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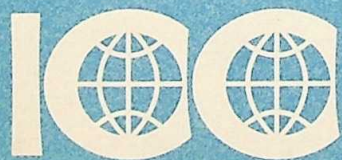
ICC/ESOMAR
International Code
of Marketing and
Social Research
Practice

English ■

Français ■

Deutsch ■

Español ■



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ICC/ESOMAR International Code of Marketing and Social Research Practice

Introduction

Effective communication between the suppliers and the consumers of goods and services of all kinds is vital to any modern society. Growing international links make this even more essential. For a supplier to provide in the most efficient way what consumers require he must understand their differing needs; how best to meet these needs; and how he can most effectively communicate the nature of the goods or services he is offering.

This is the objective of marketing research. It applies in both private and public sectors of the economy. Similar approaches are also used in other fields of study: for example in measuring the public's behaviour and attitudes with respect to social, political and other issues by Government and public bodies, the media, academic institutions, etc. Marketing and social research have many interests, methods and problems in common although the subjects of study tend to be different.

Such research depends upon public confidence: confidence that it is carried out honestly, objectively, without unwelcome intrusion or disadvantage to respondents, and that it is based upon their willing cooperation. This confidence must be supported by an appropriate professional Code of Practice which governs the way in which marketing research projects are conducted.

The first such Code was published by the European Society for Opinion and Marketing Research (ESOMAR) in 1948. This was followed by a number of Codes prepared by national marketing research societies and by other bodies such as the International Chamber of Commerce (ICC), which represents the international marketing community. In 1976 ESOMAR and the ICC decided that it would be preferable to have a single International Code instead of two differing ones, and a joint ICC/ESOMAR Code was therefore published in the following year (with revisions in 1986).

Subsequent changes in the marketing and social environment, new developments in marketing research methods and a great increase in international activities of all kinds including legislation, led ESOMAR to prepare a new version of the International Code in 1994. This new version sets out as concisely as possible the basic ethical and business principles which govern the practice of marketing and social research. It specifies the rules which are to be followed in dealing with the general public and with the business community, including clients and other members of the profession.

ESOMAR will be glad to give advice on the implementation of this Code; and also offers an arbitration and expert assessment service to help resolve technical and other disputes relating to marketing research projects.

Other aspects of marketing - in particular Direct Marketing and Advertising - are covered by separate International Codes of Practice published by the ICC. Copies of these may be obtained from the ICC Secretariat in Paris.

The International Code

This Code sets out the basic principles which must guide the actions of those who carry out or use marketing research. Individuals and organisations who subscribe to it must follow not just the letter but also the spirit of these rules.

No Code can be expected to provide a completely comprehensive set of rules which are applicable to every situation which might arise. Where there is any element of doubt people should ask for advice and meanwhile follow the most conservative interpretation of these principles. No variation in the application of the rules is permissible without explicit authorisation by ESOMAR.

In certain countries there are additional national requirements laid down by legislation or by the local professional association which may affect the application of the International Code. Where they add to or differ from those set out in this Code such specific national requirements take precedence when carrying out research¹ in that country. This applies to all research in that country even when it is carried out by researchers or clients based elsewhere. National associations can provide information on any special requirements of these kinds which must be observed in their own country.

Individuals are always responsible for ensuring that the other people in their organisation who to their knowledge are concerned in any way with marketing research activities are aware of, and understand, the principles laid down in this Code. They must use their best endeavours to ensure that the organisation as a whole conforms to the Code.

Acceptance of this International Code is a condition of membership of ESOMAR and of all other national and international bodies which have officially adopted the Code. Members should also familiarise themselves with the Notes and Guidelines which ESOMAR produces to help in interpreting and applying the Rules of this Code.

Definitions

- (a) **Marketing research** is a key element within the total field of marketing information. It links the consumer, customer and public to the marketer through information which is used to identify and define marketing opportunities and problems; generate, refine and evaluate marketing actions; improve understanding of marketing as a process and of the ways in which specific marketing activities can be made more effective.

Marketing research specifies the information required to address these issues; designs the method for collecting information; manages and implements the data collection process; analyses the results; and communicates the findings and their implications.

Marketing research includes such activities as quantitative surveys; qualitative research; media and advertising research; business-to-business and industrial

¹ Throughout this Code the terms 'research' and 'researcher' are to be understood as relating to 'marketing research' and 'marketing researcher' (see 'Definitions')

research; research among minority and special groups; public opinion surveys; and desk research.

In the context of this Code the term marketing research also covers social research where this uses similar approaches and techniques to study issues not concerned with the marketing of goods and services. The applied social sciences equally depend upon such methods of empirical research to develop and test their underlying hypotheses; and to understand, predict and provide guidance on developments within society for governmental, academic and other purposes.

Marketing research differs from other forms of information gathering in that the identity of the provider of information is not disclosed. Database marketing and any other activity where the names and addresses of the people contacted are to be used for individual selling, promotional, fund-raising or other non-research purposes can under no circumstances be regarded as marketing research since the latter is based on preserving the complete anonymity of the respondent.

- (b) **Researcher** is defined as any individual, research agency, organisation, department or division which carries out or acts as a consultant on a marketing research project or offers their services so to do.

The term includes any department etc. which belongs to the same organisation as that of the client. A researcher linked to the client in this way has the same responsibilities under this Code vis-à-vis other sections of the client organisation as does one who is completely independent of the latter.

The term also covers responsibility for the procedures followed by any subcontractor from whom the researcher commissions any work (data collection or analysis, printing, professional consultancy, etc.) which forms any part of the research project. In such cases the researcher must ensure that any such subcontractor fully conforms to the provisions of this Code.

- (c) **Client** is defined as any individual, organisation, department or division (including one which belongs to the same organisation as the researcher) which requests, commissions or subscribes to all or any part of a marketing research project.
- (d) **Respondent** is defined as any individual or organisation from whom any information is sought by the researcher for the purposes of a marketing research project. The term covers cases where information is to be obtained by verbal interviewing techniques, postal and other self-completion questionnaires, mechanical or electronic equipment, observation and any other method where the identity of the provider of the information may be recorded or otherwise traceable.
- (e) **Interview** is defined as any form of direct or indirect contact, using any of the methods referred to above, with respondents where the objective is to acquire data or information which could be used in whole or in part for the purposes of a marketing research project.
- (f) **Record** is defined as any brief, proposal, questionnaire, respondent identification, check list, record sheet, audio or audio-visual recording or film, tabulation or computer print-out, EDP disc or other storage medium, formula, diagram, report, etc. in respect

of any marketing research project, whether in whole or in part. It covers records produced by the client as well as by the researcher.

Rules

A. General

1. Marketing research must always be carried out objectively and in accordance with established scientific principles.
2. Marketing research must always conform to the national and international legislation which applies in those countries involved in a given research project.

B. The Rights of Respondents

3. Respondents' cooperation in a marketing research project is entirely voluntary at all stages. They must not be misled when being asked for their cooperation.
4. Respondents' anonymity must be strictly preserved. If the Respondent on request from the Researcher has given permission for data to be passed on in a form which allows that Respondent to be personally identified:
 - (a) the Respondent must first have been told to whom the information would be supplied and the purposes for which it will be used, and also
 - (b) the Researcher must ensure that the information will not be used for any non-research purpose and that the recipient of the information has agreed to conform to the requirements of this Code.
5. The Researcher must take all reasonable precautions to ensure that Respondents are in no way directly harmed or adversely affected as a result of their participation in a marketing research project.
6. The Researcher must take special care when interviewing children and young people. The informed consent of the parent or responsible adult must first be obtained for interviews with children.
7. Respondents must be told (normally at the beginning of the interview) if observation techniques or recording equipment are being used, except where these are used in a public place. If a Respondent so wishes, the record or relevant section of it must be destroyed or deleted. Respondents' anonymity must not be infringed by the use of such methods.
8. Respondents must be enabled to check without difficulty the identity and bona fides of the Researcher.

C. The Professional Responsibilities of Researchers

9. Researchers must not, whether knowingly or negligently, act in any way which could bring discredit on the marketing research profession or lead to a loss of public confidence in it.
10. Researchers must not make false claims about their skills and experience or about those of their organisation.
11. Researchers must not unjustifiably criticise or disparage other Researchers.
12. Researchers must always strive to design research which is cost-efficient and of adequate quality, and then to carry this out to the specifications agreed with the Client.
13. Researchers must ensure the security of all research records in their possession.
14. Researchers must not knowingly allow the dissemination of conclusions from a marketing research project which are not adequately supported by the data. They must always be prepared to make available the technical information necessary to assess the validity of any published findings.
15. When acting in their capacity as Researchers the latter must not undertake any non-research activities, for example database marketing involving data about individuals which will be used for direct marketing and promotional activities. Any such non-research activities must always, in the way they are organised and carried out, be clearly differentiated from marketing research activities.

D. The Mutual Rights and Responsibilities of Researchers and Clients

16. These rights and responsibilities will normally be governed by a written Contract between the Researcher and the Client. The parties may amend the provisions of Rules 19-23 below if they have agreed to this in writing beforehand; but the other requirements of this Code may not be altered in this way. Marketing research must also always be conducted according to the principles of fair competition, as generally understood and accepted.
17. The Researcher must inform the Client if the work to be carried out for that Client is to be combined or syndicated in the same project with work for other Clients but must not disclose the identity of such Clients.
18. The Researcher must inform the Client as soon as possible in advance when any part of the work for that Client is to be subcontracted outside the Researcher's own organisation (including the use of any outside consultants). On request the Client must be told the identity of any such subcontractor.
19. The Client does not have the right, without prior agreement between the parties involved, to exclusive use of the Researcher's services or those of his organisation, whether in whole or in part. In carrying out work for different Clients, however, the Researcher must endeavour to avoid possible clashes of interest between the services provided to those Clients.

20. The following Records remain the property of the Client and must not be disclosed by the Researcher to any third party without the Client's permission:
- (a) marketing research briefs, specifications and other information provided by the Client
 - (b) the research data and findings from a marketing research project (except in the case of syndicated or multi-client projects or services where the same data are available to more than one Client).

The Client has however no right to know the names or addresses of Respondents unless the latter's explicit permission for this has first been obtained by the Researcher (this particular requirement cannot be altered under Rule 16).

21. Unless it is specifically agreed to the contrary, the following Records remain the property of the Researcher:
- (a) marketing research proposals and cost quotations (unless these have been paid for by the Client). They must not be disclosed by the Client to any third party, other than to a consultant working for the Client on that project (with the exception of any consultant working also for a competitor of the Researcher). In particular, they must not be used by the Client to influence research proposals or cost quotations from other Researchers.
 - (b) the contents of a report in the case of syndicated and/or multi-client projects or services where the same data are available to more than one Client and where it is clearly understood that the resulting reports are available for general purchase or subscription. The Client may not disclose the findings of such research to any third party (other than to his own consultants and advisors for use in connection with his business) without the permission of the Researcher.
 - (c) all other research Records prepared by the Researcher (with the exception in the case of non-syndicated projects of the report to the Client, and also the research design and questionnaire where the costs of developing these are covered by the charges paid by the Client).
22. The Researcher must conform to currently agreed professional practice relating to the keeping of such Records for an appropriate period of time after the end of the project. On request the Researcher must supply the Client with duplicate copies of such Records provided that such duplicates do not breach anonymity and confidentiality requirements (Rule 4); that the request is made within the agreed time limit for keeping the Records; and that the Client pays the reasonable costs of providing the duplicates.
23. The Researcher must not disclose the identity of the Client (provided there is no legal obligation to do so), or any confidential information about the latter's business, to any third party without the Client's permission.
24. The Researcher must on request allow the Client to arrange for checks on the quality of fieldwork and data preparation provided that the Client pays any additional costs involved in this. Any such checks must conform to the requirements of Rule 4.

25. The Researcher must provide the Client with all appropriate technical details of any research project carried out for that Client.
26. When reporting on the results of a marketing research project the Researcher must make a clear distinction between the findings as such, the Researcher's interpretation of these and any recommendations based on them.
27. Where any of the findings of a research project are published by the Client the latter has a responsibility to ensure that these are not misleading. The Researcher must be consulted and agree in advance the form and content of publication, and must take action to correct any misleading statements about the research and its findings.
28. Researchers must not allow their names to be used in connection with any research project as an assurance that the latter has been carried out in conformity with this Code unless they are confident that the project has in all respects met the Code's requirements.
29. Researchers must ensure that Clients are aware of the existence of this Code and of the need to comply with its requirements.

E. Implementation of the Code

- Queries about the interpretation of this Code, and about its application to specific problems, should be addressed to the international Secretariats of the ICC or ESOMAR.
- Any apparent infringement, if it applies solely to activities within a single country, should in the first place be reported immediately to the appropriate national body (or bodies) in that country. A list of such bodies which have adopted this Code will be found in the Appendix. That national body will then investigate and take any appropriate action, notifying the ICC/ESOMAR of the outcome in the case of proven infringement.
- Apparent infringements should be reported directly to the Secretariats of the ICC or ESOMAR in cases where:
 - (a) there is no appropriate national body,
 - (b) the national body is unable to take action or prefers the issue to be dealt with by the international body,
 - (c) more than one country is involved, as with international projects.

One or both of these international bodies, as appropriate, will then investigate the complaint and take such further action as may be called for. This action can include suspension or withdrawal of membership of the relevant professional or trade associations, and in the case of an organisation its exclusion from the published Directory of such organisations.