towards the dignity of the person concerned,
- advertising must not condone, incite or trivialize violence, whether moral, physical, explicit or implicit..

4. FAIR, TRUTHFUL AND HONEST ADVERTISING

All advertising and marketing communication must comply with the law and be fair, truthful and honest. They must be made and published with a strong sense of social responsibility and must comply with principles of fair competition as generally accepted in trade relations.

No advertising or marketing communication must undermine consumer confidence in advertising.

In this respect:

The communication must not mislead consumers about the offer really proposed and/or the company proposing it, nor exploit fear.

Offer and sales conditions must be clearly specified and easily accessible.

Consequently, concerning legal notes and overlays, the following rules apply:

- The notes must immediately be visible or directly accessible;
- They must be legible or audible, and intelligible, without any prejudice of compulsory provisions applicable to certain sectors;
- They must be easily identified and not immersed under other information.

It is recommended not to advertise about techniques allowing the substitution of ads by other ads.

5. USER GENERATED-CONTENT

Generally speaking, when users are invited to create some content for advertising purposes (ex: an ad creation contest set up on a “User Generated Content” video platform), respect of these principles will have to be organized, for example via a moderation of the contributions.

6. COMFORT OF USE

Digital advertising and marketing communications must respect user’s comfort, in particular by ensuring the weight, size, sound and the exposure time of the commercial.

In addition to these rules, any professional addressing digital advertising and marketing communications can consult, if necessary, the following interpretation grid.

This interpretation grid identifies concrete and specific rules applicable to different formats or techniques.

Digital Advertising and Marketing Communication Code Interpretation Grid

1. Advergame
 2. Applications
 3. Promotional Blogs / Sponsored-Posts / Promotional Forums
 4. Influencer's communications and brands
 5. Emails / SMS / MMS
 6. Gamification
 7. In-game Advertising
 8. Paid-for links
 9. Native advertising
 10. Connected objects
 11. Behavioral advertising and retargeting
 12. Augmented reality
 13. Social Network
 14. VOD / Connected television
 15. Teasing
 16. Virtual world
 17. Viral
-

In addition to the cross-cutting rules displayed in the Code, professionals will be able to refer to this grid, in order to adapt to some specific formats or techniques. Provisions contained in this grid are meant to be read in addition to the general provisions.

Moreover it is necessary while using these techniques to implement all legal requirements concerning the protection of personal data.

1. Advergame

Definition:

Advergame refers to videogames made to promote a product, a service, a brand or an event.

A) IDENTIFICATION OF THE COMMERCIAL NATURE OF THE ADVERGAME

The commercial nature of the advergame should be identified, without ambiguity, in a clear and immediate way before the game starts. If the advergame is a teaser, the rules applicable to teasers apply. **Also see points on “teasing”¹⁵.**

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

When an advergame mainly targets children and young people, it should not harm them in any way. The elements appearing in an advergame mainly targeting children and young people must not refer to any content which could be harmful for them.

Professionals should not use visual elements or statements making the game especially appealing to children and young people if the content isn't suitable for them.

C) FAIR, TRUTHFUL AND HONEST ADVERTISING

The advergame shall not mislead the consumer on the content of the offer and/or the company offering it. The access to legal notes and overlays must be easily noticeable. These notes must be immediately visible or benefit from direct access. They must be legible, audible, and intelligible, without prejudice of the application of provisions specific to some sectors.

Also see points on “teasing”¹⁵, “in-game advertising”⁷ and “virtual world”¹⁶.

2. Applications

Definition:

Software meant to be set on a device (e.g. mobile apps, video games, utility apps).

A) ADVERTISING IN THE APPS

Identification of the commercial nature

Advertising in the app must be clearly identified as such.

Comfort of use

Advertising displayed in the apps must respect user's comfort, and notably must not hinder access to functions or orders (ex: sound, time, switch functions).

Protection of children and young people

The content or the items to which the advertising gives access, when targeting mainly children or young people, must not be harmful.

When the advertising targets children and encourages expenditure by interactive means, the fact that it is representing a paid-for service must be clearly presented. The call for paid-for services must explicitly require parent's supervision.

B) ADVERTISING FOR THE APPS

Fair, truthful and honest advertising

When advertising promotes a "free" app, all the functions of the app must be free. Otherwise, if the app includes paid-for services at one level or another, that information must appear in the commercial.

Protection of children and young people

When advertising targets mainly children or young people, the content or the items to which the commercial gives access, must not be harmful.

When advertising targets children and encourages expenditure by interactive means, the fact that it is representing a paid-for service must be clearly presented. The call for paid-for services must explicitly require parent's supervision.

When the app has been classified in order to protect youth, advertising must clearly indicate it.

3. Promotional Blogs / Sponsored-Posts / Promotional Forums

Definitions:

Sponsored-post: a paid-for message published by a user on behalf of an advertiser

Promotional blog: a blog which intends to promote a product, a service, a brand or a society in the context of a company communication.

Promotional forum: a forum which intends to promote a product, a service, a brand, or a society.

A) IDENTIFICATION OF ADVERTISING

The commercial nature of promotional forums, blogs and sponsored-posts must be identified, without ambiguity, in a clear and immediate way, with an explicit indication if needed.

For example, identification might be realised by the mention of the contributor's function (ex: a sponsored-post written by the product manager).

B) RESPECT FOR TRUTHFUL AND HONEST ADVERTISING

Special care must be taken regarding the veracity and honesty of the content of these messages, because of their editorial appearance.

4. Influencer's communications and brands

Definition:

An influencer (blogger, vlogger, etc.) is a person who gives his point of view and advice, on specific issues and with a style or form that belongs to him and that his audience easily identifies as his.

An influencer can intervene in an editorial context or in collaboration with a brand in order to publish content (product placement, participation in content production, publication of commercial content, etc...).

QUALIFICATION

In any case, the existence of a commercial relationship between the influencer and an advertiser for content publication must be disclosed to the consumer by the influencer.

In addition when the advertising nature of the influencer's intervention is established, all ARPP ethical rules are applicable. The advertising nature is established when the following cumulative criteria are met:

- When the content is produced within reciprocal commitments: the intervention of the influencer is paid for, or he receives any other counterpart: for example if the influencer receives products or services in return;

- When the advertiser and his representatives have significant control over the content (for example by imposing a discourse or a scenario ...) and require a validation of the content before publication;
- When the content of the influencer's intervention aims to make the promotion of the product or the service (promotional discourses, verbal and visual presentations with a promotional goal...).

IDENTIFICATION OF THE ADVERTISING NATURE

In order to disclose the advertising nature of this kind of content – unless it is obvious - it is recommended to add an explicit indication identifying the advertising as such, in order for the advertising nature to appear immediately.

The identification can be made by any means (in the discourse, in the text accompanying the content, or with a note or super in the video ...) as long as the information is given to the public no matter the way to access to the content.

5. Emails / SMS / MMS

A) IDENTIFICATION OF ADVERTISING

The commercial nature of such advertising must be clearly apparent.

For electronics mails, identification must be possible as soon as the consumer receives it, with no need to open the email.

Two different kinds of emails can be distinguished:

- The case where the commercial nature is obvious (i.e: the advertiser name appears in the message subject). In this case, it would not be necessary to provide additional identification elements.
- The case where the commercial nature of the message is not immediately visible. In this case, it is recommended to indicate in the mail subject or within the sender's designation an explicit indication enabling immediate identification of the commercial nature of the email.

With regard to SMS or MMS, the identification must be explicit at the beginning of the message. The identification can be satisfied by all means noted above (the advertiser's name appearing at the beginning of the message, for example). The identification must be clear enough to avoid any confusion with an electronic mail/SMS/MMS sent by a private contact.

B) FAIR, TRUTHFUL AND HONEST ADVERTISING

Offer and sales conditions must be clearly specified and easily accessible.

Consequently, legal notes and overlays must be accessible directly by any means, in particular:

- On a mobile website, for a clickable mobile message (sent in the context of a direct marketing campaign).
- Within a distinct SMS or MMS from the one conveying the advertising message (in particular by using the concatenation technique)^[5].

The conditions must be legible or audible, and intelligible, without any prejudice of compulsory provisions applicable to specific sectors.

[5] Technique allowing to attach several SMS in order not to be limited by the number of characters

6. Gamification

Definition:

A process using signals and mechanics of games in the context of advertising.

A) IDENTIFICATION OF THE COMMERCIAL NATURE OF ADVERTISING

When using gamification techniques in advertising, the identification of the commercial nature must be presented during the process or at the end.

If the gamification technique is used for a teaser, rules applicable to teasing must be respected.

> See point “teasing” 15.

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

When the advertising mainly targets children or young people, its content or the items to which it gives access must not be harmful.

7. In-game Advertising

Definition:

Advertising or marketing communication present within video games, in order to promote a brand, a product or a service.

A) IDENTIFICATION OF THE ADVERTISING

If the message appears in a place that advertising would normally appear in real life, its commercial nature is considered obvious. Therefore, there is no need for further identification elements.

If the commercial nature isn't obvious, it is recommended to add an explicit indication of the commercial nature of the message.

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

Advertising in video games targeting children and young people must not harm them in any way.

Therefore, if the video game has a PEGI classification, it must be taken into account. The advertising must not give access or refer to content that isn't suitable for children and young people.

C) FAIR, HONEST AND TRUTHFUL ADVERTISING

Advertising in video games must not mislead the consumer on the reality of the offer or the company proposing the offer.

Access to legal notes and overlays must be immediately visible and easily accessible. They must be legible or audible and intelligible, without any prejudice of compulsory provisions applicable to specific sectors.

D) COMFORT OF USE

Advertising in video games should in no way hinder the playability, notably by reducing access to functionalities, commands, orders or reducing the visibility of elements of the game.

> Also see the points "Advergame"¹ and "virtual world"¹⁶.

8. Paid-for links

Definition:

Paid-for links is advertising formed by the purchase of key words.

It is generally placed in an identified and separated space, on the right or on the top of the results sorted by the web search engine after a user request.

It can also be placed within the web page of a partner of web search engine and be linked to the editorial content. That type of communication is therefore called paid-for contextual links.

A) IDENTIFICATION OF ADVERTISING

The commercial nature of paid-for links must be immediately and clearly visible.

An explicit and non-ambiguous distinction must be made between the paid-for links and the noncommercial links or the editorial content.

In the case of contextual paid for links, (within an editorial content) the identification can be made by a simple overview of the link in order not to hinder the lecture of the text.

2. PROTECTION OF CHILDREN AND YOUNG PEOPLE

Key words or paid-for links which can be considered as part of youth culture should not refer to a harmful content for them.

Concerning paid-for contextual links within youth culture, it must not refer to, or point towards, harmful content for them.

3. FAIR, TRUTHFUL AND HONEST ADVERTISING

Key words generating paid-for links must not mislead the consumer concerning the real activities of the company and the offers proposed.

9. Native advertising

Definition:

Native advertising covers all advertising formats that adopt or are closely integrated within the design and appearance of the website on which they are displayed.

1. IDENTIFICATION OF THE COMMERCIAL NATURE OF ADVERTISING

The commercial nature must be identified, without ambiguity, in a clear and immediate way.

It is necessary to highlight the commercial nature of the content with a clear note as “advertising”, “sponsored by” or “in partnership with”...

That note must be readable or audible and legible in order for the commercial nature to be immediately understood.

2. FAIR, TRUTHFUL AND HONEST ADVERTISING

Considering the editorial appearance of such advertising, special attention should be given to the truthfulness and fairness of the content.

10. Connected objects

Definition:

Daily use objects, different from classic digital devices, for which the addition of an internet connection enables new functions for users to interact with their environment.

A) IDENTIFICATION OF THE COMMERCIAL NATURE OF ADVERTISING

The commercial nature of advertising delivered via connected objects must be easily understood. Therefore, it must be easily distinguishable from the rest of the information provided by the object and from the normal use that can be expected of it.

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

Advertising received through connected objects must not be harmful.

11. Behavioral advertising and retargeting

Definitions:

Behavioral advertising refers to the practice of collecting information over time on users' online activities across multiple (unaffiliated) websites/applications in order to create interest segments or to allocate such viewing behavior into interest segments for the purposes of delivering advertisements tailored to a web user's inferred interests and preferences.

Such advertising depends on the technique used, on the actors involved and on the use or not of cookies or any other mean or technique used to provide a tailored marketing communication and the possibility to share information with third parties or not.

Retargeting is a targeting technique meant to deliver a commercial to users whom already expressed a prior interest in the brand or products being advertised, i.e. through previous browsing activity.

A) IDENTIFICATION OF THE COMMERCIAL NATURE OF BEHAVIORAL ADVERTISING

The commercial nature must be easily understood.

Therefore, the use of a specific symbol, distinguishable from the rest of the marketing communication, and perfectly legible will help the consumer know it is advertising.

It is recommended to give access by a simple click on the symbol to a dedicated platform where the consumer can find information on behavioral advertising.

(Nature of the data collected, methods of use for targeting...)

That platform must also contain information on how to refuse or accept **behavioral advertising** through a user preference management tool:

- Accept cookies or other tracking means for behavioral advertising
- Opt-out of the use of cookies or other tracking means for behavioral advertising
- Provide information to educate consumers on the choices available to them.

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

Professionals must not create specific targeting categories (interest segments) concerning interests of children under 13 years old.

12. Augmented reality

Definition:

Augmented reality is the superimposition of images of the real world – information from the digital world, in real time.

1. IDENTIFICATION OF ADVERTISING

All adverts visible through augmented reality must be clearly identified.

When the advert received through augmented reality is accessible from a physical media which is a classic advertising media, the commercial nature of the message is considered to be obvious. There is no need for further elements of identification.

If the commercial nature isn't obvious, it is recommended to add an explicit notice.

2. PROTECTION OF CHILDREN AND YOUNG PEOPLE

If the advert received through augmented reality is accessible from a place dedicated to children and young people, it must not be harmful.

If the advert received through augmented reality is accessible from a service targeting primarily children and young people, it must not be harmful or point towards inappropriate content.

3. FAIR, TRUTHFUL AND HONEST ADVERTISING

Advert received through augmented reality must not mislead the consumer on the offer or the company offering it.

Access to legal notes and overlays must be immediately visible and easily accessible. They must be legible or audible and intelligible, without any prejudice of compulsory provisions applicable to specific sectors.

13. Social Network

Definition:

A social network is a community of people or organisation of direct or indirect relations, assembled by a common interest (hobby, profession...).

A. IDENTIFICATION OF ADVERTISING

Because of the specificities of social networks, if the commercial nature of the advert isn't obvious, it is recommended to add an explicit notice.

Adverts appearing in spaces which are dedicated to dialogue between users must be identified as advertising thanks to a clear indication (*wall, statute...*).

The use, for advertising purposes, of social network functions meant for the user (*groups, fan pages...*) must be clearly identified.

In no case must an advert create confusion with a user's message.

2. PROTECTION OF CHILDREN AND YOUNG PEOPLE

For marketers proposing services that require prior identification it is recommended to use that data (age, date of birth...) in order to protect children and young people against harmful adverts.

3. FAIR, TRUTHFUL AND HONEST ADVERTISING

The advert must not mislead the consumer regarding the offer proposed and the company offering it.

When the format doesn't enable the advertiser to provide legal notes (for example, a tweet), these must be directly accessible via a link.

They must be legible or audible and intelligible, without any prejudice of compulsory provisions applicable to specific sectors.

14. VOD / Connected television

Definitions:

Advert sent on VOD services is any kind or form of advert covered by article 2 of the 30 September 1986 law concerning freedom of communication^[6] (i.e: catch up TV...).

Advert sent on connected television is any kind or form of advert (ex: widget) sent by an online communication service and visible on a connected device (i.e.: Set Top Boxes, smartphones, tablets etc.).

A) IDENTIFICATION OF ADVERTISING

The commercial nature of the message must be immediately visible.

If the commercial nature isn't obvious, it is recommended to add an explicit notice enabling identification.

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

Such adverts targeting children and young people must not deliver harmful content. It is recommended to take into account the public targeted.

C) FAIR, TRUTHFUL AND HONEST ADVERTISING

The advert, sent through this media, must not mislead the consumer on the offer proposed and the company offering it.

Access to legal notes must be easy and visible.

They must be legible or audible and intelligible, without any prejudice of compulsory provisions applicable to specific sectors.

D) COMFORT OF USE

Advertising must respect the comfort of use of this media.

[6] Article 36 of 5 March 2009 Law n° 2009-258 concerning audiovisual communication and new public television services

15. Teasing

Definition:

Teasing consists of a series of small, cryptic, challenging advertisements that anticipate a larger, full-blown campaign.

A) IDENTIFICATION OF ADVERTISING

Identification must be assessed by taking into account the whole global campaign. The organization of the teasing must take into account the necessity of identification in reasonable lapse of time after the teasing message.

If the teasing uses viral techniques to spread the advert, the requirements of point 12 on Viral Techniques must be respected.

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

If the teasing is based on viral techniques, it is necessary to indicate in the teaser that the content could be harmful for children and young people.

If the content is harmful it must be clearly signaled.

Teasing often uses viral techniques.

> Please see point 17

16. Virtual world

Definition:

Artificially created world where users can interact and act via online characters/avatars.

A) IDENTIFICATION OF ADVERTISING

When the commercial nature of the message and/or the virtual world isn't obvious, it is recommended to add an explicit notice.

Avatars, characters and their contributions must be identified (i.e: indicate “*advertising*”, “*sponsored by*” or “*in partnership with*”) and enable the identification of the advertiser on behalf of whom the contribution is made.

If the message appears in classic advertising space as in real live, the commercial nature is presumed obvious. There is therefore no need for further elements of identification.

B) PROTECTION OF CHILDREN AND YOUNG PEOPLE

Advertising in virtual worlds targeting children and young people must not be harmful for them.

Advertising in virtual worlds and accessible through a click and targeting children and young people must not deliver any inappropriate content.

3. FAIR, TRUTHFUL AND HONEST ADVERTISING

Advertising in virtual worlds must not mislead the consumer on the reality of the offer and the company offering it.

Access to legal notes must be easy and visible.

They must be legible or audible and intelligible, without any prejudice of compulsory provisions applicable to specific sectors.

> Also see points on “In-game advertising”⁷ and “Advergame”¹.

17. Viral

Définition:

Advertising technique based on the transmission of commercial message by the users and consumers themselves via electronic media.

1. IDENTIFICATION OF ADVERTISING

The commercial nature of messages using this technique must be clear. Indeed, since these types of adverts are likely not to appear in classic advertising spaces, the need for a clear identification is even more important.

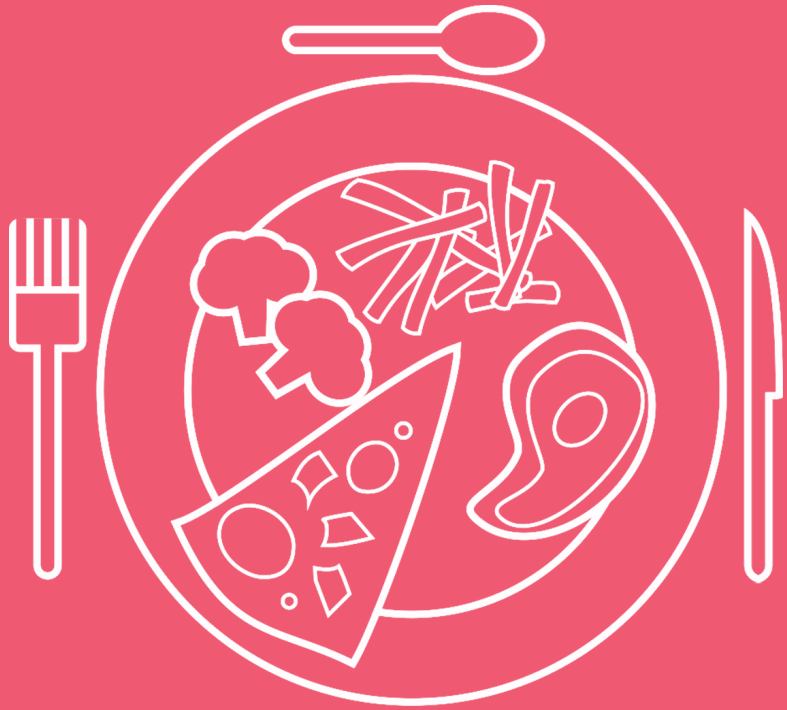
Therefore, if the commercial nature isn't obvious, it is recommended to add an explicit notice.

2. PROTECTION OF CHILDREN AND YOUNG PEOPLE

It is recommended to alert if the content could be harmful for children and young people.

If the content is harmful it must be clearly signaled.

> Also see the point on “Teasing”¹⁵.



FOOD

BEHAVIORS

FOOD BEHAVIORS CODE

PREAMBLE

Aware that they could contribute to prevent unbalanced diets and bad eating habits, the advertising industry decided to promote well-balanced diets and healthy physical activities, especially in adverts aimed at youngsters.

In this vein, each advert in its content must not contradict the efforts for the improvement of French eating habits.

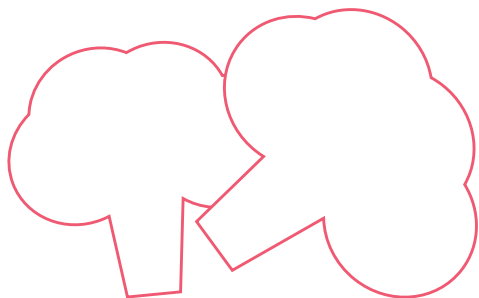
Therefore, when an advert mentions or represents a food behavior, it must not encourage behaviors contrary to the recommendations widely admitted and expressed by the French National Nutrition and Health Program. (PNNS).

Scope

These rules apply to all adverts representing a food behavior, no matter the persons represented, and no matter the audience. They concern all advertising sectors.

The notion of product, used below, refers to food as well as to drinks.

In addition to specific existing legal rules, these adverts, no matter the form, have to respect the following rules:



1. GENERAL PRINCIPLES

1/1 Well-balanced diet

a/ When the meal as a whole, lunch or dinner, is visualized, it must be a well-balanced diet. The representation of a well-balanced diet has to be respected in all circumstances when breakfast and snack time are presented.

b/ If the French PNNS recommendations are mentioned in an advert, they have to be positively introduced and not denigrated.

c/ Likewise, adverts must not contradict, nor ridicule good food behaviors or healthy lifestyles, nor minimize their interest.

1/2 Excessive consumption

a/ Adverts shouldn't encourage an excessive consumption of products.

The notion of "excessive quantity" is analyzed in comparison with the audience which is concerned, and in function of the context which is represented.

Encourage excessive consumption means, for example, representing a person consuming or about to consume a product without any restraint or in unreasonable quantities.

b/ All the more, claims encouraging directly excessive consumption such as "*to be eaten without restraint*" are banned.

c/ The physical exercise cannot be used as an excuse for presenting excessive consumption.

d/ The expression of satisfaction and pleasure triggered by the consumption of the product is not concerned.

1/3 Nibbling

a/ It is possible to show someone eating between meals, nevertheless adverts shouldn't encourage eating all day in an unreasonable way.

b/ Nibbling shouldn't be presented as substitutable to a meal.

1/4 Context of consumption

All consumption situations in front of a screen, in a house, are prohibited, even if they feature fiction characters, real or imaginary.

1/5 Nutritional comparisons and equivalences

a/ Equivalences between food products are only allowed for products belonging to the same food category.

b/ Adverts shouldn't encourage substitutions between categories, notably by suggesting that the profits of the two products compared are globally equivalent.

c/ These equivalences should be nutritionally relevant (for example, they must concern nutrients present in both products and in significant quantities).

d/ Raw products shouldn't be depreciated.

1/6 Societal values

A/ FOOD WASTE

Adverts must avoid representing behaviors contrary to ethical rules related to sustainable development by encouraging in any way food wasting. Food wasting covers throwing, as if it were waste, a non trivial amount of food that is still edible.

B/ DIVERSITY

Adverts must avoid any stigmatization of persons because of their size, their stoutness or their thinness.

C/ PHYSICAL ACTIVITIES AND SPORTS

When adverts presenting an eating behavior also show physical activities or sports, they must not spread messages contrary to sport values (as for example, violence, incivility, discrimination...)

2. ADVERTS PRESENTING CHILDREN AND/OR AIMING AT CHILDREN

2/1 Association of performance to humor or to an imaginary world

a/ Children shouldn't be led to think that food can change their daily life (art activities, school, and sport) by exceptional performances.

The use, in an advert, of humor, original and unusual situations, or the reference to an imaginary world, is possible if it stays in a fantasy world and doesn't risk to be understood by children like real achievements which could result from the food consumption.

b/ An advert using imaginary characters well-known in children broadcasted fictions and encouraging children to consume a product, should not promote behaviors which are opposite to healthy eating behaviors and lifestyles.

2/2 In reference to adults

Adverts shouldn't depreciate or minimize the authority or the advices of the adults surrounding the children in product consumption, neither suggest their resignation.



IDENTIFICATION
OF ADVERTISING
AND MARKETING
COMMUNICATIONS

General provisions of the Advertising and Marketing Communication Practice Consolidated ICC Code:

Article 9: Identification

“Marketing communications should be clearly distinguishable as such, whatever their form and whatever the medium used. When an advertisement appears in a medium containing news or editorial matter, it should be so presented that it is readily recognisable as an advertisement and the identity of the advertiser should be apparent” (see also article 10).

“Marketing communications should not misrepresent their true commercial purpose. Hence a communication promoting the sale of a product should not be disguised as for example market research, consumer surveys, user-generated content, private blogs or independent reviews.”

Article 10: Identity

“The identity of the marketer should be apparent. Marketing communications should, where appropriate, include contact information to enable the consumer to get in touch with the marketer without difficulty.”

“The above does not apply to communications with the sole purpose of attracting attention to communication activities to follow” (e.g. so-called “teaser advertisements”).

Specific provisions of the Advertising and Marketing Communication Practice Consolidated ICC Code:

Article D1: Identification

“Where a digital marketing communication is individually addressed to a consumer, the subject descriptor and context should make this clear. Subject descriptors should not be misleading and the commercial nature of the communication should not be concealed.”

“The commercial nature of product endorsements or reviews created by marketers should be clearly indicated and not be listed as being from an individual consumer or independent body.”

“Marketers should take appropriate steps to ensure that the commercial nature of the content of a social network site under the control or influence of a marketer is clearly indicated and that the rules and standards of acceptable commercial behavior in these networks are respected.”

Advertising, no matter the form, must comply with the rules contained in the Advertising and Marketing Communication Practice Consolidated ICC Code, as well as the following rules:

1. PRINCIPLES

In order to ensure good information of the consumers, marketing communications and advertising should be clearly distinguishable as such, whatever their form.

That identification can be achieved by any means whereby the consumer can clearly and immediately understand that the message is an advert.

The identity of any advertiser addressing advertising or marketing communication must be apparent.

2. DIGITAL ADVERTISING OR MARKETING COMMUNICATION

Concerning digital media, techniques and forms, the identification of marketing communications and advertising and the identification of the advertiser must comply with the provisions of the **Digital Advertising and Marketing Communications Code**. > also see page 39

3. PRESS

In the case of a paid for editorial ad or any other advertisement that has the appearance of an editorial ad, the advertiser, the advertising agency and the press media must display the words PUBLICITÉ, COMMUNIQUÉ or any other synonym, in a clear and legible way, and at the beginning of the advertisement.



NOTES

AND OVERLAYS

PREAMBLE

The Advertising and Marketing Communication Practice Consolidated ICC Code (International Chamber of Commerce) sets general rules, recognized by the entire advertising industry. One of those rules is that “all marketing communication should be (...) honest and truthful”. Article 1 on Basic Principles

According to the ethical rules of the advertising industry and the national laws, every advertisement, no matter the form, for a product or a service, has to be clear, honest and truthful.

In order to encourage the respect of those principles, the industry^[1] decided to establish rules of readability and understandability of notes and overlays in advertising:

Scope

The notes and overlays written in the advertisement, linked to its content and intended to the consumer.

In this document, the word “Notes” means the notes simply informative, as well as legal notes which are imposed by a law and the corrective notes, which limit the sense or the impact of an offer, a claim or an allegation.

These rules of readability and understandability are meant for a consumer paying average attention.

The advertising industry therefore set specific rules to supervise the presentation of notes linked to a price, in order to insure the clearness of advertisements announcing one or several prices (announced by a literary formulation or a number).

> also see page 19 “Advertising prices”

[1] Advertisers, communication agencies and media companies

1. GENERAL PRINCIPLES

Advertisements, no matter the form, which contain written notes such as defined before, must respect the following ethical rules:

Corrective and informative notes must be legible under normal reading conditions. These rules also apply to so-called legal notices, except where the rules in force impose specific conditions of presentation.

To be readable under normal reading conditions, the notes must be horizontal and use characters:

- in a sufficient size,
- with fonts normally gaped,
- in fonts which permit an easy reading. (The font doesn't have to be the same in all the advertisement)
- in a color which contrasts with the one used for the background, for example, a clear color should be avoided for text written on a background that would also be clear.

Where a sign^[2] is used to link an allegation with a note, the size of the sign, which is present at both side of the allegation and the note must be large enough to be always legible under normal reading conditions.

[2] The sign may be an asterisk (a star), a number, a letter, etc.

2. READABILITY OF NOTES ACCORDING THE MEDIA

2.1 Concerning television and cinema

When the note is fixed on screen (not scrolling), it must appear long enough for the consumer to be able to read it entirely, without having to wait for a new broadcast of the advert.

When the note scrolls, the speed of the scrolling must be slow enough for the consumer to be able to read it entirely, without having to wait for a new broadcast.

2.2 Concerning paper press

The size of the notes has to be chosen according to the size of the paper press and of the advertisement.

If a publication or an advertisement has a reduced format, the size of the characters is decisive, it must always permit the perfect reading of the notes and references, under normal conditions.

2.3 Concerning outdoor advertising

The size of the notes has to be chosen according to the size of the public board and its location.

2.4 For digital advertising^[3]

Particular attention will be paid to the length of exposure and the size of the characters given the diversity of formats, techniques and existing advertising media. In advertisements that show notes in a scrolling text, particular attention will also be paid to its speed of movement and to its good contrast with respect to the background color.

Where the format, technique or advertising medium does not allow the information to be entered on the advertisement itself, it shall be made available directly by any other means.

2.5 For radio advertising

When announcements are made in a radio advertisement, they must be easily audible.

2.6 For advertising material

When referring to another page (e.g catalogs, mailing, etc.), the reference to this other page, in particular the location in the document, must be perfectly legible and clear.

[3] For example, without claiming to be exhaustive, this definition includes: «display» advertising on the Internet or on mobile, but also sponsored links, advertising e-mails, advertising videos, viral advertising, advertising sms / mms, paid blogs, advergaming, in-game advertising, social media advertising, on-demand audiovisual media services (SMAA), advertising widgets, augmented reality, advertising on connected objects including within the applications dedicated to them, native advertising, gamification...

3. RULES OF INTELLIGIBILITY

The clarity of an advertisement requires that the information be intelligible.

The intelligibility of the notes and overlays presupposes, in particular, a formulation making possible to apprehend the meaning without difficulty and in a non-erroneous manner.

In particular, attention will be paid to the following principles:

- A simple, direct, precise and unequivocal language,
- A clear and simple sentence structure.

Excessive overlaying of information which could impair the clarity and intelligibility of advertisements should be avoided.

The different notes set out in an advertisement must not be contradictory.

Where an advertisement containing written notes contains several allegations with amending notes, the use of a distinct and apparent sign is necessary in order to link each of the allegations to the corresponding notes.



PORTRAYAL
AND RESPECT
OF HUMAN BEINGS

PREAMBLE

The respect of human dignity is a universal principle.

“Marketing communications should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned.”

Art 2 ICC Code

“Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon race, national origin, religion, gender, age, disability or sexual orientation.”

Art 4 ICC Code

“Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering.”

Art 4-2 ICC Code

“Marketing communications should not appear to condone or incite violent, unlawful or anti-social behavior.”

Art 4 -3 ICC Code

Advertising must respect, no matter its form, the following principles:

1. DIGNITY AND DECENCY

1.1 Advertising must not be offensive, harmful, provocative or shocking by displaying images of human beings that offend their dignity or decency.

1.2 When nudity is used in an advertisement, it must not be degrading or alienating and must not reduce human to object.

1.3 Any degrading or humiliating representation of human beings, in an explicit or implicit way, is prohibited, notably by the use of words, attitudes, postures, gestures, sounds, etc., that are detrimental to human dignity.

2. STEREOTYPES

2.1 Advertising must not reduce human beings, and especially women, to the role of an object.

2.2 Advertising must not condone the idea of inferiority of a person because of their gender, origin, belonging to a social group, sexual orientation or sexual identity, or any other criteria, notably by reducing the person's role or responsibilities in society.

2.3 Advertising must not encourage, even indirectly, exclusion, or sexist, or intolerant feelings or behaviours.

3. ETHNIC OR RELIGIOUS REFERENCES

- 3.1** Advertising must pay particular attention to avoid making any reference, even indirectly, to racism or sectarianism.
- 3.2** Any allusion, even humouristic, to a pejorative aspect or inferiority because of the belonging to an ethnic group or a religion is prohibited.
- 3.3** Expression of stereotypes concerning ethnic groups, religious groups, etc., must be done with a high level of precaution.
- 3.4** Concerning actual religious references, rituals and Holy Scriptures should not be used in a way to ridicule or shock believers.

4. SUBMISSION, DEPENDENCE, VIOLENCE

- 4.1** Advertising must not induce ideas of submission or dependence depreciating human beings, and especially women.
- 4.2** Any complacent presentation of domination and/or exploitation of one person by another is forbidden.
- 4.3** Advertising must avoid all scenes of violence, direct or suggested, and must not encourage moral or physical violence.

The notion of violence covers, at least, all illegal acts punishable by law.

Direct violence is the presentation of violent acts themselves. Suggested violence is conveyed by an atmosphere, a situation or a result of a violent act. Moral violence notably includes behaviours of domination and harassment (moral or sexual).

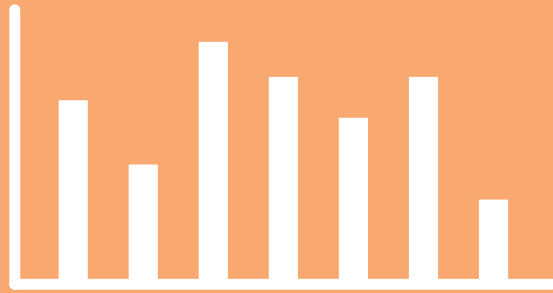
- 4.4** Advertising must not, under any circumstances, trivialize violence through its messages, statements and presentations.

5. IMAGE AND OTHER HUMAN CHARACTERISTICS

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

Article 14-1, ICC Code

5.2 It is forbidden to present a person in an advertisement by using either a voice double or image double without prior authorization of the person or his beneficiaries.



RESULTS
OF MARKET
STUDIES
OR SURVEYS

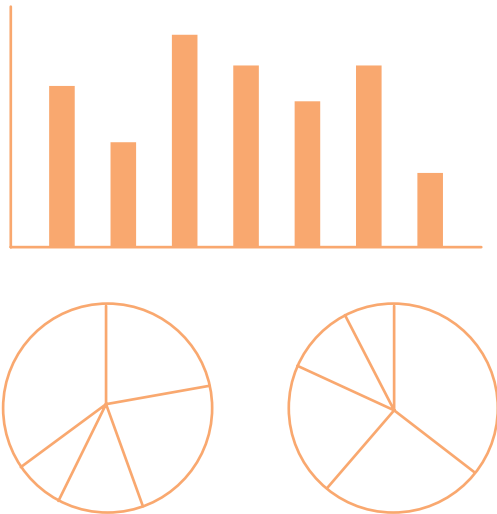
PREAMBLE

Advertising using the results of market studies, surveys or enquiries, aiming at measuring a behaviour, an opinion or an attitude, no matter the form, must comply with the following rules:

“Marketing communications should not (...)

- present statistics in such a way as to exaggerate the validity of a product claim;
- use scientific terminology or vocabulary in such a way as falsely to suggest that a product claim has scientific validity.”

Art. 6 ICC Code



1. AUTHORIZATION

All advertisers at first must make sure that the organization that made the survey or the study consents that the results may be used in an advertisement.

2. IDENTIFICATION

The advertisement must indicate:

- the name of the organization that led the survey or study,
- the date of the survey or study, and the size of the panel.

3. VALIDITY DATE

The period during which the survey or study is valid is limited depending on the object of the study. No advertising can use results of a study or survey that is outdated considering the date, the customs, the current events and the publication of a new study or survey.

4. EXPRESSION OF THE RESULTS

All results must be linked to the precise question asked and can't be made general and applied to all the products, activities, or the advertiser.

The presentation must not lead to think that the result concerns a specific geographic region or panel other than the one actually surveyed.

The type of presentation (visual, graphic, etc.) must not disproportionately present one result over the other.



SAFETY:
DANGEROUS
BEHAVIOURS
AND SITUATIONS

PREAMBLE

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.

[...] Children should be shown to be under adult supervision whenever a product or an activity involves a safety risk. [...]

ICC Code, Article 17

...

[...] Children and young people should not be portrayed in unsafe situations or engaging in actions harmful to themselves or others, or be encouraged to engage in potentially hazardous activities or behaviour. [...]

ICC Code, Article 18, Avoidance of harm

The following rules must be respected in all commercial communications, in addition to law and regulation applicable to dangerous objects, products or behaviours.

1. GENERAL PRINCIPLE

Principle

Commercial communications must not show dangerous or potentially dangerous behaviours or situations and must not encourage engagement in such behaviours and/or situations:

- Whether or not they are associated with the use of a product or an object;
- Whether or not the object or product is dangerous.

The different cases must be assessed regarding the context of the advertisement, the persons presented, the graphic design used, the artistic world reproduced and the public targeted.

Specific contexts

Certain dangerous behaviours can nevertheless be accepted, for example:

- The presentation of a professional athlete or a sportsman, practicing his sport or his discipline, and identified as such in the advertisement;
- The presentation of figurines or imaginary characters;
- The presentation of an unrealistic or clearly absurd context, making the behaviour impossible to replicate in real life;
- The total or partial reproduction of a work, in the context of its promotion or exploitation (movies, series, documentary, reports, etc.).

2. PARTICULAR CASES

Children

Particular attention must be given to scenes portraying children or advertisements targeting children.

The presence of a supervising adult can reduce the potentially dangerous nature of a presented situation.

Promotion of safety or health

If one of the assertive goals of the advertisement is to promote safety or health, it can be legitimate to show a dangerous situation or behaviour in order to condemn it.

The denunciation of a dangerous behaviour or situation must be unambiguous, in order not to lead to the opposite result.

SUSTAINABLE DEVELOPMENT CODE



SUSTAINABLE

DEVELOPMENT

PREAMBLE

Sustainable development is defined by the ability of present generations to meet their needs without compromising the ability of future generations to meet their own “needs” (Brundtland Report, 1987).

In other words, sustainability refers to ensuring economic and social progress without endangering the natural balance of the planet, both in the present and the future.

For businesses, sustainable development means in this sense to balance the following three pillars:

- **environmental:** impact of activities on the environment;
- **social/societal:** working conditions of employees, information policies, training, remuneration, subcontracting, existence and quality of relations with civil society, public health, etc;
- **economic:** relations with customers, suppliers, shareholders, etc.

Objective

As regards the content of ads, this approach induces a dual responsibility for advertising professionals:

- accurately present the meaningful action(s) of the advertiser or the properties of the advertised product(s) in terms of sustainable development;
- not convey messages that are contrary to the principles of sustainable development, defined in particular by the national strategy for ecological transition towards sustainable development 2015-2020 (SNTEDD).

Scope

This Code applies to advertisements containing:

- argumentation referring to sustainable development;
- ecological argumentation, whether or not it refers to the concept of sustainable development;
- social, economic or societal argumentation linked to sustainable development;
- presentation of elements not compatible with sustainable development goals, even without making reference to this concept.

Terminology

For the purposes of this Code:

- the term « **Ecological argumentation** » refers to any claim, indication or presentation in any form whatsoever, that establishes a link between the brand(s), product(s), service(s) and/or action(s) of an advertiser, and the environment;
- the term « **Product** » refers to all goods and services;
- the term « **Life-cycle** » refers to consecutive and interlinked steps in the life of a product, from the stage of production to the final disposal of the product;
- the term « **Impact** » refers to any influence on the environment or society, whether adverse or beneficial, wholly or partially resulting from the activities or products of an advertiser. For example, concerning the environment, a negative impact may be expressed in terms of pollution, emissions of greenhouse gases or reduction of biodiversity, among others;
- the term « **advertiser** » refers to the brand under which the advertisement is issued and, where appropriate, the company to which it belongs if, and only if, membership is claimed.

Note: without further specifications, the rules below pertain to the overall issue of sustainable development. When the rules apply only to the environmental component of sustainable development, it is specified as such.

In addition to specific French and Community legislation, these advertisements need, no matter what form they take, to comply with the Consolidated Code of the International Chamber of Commerce^[1] and with the following ethical rules.

[1] Article 22 of the Consolidated ICC Code, and the principles enshrined in Chapter E “Environmental Claims in Marketing Communications” of the same Code.



1. VERACITY OF ACTIONS

1.1 Advertisements must not mislead the public about the actual actions of the advertiser or the properties of its products in terms of sustainable development.

1.2 Advertisements cannot make a general sustainable development claim if the commitment of the advertiser does not cumulatively include the three pillars of sustainable development.

1.3 The actions of advertisers and the properties of their products in this area should be significant before a claim can be made.

1.4 The advertiser must be able to support its sustainable development claims by means of evidence that is reliable, objective and verifiable at the time of advertising.

For any message based on a scientific claim, the advertiser must be able to present the origin of the findings and methodology used for the calculation.

Advertisements may not resort to demonstrations or scientific conclusions that do not conform to generally approved scientific findings.

2. PROPORTIONALITY OF MESSAGES

2.1 The advertisement must accurately express the action of the advertiser or the properties of its products, in accordance with the available evidence.

The reality of these actions or properties may be assessed in the light of the different pillars of sustainable development, the different types of impacts and the various stages of a product's life-cycle.

2.2 The advertising message must be commensurate with the scale of the advertiser's action(s) in terms of sustainable development and the properties of the product(s) he is promoting.

2.3 In particular:

a/ The advertisement should not be presented in such a way as to imply that it relates to more pillars of sustainable development, more stages of a product's life-cycle or more impacts than can be justified by the evidence;

- b/ The message should not unduly suggest a total lack of negative impact;
- c/ The presentation of action(s), product(s) at an experimental or project stage (prototype, R & D, investment ...) must be clearly presented as such and their scope should not be exaggerated.

3. CLARITY OF MESSAGES

- 3.1** The advertiser should add clear background information in the advertisement about the qualities the advertised activities or products claim to have.
- 3.2** If the argumentation is only valid in a particular context, it should be presented clearly as such.
- 3.3** When an explanation is necessary, it must be clear, legible or audible, and thus meeting the requirements of the “**Note and Overlays**” Code of the ARPP [> go to page 69](#).
- 3.4** In cases where this explanation is too long to be included in the advertisement, essential information must be included, together with a reference to some means of communication allowing the general public to obtain further information.
- 3.5** Any messaging within an advertisement based on a scientific study must indicate the source.
- 3.6** Any argumentation about a decrease of a negative impact or an increase of efficiency must be precise and accompanied by detailed figures, indicating the basis for the comparison.

4. LOYALTY

- 4.1** The advertising must not attribute exclusive virtues in terms of sustainable development to a product or an advertiser when competitor products or competitors have similar properties.

4.2 An advertiser cannot claim that certain actions are exclusive to it if they are imposed on all by existing regulation.

This does not rule out the possibility for an advertisement, for pedagogical purposes, to inform about the existence of regulation in order to promote its implementation.

4.3 An advertisement should not unduly create a link between general corporate actions of an advertiser concerning sustainable development and the properties of a product.

4.4 Concerning ecological claims:

a/ An environmental claim should not emphasise the absence of a component, ingredient, characteristic, or impact (typified by formulations such as “without ...”, or “no ...”, or “...-free”) that never affected the family of products or activities presented by the advertisement;

b/ A claim that a product does not contain an ingredient or a specific component (typified by formulations such as “without ...”, or “no ...”, or “...-free”) should be used only in line with the rules of the competent authorities that define the maximum thresholds, or, failing that, under the conditions laid down in ISO 14021;

c/ A reduction of a negative impact should not be presented as a direct “recovery” of natural ecosystems.

5. SIGNS, LABELS, LOGOS, SYMBOLS, SELF-STATEMENTS

5.1 Signs or symbols may be used only if their origin is clearly indicated and if there is no likelihood of confusion about their meaning.

Further explanations regarding the meaning of these symbols should be made according to the conditions set by article 3.4 of this text.

5.2 These signs should not be used in ways that suggest unfounded official approval or certification by a third party.

5.3 The advertisement must not attribute a higher value to any signs, logos or symbols used in the ad than they actually have.

5.4 The use of logos of associations, foundations or any other body should not create a misleading link between the partnership with these bodies and the properties of the product(s) or the action(s) presented.

6. VOCABULARY

6.1 The terms and expressions used must not mislead the public about the nature and scope of the product's properties or the advertiser's actions in terms of sustainable development.

6.2 When the terms and expressions used are already defined by a standard, they must be employed in a way that fits this definition.

6.3 Where it would be impossible to justify general formulations (e.g., ecological, green, ethical, accountable, to preserve, fair, sustainable, etc.), advertising must make these claims relative by using formulations such as "helps to...".

6.4 Words, phrases or prefixes used must not unduly reflect a lack of negative impact of the product or activity of the advertiser.

6.5 Technical vocabulary, scientific or legal, may be used if it is appropriate and used in a way that can be readily understood by those to whom the message is directed.

7. VISUAL OR AUDIBLE ELEMENTS IN AN AD

7.1 The visual or sound elements in an ad should be used in a manner proportionate to the ecological argumentation of the ad and the evidence that supports it.

7.2 They should not be used in a way that suggests a guarantee of safety if this cannot be justified.

7.3 Without excluding their use, the use of natural elements or evoking nature must not mislead the consumer about the environmental properties of the product or the actions of the advertiser.

7.4 When an advertisement uses an environmental claim, it cannot assimilate directly a product that has a negative environmental impact to a natural element (e.g. a car like an animal, a plane covered in plants, etc).

8. COMPLEX SYSTEMS

Some recognised systems may be based on highly technical argumentations or complex schemes, whose benefits in terms of sustainable development are indirect (e.g., systems known as “green electricity”, “carbon offset”, “socially responsible investments”, etc).

When an advertisement refers to these types of systems:

8.1 It should take care not to mislead the public about the true scope of the mechanism.

8.2 If it uses simplified language for educational purposes it must provide the public with the necessary explanations, as per the conditions defined in article 3-4 of this Code.

8.3 The advantage of using systems to indirectly compensate the negative impact of a product or an activity should not be referred to in the ad as being a direct quality of the product or activity.

9. ECO-RESPONSIBILITY

The advertisement must be placed in a context of social responsibility taking into account the sensitivities of society at the time the ad is released as well as the context of ad dissemination.

Without reference to the concept of sustainable development or any of its components, an advertisement must avoid conveying a message contrary to the common principles of sustainable development. To this end:

9.1 Advertising should avoid any representation likely to trivialise, or even enhance, practices and ideas contrary to the objectives of sustainable development.

For example:

a/ Advertising must not portray or make reference to behaviour that shows disregard for environmental protection and the preservation of natural resources (e.g. damaging or wasting natural resources, damaging biodiversity, polluting air, water or soil, contributing to climate change, etc.) except for the purpose of exposing such conduct.

SUSTAINABLE DEVELOPMENT CODE

b/ Advertising must not explicitly or implicitly encourage excessive consumption patterns or wastage of energy and/or natural resources. It must not appear to approve or endorse conducts that are manifestly inappropriate or irresponsible.

c/ Arguments used in advertising must not minimise the consequences of consuming products and services that may have a negative impact on the environment.

d/ Advertising must not portray or suggest behaviour that is contrary to the objectives of product recycling or the specific methods for waste content recovery.

e/ The representation, in any form whatsoever, of motor vehicles in a natural environment should clearly position them on roads open to traffic.

f/ Advertising must not be seen to approve working conditions that are contrary to social and human rights. Thus, for example, advertisements that would endorse child labour, any form of discrimination, harassment or working conditions that fail to meet health, safety and environmental standards are unacceptable.

g/ Advertisements must not contain any statement or visual representation likely to create irrational or unfounded fears among the public.

9.2 Advertisements must not discredit the principles and objectives, neither the advice nor the solutions, commonly accepted for sustainable development.

Advertisements should not use and distort known environmental messaging for commercial purposes.



TESTIMONY AND CERTIFICATION

Advertising claim, no matter the form, that uses testimonies or certifications, of well-known or not well known persons must comply with the following rules: “Marketing communications should not contain or refer to any testimonial, endorsement or supportive documentation unless it is genuine, verifiable and relevant. Testimonials or endorsements which have become obsolete or misleading through passage of time should not be used.”

Article 13, ICC code

1. CONTENT

It is forbidden to reproduce a part of or a whole certification, done on a private basis, which includes content that could be breaching applicable regulation or ARPP Codes.

2. REMIT - ENDORSEMENT

When advertising, no matter the form, uses certifications and testimonies from well-known persons whose expertise is not questionable and allows them to give an authorized advice on the subject, the certifications must comply with these requirements:

- They must be based on experiences with the product, which the person had himself/herself (or under his/her supervision) in regular use conditions.
- The conditions in which the experience was ran and in which the results were found must be clearly indicated in a document drafted before the first publication of the advertisement.

2ND PART

SECTORAL CODES



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Alcohol

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house**
CODE



Toys
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**Two-wheeled
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CODE



**Water
treatment**
CODE

ALCOHOL CODE

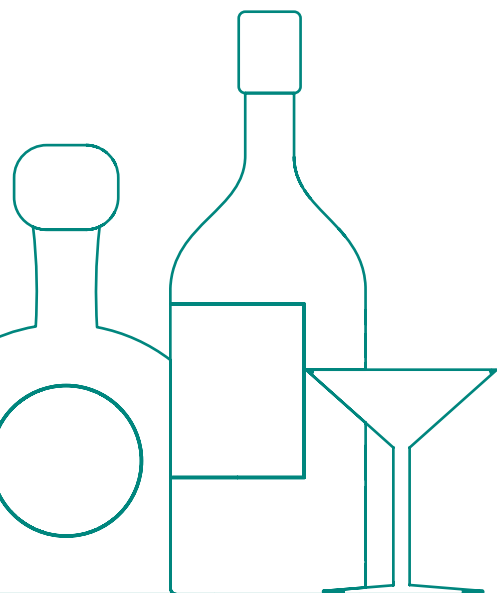


ALCOHOL

PREAMBLE

In order to respect and comply fully with the legal provisions applicable, notably law n°91-32 of January, 10th of 1991, and in order to cover all the different aspects of their activities, the associations and professional organizations commit to complying or asking all their members to comply with the rules hereafter:

- *They reaffirm that a moderated and adapted consumption of alcohol has its place in the French society and that the role of marketing communication is to help the consumer to choose freely between the different brands and products proposed.*
- *They would like to remind that they share the governmental concerns about excessive alcohol consumption and its misuse. They intend not to encourage such behaviors and, on the contrary, encourage responsible consumption which is less risky.*



1. GENERAL PRINCIPLES

Marketing communication is defined as any type of expression with an advertising goal, targeting consumers, no matter the media.

1.1 Marketing communication must not encourage excessive consumption or criticize abstinence and sobriety.

1.2 Marketing communication must not be confusing about the nature of the drink and its alcohol degree. It must not imply that consuming low degree alcohol beverages prevents excess. It must not, on the contrary, highlight or argument on the high alcohol degree of a beverage.

1.3 Marketing communication shall not suggest that alcohol, alone or combined with soft drinks, has therapeutic qualities or that it is a stimulant, a sedative or a mean of resolving conflicts. It must not demonstrate that alcohol improves physical, psychological or intellectual performances.

1.4 Marketing communication must not present alcohol consumption as a help to overcome individual or collective problems, nor illustrate or mention success gained thanks to alcohol consumption.

1.5 Marketing communication must not demonstrate that alcohol consumption contributes to sentimental success, sport success, sexual success, or constitutes a sign of maturity, of manhood or is necessary for social success.

1.6 Marketing communication must not associate alcohol consumption to luck situations, exploits, boldness or sport exercises.

1.7 Marketing communication must not associate alcohol consumption to car driving or to the use of potentially dangerous machines.

2. MINORS

Marketing communication must not target minors. In particular, they must not:

- 2.1** Show minors or make minors be heard.
- 2.2** Represent or evoke scenes or characters, true or fantasy, that are obviously appealing to minors.
- 2.3** Communicate in press, radio or online websites which it is reasonable to assume that the audience is not made up of at least 70% of adults of 18 years and older.

3. ADVERTISING

3.1 Indications and references allowed

With regards to the content of alcohol advertising, an authorized list of information or references that can be included has been established by regulation (in particular, article L 3323-4 of the French Public Health Code modified by the Law of the 23rd February 2005):

3.1.1 « *Advertising for alcohol is limited to the indication...* »

The word “indication” allows expressions by text, sound or image. The representation of persons must correspond with a real professional existing function, past or present, intervening in the elaboration, the distribution or the presentation of the product to consumers. (Sommelier, Chef...)

3.1.2 “...of the alcohol degree”

No argumentation can be based on the alcohol degree.

3.1.3 “...of the origin”

The origin can be the history, the geographic origin, or the raw ingredients used to make the product. The link with the product must be justified.

3.1.4 “...of the naming”

The naming includes also the brand.

3.1.5 “...of the composition of the product”

All ingredients and component can be highlighted as long as it is significant, no matter if it figures or not on the label. The link with the product must be precise and uncontestable.

3.1.6 “...of the name and address of the maker, the agent or the distributors”

Theses indications include all the participants in the commercial distribution. The link with the product must be precise and uncontestable.

3.1.7 “...of the elaboration method”

The description must be linked to the different actions that are necessary to create the product, to put it in bottle, to create the packaging and to present it to the final consumer.

3.1.8 “...of the selling modalities”

The selling modalities cover all selling techniques (packaging, bundles, etc.) and the different legal forms of promotion.

3.1.9 “...of the consumption methods”

Advertising can highlight the best savoring conditions, the culinary associations. It is forbidden to represent consumers.

3.1.10 “Advertising can contain references to the production territory, the decorations gained by the product, the protected designation of origin (article L 115-1 of the French Consumption Code), the geographical indications as defined in the international conventions and treaties regularly signed.”

The word “references” allows all expressions via texts, sound and images.

The notions of “territory”, of “protected designation of origin” and of “geographical indications”, cover the place of production but also: the ground, the nature of the soil, the water, the sun exposition, the local weather, etc. that contribute to the features and qualities of the product. Are also covered the cultural aspects and all typical features related to the soil, the habits, the taste of the inhabitants, of a region or a country of production. The link with the product must be uncontestable.

In order not to mislead the consumer, the awards gained, official or acknowledged by the profession, must be real.

3.1.11 “Advertising can contain objective references to the color, to the olfactory or gustatory features of the product.”

The word “references” allows expression via texts, sound and images.

Any organoleptic feature can be highlighted. The link with the product must be precise and uncontestable.

3.2 Representation of the packaging

The packaging can be presented in the advertisement only if it complies with the previous provisions. (Chapters 1 to 3).

3.3 Health message

For advertising in written forms, in order to be clear, legible and visible, the health message must be:

3.3.1 Only in horizontal position;

3.3.2 In bold characters, in a color that stands out from the background. No letter should be in a size inferior to 1/100 of the summing of the height and the width of the advertisement. However, the size and the font can be adapted for legibility reasons caused by the dimensions of the format;

3.3.3 With a lag from the edge of the advertisement of 2 times the height of the letters. The lag can be lessened for legibility reasons caused by the dimensions of the format;

3.3.4 The correct formulation is “*L’abus d’alcool est dangereux pour la santé, à consommer avec modération*”. The phrase can be cut down to the first part only for reasons related to the dimension of the format.

3.3.5 For radio advertising, the health message is “*Pour votre santé, attention à l’abus d’alcool*”.

3.4 Media

Advertisers comply strictly with the legal provisions applicable concerning the media authorized.

3.4.1 However, they voluntarily refrain from using their right to outdoor advertising in French sports fields during sporting events.

3.4.2 Further than the strict implementation of the 21 July 2009 law, online marketing communications comply with all the rules set in this Code (Chapters 1 to 3).

Access to brand websites is conditioned to the obligation of stating ones age or date of birth. The access must be denied if the age is below 18.

3.4.3 Delivery cars must indicate the name of the producer with a legible and visible super indicating “*company*” or any other word, abbreviation or logo showing the legal status of the company. The name of the producer can be replaced by or joined to the name of the brand. In that case, the health message must be present (see paragraph 3.3).

4. PROFESSIONAL ANIMATION ACTIVITIES

Professional animation activities comply with the general rules applicable to marketing communications (chapter 1) as well as those concerning minors (chapter 2).

4.1 Initiators of promotional animations must comply strictly with the provisions of the French Public Health Code concerning alcohol sale and distribution (even for free). They make sure sufficient information, controls and prevention campaigns are provided in order to prevent alcohol consumption by minors and pregnant women, or excessive consumption by any consumer.

Tasting sessions are proposed in adapted quantities and limited numbers.

4.2 They don't organize professional animation activities in sale points which don't have the sale license (consumption on place or take away).

4.3 They commit to making prevention and information campaigns concerning the risks of alcohol while driving, notably addressing young drivers.

5. PATRONAGE

In accordance with the 10 January 1991 law (modified in 2003), when patronage is done by the producer or the distributor and that the name used by the producer is also a brand or the label of a product, the word “*company*” or “*foundation*” must appear next to the name of the producer or distributor in a legible and visible way, or any other word, abbreviation or logo defining the company.

6. COMMERCIAL NAMING OF ALCOHOL PRODUCTS

The name used for the marketing of the product can't:

- 6.1** Mislead on the alcoholic nature of the product;
- 6.2** Encourage excessive consumption;
- 6.3** Imply violence, aggressively or dangerous situations;
- 6.4** Suggest sexual success;
- 6.5** Capitalize on the high alcohol degree of the product.

7. PACKAGING

Further to the compliance with the legal provisions concerning packaging and information in sale points, the signatories of this Code commit to respecting the following rules:

- 7.1** The alcoholic nature and the alcohol degree must be clearly indicated on the packaging;
- 7.2** The high degree of alcohol can't be the dominant theme of a packaging or of the information delivered in sale points;
- 7.3** In case of a blend between alcohol and non alcohol beverage, the latter can't be the dominant theme of the packaging or of the information delivered in sale points;
- 7.4** Conception and design of the packaging can't be based on or resemble the characters or products linked to adolescent culture, nor suggest sexual success;
- 7.5** Packaging can't imitate the forms or objects associated to dangerous behaviours for health or society (bombs, needles...).

8. DISTRIBUTION

Even though companies can't legally control the distribution and the arrangement in the shelves of their products, the signatories of this Code will warn the distributors and resellers of these rules:

8.1 Alcohol must be proposed on a different shelf than non alcoholic beverages;

8.2 All legal provisions must be respected and notably the ban on sale to minors, as well as the ban on automatic distributors.

ANIMAL FEED CODE



ANIMAL

FEED

In addition to the applicable regulatory and ethical provisions, marketing communication for animal feed products, no matter its form, must comply with the following ethical rules:

1. ANY CONFUSION WITH PRODUCTS FOR HUMAN CONSUMPTION MUST BE AVOIDED

1.1 Advertising shall prohibit any deception in the graphic or photographic representation of the materials of animal origin used in the composition of the products, in particular by inserting in the marketing communication suggestive images that are too valuable compared to the raw materials actually used.

Examples:

- salmon steaks, for salmon by-products intended for animal feed
- whole chicken, for chicken by-products or processed animal protein (flour) for use as animal feed
- beef ribs, for bovine by-products intended for animal feed.

1.2 The graphic or photographic representation of vegetable matters (cereals, vegetables, fruit) by whole matter is tolerated.

Examples:

- wheat for wheat flour
- peas for pea flour
- apple for dehydrated apples.

1.3 The presentation of the product in marketing communication should not lead to the belief that the product promoted could be intended for human consumption. The use of animals, portrayed as human beings, should not create any ambiguity about the function of the product: animal feed.

2. VOCABULARY

2.1 Without prejudice to the regulatory use of the category “*meat and animal by-products*” in the composition (list of ingredients), the term “**meat**” may be used only if the material used is skeletal muscle.

2.2 The term “**fresh**”, which qualifies the raw materials used, should be used only if the materials have been kept at a positive temperature and are incorporated, still fresh, in the manufacturing process of the product. This term shall not be used in the case of processing such as cooking, dehydration, freezing, hydrolysis, sterilization or similar, or the addition of salts, fuming agents, natural or synthetic chemical preservatives or any other auxiliary aid.

2.3 The term “**natural**” may be used only to describe a substance (derived from plants or animals, microorganisms or minerals) to which nothing has been added, but which may have been subjected to physical treatment making it possible to use it in pet food, while maintaining its original composition.

The claim, such as, for example, “*product / manufactured / formulated with natural components*”, may be used whenever the list of ingredients, identifying natural substances, is made available to the public by any means.

- Examples of acceptable treatments (as long as the natural composition is preserved): *freezing, concentration, extractions (without chemical agents), drying, smoking (without chemical agents), pasteurization, extrusion, grinding...*
- Examples of unacceptable treatments: *discoloration, oxidation by chemical agents, chemical treatment, genetic modification...*

The term “**natural**” can only apply to a food if all the substances used are natural, as defined above.

If the food is formulated only with natural substances but supplemented with vitamins and minerals that are not, the claim, for example “*BLOGGO¹⁾ prepared with natural plant extract*”, is acceptable.

2.4 The term “**pieces**” applies only to natural fragments. The reconstituted elements are called “*dumplings, in sauce, in jelly or in pâté, sliced, bite-sized...*”

1 - BLOGGO is a fictional brand name for pet food

3. HEALTH

3.1 Claims referring to the treatment, cure or prevention of a disease are considered to be medical claims. The product is then a “*medicated feed*” which places it in the category of veterinary drugs.

Consequently, for foods not falling within this category, terms such as “*treating, relieving or curing*” are prohibited.

3.2 Functional claims are permitted when they emphasize the beneficial contribution of a food, nutrient, component or additive to normal body growth, development or function.

For example: *contains calcium for strong bones and healthy teeth / prevents the formation of tartar / limits the appearance of hairballs...*

3.3 Dietary claims are permitted where the products fall within the scope of Community legislation on foods with special nutritional objectives (also known as “*dietetic foods*”).

For commercial communication of such foods, terms such as “*aid, brings, contributes, warns, protects...*” are accepted and refer to a specific pathology.

For example: *reduces recurrence signs of feline idiopathic cystitis / reduces the risk of formation of calculi of calcium oxalate and struvite / enriched in taurine and L-Carnitine to help support heart muscle ...*

3.4 The use of the term “**health**” must be necessarily contextualized or relativized.

4. REFERENCE TO PROFESSIONALS

The personal intervention of professionals (breeders, shepherds) can only be used to substantiate true and verifiable facts.

“In publications, the veterinarian may not use the documents or results of examinations and observations provided to him by other authors except by mentioning the part taken from the latter or by indicating the adequate bibliographic reference. Any communication must be signed by its author. The veterinarian authorizing a communication containing information in favor of a company or a trade mark, no matter the process used, must indicate, where appropriate, the links which attach it to that undertaking or this brand.”

Article R.242-36 of the Rural Code and Sea Fisheries.

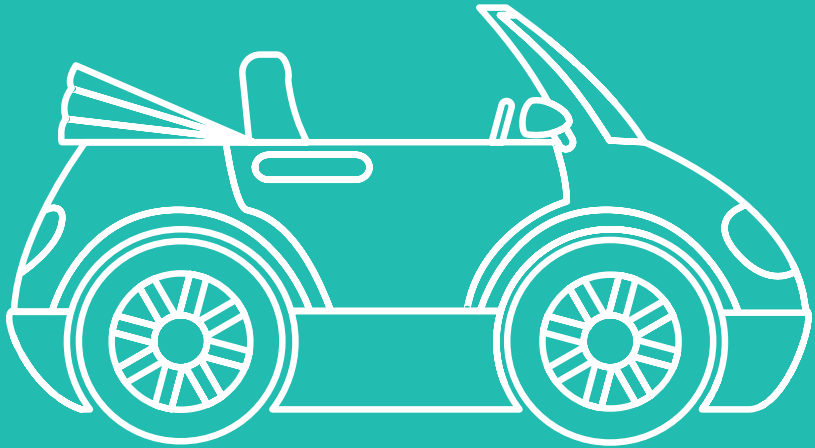
Any reference to a veterinarian or healthcare professional in an advertisement, even if his or her identity does not appear, must be based on concrete evidence.

5. CONSUMPTION PATTERN

The consumption of dry food must be associated with the absorption of water by the animal.

In this case, if an actual consumption scene is represented in the advertising message, a water container must be shown. It can be replaced by explicit information, recalling the need to leave a bowl of water at the disposal of the animal.

AUTOMOBILE CODE



AUTOMOBILE

AUTOMOBILE CODE

In addition to legislative and regulatory applicable rules, advertising for mass-produced cars, no matter their form, have to respect the following ethical rules:

1. SPEED

Advertising must not argue about speed, neither exploit the attraction it could represent, in the images, the sound, the overlays or in any other written information in advertising.

2. POWER, BRAKING

The advert must not evoke the power in reserve or the braking possibilities in order to encourage speed, but on the contrary it must present those elements as safety elements which effects can change in function of the quality and the state of the roads, the driving and atmospheric conditions and the driver's reactions, in order to contribute to develop the user's sense of responsibility.

3. ACTIVE SAFETY

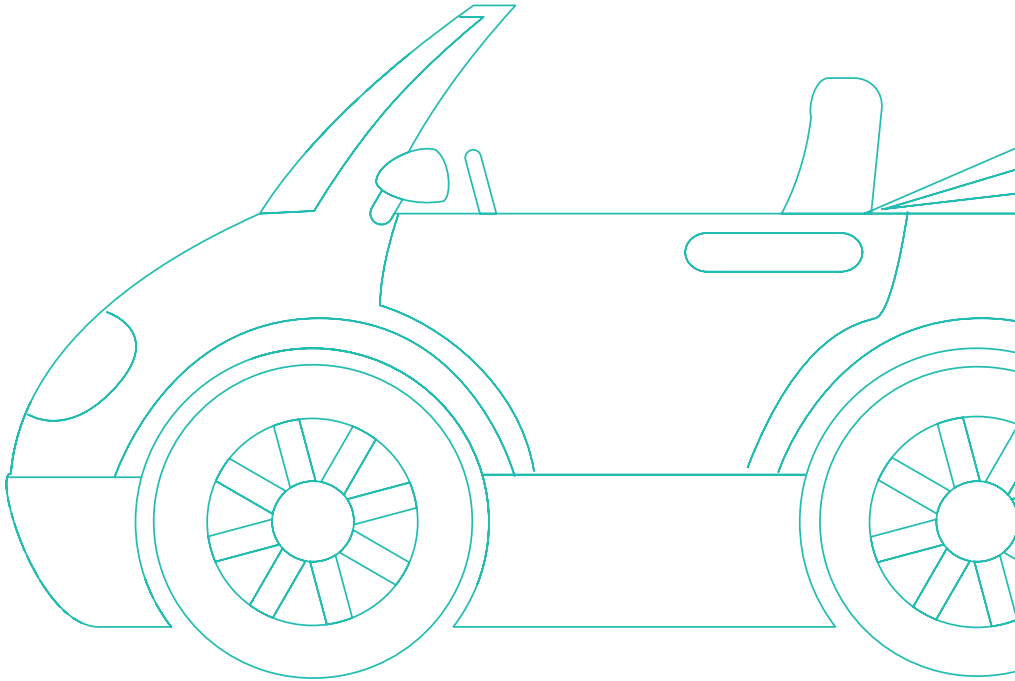
Advertising, in the messages, must not lead people to think that the car's qualities in active and passive safety enable the driver to break the basic caution rules.

4. HIGHWAY CODE

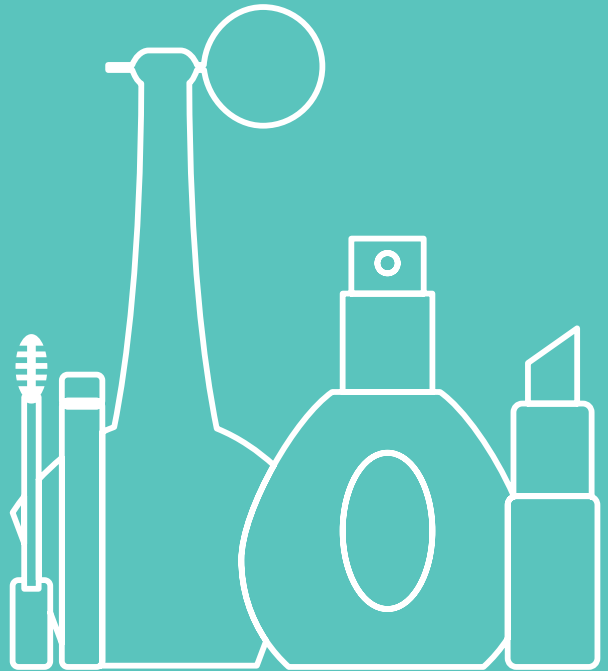
Advertising must not represent, in normal conditions of use, cars in violation with rules of the Highway Code or security imperatives.

5. AGRESSIVE BEHAVIOURS

Advertising must not arouse aggressive, violent driving behaviours or behaviours harmful to other road users.



COSMETIC PRODUCTS CODE



COSMETIC

PRODUCTS

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ARPP's Advertising Codes 2017

PREAMBLE

“Cosmetic product” can be defined as “any substance or preparation intended to be put in contact with the different superficial parts of the human body (epidermis, head and body hair, nails, lips and external genital organs), or with the teeth and the mucous membrane of the mouth in order to exclusively or generally clean, perfume, modify their appearance and/or correct body odors, and/or protect or keep them in good condition”, article 2 of the European regulation n°1223/2009 of November 30th, 2009 concerning cosmetic products.

A “claim” is any claim, indication or presentation used for advertising a product. Claim must be truthful, clear, fair, objective and should not be likely to mislead.

Advertising has to ban all statements or visual representations that could generate irrational or unfounded fears.

These measures target advertising aimed at consumer.

They apply to any advertising claim for cosmetic products, whatever is the used support: television, radio, electronic media, telephone, display, press, POP, packaging, notes, etc.

The advertising claim has to comply with the provisions of the last version of “The Manual on the scope of application of the Cosmetics Directive 76/768/EEC” which is available on the following link: http://ec.europa.eu/enterprise/cosmetics/html/cosm_borderline_docs.htm

They also have to respect the dispositions of ARPP’s codes, in particular **Notes and Overlays** > go to page 69 , **Advertising vocabulary** > go to page 27 and **Sustainable development**^[1] > go to page 89 .



1) <http://www.arpp.org/nous-consulter/regles/regles-de-deontologie/>

1. GENERAL PRINCIPLES

1.1 Competition

a/ The advertisement must contain no mention to create the impression that the product has particular characteristics while all the similar products have the same characteristics, in particular because of the category of the considered product or the simple application of the laws in force.

b/ The messages should not be built on arguments denigrating one or several competitive products.

1.2 Proofs

a/ Any claim must be supported by appropriate proofs.

b/ The claim must be consistent with the nature and the scope of such proofs.

1.3 Presentation of a product performances

1.3.1 TYPES OF TESTS

a/ If studies or tests are mentioned in advertising, their nature must be explicitly stated:

- statistically valid scientific tests (evaluation by professional experts under medical supervision or not, instrumental tests, sensory studies under protocol, tests ex vivo / in vitro), or

- tests of satisfaction (tests of use by consumers on a self-important number of subjects).

b/ In order not to mislead the consumer, measuring the efficacy of a product can only be linked to scientific test.

c/ When the message is based on tests of satisfaction, it can only mention the percentage of satisfied people or of those who confirmed the asserted effect.

d/ The presentation of both scientific or satisfaction tests must clearly distinguish them from each other when used in a single advertisement.

e/ These tests must be conducted in accordance with the Guidelines of Cosmetics Europe: “Efficacy evaluation of cosmetic products”^[2].

[2] European Cosmetics Association, www.cosmeticseurope.eu

1.3.2 PRESENTATION OF THE RESULTS

a/ Quantified results

a/1 When advertising claims include figures, advertising must refer to the average results, obtained on the whole tested population (the total number of subjects must be indicated) and statistically valid.

a/2 The indication of a quantified result obtained on a population lower than the one who is the subject of the test is possible for all the following conditions:

- The partial population can't be lower than one third of the total population that has been tested;
- This result of the partial population must be an average result;
- The average result of the partial population mustn't exceed three times the average result of the total population that has been tested;
- The partial result must be completed by written statement of the average result obtained on the total population in the same conditions of visibility and legibility; the number of subjects concerned by the partial average result must be clearly stated as well as that of the total population that has been tested.

a/3 Some wordings like quartile or last quartile are of no meaning for the consumer, and are likely to mislead him and are therefore prohibited.

b/ Visual representations

When the advertisement refers to illustrations or demonstrations, for instance of a "before / after" visuals, these visual representations should proportionately and coherently reflect the performances of the product and be representative of the tested sample.

c/ In vitro results

c/1 When the advertised results are derived from *in vitro* testing methods, it should be mentioned in advertising.

c/2 In any case, the presentation of results from *in vitro* studies should not suggest a result *in vivo*.

1.3.3 ILLUSTRATION OF PERFORMANCE

a/ Digital techniques can be used to improve the beauty of the images in order to communicate on the character and the position of the brand or any specific advantage of the product.

b/ Nevertheless, the illustration of the performance must not be misleading:

b/1 The digital techniques must not modify the images in such a way that the forms and features are misleading concerning the performances of the product

b/2 Pre and post production techniques are acceptable as long as they don't convey features or functions that the product doesn't have.

For example, the following cases aren't deemed misleading:

- Obvious exaggeration or stylish beauty shots that aren't supposed to be taken literally
- Techniques that improve the beauty of the image and that don't concern the product or the performances claimed.

1.3.4 GUARANTEES

a/ A recommendation, coming from one or several members of a medical, para medical or scientific profession, can apply either to an ingredient of a product, to a product or to a general message on hygiene or beauty, provided that it is based on objective scientific proofs that can be checked, and that it not only reflects the personal opinion of one or a few of these interviewed skilled individuals.

b/ When the direct recommendation for a product comes from a specialist working for the brand, the link must clearly be indicated in the ad.

c/ The specialist, if he is named, must really exist. An actor can be used though to represent him in the ad.

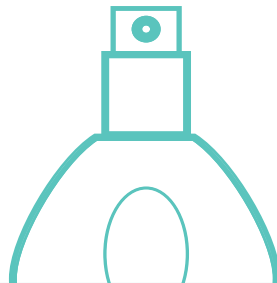
d/ These messages should not lead to confusion for consumers between cosmetic product and medicinal product.

1.3.5 REFERENCES TO SURGICAL OR MEDICAL PROCESSES OR OPERATIONS

The reference to medical procedures or surgery is possible provided that it does not mislead the consumer into believing that the product will give results equal or comparable to these processes or medical procedures or surgery.

1.3.6 REFERENCES TO MECHANISM OF ACTION

It is possible to refer to the mechanism of action of a product or of its ingredients if the mechanism relies on objective substantiations and that the main claim concerning the product is related to a visible cosmetic effect.



2. SPECIFIC CLAIMS

2.1 “New”

a/ The word «new» and all its derived terms should only be used in relation with an actual modification of:

- the formula of the product or of its use
- its presentation or its packaging, provided that it is well understood that this is new to this level only.

b/ The use of this term is usually limited to one year.

2.2 “Without”

a/ In order to contribute to a positive image of cosmetics, advertising must be devoted primarily to positive arguments.

b/ A this title, the use of an allegation indicating the absence of one or more ingredients or category of ingredients is possible only if the claim meets the following specific conditions:

b/1 It is not the main argument of the product but provides consumer with additional information;

b/2 It is not denigrating, in particular it does not put forward a risk or a danger to health or the environment;

b/3 It is fair and not misleading, especially when the ingredient or the combination of ingredients can be indirectly brought, including through another raw material.

2.3 “Environmental”

The whole **Sustainable development** code of ARPP [> go to page 89](#) is intended to apply to the communications of the sector. In particular:

- a/** Advertisements should not contain any statement likely to mislead directly or indirectly the consumer on the actual ecological benefits or properties of products as well as on the reality of the actions that the advertiser leads for the environment.
- b/** Advertisements must not give or appear to give a total guarantee of safety in the field of the environment, where the ecological properties of the product only concern a single stage of the life of the product or only one of its properties.
- c/** The choice of words or signs in advertising, as well as the colours that could be associated there, must not suggest ecological virtues which the product does not possess.

2.4 “Hypoallergenic”

The word “*hypoallergenic*” is the only word derived from allergy which can be used, without particular explanation, to qualify products that are designed to minimize the possible risks of allergy. All the other terms derived from the word “*allergy*” are forbidden. The term “*allergy*” can only be used with great caution.

The use of this term should be consistent with the practices of the profession.

2.5 “Slimming/cellulite”

a/ Weight loss is the result of either illness or a specialized treatment or a change of diet. Therefore, in a claim concerning cosmetics, no reference can ever be made to this word or to any derived terms.

b/ The use of the words “*slim*” or “*getting slimmer*” or its derived terms is acceptable to express an improved aesthetic appearance, without any ambiguity in the expression.

c/ In this case, considering the varying results from one individual to the other, the quantified claims concerning reduced measurements and/or any precise information of the deadline for obtaining the results are only allowed if scientific proof is given.

d/ Products which mention an aesthetic action can refer to the word “*cellulite*” only by using the term “*anticellulite*” for example, provided that both visuals and claims relate to the cosmetic appearance of the skin, its appearance and its maintenance in good conditions (for example: “*smoothing*”, “*firmer skin*”, “*softer skin*”,...).

e/ Any claim related to the prevention or treatment of the cellulite is forbidden and the action of the product should only refer to the signs, effects, or appearance of cellulite.

2.6 “Anti age / anti wrinkles”

a/ A product can claim an action on the signs or the effects of aging. In this case, allegations concerning attenuation or reduction of wrinkles and fine lines can be used.

b/ This way, the use of the expression “*getting younger*” or its derived terms must express the appearance of more youthful skin, without ambiguity in the wording of the advertising message.

2.7 “Anti hair loss”

a/ What is allowed:

-The use of the word “*anti hair loss*” to qualify a product or a treatment aimed at diminishing, slowing down, limiting or preventing hair loss. The advertising message must not imply a definitive result.

-Claims about growth of existing hair.

b/ What is forbidden:

-The terms of growth or fresh growth of new hair, or any other sentence leading to the conclusion that the product can be a cure for hair loss.

-The terms “*baldness*”, “*stops hair loss*” or any other similar expression.

2.8 “Moisturizing”

Moisturizing products are cosmetic products aimed at improving or maintaining the water balance of the epidermis. A cosmetic product cannot be presented as susceptible to deeply moisturize or moisturize again the skin.

3. PARTICULAR PRODUCTS

3.1 Natural cosmetic product

A cosmetic product can be qualified as “*natural*” only if the finished product contains a minimum of 95 % (w/w) of ingredients defined as “*natural*” or “*of naturally derived*”, according to the rules in use (for example: national or community regulations, specifications or published references).

3.2 Organic cosmetic product

a/ A cosmetic product can be considered as “*organic*” only if it satisfies at least one of the following conditions:

- It contains 100 % of certified ingredients from organic farming;
- It has been certified “*organic*” by a certifying body;
- It can be justified that it was elaborated according to published standards, having a requirement level, in terms of composition and content of certified ingredients stemming from organic farming, equivalent to level(s) of requirement required by the certifying bodies.

b/ The use of a sign or symbol in advertising should not be confused with official labels.

c/ Advertising does not imply that these signs, symbols or labels worth more than their effective range.

3.3 Sunscreens product

a/ Claims concerning sunscreen products must comply with the EU Commission Recommendation of 22 September 2006 on the efficacy of sunscreen products and the claims made relating thereto.

b/ In particular, the following informational message, on the proper use of the sun, must be integrated in the advertising, each company remains having the freedom to choose the most appropriate support and return the following three concepts in the form or the expression of choice:

- ‘Do not stay too long in the sun, even while using a sunscreen product’;
- “Ne restez pas trop longtemps au soleil, même si vous utilisez un produit de protection solaire”

COSMETIC PRODUCTS CODE

- 'Keep babies and young children out of direct sunlight';
- "N'exposez pas les bébés et les jeunes enfants directement au soleil"
- 'Over-exposure to the sun is a serious health threat'.
- "La surexposition au soleil est une menace sérieuse pour la santé"

c/ No claim should be made that implies the following characteristics:

- 100 % protection from UV radiation (such as 'sun block', 'sun blocker' or 'total protection');
- no need to re-apply the product under any circumstances (such as 'all day prevention').

3.4 Products for acne problems

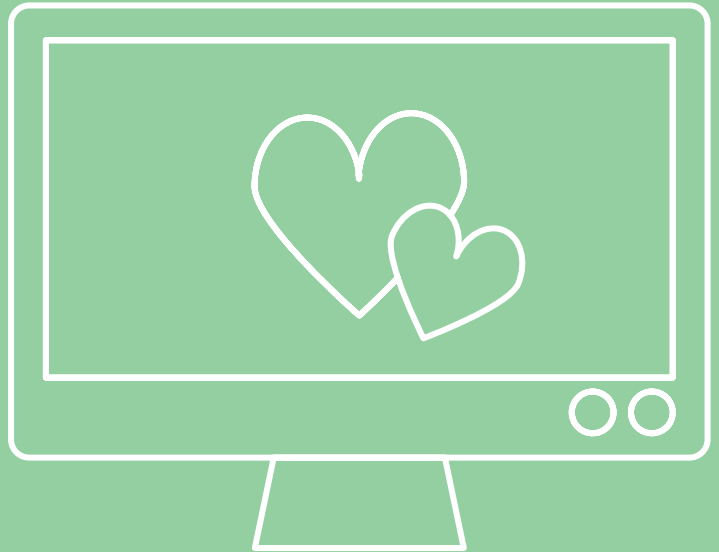
a) Are prohibited all claims concerning treatment or prevention of acne, treatment or prevention of papules, pustules, cysts, micro-cysts as well as the endocrinal action on sebum production.

b) Any other claim is possible if substantiated by scientific evidence.

3.5 Products for oral/dental health

a) Are prohibited all claims concerning the treatment of cavities or gingivitis (for example: *reduction of gum inflammation or gum bleedings*).

b) Are possible all claims related to the prevention of cavities or the prevention and the reduction of occasional gum bleedings and inflammation.



ELECTRONIC

EROTIC

SERVICES

ELECTRONIC EROTIC SERVICES CODE

PREAMBLE

This Code supervises all advertising for electronic services proposing erotic services.

This Code concerns advertisement, no matter the form, published in mainstream media. This Code does not concern advertisement for pornographic services published in an adult media or with limited access.

This Code aims at reconciling the freedom of speech with the respect of human dignity, the protection of minors and honest information to the public.

In addition to legal provisions applicable to this sector and to all ARPP Codes, these advertisements, no matter the form, must comply with the following ethical rules:

1. IMAGE AND RESPECT OF THE PERSON

“Marketing communications should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned”. (Article 2, ICC Code).

Therefore, advertisement that doesn't respect, directly or indirectly, decency and dignity requirements must be banned.

Notably:

a/ Degrading references to specific jobs are forbidden (for example: nurses, secretaries, hostesses, doctors, teachers, sexologists, fireman, etc.).

b/ All representations, explicit or implicit, of sexual actions, postures, gestures which in their visual, audio or written expressions can be shocking, must be avoided.

c/ Pornographic and/or vulgar vocabulary is forbidden, even it is used in the name of the service or if it is in a foreign language.

d/ Advertising must avoid references to submission and dependence demeaning human beings.

e/ All lenient presentations of domination or exploitation situations of a person are forbidden.

f/ Advertising must avoid all violent scenes, direct or suggested, and must not incite moral or physical violence.

g/ All references to religions, ethnical belongings, illnesses, physical features or disabilities, associated to sexual fantasies that are likely to harm human dignity are banned.

2. PROTECTION OF MINORS

“Marketing communications should not contain any statement or visual treatment that could have the effect of harming children or young people mentally, morally or physically”. (Article 18 ICC Code).

The respect of that principle implies that:

- a/** No references to age are acceptable in advertising, not even in the name of the service (for example: kids, young boy, teenager, schoolchild, etc).
- b/** The use of the term “*censored*” or any symbol implying a censorship because of the pornographic visuals are not acceptable.
- c/** Expressions such as “*only for adults*”, “*forbidden to under 18s*” must not be used as claims.
- d/** They can be used in an informative way, clearly apart from advertising claims, for services accessible only to adults, in compliance with ethical and legal requirements.

3. HONEST INFORMATION

“Marketing communications should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge. Relevant factors likely to affect consumers’ decisions should be communicated in such a way and at such a time that consumers can take them into account” (Article 3 ICC Code).

Notably:

- a/** The advertisement cannot highlight the possibility to meet other persons in the same region or city if it isn’t actually possible.
- b/** When the service is a chat or a dating site, the presence of the professionals, (animators, for example) must be indicated, by any mean to the users of the service, in order to make it clear that they are not in conversation only with the private individuals.
- c/** The prices of the services and/or products proposed in the advertisement must be indicated.

The identity of the publisher of the service must also be indicated.

This information must be legible and readable, according to the applicable provisions noted in the ARPP Code “**Note and Overlays**” [> go to page 69](#) and all ethical rules applicable to this sector.

FAIR TRADE CODE



FAIR TRADE

PREAMBLE

The motto Trade but not Aid was launched in 1964, during a United Nations conference concerning trade and development. This slogan summarizes the spirit of the fair-trade participants who favor the values of dignity and well-balanced interests rather than those of pity and assistance.

In the continuation of the 2001 FINE definition (informal group bringing together the four international fair trade organizations: FLO, WFTO, NEWS! EFTA (1)), the 2005, August 2nd French law concerning the Small and Medium Firms, modified by the 2015, 6th August law article 219, in its article 60 defines fair trade:

“Fair trade is part of the national strategy for sustainable development.

Fair trade aims at ensuring the economic and social progress of workers in economic disadvantage due to their precariousness, remuneration and qualification, organized within structures with democratic governance, through commercial relations with a buyer...

...Guarantee schemes and fair-trade labels are recognized by a commission according to the terms defined by decree.”

The Committee of commerce concertation (3C):

The 3C, established by a decree of 19 October 2015, has the task of enlightening and advising public authorities on the state of the French business sector and its contribution to the development of the economy and employment. It repeats, in particular, the powers of the CNCE (National Commission for Fair Trade) in the recognition of fair trade labels.

The fair trade objectives are:

To ensure a fair income for the most disadvantaged producers, craftsmen, and their families, enabling them to meet their basic needs.

To guarantee the respect of fundamental human rights.

To establish lasting relationships between economic partners.

To encourage the preservation of the environment.

To propose to consumers quality products.

[1] FLO: Fairtrade Labelling Organizations International

WFTO: World Fair Trade Organization

NEWS !: Network of European Worldshops !

EFTA: European Fair Trade Association

1. USE OF APPELLATION “FAIR TRADE”

- 1.1** The advertisement must not give to an appellation a scope or significance that it doesn't really possess.
- 1.2** Only the actions consistent with the legal fair-trade definition (article 60 The 2005, August 2nd modified by the 2015, August 6 law) can use the appellation “*fair trade*” or the term “*fair*” in order to describe their products, services or processes.
- 1.3** The nearby vocabulary, as for example, “*ethical trade*” or “*united trade*” have to, in their presentation and substantiation, clearly describe their pattern of alternative trade, in order to avoid any confusion with “*fair trade*”.

2. VERACITY OF ACTIONS

- 2.1** The advertisement must not be misleading concerning the reality of the advertiser's actions.
- 2.2** The professionals using the appellation “*fair trade*” or the term “*fair*” have to be able to justify their compliance to the legal conditions by means of serious, objective and verifiable data available as soon as the advertisement is broadcast or published.
- 2.3** The use of “*Ethical trade*” or “*united trade*” and other nearby vocabulary must be grounded on serious, objective and verifiable data available as soon as the advertisement is broadcast or published. The data must be accurate and consistent with the scope of the claims and vocabulary used.

3. SIGNS, LABELS, SYMBOLS, SELF-DECLARATIONS

3.1 Signs, logos or labels concerning different approaches than fair trade, must not create confusion with fair trade labels.

These signs can only be used if they don't create a risk of confusion regarding their meaning. If necessary, precisions concerning the meaning of the sign can be given to the consumer in the conditions stated in the "5. Clarity part".

3.2 The advertisement must not give to these signs a higher value or larger scope than their real effective scope/value.

3.3 In order to guarantee thorough information for the consumer, only signs for which the issuer is clearly identifiable can be used in the advertisement.

3.4 Signs concerning links or institutional partnership the advertiser has with other organizations must not to be unduly perceived by the consumer as related to the product presented.

4. PROPORTIONALITY

4.1 When a company claims, in its institutional advertisement targeting consumers, its involvement in fair trade, it has to adjust its claim to the reality of its involvement.

5. CLARITY

5.1 General claim:

Even though consumers are generally aware of fair trade concepts, a few know very well its specificities.

Therefore, in advertisements using these terms, a reference to further information easily available (on a website or by a phone number...) is recommended.

5.2 Specific claim:

When a claim concerns social and/or environmental progress for the producers concerned by fair trade, it has to be thoroughly explained and a reference, if necessary, to more detailed information (available on a website or by a phone number...) must be made.



FINANCIAL
ADVERTISING

FINANCIAL AND INVESTMENT PRODUCTS AND SERVICES CODE
LEVERAGED FINANCIAL PRODUCTS AND CONTRACTS, ALLOWING EXPOSURE TO FOREX,
STOCK MARKET INDEXES, COMMODITY PRICES AND BINARY OPTIONS CODE
SO-CALLED ATYPICAL INVESTMENTS AND RELATED SERVICES CODE

FINANCIAL
AND INVESTMENT
PRODUCTS AND
SERVICES



FINANCIAL ADVERTISING CODES
FINANCIAL AND INVESTMENT PRODUCTS AND SERVICES CODE

The consolidated ICC (International Chamber of Commerce) Code of Advertising and Marketing Communication Practice contains general provisions recognized by all professionals: Article 1 - Basic Principles, Article 3 - Honesty and Article 5 - Truthfulness.

In order to encourage compliance with these principles, professionals have established rules on advertising for “Financial and investment products and related services”, as defined below.

Scope

The following advertisements are covered by this Code:

- advertisements disseminated, no matter their forms and formats and whatever medium is used, targeting consumers;
- aiming at communicating on the following products or services: savings, financial instruments (in particular stocks, bonds, coins or shares of mutual funds and life insurance).

The following general and transversal rules do not apply to:

- credit and savings products whose remuneration is regulated (“Livret A”, Youth Booklet, Blue Booklet, People’s Savings Booklet, Sustainable Development Booklet, Savings Plan, Account and Savings Plan, company savings book, etc.).
- deposit accounts.

This Code does not apply to advertising for leveraged financial products and contracts, allowing to expose oneself on the Forex, stock market indexes, the price of raw materials with or without leverage, binary options and atypical investments for which two other specific Codes exist¹.

These rules are designed for an average consumer, that is to say, reasonably informed, reasonably observant and circumspect.

These rules apply except when legislation, regulation, sectoral standards or rules laid down by the supervisory authorities impose other specific provisions.

(1) “So-called atypical investments and related services” Code and “Leveraged financial products and contracts, allowing exposure to Forex, stock market indices, commodity prices and binary options” Code

I. GENERAL RULES APPLICABLE TO ANY GOODS OR SERVICES COVERED BY THIS CODE

1. IDENTIFICATION

1.1 Identification of advertising

Advertising must be clearly distinguishable, unambiguously, clearly and immediately, as such, no matter the form and medium used. When an advertisement is distributed in media which also include news or editorial articles, it must be presented in such a way that its advertising character appears instantaneously.

1.2 Identification of the advertiser

The advertiser making the advertisement must be clearly identified or identifiable by any means. Where the format, technique or advertising medium does not permit such information to be entered on the advertisement itself, it shall be made available directly by any means.

1.3 Identification of the nature of the product or service being advertised

Identification of the nature of the product or service may be done by any means. The use of generic terms to designate the nature of the product or service is possible provided that it is not misleading or confusing and except when law requires the use of specific terms and / or determined.

2. SOCIAL RESPONSIBILITY

«All marketing communications should be prepared with a due sense of social and professional responsibility» Art.1 of the Consolidated ICC Code of Advertising and Marketing Communication Practice.

Thus, advertising claims for products or services falling within the scope of this Code should not in any way: minimize risks, present the use of such products or services as a game, or make an analogy between gambling and the goods or services covered by this Code.

3. PROTECTION OF MINORS

Advertising for the products or services covered by this Code should not directly target minors when they are legally unable to access or subscribe to them.

The direct or suggested representation of minors using such products or services, whether accompanied by adults or not, and/or talking about such products, is also excluded when minors can't own and subscribe for these products or services on their own.

II. RULES FOR THE PRESENTATION OF A RATE

The presentation of a rate, including promotional rates, depends on the nature of the financial service and the following principles.

1. GENERAL PRINCIPLES

The nature of the rate (gross or net) must be specified.

When costs are inherent in the management of the product or service covered by this Code, their existence must be indicated in a perfectly legible way.

FINANCIAL ADVERTISING CODES
FINANCIAL AND INVESTMENT PRODUCTS AND SERVICES CODE

It is recommended that the period of validity of the promotional rate, as well as the conditions for amendment, such as, for example, the minimum investment amount, the costs, the investment ceiling, must be indicated in the advertisement following the presentation conditions laid down in point V- of this Code, except when law or regulation impose specific rules for presentation.

If the rate is only valid for the amount of the initial payment, it must also be indicated.

If time is needed for savings to be available, it must be indicated.

Similarly, if a liquidity risk exists, i.e. the risk of not being able to resell its security before the expected maturity, it must be mentioned.

2. SPECIFIC APPLICATION ACCORDING TO THE NATURE OF THE PRODUCT OR FINANCIAL SERVICE

For bank booklets, the rate of pay indicated in an advertisement is expressed in terms of the gross annual nominal rate, before social and tax deductions, accompanied, if necessary, by the annual nominal rate after a flat-rate levy². The remuneration of a term account is expressed as the gross annual actuarial rate of return, before social and tax deductions.

When advertising is in writing, remuneration may be expressed in terms of the gross annual nominal rate, provided that it is supplemented by an indication of the periodicity and amount of the products paid. This rate and these entries must be in characters less apparent than the gross annual actuarial rate of return³.

For the marketing of bonds, the communication should also focus on the actuarial rate of return and not on the nominal rate⁴.

(2) See article 5 of the general decision of the National Council of Credit (CNC) n°74-07

(3) See article 3 line 3 of the general CNC decision n°74-07 and the ACPR Recommendation n°2012-R-02 on marketing of term accounts

(4) See the Financial Market Authority (AMF) Guide on good practice for marketing of bonds to non-professionals

FINANCIAL ADVERTISING CODES
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For unit-linked life insurance contracts, the rate of return shown is the annualized rate of return, net of management fees linked to the contract, or the supports promoted before social and tax deductions⁵.

(5) See ACPR Recommendation n°2015-R-01 on advertising for life insurances.

III. RULES CONCERNING THE CLARITY OF PROMOTIONAL OFFERS

In the case of an advertisement communicating on a promotional offer, the period of validity of the offer and the terms of the offer must be clearly defined following the presentation conditions set out in point V. of this Code, except when law or regulation impose specific rules for presentation.

IV. RULES RELATING TO RISKS AND PAST PERFORMANCE OF FINANCIAL INSTRUMENTS⁶, UNIT-LINKED LIFE INSURANCE⁷ AND TERM ACCOUNTS

1. PRESENTATION OF THE RISK OF THE PRODUCT OR SERVICE

When potential risks or losses exist, advertising should not make an unbalanced presentation of the product or service by announcing gains as being almost inevitable and favoring scenarios reflecting only the most favorable assumptions.

(6) See AMF Guide on good practice for drafting commercial documents and marketing of financial instruments – 21 June 2000

(7) See CCSF Recommendation on advertising for financial products. 3 June 2008 and ACPR Recommendation n°2015-R-01 on advertising for life insurance contracts

FINANCIAL ADVERTISING CODES
FINANCIAL AND INVESTMENT PRODUCTS AND SERVICES CODE

The guarantee on the rate and the guarantee on the capital must be separate. It must also be specified whether the capital is guaranteed or not. Where the guarantee is for the capital, it must be stated that the capital is guaranteed, minus the costs.

2. PERFORMANCE OVERVIEW

Past performance should be identified by any means as «past» and it should be made clear that they do not prejudge future performance.

Past performance is annualized, with an indication of the period over which it was calculated.

V. RULES FOR THE LEGIBLE, AUDIBLE AND INTELLIGIBLE PRESENTATION OF ALL SUPERS

«Supers» means the so-called «legal» terms (which are the entries imposed by law), amending references (which are those which restrict the meaning or scope of a claim or allegation) and the information mentions.

Except when law or regulation impose specific rules⁹ on legibility, intelligibility and / or presentation of certain references, the following rules apply regardless of the medium and / or the broadcast format used.

- All entries must be legible or audible under normal reading and / or listening conditions and meet the requirements of the “Note and Overlays” Code⁹
- In order to ensure the legibility of references under normal reading conditions, the characters used must, in particular, be:
 - of sufficient size,
 - normally spaced,
 - a font that makes it easy to read (although this font is not necessarily uniform throughout advertising),
 - a color that contrasts with that used for the background of advertising. For example, a clear color should be avoided for text written on a background that would also be clear.

FINANCIAL ADVERTISING CODES
FINANCIAL AND INVESTMENT PRODUCTS AND SERVICES CODE

The sign¹⁰ used to make a cross-reference to a related statement must be large enough to be readable under normal reading conditions.

- In the case of corrections relating to a rate, they must also:
 - (a) be close to claim containing the rate
 - (b) be clearly connected to the claim by means of a sign.

When they are added to other supers, the corrective statements are preferably distinguished from the other references by any means (use of bold, underlining, color or size, etc.).

- The information must be intelligible.

The intelligibility of the supers supposes the use of a formulation enabling the consumer to understand them without difficulty and in a non-erroneous manner.

(8) Including rules set by control authorities.

(9) See ARPP « Note and Overlays » Code for rules on each media

(10) The sign can be a star, a number or a letter, etc.

FINANCIAL ADVERTISING CODES

LEVERAGED FINANCIAL PRODUCTS AND CONTRACTS, ALLOWING EXPOSURE TO FOREX, STOCK MARKET INDEXES, COMMODITY PRICES AND BINARY OPTIONS

LEVERAGED FINANCIAL
PRODUCTS

AND CONTRACTS,

ALLOWING EXPOSURE TO FOREX, STOCK
MARKET INDEXES, COMMODITY PRICES

AND BINARY OPTIONS



FINANCIAL ADVERTISING CODES
**LEVERAGED FINANCIAL PRODUCTS AND CONTRACTS, ALLOWING EXPOSURE
TO FOREX, STOCK MARKET INDEXES, COMMODITY PRICES AND BINARY OPTIONS**

PREAMBLE

The consolidated ICC (International Chamber of Commerce) Code of Advertising and Marketing Communication Practice contains general provisions recognized by all professionals: Article 1 - Basic Principles, Article 3 - Honesty and Article 5 - Truthfulness.

The purpose of this Recommendation is to lay down the rules that the advertising industry (advertisers, agencies, media, sales houses and corresponding members such as professional organizations) have chosen to ensure that advertising on certain products and services, takes into account, in particular, the social responsibility concern.

In this sense, professionals undertake to communicate on this subject in a responsible way, by developing and disseminating advertisements that reconcile free commercial speech with the protection of the public, in particular the vulnerable ones or the one who lack of information on these types of complex products.

In addition to the laws and regulations applicable to the products or services referred to below and all the rules contained in the ARPP Code, the professionals undertake to respect the following rules of ethics.

Scope

This Code covers the advertising of financial products and contracts that allow exposure to the evolution of a stock index, the level of a currency, a share or the price of a commodity (via CFDs, for example) and which offer the possibility of achieving a significant leverage effect whereby the financial loss may be greater than the amount initially invested by the individual (trading on the FOREX ...) whether or not the leverage effect is expressed in the body of the advertising message.

This Code also applies to binary options that are non-leveraged but may generate profits or losses depending on whether a condition is realized or not realized upon the expiry of the option. Are exclusively covered advertisements targeting consumers of such products or contracts, as well as services linked to them, no matter their forms and formats and which do not fall within the scope of the prohibition on advertising fixed by article L. 533-12-7 of the Monetary and Financial Code¹.

(1) See article L533-12-7 of the Monetary and Financial Code, which states that «Investment service providers may not send, directly or indirectly, by electronic means, promotional communications to customers, including potential customers, concerning investment services on financial contracts which are not admitted to trading on a regulated market or multilateral trading system relevant to one of the categories of contracts defined in the Regulation of the Financial Market Authority (AMF) and having one of the following characteristics: 1 ° The maximum risk is not known at the time of subscription; 2 ° The risk of loss exceeds the amount of the initial financial contribution; 3 ° The risk of loss compared to the corresponding benefits is not reasonably comprehensible considering the specific nature of the proposed financial contract. This Article shall not apply to information published on their website by investment service providers marketing the financial contracts mentioned in the first subparagraph.

I. TRANSPARENCY

1. IDENTIFICATION

1.1 Identification of advertising

Advertising must be clearly distinguishable, unambiguously, clearly and immediately, as such, no matter the form and medium used.

When an advertisement is broadcast in media which also include news or editorial articles, it must be presented in such a way that its commercial character appears instantaneously.

1.2 Identification of the advertiser and guarantor

The advertiser making the advertisement must be clearly identified or identifiable by any means appropriate to the medium concerned.

Where the format, technique or advertising medium does not permit the inclusion of such information in the advertisement itself, it shall be made available directly by any means.

Advertising must enable the consumer to ensure, directly or indirectly, that the advertiser is entitled to offer the type of products or services advertised. This authorization must not be presented in an abusive or misleading manner such as a guarantee. The French regulator may be quoted in advertising only if the regulations in force allows it and in compliance with it.

1.3 Identification of the nature of the product or service being advertised

Identification of the nature of the product or service may be done by any means. Terms used to describe the nature of the product or service should not mislead or confuse other financial products or services. In all cases, this identification of the nature of the product or service must comply with the law which provides for the use of precise and / or specific terms.

2. CLARITY, LOYALTY AND VERACITY OF ADVERTISING

Advertising within the scope of this Code must comply with the principles of clarity, honesty and truthfulness and, in particular, not denigrate other regulated or non-regulated sectors, products or services.

2.1 Balance of advertising

All advertising must be balanced between, on the one hand, the presentation of the performance (gains, returns including in visual or graphical form) of the product or service and, on the other hand, the risks inherent in the subscription to it.

This balance of advertising, recommended by various European regulators, implies the presence in all advertising, whatever the medium of broadcasting used, of a clear, intelligible and perfectly readable and / or audible information on the risks specific to the advertising, activity or product(s).

Where the presentation of these risks is expressed in writing by a statement, it must be distinguished, by any means, from other information (and, in particular, not to be attached to the other references), unless technical impossibility. Orally, an audible statement should be clearly distinguished from any other information.

In all cases, advertising cannot suggest that the consumer takes no risk and / or that his risk is limited.

2.2 Promise of results

The yields / gains (in absolute value or percentage in particular) cannot be presented as feasible systematically, easily acquired or as recurring, thus obscuring the risk factor. Advertising must not lead to the fact that the training offered allows the consumer to acquire a capacity of control, in the same way as professionals in those sectors.

Finally, advertising must not lead to think that the skills, experiences or trainings provided to the consumer can eliminate the uncertainties of the market.

II. SOCIAL RESPONSIBILITY AND PROTECTION OF MINORS

1. SOCIAL RESPONSIBILITY

Advertising for products or services falling within the scope shall not in any way:

- minimize commitments and risks, either at the «training» stage with virtual money, or at the stage of transition to the real market, in particular by using a «demo account» or by the granting of a «bonus» to the registration or opening of a conventional account;
- present the use of these products or services as a game, or make an analogy between gambling and financial products;
- give social superiority to those who use these products or services;
- valorizing, trivializing or encouraging excessive use of these products or services which may put the consumer in a difficult financial situation;
- suggest that the use of these products or services will enable the consumer to build up regular income or to settle financial difficulties, temporarily or permanently.

2. PROTECTION OF MINORS

Advertising for such products or services must not target minors, given their legal inability to access or subscribe to them.

It is forbidden to use visual or written elements making it specifically appealing to minors.

The direct or suggested representation of minors during trainings or using these products or services, whether accompanied by adults, or talking about these products, is excluded.

SO-CALLED ATYPICAL INVESTMENTS AND RELATED SERVICES



FINANCIAL ADVERTISING CODES
SO-CALLED ATYPICAL INVESTMENTS AND RELATED SERVICES

PREAMBLE

The consolidated ICC (International Chamber of Commerce) Code of Advertising and Marketing Communication Practice contains general provisions recognized by all professionals: Article 1 - Basic Principles, Article 3 - Honesty and Article 5 - Truthfulness.

The purpose of this Recommendation is to lay down the rules that the advertising industry (advertisers, agencies, media, sales houses and corresponding members such as professional organizations) have chosen to ensure that advertising on certain products and services, takes into account, in particular, the social responsibility concern.

In this sense, professionals undertake to communicate on this subject in a responsible way, by developing and disseminating advertisements that reconcile free commercial speech with the protection of the public, in particular the vulnerable ones or the one who lack of information on these types of investments.

In addition to the laws and regulations applicable to the products or services referred to below, all the rules contained in the ARPP Code and the prior review by the French Financial Market Authority (AMF) to which all promotional communications are subject for these investments, the professionals undertake to respect the following rules of ethics.

Scope

This Recommendation covers so-called atypical investments covering, in particular, investments in miscellaneous assets that involve investment in other types of investments than traditional financial investments. In general, they offer a performance, a return, a surplus on resale ... in sectors as diverse as letters and manuscripts, works of art, solar panels, stamps, wine, gold, precious metals, rare metals, diamonds or other niche sectors.

This includes advertisements promoting related products or services falling within the scope set out above, no matter their form and formats, and whatever their medium of distribution.

I. TRANSPARENCY

1. IDENTIFICATION

1.1 Identification of advertising

Advertising must be clearly distinguishable, unambiguously and immediately, no matter the form and medium used. When an advertisement is published in media which also contain information or editorial material, it must be presented in such a way that its commercial character appears instantaneously.

1.2 Identification of the advertiser and guarantor

The advertiser making the advertisement must be clearly identified or identifiable by any means appropriate to the medium concerned.

Where the format, technique or advertising medium does not permit such information to be entered on the advertisement itself, it shall be made available directly by any means.

Advertising must enable the consumer to ensure, directly or indirectly, that the advertiser is entitled to propose the type of products or services advertised.

This authorization must not be presented in an abusive or misleading way such as a bond.

The French regulator may only be cited in the advertising in compliance with applicable regulations.

1.3 Identification of the product or service, object of the advertisement

The designation of the goods or services referred to in the advertisement shall, when they exist, be the official definitions.

When appropriate, the names used in the advertising message to qualify the goods or services should be commonly accepted and understandable by the average audience.

2. CLARITY, LOYALTY AND VERACITY OF ADVERTISING

Advertising within the scope of this Recommendation must comply with the principles of clarity, loyalty and truthfulness and, in particular, not denigrate other regulated or non-regulated sectors, products or services.

2.1 Balance of advertising

All advertising must be balanced between the presentation of the performance (gains, returns including in visual or graphical form) of the product or service and, on the other hand, the possible risks related to the subscription.

This balance of advertising implies the presence in all advertising, whatever the medium used, of clear, intelligible and perfectly readable and / or audible information on the risks specific to the activity or product(s) concerned.

When the presentation of these risks is expressed in writing by a statement, it must be distinguished, by any means, from other information (and, in particular, not be lost in the mass of other references), unless technical impossibility.

Orally, an audible statement should be clearly distinguished from any other information.

Advertising cannot suggest that the consumer takes no risk and / or that his risk is limited.

2.2 Promise of results and figures

Numbers, such as prices and quotations for the goods covered by the advertisement, must satisfy the principle of truthfulness and be based on objective, relevant and verifiable factors.

The yields / gains (in absolute value or percentage in particular) cannot be presented as feasible systematically, easily acquired or as recurring, thus obscuring the risk factor. Advertising should not lead to think that the training offered allows the consumer to acquire an expertise, in the same way as professionals.

Finally, advertising must not lead to think the competence, experience or training provided to the consumer eliminates the hazards linked to the investments.

II. SOCIAL RESPONSIBILITY AND PROTECTION OF MINORS

1. SOCIAL RESPONSIBILITY

Advertising for investments and related services falling within the scope shall not, in any way:

- present their use as a game, or make an analogy with gambling;
- confer a social superiority on those who use them;
- encourage their excessive use;
- suggest that they will allow the consumer to settle financial difficulties, temporarily or permanently.

2. PROTECTION OF MINORS

Advertising for such products or services must not be directed to minors, given their legal inability to access or subscribe to them.

Advertising must not use visuals, sounds or written elements making it particularly appealing to minors.

Direct or suggested representation of minors during trainings or using these products or services, whether accompanied by adults or not, or talking about these products, is excluded.

FINANCIAL ADVERTISING CODES
SO-CALLED ATYPICAL INVESTMENTS AND RELATED SERVICES

FOOD PRODUCTS FOR CHILDREN UNDER 3 YEARS OLD CODE



FOOD PRODUCTS

FOR CHILDREN

UNDER

3 YEARS OLD

1. PRINCIPLE

Advertisement must not lead to think that usual industrial food products are suitable for specific nutritional needs of children under 3.

2. USUAL INDUSTRIAL FOOD PRODUCTS

If usual products and products for children under 3 are presented in the same visual manner, there must be made no confusion between the different natures of each product.

3. ORGANIC PRODUCTS

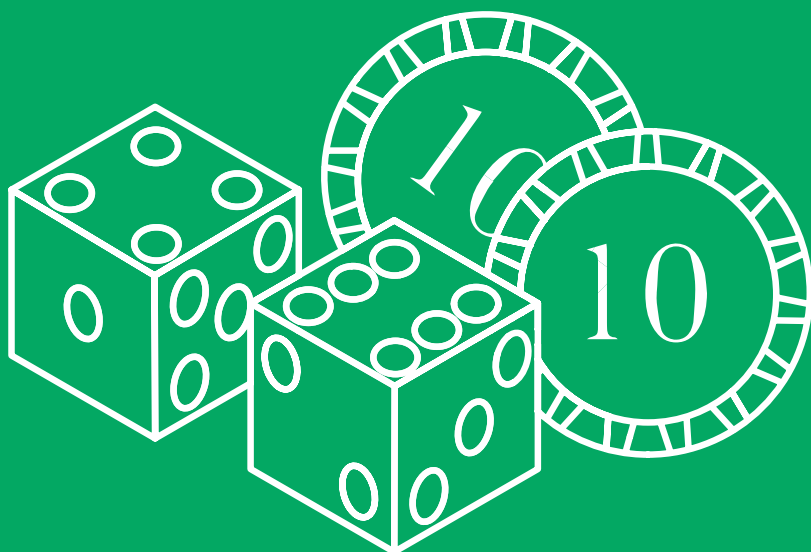
Advertising for bio organic food must not denigrate, directly or indirectly, food products for children under 3 which must comply with stricter regulation.

4. ABSENCE OF NON AUTHORIZED INGREDIENTS

Advertisement highlighting the absence of certain ingredients prohibited by regulation (for example: *without colorants, without preservative, etc.*) is not allowed except for the clear statements in the advertisement, such as “*In compliance with applicable regulation*”.

5. ENDORSEMENT

All scientific or medical endorsements claiming regulatory, nutritional or health security are prohibited.



GAMBLING

GAMBLING CODE

PREAMBLE

This Code contains ethical rules that the industry (advertisers, agencies, media) has chosen to give itself for gambling advertising allowed in the French market in order to take into account social responsibility concerns.

It aims to reconcile freedom of expression in advertising and the protection of the public, including vulnerable groups.

The scope of this Code covers (cumulative criteria):

- *Gambling advertising, accompanied by monetary gains or in kind, wholly or partly based on the chance or uncertainty of an outcome, games accessible online or in “hard”.*
- *Ad content promoting gambling, whatever their form and format, and regardless of their media.*

Only operators authorized to operate in France can publish or make publish by someone else advertising targeting the French public, insofar as it concerns games allowed.

In addition to the provisions of applicable law and all ARPP Codes, gambling advertising; in any form whatsoever must follow these ethical rules:

[1] This Recommendation does not apply to sweepstakes in advertising, covered by the Consumer Code (article L121-20 and following) or lottery covered by the law of 21 May 1836.

1. GENERAL PRINCIPLES

1.1 Identification, truthfulness, loyalty

The International Chamber of Commerce Code on Advertising and Marketing Communication Practice states that: “*Marketing communications should be so framed as not to abuse the trust of consumers or exploit the lack of experience or knowledge*”.

Singularly:

a/ Gambling Advertising should be clearly identified as such, regardless of the form in which it is shown.

This identification can be done by all means, clearly noticeable and allowing the consumer not to mistake on the nature of the advertising.

b/ The advertiser who made the ad must be clearly identifiable. This identification must be readable and accessible to all consumers.

c/ Ads for Gambling in any form whatsoever, must be clear, honest and truthful.

d/ Advertising should enable the consumer to identify, directly or indirectly, that the ad comes from an advertiser which is officially authorized by the French authorities to commercialize the advertised game.

1.2 Social values

«*All marketing communication should be prepared with a due sense of social and professional responsibility*» Article 1 of the International Chamber of Commerce Code on Advertising and Marketing Communication Practice.

Thus, gambling ads should not, in any way whatsoever:

a/ undermine human dignity;

b/ devalue efforts, work, education, compared to gambling;

c/ present family or social relationships as secondary compared to gambling;

d/ incite uncivil, violent or illegal behaviour;

e/ exploit feelings of fear or pain;

f/ denigrate the public who do not play or, inversely, confer social superiority to those who play;

g/ present behaviours or representations that are against the commonly accepted principles of environmental protection and preservation of natural resources.

1.3 Minors protection

In addition to complying with the “Children” ARPP Code [> go to page 33](#), gambling advertising should not target young audiences (children or young people), given the legal prohibition to which they are subject.

To this end, the advertising of Gambling should not, in any way whatsoever:

a/ represent a young public purchasing or gambling, even if they are accompanied by adult(s);

b/ suggest that young people can play these games;

c/ use elements - visual, sonorous, oral or written - making them specifically appealing to minors;

d/ present gambling as a sign of the transition to adulthood;

e/ present gambling as a gift a child can give or receive.

1.4 Responsible gaming

Gambling advertising should not promote, trivialize or encourage a practice of excessive play, immoderate, likely to put the player in financial, social or psychological peril.

To this end, Gambling advertising should not, in any way whatsoever:

a/ suggest that the player wins every time, or that the repetitiveness of the game will necessarily make him win or that increasing gambling frequency increases the probability of winning;

b/ suggest that the skills of the player and his experience will enable him to eliminate the chance or the uncertainty on which the game depends. Even for sporting or racing tips, where expertise can intervene, advertising should not suggest that this will allow the player to win systematically;

c/ associate repetitive game situations, uncontrolled, compulsive or excessive bets to strong emotions;

d/ represent behaviours of a compulsive gambler, as defined by medical authorities, in a positive way;

e/ incite excessive risk-taking that would put the player in difficulty;

f/ present the game as a way to recover gambling losses;

g/ suggest that the game is a way to solve financial difficulties, temporarily or permanently;

h/ present the game as an escape from facing personal, professional or psychological difficulties;

i/ present the game as a way to earn a living rather than as an entertainment;

j/ give the impression that excessive gambling losses could be without consequence, regarding the player's situation;

k/ present a credit offer at the same time as the presentation of a game.

To highlight promotional offers must be done responsibly, for the sake of moderation, transparency and good consumer information, especially in terms of counterparty and / or commitment expected from him.

2. ADVERTISING ON NEW MEDIA

Gambling advertising distributed on digital media, in whatever form, must respect the laws that apply to these materials and the ethical rules of ARPP.

Extra vigilance will have to be taken with respect to the following, valid for all electronic communications:

- The person who receives electronic advertising for gambling must be able to close it easily. In no event signs generally used to end advertising (e.g: Cross) can produce the opposite effect and thus open the advertisement when activated;
- The recipient of a message sent electronically shall also be able to request not to receive advertising from this advertiser.

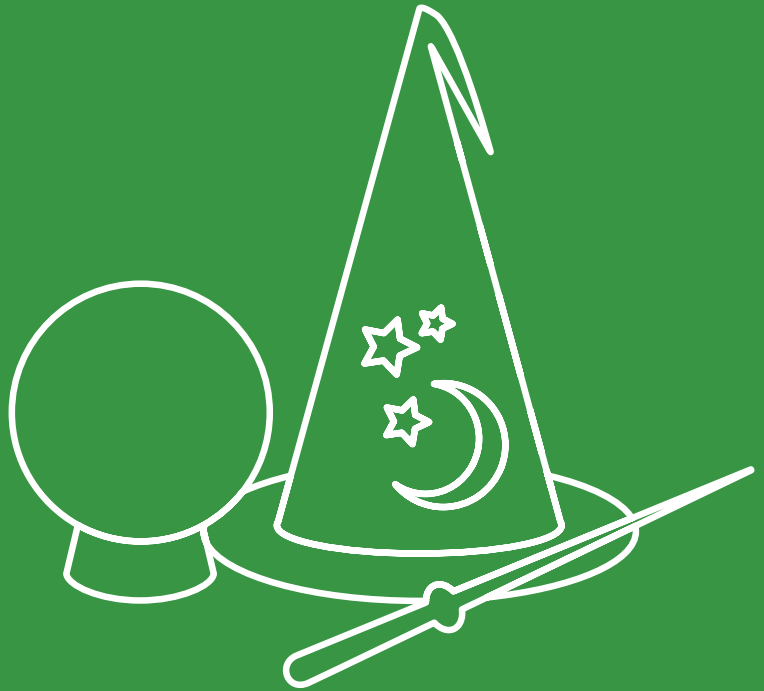
GAMBLING CODE

- The conditions governing the Gambling offers promoted in the messages disseminated electronically must be clearly defined and easily accessible either directly in the advertisement, or by direct access via a link.

Moreover, given specific responsibility issues concerning the gaming sector:

- An advertiser agrees not to target an ad for Gambling through electronic media on players who have activated a self-exclusion clause of this game, and for all the duration of this self-exclusion;
- Without prejudice to the provisions of the ARPP Code on “**Digital Advertising Communication**” [> go to page 39](#), electronic games for advertising purposes (advergames), promoting Gambling in the form of simulation, must be designed with a due sense of social responsibility. These simulations ads should not give the impression of unrealistic winning probabilities. Hyperbolic and off the wall presentations should appear clearly as such.

OCCULT SCIENCES CODE



OCCULT
SCIENCES

OCCULT SCIENCES CODE

PREAMBLE

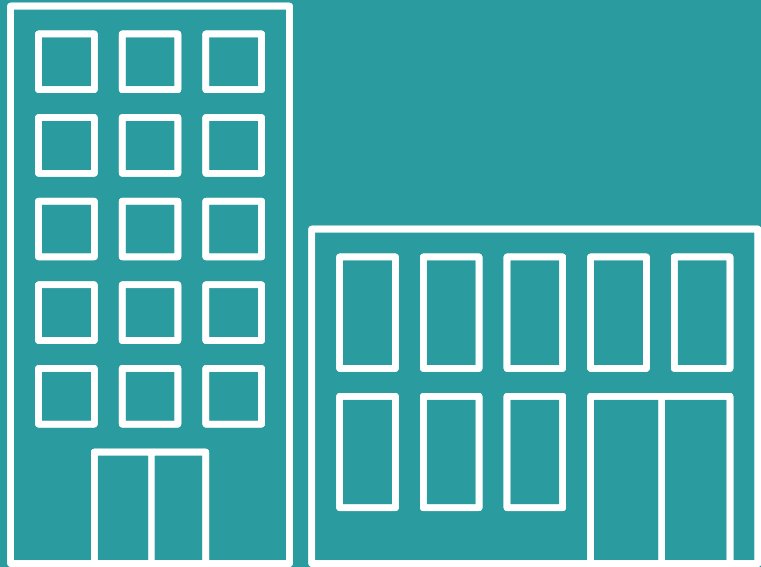
In addition to the applicable rules, advertising that refers to the occult sciences, in whatever way or form, must comply with the following ethical rules:

“Marketing communications should not, without justifiable reason, play on fear or play on superstition.”

Article 4 ICC Code.

NO ADVERTISEMENT SHOULD MENTION:

- Explicit or implicit guarantees of result,
- Infallibility, impossible promises, (e.g. “*fulfillment of your vows*”, “*solution to all your problems*”, etc.),
- Ability to dominate chances/ general probabilities,
- Magic or sorcery,
- Influence on free will (e.g. bewitchment) or on the feelings of others (e.g. return of affection or love from them),
- Particular competencies in fields requiring a specific title or knowledge (such as health, justice, business, employment sectors etc.), «*knowledge*» or «*science*», when the real content of it is not specified (e.g. whimsical diplomas not issued by the State),
- Predictions made, when they cannot be proved by the documents published, or be authenticated by a ministerial officer, or by the reference to a relevant proof, (in that case, it will have to be mentioned explicitly in the advertisement,
- “*personal*” horoscopes when these are not the subject of an individual study (e.g. circulars, standard texts, etc.).



REAL ESTATE
CONSTRUCTION

In addition to legal provisions applicable to this sector, advertising for real estate/construction projects, no matter the form, must comply with these ethical rules:

1. CONTRACT

If the advertisement makes any references to a legal contract, it must indicate if it is a contract for buildings to be built for or a sale or a stock transfer.

2. PRICE

2.1 Variable prices

All price indications must specify if the price is variable or note the date at which the price has been fixed.

2.2 Fixed prices

The expression “*fixed and definitive price*” can apply only to a fixed price invariable on the date of signature of the contract.

2.3 Type of housing

If a price is indicated, the advertisement must specify the type of housing concerned by the price.

2.4 Membership shares or stocks

It is mandatory to indicate if membership shares or stocks are concerned.

3. DESCRIPTIVE ELEMENTS

3.1 Surface area

If the advertisement indicates a surface area, it must be a living area, and nothing else. The surface of outbuildings must be indicated separately.

3.2 Collective equipment and access

3.2.1 In advertising documents distributed individually, any reference to collective equipments – social or cultural equipment, shops, green spaces, or sporting equipment- or to their access must be completed, at least with the following indications, under the real estate developer’s/builder’s responsibility:

- Time planned for the construction,
- Geographic situation,
- Principal features,
- Legal regime for the future use.

3.2.2 Any reference to collective equipment or to their access that will be carried out within the project or not by another public or private contracting authority, must specify the same known indications, as well as the name of the organism or contracting authority responsible.

3.3 Date of the construction and delivery schedule

Contractual documents must indicate the delivery schedule that the real estate developer/builder must respect, within legal exceptions.

Therefore, advertising documents, distributed individually, must indicate, the estimated date for the first delivery or the date of the first and last delivery. Dates should be read as provided on “*indicative basis*” and “*for information only*”, and should be provided for the whole project or part of it. For individual houses, this information can be replaced by the indication of the average expected delay in delivery for each house.

3.4 Current state, future state

Graphic/visual presentations of the construction used in the advertisement, no matter the form, must indicate whether the presented state is the current state or the future state of the construction.

3.5 Quality

The word “quality” can only be used in order to make reference to official construction norms and labels.

If the advertisement makes reference to the indicator Qualitel, the indication must be completed with this information:

- In catalogues and brochures, the whole structure on an indicator must be published.
- In other advertisements, the note “Demandez l’indicateur Qualitel” should be added.

3.6 Isolation

Isolation can be mentioned in an advertisement only if it answers to the label and norm requirements superior to the legal mandatory norm requirements.

3.7 Cut stone

When the advertisement mentions that the building is made of “cut stone”, it must specify whether the whole construction is made of a cut stone or only the façade.

3.8 Distances

The distance between the project emplacement and any other urban, cultural, commercial, social or sporting equipment must be expressed in simple and clear terms:

- Whether by an indication of a linear ground distance referring to existing passages,
- Alternatively, by an indication of an average time needed to travel by different meant of transportation.

3.9 Emplacement, geographic localization

The name, the description or the graphic presentation of the project, must not, in any way, mislead on the advantages, features or geographic emplacement that are highlighted in the advertisement.

The indication of the emplacement must be specified clearly, for example, by an existing administrative circumscription (e.g. by district, borough, city, etc.) or a train station.

The expression “next to” is considered to be vague and therefore must be avoided..

4. LEISURE REAL ESTATE

4.1 Right of use, right of ownership

No advertisement must lead to think that a temporary right of use is a right of ownership of the building.

4.2 Spatial and temporal ownership, time sharing

These different terms are defined as a real estate properties setting an annual right to use of a furnished apartment for a determined time period for each subscriber. If the words “*acquisition*”, “*property*”, “*ownership*”, are used, they must immediately be complemented by the notion of determined time period.

4.3 Management charges

There must be no ambiguity on the existence and the nature of management charges of the building.

4.4 Exchange, resale

Any advertisement making reference to exchanges must use the notion “*possibility of exchanges*” with an indication of a time period or the places concerned. Any indication of the possibility of a resale or an exchange must be completed by information delivered at points of sale or in the brochures and catalogues.

5. LEXICON

- 1 - Aérothermal (heat pump):** installation to heat or refresh a dwelling. Exploiting all the calories contained in the air by greatly limiting the emission of greenhouse gases.
- 2 - External design:** all that concerns the organization and the equipment (roads, various networks) of the land on which the houses are built.
- 3 - After-sales:** after-sales is different from legal guarantees, it is a service provided voluntarily by the manufacturer after delivery or receipt.
- 4 - Balcony:** open space projecting from the current nude of the façade and equipped with a guardrail.
- 5 - Building with low energy consumption:** label (called BBC) issued to a building having a consumption much lower than the regulatory energy consumption. (Fixed at 50 kWh/m²/year in primary energy in 2008)
- 6 - Building with positive energy:** building that produces more energy than it consumes.
- 7 - Passive building:** a building that is virtually self-sufficient for its heating needs. It uses free inputs (Solar, metabolic, equipment ...) and has good insulation, heating is a simple addition.
- 8 - Utility room:** room reserved for the storage, the maintenance and the ironing of the linen.
- 9 - Roof frames:** opening made directly in the framework.
- 10 - Keys in hand:** a sale concerning a completely finished housing.
- 11 - Partition:** vertical non-load-bearing wall intended to compartmentalize the interior of the house.
- 12 - Attic:** volume delimited by the roof of a building and the top floor and likely or not to be converted into living quarters.
- 13 - Sustainable construction (or eco-construction):** construction which, while ensuring comfort and occupant health, limits its environmental impact to the best possible effect, seeking to integrate respectfully in an environment and using natural and local resources as much as possible.
- 14 - Kitchen area:** place for use of kitchen incorporated to a main room.

- 15 - Kitchen:** room intended for the preparation of meals and including a sink as well as the pitches and connections required for the installation and use of appliances and cooking.
- 16 - Floating slab:** screed, generally made of concrete, of small thickness, allowing to dissociate the coating of the floor of the frame of the house and the elements of the second work.
- 17 - Clearances:** spaces of communication between the rooms.
- 18 - Period of construction:** period required to make the house. This period runs from the opening of the site and ends at the reception of the house.
- 19 - Outbuildings:** premises for private use, outside the dwelling.
- 20 - Descriptive/descriptive note:** detailed statement of the works proposed in the descriptive leaflet.
- 21 - Diagnosis of energy performance (DPE):** the diagnosis of energy performance makes it possible to identify the estimated energy consumption of dwellings and buildings offered for sale or rented.
- 22 - Contractual documents:** a set of documents constituted by the contract itself and the documents annexed and signed by the parties or deposited at the minutes of the notary.
- 23 - Dressing:** room equipped for storage and allowing to dress.
- 24 - Parking space:** private use space in a car park.
- 25 - Closet space:** volume that can be fitted in closet.
- 26 - Ground Clearance/Off-Site Area (SHO):** the floor area that occupies a building.
- 27 - Renewable energy:** a renewable energy is a renewed or naturally regenerated energy at the scale of a human life.
- 28 - Equipment/interior fittings:** all installations, equipment, materials and finished products provided inside the house by the contractual documents.
- 29 - Facade:** refers to the main façade of a building.
- 30 - Foundations:** all works intended to ensure, at the basis, the stability of a building **see 74.Crawl space, 65.Basement** .
- 31 - Additional costs:** costs other than those provided for in the contract (eg notary fees, etc.).
- 32 - Garage:** covered and enclosed space for storing one or more vehicles.

33 - Guarantee: refer to *Real estate-Individual houses* code. [> go to page 195](#)

34 - Geothermal energy: installation to heat a dwelling and produce hot water by operating the calories stored in the soil.

35 - Attic: attic accessible, not habitable.

36 - Bioclimatic habitat: building in which heating and air-conditioning are carried out by pulling the best use of solar radiation and the natural circulation of air. It is therefore adequacy between habitat, occupant behavior and climate, to minimize heating or air conditioning.

37 - High Environmental Quality (HQE): official french label, issued by the HQE Association, designing a voluntary approach by the contracting authority to include 14 targets integrated into the two groups:

- Group 1: Control the impacts on the external environment.
- Group 2: Create a satisfactory domestic environment.

38 - Delivery: physical availability of the house to its recipient.

39 - Loggia: open and covered space on the side of the façade.

40 - Skylight: element inserted in the roof and protruding from it, equipped with a frame or a cross to give of the day.

41 - House-witness: house made by the main contractor and presented in strict conformity with the presentation provided for in the contract documents, without addition or modification of any kind.

42 - House model / exhibition: house realized by the contractor in strict conformity with the services provided for in the contract documents, and presented without modification but containing decorative elements added.

43 - Contractor: a natural or legal person responsible for all or part of the work design or direction of the technical realization of a construction.

44 - Client: natural or legal person for whom the work is carried out

45 - Option: possibility of choice with or without modification of price.

46 - Energy performance: the energy performance of a building is the amount of energy that consumes this one.

47 - Air permeability: ability to control air infiltrations through the envelope of a building.

48 - Building permit: administrative authorization to erect new constructions or to carry out of existing buildings.

- 49 - Room:** entirely enclosed space with one or more openings and constituting one of the elements of housing.
- 50 - Main room:** room intended for the stay.
- 51 - Placard:** embedment, projection, recess of wall or partition, closed by a door and constituting a fixed cabinet.
- 52 - Carrier (wall):** element of the foundation structure of the construction.
- 53 - Services:** all the services, technical supplies and equipment provided for in the advertising and contractual documents.
- 54 - Updatable price:** the aim of the discount is to convert an initial firm price into a new firm price where a period elapses between the date or month in which the price is stated in the contract and the effective date the act initiating the performance of the services.
- 55 - Definitive price:** price initially fixed in the contractual documents of the market for a specific house. Any subsequent amendment implies the signature of an amendment between the parties.
- 56 - Adjustable price:** price which may be modified to take account of economic variations following conditions (depending on the evolution of an index or index determined in advance by the parts).
- 57 - Fixed price:** fixed price for the duration of the contract, irrespective of the events that may occur under construction.
- 58 - Flat price:** the fixed price remunerates the holder for a set of services, a work or a part of the work defined in the contract: it remunerates the holder irrespective of the quantities used to perform a described service.
- 59 - Receipt (work):** act by which the owner declares to accept the work with or without reservations.
- 60 - Delivery of keys:** see «38. Delivery»
- 61 - Exterior cladding:** veneer or plaster covering the exterior walls of a house to protect or decorate them.
- 62 - Price revision:** modification, over time, of the contract price of a structure, according to the variation between two dates, an index or an official reference index.
- 63 - Shower room:** room equipped for body care and with at least one shower and one washbasin.

64 - Bathroom: room for body care including a bathtub, a sink and sometimes a bidet and a shower.

65 - Basement: part of a house arranged under the ground floor.

66 - Additional surfaces: all non-habitable built-up areas.

67 - Living space: floor area constructed after deduction of the areas occupied by the walls, partitions, sheaths, door and window frames, steps and stairs. The living area does not take into account the area of undeveloped attics, cellars, basement, garage, sheds, loggias, balconies, verandas, premises communal and other dependencies of the dwelling, nor parts of premises less than 1.80 m high.

68 - Ground surface: area occupied on the ground by the construction.

69 - Surface Outside Net Work (SHON): surface of the floor works after deduction of surfaces not amenable.

70 - Gross Outside Area (SHOB): sum of the floor surfaces of each level, including the thickness of the walls, the accessible terraces, the basements and the attic that can be converted or not (except if their height is less than 1.80 m).

REMINDER 26- Offset / Area Off-site (SHO): Total surface area of the floor (s).

71 - Very high energy performance (THPE): qualifies a building whose consumption is much lower than the reference consumption set by the current thermal regulations (In 2008, 20% lower than the 2005 RT).

72 - Terrace: horizontal roof that can be accessed for collective or private use under conditions fixed by the by-law of co-ownership.

73 - Veranda: terrace, loggia or closed balcony of glazing and covered.

74 - Crawl space: the construction of the floor which allows to maintain a layer of air between the floor and the house in order to preserve moisture.



REAL ESTATE

INDIVIDUAL

HOUSE

This Recommendation applies to the advertising of any operator who declares himself responsible for the construction of individual houses.

In addition to the applicable rules, advertising for the construction project of the individual houses must, in any form, comply with the following professional rules of conduct:

1. PRICE

1-1 Minimum price

When the price is indicated, the advertisement must specify the number of rooms and / or the size of the living area.

1-2 Land

When the price is indicated, the advertisement must specify that the land is not included, nor is the infrastructure connected to it (nor “connection to public networks”).

1-3 Options

When the price of a product is indicated, it includes any options represented or described. Otherwise, the total amount of the product's options presented must be clearly indicated in the advertisement.

2. GUARANTEES

Any advertising must mention in compliance with the provisions of the ARPP's code [> Notes and overlays p.69](#)

- the financial guarantees and insurances subscribed by the constructor or prime contractor.

For cases of stand-alone construction of individual houses (situation where there is one building permit per house), the following guarantees must be specified:

- the guarantee of repayment of the deposit, if required;
- the delivery guarantee at agreed price and time, specifying the name of the company issuing this guarantee;

- the name of the insurance company(ies) from which the manufacturer has taken out ten-year civil liability and professional civil liability policies;
- the name of the company from which the prime contractor buys the damage-work insurance on behalf of the project owner.

Where the nature of the advertising medium and / or the format of the message (e.g. radio, Internet, telephone) does not allow the totality of the information mentioned above, the advertisement shall include a concise note (e.g. “*warranties and compulsory insurances included*”), accompanied by a reference to a complete and easily accessible source of information (e.g. website).

3. REFERENCE TO THE ENVIRONMENT OR SUSTAINABLE DEVELOPMENT

Any claims, presentations or indications, which are using ecological arguments, either for a main or for an accessory purpose, must comply with the ARPP’s **Sustainable Development**.

> See Sustainable development code page 89

In application of such texts, advertising:

- Must not present the company’s environmental benefits or actions that would be only relative (like improvement) in an absolute form;
- Must give preference to precise and concrete terms / expressions rather than vague and confusing terms / expressions;
- Must be accompanied with concrete information specifying the tagline, if possible, justified by numbers and containing a reference;
- Must not create confusion with official labels or public labels;

The use of the terms “*low energy building*”, “*passive energy*”, “*positive energy building*”, “*energy performance diagnosis*”, “*high environmental quality*”, “*bioclimatic habitat*”, must be done according to the definitions provided in the “*Construction*” lexicon;

- Must not represent, trivialize or even value behaviours / practices in contradiction to the commonly accepted principles of environmental protection.

TOYS CODE



TOYS

In addition to legal provisions applicable, toy advertising targeting children and teenagers, no matter the form, must comply with these ethical rules:

1. DESCRIPTION

1.1 The written, audio or visual description of the toy must not mislead the consumer on its principal features (for example, performance, speed, solidity, durability, dimensions)

1.2 The advertisement must clearly indicate when some items must be bought separately (for example, batteries, paintings, additional accessories, etc.).

1.3 The advertisement must indicate “*fonctionne avec des piles*” when the toy does not perform function in a mechanic way. If a price is presented, the advertisement must indicate whether the batteries are provided or not.

1.4 As often as possible, the toys must be presented for both boys and girls without distinction.

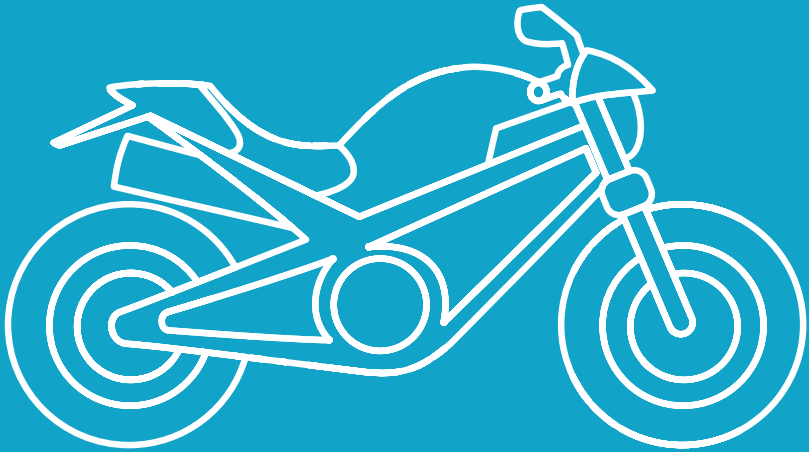
2. SIZE

The real size of the toys or their scale must be easily perceptible, preferably by presenting the toy next to an object whose size and scale can be easily known.

3. MOVEMENT

In all demonstrations, it must be made clear whether the movement is mechanical, electric or triggered by a manual action.

TWO-WHEELED MOTOR VEHICLES CODE



**TWO-WHEELED
MOTOR VEHICLES**

TWO-WHEELED MOTOR VEHICLES CODE

In addition to legislative and regulatory framework, advertising for two-wheeled motor vehicles, no matter their form, have to respect the following ethical rules

1. SPEED

Advertising must not argue about speed, neither exploit the attraction it could represent, in the images, the sound, the overlays or in any other written information in the advert.

2. TECHNICAL CHARACTERISTICS

Advertising must not argue in favour, or advertise kits/means which are likely to modify the technical characteristics of the commercialized products.

3. ACTIVE SAFETY

Advertising must not lead people to think that the qualities of the two-wheeled motor vehicle enable the driver to break the basic caution rules.

4. HIGHWAY CODE

Advertising must not represent, in normal conditions of use, two-wheeled motor vehicles in violation with the rules of the Highway Code or security imperatives (in particular, users of two-wheeled motor vehicles are required to wear an approved helmet).

5. AGGRESSIVE BEHAVIORS

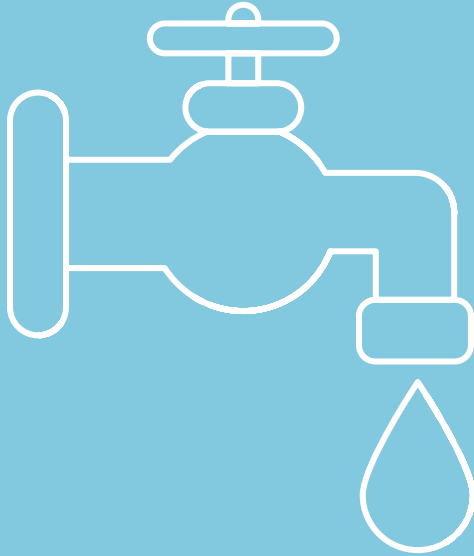
Advertising must not arouse aggressive, violent driving behaviors or behavior's harmful to other road users (in particular, products should never be presented in a "Wheeling" situation, or rolling on a sidewalk, etc.).

6. ENVIRONMENT

Advertising must not directly or indirectly show an all-terrain machine in conflict with the respected environmental rules.

Finally, non-compliant machines should not be loaned to the specialized media, especially to the specialized press to carry out "sensational" road test trials that do not comply with regulations and / or the Highway Code.

WATER TREATMENT CODE



WATER

TREATMENT

WATER TREATMENT CODE

PREAMBLE

In addition to legislative and regulatory provisions specific to this sector, advertising for a device, a method, and/or an installation to treat water at the point-of-use and especially when intended to treat water for human consumption, in any way or form, must comply with the following code of ethics:

1. REMINDER ON REGULATIONS

When creating his advertisement the marketer must take into account the following regulatory provisions:

- Article R.1321-93 of the French Public Health Code;
- Articles R.112-7; L.121-1, L.122-1, L.122-2 of the French Consumer Code;
- French Inter-ministerial Circular DGCCRF/DGS/D2/EA4/2010/298 of July 30th, 2010 regarding regulations applicable to advertising for water for human consumption;
- Information note of the DGCCRF n° 2013-35 of February 5th, 2013 regarding the information that must be stated on the packaging, the advertisement or the presentation of water made drinkable by a treatment, be it conditioned, pre-packaged or non-packaged.

2. VOCABULARY

When the employed terms and expressions are defined by a standard or a regulation, they must be used in the sense that corresponds to the definition.

Words and expressions used must not mislead the consumer regarding the nature and the scope of the properties of the product, the device or the advertiser's actions. Before broadcasting their advertisement, all advertisers must ensure the possibility to make reference to and use precise words, adjectives and concepts such as “*mineral water*”, “*mineralized*”, “*spring water*”, “*potable*”, “*treated*”, “*for baby bottles*”, “*nature*”, “*natural*”, “*sterilized*”, “*disinfected*”, etc.

The term “*pure*”, and/or its derivatives, can under no circumstances be used alone, without any qualifying terms, for water that has been treated physically or chemically, since no water can be chemically “*pure*” (composed of only water molecules). For example, the use of the terms “*more pure*” and/or its derivatives, is tolerated in the sense that they are used to demonstrate an improvement in the quality of tap water or the benefits provided by the use of a point of use water treatment device.

The use of qualifiers, such as “*optimized*” or “*improved*”, which aim at highlighting the properties of comfort of point of use water treatment devices to the consumer, are

possible if they don't mislead the consumer regarding the features of the filtered water or if they don't assimilate the treated tap water with other types of regulated waters. (cf. *supra* Loyalty).

Anytime when using the term “filter”, and/or its derivatives, information regarding the process used and the justified result of it must be easily accessible to the end-user.

Concerning the particular water treatment vocabulary, it is recommended to respect the following definitions and references:

- “Potabilization”: treatment to obtain water that is compliant with applicable legislation concerning drinking water for human consumption (cf. French Decree dated 3rd of January 1989);
- “Water softening”: process of reducing the content of dissolved calcium and magnesium salts in water, meaning the water hardness, using ion exchange resins;
- “Demineralization”: process to reduce the content of all mineral salts that are dissolved in water;
- “Conditioning”: water treatment process by addition of chemical products;
- “Filtration”: water treatment process either through mechanical action, in order to filter out suspended material, or by adsorption using the surface adherence of certain filtration media such as activated carbon, in order to reduce the presence of certain elements of discomfort (odor, color, chlorine, lead, pesticides or other organic and inorganic substances);
- “Reverse osmosis” (also called “osmosis”): water treatment process that reduces the amount of dissolved salts using semi-permeable membranes;
- “Ultra-filtration”: water treatment process using membranes to retain suspended material and bacteria.

3. LOYALTY

The advertisement shall not grant a device, a product or a publisher, exclusive virtues which are also available from competitors, when the ones used by the competitors are analogue or similar.

An advertiser cannot claim exclusivity of certain actions when they are in fact imposed on all by existing regulation. This principle does not rule out that an adverti-

sement, for educational purposes, may contain information about the existence of a regulation in order to promote its implementation or the public to comply with it.

In order to comply with the rules of fair competition, comparisons between mineral waters and spring waters must not be based on the inherent properties of the water presented.

4. TRUTHFULNESS

The actions of advertisers and the properties of their products must be significant to be able to make a claim.

The advertiser must be able to justify the arguments used in advertisement communications using serious, objective and verifiable elements.

The advertising message must correctly state the actions of the advertiser or the properties of its products or devices, and be adequate to the justifications that are in his possession.

5. HEALTH

Only claims concerning comfort and well-being can be used.

In this context it is prohibited to use any therapeutic claim by granting a product or a device, properties of prevention, treatment or healing of a disease.

The advertisement must not criticize other products or devices by implying that they don't contribute to a good health. It must not suggest that one's good health will be affected by not using a product or a device. It must prohibit statements or visual representations that are alarming or likely to generate irrational or unfounded fears. Advertisements must not present in an excessive or misleading way the actions of the product or the device on the human body.

6. CERTIFICATIONS

Advertisements must not reproduce or quote any certification or make any other form of reference that isn't truthful, verifiable, easily or by request to the advertiser's company.

The certification is linked to the experience of the person or the organization delivering it with their formal authorization.

7. SUSTAINABLE DEVELOPMENT

All claims, indications or presentations of any kind, used as principal or accessory, establishing a link between brands, products, devices, services and/or actions of an advertiser, and the respect of environment, are considered as "*environmental promises*".

Visual or audio elements must be used in proportion to the environmental argument and the supporting elements of justification.

In the advertisement the advertiser must indicate in which way his activities, products or devices present the claimed qualities.

The advertiser should add clear background information in the advertisement about the qualities the advertised activities or products claim to have.

In cases where this explanation is too long to be included in the advertisement, the essential information must be included, along with a reference to any means of communication allowing the general public to obtain further information.

Signs or logos may only be used if their origin is clearly indicated, and if there is no risk of confusion about their meaning.

In the event that it is impossible to justify general terms (e.g., "*ecological, green, ethical, responsible, to preserve, fair, sustainable*", etc.), advertising must make these claims relative by using formulations such as "*contributes to*".

Terms, expressions or prefixes used must not unduly reflect the absence of a negative impact of the product, the device or the activity of the advertiser.

3RD
PART
DOCTRINE

ADVERTISING
IN FAVOR OF
THE GOLD
BUY-BACK
ACTIVITY

PREAMBLE

The aim of this doctrine paper is to lay down the rules that advertising professionals (advertisers, agencies, advertising media and corresponding members, such as professional organizations) have chosen to abide by in order for advertising regarding gold buy-back activities aimed to the consumer - who will have the statute of the seller during the commercial operation - to take into account social responsibility concerns.

It is recalled that the activity of gold buy-back is strictly regulated. Indeed, the General Tax Code provides for:

- a declaration of activity to the guarantee office having territorial jurisdiction,*
- a log book enabling the authorities to carry out the necessary checks to ensure the traceability of precious metals pieces and limit the risk of stolen goods fencing. The Monetary and Financial Code provides, in particular, for the verification of the identification of customers when there is no physical representation, as well as for the declaration to Tracfin - the department of Intelligence processing and action against clandestine financial service - in order to identify atypical transactions. Finally, all transactions are subject, for the seller, to a declaration to the tax authorities and to the payment of a tax.*

In addition, in the context of a remote gold buy-back transaction, the professional offering gold buy-back shall make available to the public, by any means, information relating to the maximum insured value for the consignment.

1. SCOPE

This doctrine paper refers to advertisements relating to gold buy-back activities, whatever their form and format, and whatever their mediums of distribution.

2. ADVERTISING PRECAUTIONS

Professionals commit to communicating on this subject in a responsible way, by developing and disseminating advertisements that conciliate the free expression of advertising and the protection of audiences, in particular vulnerable ones or those lacking information regarding this type of activity.

In addition to the applicable laws on advertisement for gold buy-back activities and all the ARPP Recommendations, in particular the Advertising Prices [> Go to page 19](#) and, if applicable, Notes and overlays [> Go to page 69](#), the professionals concerned commit to respecting the following ethical rules:

2.1 Transparency and identification of the advertiser

The advertiser making the advertisement must be clearly identified or identifiable. This identification must be readable and / or audible and easy to access for any consumer.

The consumer must be able to identify the advertiser directly in the advertisement and verify his identity by means of legal notice.

The advertising shall state, by any means, that the transaction related to the gold buy-back is subject to a tax obligation for the seller (receipt, information ...).

2.2 Clarity, loyalty and veracity of advertising

Any reference to positioning, claims or testimonials must be based on objective, proportionate, truthful and verifiable elements. It must not be presented in a deceptive or abusive manner. The content of the advertisement and the alleged promises must be truthful and comply with the principle of loyalty.

2.3 Social responsibility and protection of minors

Advertising relating to the gold buy-back activity must not in any way suggest that a cash payment is possible.

In order to avoid any litigious situation, any visual or oral presentation of cash must, therefore, be accompanied by information indicating that cash payment is not authorized.

Advertising for gold buy-back activities must not, in any way, target minors, given their legal inability to have access or to subscribe to them.

A perfectly legible and / or audible information stating that the activity of gold buy-back is prohibited for minors must also be indicated in the advertisements.

RETAILERS AND
TV ADVERTISING:
INTERPRETATION
GRID

INTERPRETATION GRID CONCERNING ARTICLE 8 OF THE N° 92-280, 27 MARCH 1992 DECREE, AS AMENDED BY DECREE N ° 2003 960, 7 OCTOBER 2003

Adopted by the industry in June 2006,

“In view of the opening of television advertising for retailers, ARPP, in agreement with the advertising industry, considered it useful to clarify the article 8 of Decree No 92-280 of 27 March 1992, completed by the CSA⁽¹⁾ statement of 23 December 2004.

This article, which allows television advertising for retailers on all linear television services, nevertheless maintained a ban on commercial promotional operations. It is understood that, in compliance with the rules applicable to promotional operations, television advertising for the distribution sector must respect the following interpretation grid.”

Article 8:

“Advertising is prohibited for products whose television advertising is prohibited by law and, also for the following economic products and sectors:

...

- Retailers, for commercial promotional operations taking place entirely or partly within the national territory.

For the purpose of this decree, a commercial promotional operation shall mean any offer of goods or services to consumers or any event organization which is of an occasional or seasonal nature, resulting in particular from the duration of the offer, price and conditions of sale, the size of the stock put up for sale, the nature, origin or special features of the goods or services or the ancillary products or services offered.”

(1) Conseil Supérieur de l’Audiovisuel, French Regulator for Audiovisual Media Services

1. COMMERCIAL PROMOTIONAL OPERATION CONCERNED BY THE DECREE

1.1 “Organization of an event”

Reference to an event consisting of a commercial operation is not possible in an ad for a retailer or in which a retailer is mentioned.

For example, promotion by games (contests and lotteries) is an event that constitutes a prohibited commercial promotional advertising.

The reference in television advertising of a retailer’s support for an event does not immediately constitute a commercial promotional operation prohibited by the Decree of 27 March 1992.

For example, the event may be of general interest. It is then understood as a philanthropic, educational, scientific, social, humanitarian, sports, family, cultural or artistic event, the promotion of the artistic heritage, the defense of the natural environment or the diffusion of culture, language and French scientific knowledge (concepts covered by the Law of 23 July 1987 on the development of patronage).

However, the event of general interest must not be accompanied by a commercial promotional operation in favor of the retailer. The promotional character must be assessed in the light of a number of elements, including the nature of the retailer’s participation in the event and the claims of the ad.

For example, ads such as: “X% discount on prices for an event of general interest” or “X% of sales paid in conjunction with a charity event” fall under the prohibition set in the decree.

Other illustrations include the following:

- The opening of a new store does not, in itself, constitute a commercial promotional activity within the scope of the decree. Thus, the opening of a store in an exceptional way, on certain days of the week (e.g. “open-day” operation) constitutes an event perceived as a commercial promotional therefore prohibited in television advertising. But, the opening, for example, every Sunday cannot be appreciated as promotional.
- The announcement of the arrival of a product, and in particular its novelty, if it is not associated with a period of availability or a limited stock, does not constitute a commercial promotional operation (cf, Points 1.2, 1.3 and 1.4)

1.2 “Duration of the offer”

Specific indications of the period of validity, such as literal references (e.g. «*the anniversary of ...*, *the week of ...*») to an event or a period, imply the promotional nature of the goods or services.

Durable but non-permanent offers (e.g. «*valid on certain days of the week*») are also considered promotional.

1.3 “Prices and terms of sale announced”

A/ OPERATIONS

Promotional transactions by price (e.g. discount offer and refund) and / or by the object (promotional sales) are excluded from television advertising.

B / PRICE ANNOUNCEMENTS

Any announcement of prices does not necessarily reflect its promotional nature. According to the CSA’s position, the message should not indicate, nor even suggest, the period of validity of the offer.

This lack of explicit or induced duration implies a presumption of price stability.

This presumption of stability is reversed by the reality of the operation. In order to be able to communicate in television advertising on the price of goods and services, the retailer must declare to the ARPP (see appendix) that the price charged and the availability of the product (stock) are not promotional, price is normal, stable, that it fits, with the availability of the corresponding product or service, over time.

Thus, could constitute a reference period, a duration of a 15 weeks application of the announced price and the available stock.

However, this duration may be assessed after examination by the ARPP taking into account the nature of the goods or services.

1.4 “Importance of stock put up for sale”

Advertisements highlighting the existence of a limited stock are, of course, excluded. If the advertisement remains silent on the quantity available but the operation is based on the existence of a limited stock, the advertising contravenes the provisions of the decree, except to provide for a renewal of the stock.

1.5 “Nature, origin or special qualities of the goods or services”

The promotional nature of the offer will be assessed in compliance with the legal and regulatory provisions and in particular Article L.441-2 of the French Commercial Code on perishable food products.

Messages in favor of shows (e.g. concerts), sports events or specific titles of retailers (e.g. TV program No 10) do not, because of their temporary nature alone, refer to a commercial promotional operation.

On the other hand, the claims cannot focus on a promotion carried out on this occasion by the retailer.

1.6 “Accessory products or services offered”

Advertisements in favor of permanent advantages offered by retailers (e.g., accumulated points on a loyalty card) are not considered promotional commercial operations.

On the other hand, temporary benefits or services (e.g. doubling of loyalty points, exceptional credit rates, etc.) are excluded from television advertising.

2. DIVERSIFICATION ACTIVITY AND RETAILER BRANDS OUT OF THE SCOPE OF THE DECREE

2.1 Diversification of activity

Advertisers who meet the qualification of business diversification may communicate on their business promotional transactions, as these companies are not considered to be retailers.

The criteria for assessing the diversification of activities necessarily vary according to the activity of the retailer.

The diversified activity is established by a series of indications which must contribute so that it cannot be considered as an alibi, allowing the retailer to broadcast a television commercial for a commercial promotional operation. The diversification of activity implies that the entity is legally and financially distinct from the entity which carries out the retailing activity and that this activity is autonomous and different. These criteria are not comprehensive, and other additional criteria may indicate diversification: different denomination and charter, dissociated geographical location...

2.2 Retailer brands

The doctrine applicable to retailer brands is intended to remain, so that linear television advertising for promotional operations relating to them remains possible. This possibility is subordinated to the prevailing criteria (absence of allusion to the retailer, possible supply of all competitors...).

APPENDIX

DECLARATION ACCOMPANYING A REQUEST FOR ARPP CLEARANCE ON A TELEVISION CAMPAIGN, FOR A RETAILER AND INCLUDING A PRICE ANNOUNCEMENT.

In compliance with Article 8 of Decree 92-280 of 27 March 1992 amended by Decree 2003-960 of 7 October 2003 and with its interpretation grid adopted by the advertising industry in June 2006,

The signatory, representing the company ... (Enter the name of the advertiser)

Confirms to ARPP that its message does not constitute advertising in favor of a promotional price.

This message does not therefore refer to a promotion, which is defined as an offer:

- limited in time or by stock,*
- whose promotional character is assessed in accordance with the interpretation grid attached.*

The retailer shall ensure, within the rules and good practices applicable in its sector of activity, the availability of the products and services advertised in the area concerned and, more generally, compliance with the rules on misleading advertising and price advertising.

Please indicate,

The title of the commercial:

The name:

The reference and the price(s) of the product(s):

Name of the advertiser and of the signatory:

Retailers grid

Denomination, product number	Price

Date

Name and position
of the signatory

Signature

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