

# Category Report

## Responsible Marketing

This category holds 15% of the overall Index score.

Consumers' choices regarding what to eat and drink are influenced in part by how manufacturers market their products. Companies can support consumers in making healthy choices by marketing their products responsibly, prioritizing the marketing of healthier products and protecting children from the harmful effects of food marketing. This category assesses the scope and strength of companies' corporate marketing policies for both general audiences and children – specifically how they align to best practice marketing guidance and standards – and their systems for auditing compliance with their policies.

To perform well in this category, companies should:

- Develop and publish a comprehensive responsible marketing policy in India that applies to all audiences, including children under the age of 18, and all media platforms;
- Adopt and disclose robust commitments for responsible marketing to children under 18, including an audience threshold of 25% for measured media, and a comprehensive set of commitments on the techniques and materials used to limit children's exposure to advertisements that go beyond India's mandatory CCPA Guidelines;
- Annually commission an independent third-party audit of compliance with its responsible marketing to children policy in India, and adopt a robust response mechanism to address instances of non-compliance.





# Responsible Marketing

## Category context

Focus on the commercial determinants of health has risen in the past decade, including the impact of food marketing on dietary choices.<sup>84</sup> Globally, the majority of advertisements for food depict foods high in fats, sugar and salt,<sup>85</sup> and in India, there is mounting evidence linking exposure to food advertisements to higher consumption of unhealthy, processed foods, particularly for children.<sup>86,87</sup> As the food and beverage industry looks to capitalize on the continued growth of India's processed foods market,<sup>88</sup> it is crucial that companies support consumers in making healthy choices by driving sales of healthy products over less healthy products, including through marketing efforts.

The World Health Organization (WHO) recognizes a link between exposure to advertisements of unhealthy foods and beverages and increased rates of overweight and obesity, particularly in children. As such, it has long advocated for policy responses to restrict the marketing of unhealthy products to children under the age of 18.<sup>89</sup> The Indian government has made some strides in this area since ATNI's India Index 2020:

- In 2020, the Food Safety and Standards Authority of India (FSSAI) introduced a regulation to restrict the marketing of foods considered to be high in fats, sugar and salt on and within 50 meters of school premises;<sup>90</sup>
- In 2022, India's CCPA introduced mandatory 'Guidelines on the Prevention of Misleading Advertisements and Necessary Due Diligence for Endorsement of Advertisements' under the Consumer Protection Act of 2019. The guidelines acknowledge that "an advertisement for junk foods, including chips, carbonated beverages and such other snacks and drinks shall not be advertised during a program meant for children [under 18] or on a channel meant exclusively for children" and that advertisements shall not "claim any health or nutritional claims or benefits without being adequately and scientifically substantiated by a recognized body." They do not include further specific instructions on the marketing of food and beverage products.<sup>91</sup>

Industry efforts have also been made to market food and beverage products in a more responsible manner in India. In 2022, the Advertising Standard Council of India (ASCI), voluntary self-regulatory initiative, established the 'Code for Self-Regulation of Advertising Content in India', which includes specific guidelines on the advertisement of foods and beverages.<sup>92</sup> The code is applicable to the council's 25 corporate members, which includes 12 of the companies assessed in this Index. While the code includes many of the principles of the International Chamber of Commerce's (ICC) Framework for Responsible Food & Beverage Marketing Communications,<sup>93</sup> it does not include the ICC commitment to not use consumer taste or preference tests in a way that might imply statistical validity if there is none (see Table D1). It also does not include specific recommendations on marketing to children.



**Table D1. Mapping of responsible marketing commitments in ASCI Guidelines and ICC Framework**

Commitments on the representation of products	ASCI Guidelines	ICC Framework
All nutritional and health-benefit information and claims for marketing of food and beverage products should have a sound scientific basis	✓	Article 9
Not to undermine the concept of healthy balanced diets	✓	Article 1
Presenting products in the appropriate portion size and context	✓	Article 1
Not to undermine the role of parental care and guidance in ensuring proper food choices	✓	Article 18
Not to represent food products not intended to be substitutes for meals as such	✓	Article 5
Copy, sound and visual presentations should accurately represent the material characteristics of the product featured	✓	Article 5
Not to claim or imply endorsement by any government agency, professional body, and independent agency or individual in a particular profession in India	✓	-
Not to use consumer taste or preference tests in a way that might imply statistical validity if there is none	-	Article 9



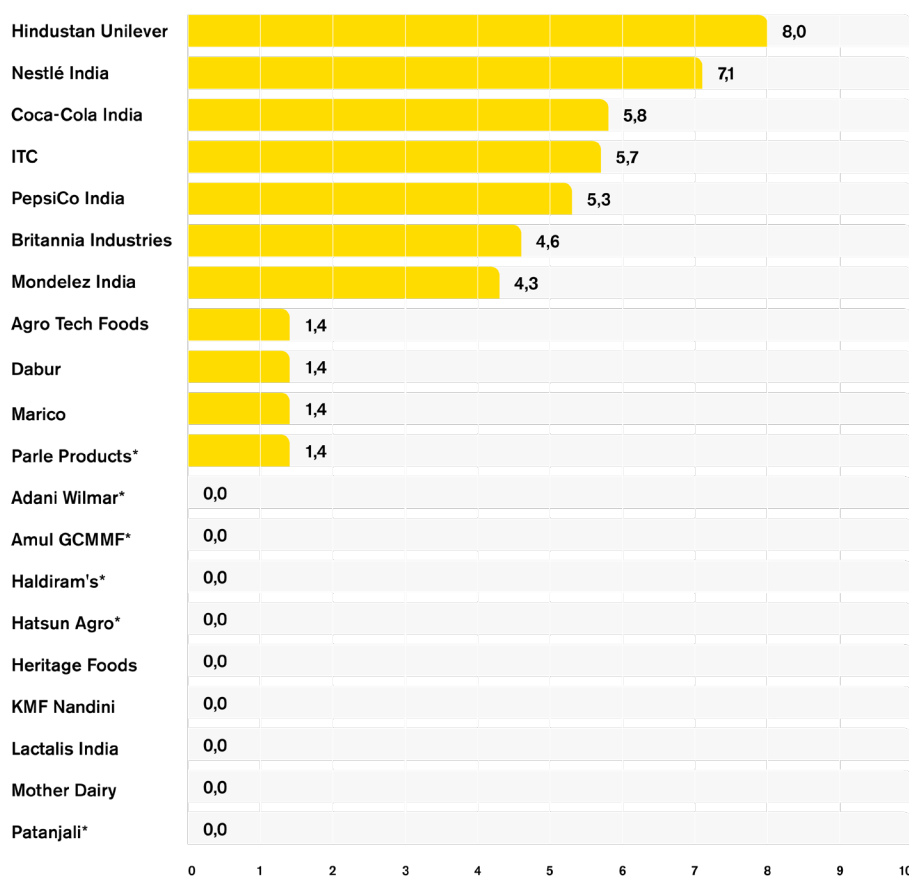
**Box D1. Changes to methodology**

This category was substantially revised from the previous Index: the three sub-categories (criteria D1 (Marketing to general audiences), D2 (Marketing to children), and D3 (Auditing and compliance) have been merged and the total number of indicators reduced from 21 to eight, with a greater proportion addressing marketing to children policy commitments. The indicators have been updated to include the most recent guidance from WHO and the United Nations Children’s Fund (UNICEF) on responsible marketing to children, and advances in regulations issued by Indian government agencies, including FSSAI and the CCPA, and self-regulatory guidance from the ASCI. In addition, disclosure indicators were removed: now only publicly available information is credited, to allow external stakeholders to hold companies accountable for enforcing their responsible marketing policies.

The full methodology can be found [here](#).

## Company ranking

**Figure D1. Category ranking for Responsible Marketing**



\* Did not provide information to ATNI. Assessment is based on publicly-available information only.

A company scores 0 when insufficient information or evidence is found on its policies and practices across the nutrition topics assessed in this Index.



## Key findings

- Seven companies out of the 20 assessed have published responsible marketing policies in India that apply to all audiences, including children, and all media channels.
- An additional four companies have made commitments to market their products in a responsible manner to all audiences through their membership with ASCI, but have not published their own responsible marketing policies.
- Only ITC has explicitly disclosed that it sets the age threshold for marketing to children to the WHO- and UNICEF-recommended 18 years of age, which is in line with the latest CCPA mandatory guidelines. Two companies - Hindustan Unilever and Nestlé India - have disclosed that they use an age threshold of 16.
- All companies can do more to strengthen their responsible marketing to children, including not using marketing techniques (including digital) that are appealing to children and young audiences to limit children's exposure to advertisements and the power of these advertisements to persuade them.
- Seven companies report that they audit compliance with their responsible marketing to children policies to some extent, but only one company showed evidence of commissioning an independent third-party audit of its responsible marketing policy.
- Only Nestlé India reports to have embedded a response mechanism in its auditing processes to address instances of non-compliance in a standardized way.

## Detailed Findings

### Have food and beverage manufacturers in India adopted responsible marketing policies?

Seven of the 20 companies in this assessment publish a responsible marketing policy (PepsiCo India, Hindustan Unilever, Coca-Cola India, ITC, Britannia, Mondelez India, and Nestlé India). Each of these companies' policies outlined their approach to responsible marketing across all audiences, including children, and the media channels covered in their policies.

Four companies' policies state that their responsible marketing practices apply to "all media channels", with some specific examples listed; and three disclose a comprehensive list of media channels to which their policies apply (see Table D2).

In addition to publishing their responsible marketing commitments in comprehensive policies, all seven of these companies are members of the ASCI,<sup>94</sup> and voluntarily adhere to the Self-Regulation Guidelines on Advertising of Foods & Beverages (see Table D1).<sup>95</sup> Instances of members' non-compliance with these guidelines are monitored through an online public platform.<sup>96</sup>

Four other companies (Dabur, Parle Products, Agro Tech, and Marico) have committed to marketing their products responsibly through their membership to ASCI, but have not yet developed their own responsible marketing policies specific to their businesses.<sup>1</sup> This would be an important next step, because developing and publishing a responsible marketing policy would ensure that such commitments are embedded within companies' own strategies and operations.

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<sup>1</sup> The following companies are not listed as members on ASCI's website: Adani Wilmar, Amul GCMMF, Haldiram's, Hatsun Agro, Heritage Foods, KMF Nandini, Lactalis India, Mother Dairy, and Patanjali



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**Interesting example:** ITC's responsible marketing policy is the only policy to include commitments that go beyond the ASCI Guidelines explicitly stating a commitment not to use consumer taste or preference tests in a way that might imply statistical validity if there is none, in line with Article 9 of ICC Framework (Table D1).

**Table D2. Media channels covered by companies' responsible marketing policies in India**

Company	Policy states "all media"	Policy specifically references				
		Print media	Broadcast media	Non-broadcast & digital media	In-store or point-of-sales marketing	Additional forms of marketing
Britannia	●	-	-	●	-	-
Coca Cola India	●	●	●	●	-	-
Hindustan Unilever	●	●	●	●	-	●
ITC	-	●	●	●	●	●
Mondelēz India	-	●	●	●	-	●
Nestlé India	-	●	●	●	●	●
PepsiCo India	●	●	●	●	-	●

● Yes  
 - No/no information

Note: No evidence was found that the following companies have publicly-available responsible marketing policies: Adani Wilmar, Agro Tech, Amul GCMF, Dabur, Haldiram's, Hatsun Agro, Heritage Foods, KMF Nandini, Marico, Parle Products, and Patanjali. Mother Dairy and Lactalis confirmed that they do not have responsible marketing policies.

### How comprehensive are companies' commitments to market their products responsibly to children?

The seven companies that have a public responsible marketing to children policy have all implemented specific measures to limit their marketing to children.

The CCPA 'Guidelines on the Prevention of Misleading Advertisements and Necessary Due Diligence for Endorsement of Advertisements', introduced in June 2022, mandates that companies adopt the age threshold of 18 for defining children. This is consistent with the definition of a child as per the UN Convention on the Rights of a Child, the basis for the WHO- and UNICEF-recommended age threshold for marketing to children. Six of the seven companies with a public responsible marketing to children policy were still to update their publicly-available policies with this new threshold at the time the research was carried out. ITC is the only company to have disclosed in their policy that they use the age threshold for marketing to children to 18 years of age.

Hindustan Unilever and Nestlé India both specify in their policies that they use the age threshold of 16 years to define marketing to children. Unilever's commitment is slightly stronger, as the company states it will not target *any* advertisements to children under 16, whereas Nestlé states it will only advertise products according to certain nutrition criteria to children under 16 (see Box D2). Members of the International Food and Beverage Alliance (IFBA) PepsiCo, Coca-Cola, and Mondelēz all disclose that



they use an age threshold of 13, as per IFBA's responsible marketing commitments.<sup>1</sup> One company – Britannia – was found to specify an age threshold of 12.

### Box D2. Which products are in scope for marketing to children?

Mondelēz India and Coca-Cola India have publicly state they do not directly market *any* products to children under the age of 13 across all media (while industry best practice and international standards define a child as under 18).

Some companies use their own nutrition criteria to determine which products are appropriate for marketing to children. ITC only markets products to children under 18 that comply with its Food Division's internal Nutritional Profiling System (NPS) for children. Britannia markets products to children under 12 that it considers as having "requisite nutritional content which is good for consumption by children". The company cites products that are fortified/ enriched with vitamins and minerals as examples, but does not clarify the overall healthiness of these products. Nestlé India's updated policy prohibits certain product categories, including confectionary, ice-cream and water-based beverages with added sugars, from being marketed to children under the age of 16. For the rest of its products, it states that it uses IFBA's 'India Pledge' nutrition criteria, although no information about these criteria can be found in the public domain. For further information on the quality of companies' nutrition criteria, please refer to the [chapter on Nutrient Profiling Models](#).

WHO has created specific regional nutrition criteria for the South-East Asia region (WHO SEAR NPM) that determines which products are suitable to be marketed to children. From the independent product profile assessment prepared by ATNI/TGI for this Index, only 12% of products (21% of sales) across the 20 companies' portfolios are suitable to be marketed to children using the WHO SEAR criteria. A full breakdown of the proportion of each companies' portfolios that is suitable to be marketed to children can be found in Table 3, below. This assessment did not investigate whether these products are in practice marketed to children and teens by the companies in scope. Instead, it provides an extra indication of the healthiness of the company's portfolios by checking whether the products, in theory, would be suitable to be marketed to children using the WHO SEAR criteria.

That said, all companies in this assessment can do more to ensure that – at a minimum – their responsible marketing policies stipulate that only 'healthy' products are marketed to children (as defined by an external, government-endorsed nutrient profiling model (NPM), and ideally the WHO SEAR criteria on marketing to children).

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<sup>1</sup> Nestlé and Unilever were IFBA members at the time the research for this Index started, but have since stopped their IFBA membership. At the time of research, both companies had raised their age threshold for marketing to children to 16, beyond the IFBA-required age threshold of 13.



Table D3. Companies' products found suitable to be marketed to children according to WHO SEAR criteria

Company	2023		2020	
	% products suitable to be marketed to children	% sales from products suitable to be marketed to children	% products suitable to be marketed to children	% sales from products suitable to be marketed to children
Adani Wilmar*	67%	85%	92%	92%
Agro Tech Foods	21%	61%	-	-
Amul GCMMF*	12%	16%	10%	15%
Britannia Industries	1%	0%	6%	3%
Coca-Cola India	13%	12%	11%	16%
Dabur	3%	3%	-	-
Hatsun Agro	4%	12%	8%	26%
Haldiram's*	0%	0%	-	-
Heritage	34%	34%	-	-
Hindustan Unilever	8%	5%	17%	12%
ITC	2%	4%	4%	6%
KMF Nandini	27%	27%	19%	36%
Lactalis India*	43%	43%	-	-
Marico	40%	77%	44%	76%
Mondelēz India	0%	0%	0%	0%
Mother Dairy	23%	48%	35%	44%
Nestlé India	9%	12%	25%	40%
Parle Products*	0%	0%	0%	0%
Patanjali*	36%	64%	-	-
PepsiCo India	11%	6%	15%	32%
<b>Total</b>	<b>12%</b>	<b>21%</b>	<b>12%</b>	<b>29%</b>

- Not assessed in India Index 2020

\* Did not provide information to ATNI

Five companies have implemented audience thresholds for measured media (such as TV and radio) to further ensure their advertising does not target children; however, the strictness of these thresholds varies between companies. ITC and Britannia were found to have set an audience threshold of 25% and 35% respectively; however, they apply this only to select advertisements and “media mixes”,<sup>k</sup> meaning there is a risk that some advertisements not meeting their responsible marketing to children criteria may still be reaching children across measured media. For example, Britannia’s responsible marketing policy states “Media channels wherein 35% or more of the audience are children < 12 years, are to be restricted to around 20% of the overall media mix.” The three IFBA members in this

<sup>k</sup> A combination of media channels used by the company for advertising and other marketing





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assessment – PepsiCo, Coca-Cola and Mondelēz – set their audience threshold to 30%, consistent with IFBA’s responsible marketing commitments.<sup>97</sup>

**Interesting example:** Hindustan Unilever and Nestlé apply their audience threshold to channels where children make up more than 25% of the audience, representing industry best practice globally and in India.

**Table D4. Companies’ policies on marketing to children in India**

Company	Age threshold	Audience threshold
Britannia	12	35%*
Coca Cola India	13	30%
Hindustan Unilever	16	25%
ITC	18	25%*
Mondelēz India	13	30%
Nestlé India	16	25%
PepsiCo India	13	30%

\* Audience threshold includes exceptions

Note: No evidence was found that the following companies have publicly-available responsible marketing policies: Adani Wilmar, Agro Tech, Amul GCMF, Dabur, Haldiram’s, Hatsun Agro, Heritage Foods, KMF Nandini, Marico, Parle Products, and Patanjali. Mother Dairy and Lactalis confirmed that they do not have responsible marketing policies.

Of the seven companies that were found to have policies on responsible marketing to children, four go beyond the mandatory CCPA Guidelines to some extent – by committing not to use a range of specific techniques and materials to ensure their marketing does not inappropriately reach children, as recommended by WHO and UNICEF (see Table D5).

**Interesting example:** Coca-Cola aligns its commitments on the techniques and materials it uses to market to children with four out of five of the WHO and UNICEF recommendations included in this assessment. In its marketing directed at children, the company commits: not to sponsor activities and materials popular with children; not to use celebrities and influencers; not to depict children on packaging; and not to use promotional games, toys, vouchers, and competitions.



**Table D5. Companies' commitments not to use specific materials and techniques popular with children in their marketing**

Company	Sponsorship of activities and materials	Use of celebrities and influencers	Use of third-party/own fantasy and animation characters	Depiction of children on packaging	Use of promotional games, toys, vouchers, and competitions
Britannia	-	-	-	-	-
Coca Cola India	●	●	-	●	●
Hindustan Unilever	-	●	●	-	●
ITC	-	-	-	-	-
Mondelēz India	-	-	-	-	-
Nestlé India	-	●	-	-	-
PepsiCo	-	●	-	-	-
●	Yes				
-	No/no information				

Note: No evidence was found that the following companies have publicly-available responsible marketing policies: Adani Wilmar, Agro Tech, Amul GCMF, Dabur, Haldiram's, Hatsun Agro, Heritage Foods, KMF Nandini, Marico, Parle Products, and Patanjali. Mother Dairy and Lactalis confirmed that they do not have responsible marketing policies.

### Do companies audit compliance with their responsible marketing to children policies in India?

The seven companies found to have a responsible marketing to children policy in India all audit compliance with their policy to some extent; however, transparency around the results of these audits is very limited. One company (ITC) was found to commission a third-party audit of its responsible marketing activities in India unrelated to a trade or industry association audit. Three companies – PepsiCo India, Hindustan Unilever, and Mondelēz India – reported that they underwent an audit conducted by an IFBA-appointed third party in India in 2022 (see results of this audit in Box D3, below). While Coca-Cola and Nestlé were also IFBA members,<sup>1</sup> less information was found during this assessment on the individual results of their audit by IFBA. Coca-Cola India, Britannia and Nestlé India were all found to conduct internal audits of their responsible marketing to children policies in India.

The frequency of these audits varies between companies, with only two (Britannia and ITC) stating that they are conducted on an annual basis. No other company specifically states in their policy how often an audit is undertaken of their responsible marketing to children commitments in India. In addition, it is unclear how often IFBA commissions a third party to audit compliance with members' responsible marketing policies in India.

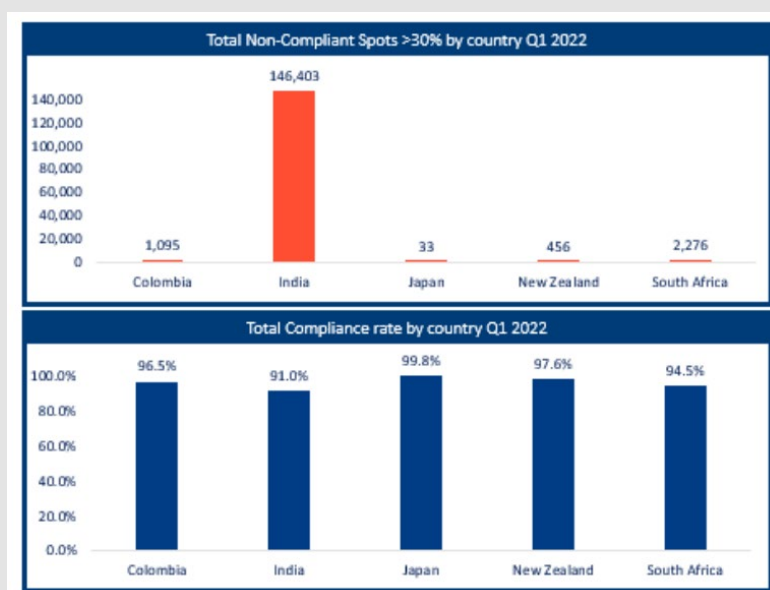
**Interesting example:** Only one company (Nestlé) was found to have a clear response mechanism to address instances of non-compliance, by issuing regular training to its employees on the company's responsible marketing to children policy to ensure compliance.

<sup>1</sup> Nestlé and Unilever were IFBA members at the time the research for this Index started, but have since stopped their IFBA membership.



### Box D3. IFBA audit of members' responsible marketing activities in India in 2022

In 2022, IFBA audited members' compliance with their responsible marketing to children policies on TV platforms across five sample countries, including India. The IFBA report concluded that the rate of compliance with IFBA's responsible marketing to children commitments in India was 91% in 2022, with 146,403 instances of non-compliance being found. Of the five sample countries, rates of non-compliance were highest in India, signaling the need for companies to implement stronger mechanisms to ensure compliance with their responsible marketing to children policies in the country.



## Recommendations for companies

- Companies are encouraged to develop and publish a comprehensive responsible marketing policy in India that covers all media channels and audiences, including children under the age of 18. At minimum, they should go beyond the CCPA Guidelines and align their public policies with ICC Principles and/or ASCI Guidelines.
- Companies are recommended to strengthen their commitments on responsible marketing to children, including by adopting:
  - An agreement to either not market any products to children, or only products meeting the WHO SEAR NPM thresholds or local equivalent;
  - An audience threshold of 25% for limiting children's exposure to advertisements on all media;
  - Specific commitments not to use certain materials and techniques to market their products to children, including celebrities, licensed characters, promotional toys and games, and depicting children on packaging.



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- Companies are advised to commission regular third-party audits of compliance to their responsible marketing policies in India. They are recommended to disclose the results of these audits, as well as the response mechanisms they have in place to address instances of non-compliance.



## References for Responsible Marketing

- <sup>84</sup> "Commercial Determinants of Health," March 21, 2023, <https://www.who.int/news-room/fact-sheets/detail/commercial-determinants-of-health>.
- <sup>85</sup> "Food Marketing Exposure and Power and Their Associations with Food-Related Attitudes, Beliefs and Behaviours: A Narrative Review" (Geneva: World Health Organization, 2022), <https://iris.who.int/bitstream/handle/10665/351521/9789240041783-eng.pdf?sequence=1>.
- <sup>86</sup> "The Growth of Ultra-Processed Foods in India: An Analysis of Trends, Issues and Policy Recommendations."
- <sup>87</sup> Brijesh Sivathanu, "Food Marketing and Its Impact on Adolescents' Food Choices," *Indian Journal of Marketing* 47, no. 8 (2017): 46–60.
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- <sup>90</sup> PTI, "Healthy Diet: FSSAI Bans Sales, Ads of Junk Foods in School Canteens, within 50 Metres of Campus," *Financial Express*, September 8, 2020, [https://fssai.gov.in/upload/media/FSSAI\\_News\\_Healthy\\_Financial\\_09\\_09\\_2020.pdf](https://fssai.gov.in/upload/media/FSSAI_News_Healthy_Financial_09_09_2020.pdf).
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- <sup>92</sup> "The ASCI Code," *The Advertising Standards Council of India* (blog), accessed November 19, 2023, <https://www.ascionline.in/the-asci-code-guidelines/>.
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- <sup>94</sup> "The Work We Do," *The Advertising Standards Council of India* (blog), 2022, <https://www.ascionline.in/>.
- <sup>95</sup> "The ASCI Code."
- <sup>96</sup> <https://www.ascionline.in/non-compliances/>
- <sup>97</sup> "Responsible Marketing Commitments" (International Food and Beverage Alliance, June 6, 2021), <https://ifballiance.org/publications/responsible-marketing-commitments/>.