

**Date of Committee Report:** August 24, 2007

**Submitted By:** Vicki Everly

**Requested Action by Executive Board:**

- See attached revision to proposed Policy: *Additional Criteria for Committee Submitted Issues*  
*This page replaces page 6 of the Issue Committee Report dated 07/31/07*
- Discussion regarding the existing Conference “Commercialism Policy”:  
Does the existing policy (noted below) adequately meet our needs in reference to “branding” and the acceptance or rejection of Issues and attachments?  
*If no, the Issue Committee will revise the existing policy for Board review and approval.*  
Does the Board feel a legal review of policy is necessary in order to protect the Conference should an Issue be rejected due to a brand name?  
*If yes, the Board will need to obtain this review once a final policy is approved.*

*The CFP **Commercialism Policy** was established in August 2000 and reads as follows:*

**Purpose:** *This policy has been developed by the Executive Board to establish guidelines for the use of commercial names, logos, or other information in Issues submitted to the Conference*

**Policy:**

- *The Conference for Food Protection shall not endorse the use of a product, process or service by brand name.*
- *Issues submitted for consideration at a Biennial Meeting will be reviewed; and those where brand names are used in the Issue, rationale or solution will be rejected.*
- *The Issue Submission Form will contain a statement that reads, “It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.”*

**Progress Report / Committee Activities** (in addition to those included in 07/31/08 report):

1. **Revision of proposed “Additional Criteria for Committee Submitted Issues”** – see attached
2. **Compilation of input from other organizations regarding “branding policies”**  
– see below and attached

The following organizations and individuals were contacted regarding their policies on the use of brand names within internal documents:

AFDO — Denise Rooney (see attached)  
APHA — Deborah Dillard  
IAFP — David Tharp (see attached)  
NACCHO — Patrick Libbey (see attached)  
NEHA — Nelson Fabian (see attached)  
NSF International — Stan Hazan  
International Food Safety Council — LeAnn Chuboff

Additionally, an internet search was conducted for policies on “commercialism” or “brand names.” Four documents were found containing relevant language (see attached):

Clemson University  
ASHRAE – American Society of Heating, Refrigeration, and Air-Conditioning Engineers  
FTA – Flexographic Technical Association

Commercialism or branding policies in the above organizations range from:

- no formal policy — AFDO, NACCHO
- “general policy” — NEHA
- multi-page formal policy — IAFP
- very strict policy outlining actions for dealing with “minor to flagrant” violations — FTA

**A compilation of information gathered is included below for information and reference:**

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***AFDO – Association of Food and Drug Officials***

AFDO does not have any formal written policy on the use of brand names within internal documents or other written material.

I appreciate the dilemma that you are facing, one that is most definitely complex and often harrowing. I have found that it is a safe practice to avoid the use of brand names and/or logos, with very few exceptions, to ensure not only that proper consent of use is obtained by the affected entity, but also to prevent unintentional endorsement or scrutiny of them.

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***IAFP – International Association for Food Protection (select paragraphs from a 2-page document)***

No printed media, technical sessions, symposia, posters, seminars, short courses, and/or other related types of forums and discussions offered under the auspices of the International Association for Food Protection (hereafter referred to as to Association forums) are to be used as platforms for commercial sales or presentations by authors and/or presenters (hereafter referred to as authors) without the express permission of the staff or Executive Board. The Association enforces this policy in order to restrict commercialism in technical manuscripts, graphics, oral presentations, poster presentations, panel discussions, symposia papers, and all other type submissions and presentations (hereafter referred to as submissions and presentations), so that scientific merit is not diluted by proprietary secrecy. Excessive use of brand names, product names or logos, failure to substantiate performance claims, and failure to objectively discuss alternative methods, processes, and equipment are indicators of sales pitches. Restricting commercialism benefits both the authors and recipients of submissions and presentations. This policy has been written to serve as the basis for identifying commercialism in submissions and presentations prepared for the Association forums.

**2.3 Trade Names**

Excessive use of brand names, product names, trade names, and/or trademarks is forbidden. A general guideline is to use proprietary names once and thereafter to use generic descriptors or neutral designations. Where this would make the submission or presentation significantly more difficult to understand, the Program Committee chairperson, technical reviewers selected by the Program Committee chairperson, session convener, and/or staff, will judge whether the use of trade names, etc., is necessary and acceptable.

**3.3 Company Identification**

Names or logos of agencies or companies supplying goods or services must not be the focal point of the slide. Names or logos may be shown on each slide so long as they are not distracting from the overall presentation.

**4.4 Monitoring**

Session convenors are responsible for ensuring that presentations comply with this policy. If it is determined by the session convener that a violation or violations have occurred or are occurring, he or she will publicly request that the author immediately discontinue any and all presentations (oral, visual, audio, etc.) and will notify the Program Committee chairperson and staff of the action taken.

**4.6 Penalties**

If the author of a submission or presentation violates this policy, the Program Committee chairperson will notify the author and the author's agency or company of the violation in writing. If an additional violation or violations occur after a written warning has been issued to an author and his agency or company, the Association reserves the right to ban the author and the author's agency or company from making presentations in the Association forums for a period of up to two (2) years following the violation or violations.

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***NACHO – National Association of County and City Health Officials***

We don't actually have a formal policy about the use of brand names in internal documents. Not exactly sure what you mean by "internal" in this case, but if it is informational items at a staff or even member level, we may use a brand name for illustrative purposes. In what I think of as "external", brochures, policy briefs, etc., we would strive to use a generic description. In no case would we use a brand name in a way that implies endorsement unless there has been an action taken by our leadership to do so.

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## **NEHA – National Environmental Health Association**

Regarding our brand names - We have no policies in this regard. For any product (or even service) that we brand, we just try to use the brand name in a way that makes sense. For example, if we are promoting our member's use of CERT (which essentially is our program for on line training) we just try to explain what the program entails and how it can be of use to environmental health professionals. We don't add any special tag lines to indicate that this is a special NEHA product. Nor do we try to push this product in other forums - such as through advertising it in other publications.

Regarding brand names of others - We do have a general policy that applies especially to our journal and AEC. We don't object to brand names being used (by a journal author or an AEC speaker) but we emphasize that the product is not to be sold. We don't want a journal article or an AEC presentation to look like a sales spiel.

We appreciate that certain brand products serve a purpose and/or provide a service. We also appreciate that there might be some interesting scientific aspects to a product or that such a product may be a unique offering. Because we have an obligation to our members to keep them current, we therefore don't object to product brands being used and promoted. However, as I said, we will not permit such presentations to come across as sales experiences.

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### **Clemson University** (obtained from the web)

#### 1.0 Technical Presentations

Technical and Keynote presentations should be generic and educational in nature. Materials with commercial or business promotion content are to be reserved for the Exhibition Area outside of meeting rooms. A detailed description of this policy addressing commercialism in Technical and Keynote sessions is outlined following.

#### 1.1 Acceptable Items

The following are examples of items that are considered acceptable at the Technical and Keynote presentations:

- Author's complete name, business affiliation, professional affiliation(s), business logo and/or mailing address on a title or introductory slide only
- Use of valid technical data to support a product without reference to a company's trade name, specific name, location of facilities, etc.
- Photos or slides of in-service products or equipment related to the understanding of the presentation not identifying a specific product or company
- Refusal to respond to a question or comment that is commercial in nature and that should be discussed outside the Technical and Keynote presentations. The presenter should also explain that it could not be responded to because of its commercial nature.
- References to products and organizations that have no commercial significance to the presentation, offered for a more complete understanding of the subject (e.g. IBM compatible, Internet, OSHA, etc.)
- Non-technical trademark names that have become common over time and are often used as generic names (e.g. vice-grips, scotch tape, etc.)
- References to nationally or internationally recognized consensus standards organizations, government departments and regulations. (e.g. IEEE, NFPA, NEC, NEMA, UL, CSA, IEC, OSHA, etc.)

#### 1.2 Prohibited Items

The following are examples of items that are prohibited at the Technical and Keynote presentations:

- Company or organization logos (except on title slide)
- Text or statements that include specific products or company references (e.g. mirror bits, Job Done)
- Photos or slides that identify specific products or company references
- Text or statements for the purpose of commercial gain or improved business position
- Direct quotes from references that make commercial statements
- Reference to or information on a company's internet address or website

- A response to a question or comment that is commercial in nature, and that should be discussed outside of the Technical and Keynote sessions. The presenter should also explain that it could not be responded to because of its commercial nature.
- Display or distribution of commercial materials or literature at Technical and Keynote presentations and conference meals
- The use of profanity

## 2.0 Commercial Displays

Commercial displays such as signs, posters, banners, products, etc. shall be limited to the Exhibition Area and preconference Tutorial rooms. Commercial literature shall be distributed only in the Exhibition Area or on a personal basis at times outside of the Technical and Keynote sessions.

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### ***American Society of Heating, Refrigerating, and Air-Conditioning Engineers*** (obtained from the web)

ASHRAE's commercialism policy and guidelines were approved by the Board of Directors at the 2002 Annual Meeting. The previous policy was revamped because many considered it "too restrictive." Presidential Member James Wolf, in appointing an ad hoc committee to study the issue, noted that the policy "was established for presentations and publications, primarily print media. Today we need to be more flexible when working with e-mail, Web sites and software presentations."

The new policy requires that publications and activities be free of commercial basis and not imply endorsement by ASHRAE of any commercial interest. It allows commercial recognition to be provided or implied in promoting the arts and sciences of HVAC&R and the understanding of associated technology.

Councils and committees must determine if the intent of the commercialism policy statement is met and if the criteria identified in the guiding principles are satisfied.

Examples of acceptable applications of the policy include:

- Society annual and winter meeting events, such as the welcome party, luncheons, registration kits and receptions, may be sponsored.
- Commercial names and logos may be used in presentations and papers to provide author identification or to acknowledge contributions.
- Company names and products may be cited in presentations and papers if such information has historical significance directly relating to the technology discussed in a presentation or paper.
- Demonstrations of software used in the HVAC&R industry may include reference to commercial products and may include performance data if the inclusion of such references and data are necessary to illustrate use of the software.
- Chapters may allow advertising and sponsorships on their Web sites providing that the advertisers and sponsors deal primarily in the chapter's local geographic area, such as a local sales office of a manufacturer, local manufacturer, or local distributor.
- Advertising on chapter Web sites must be in a separate section of the Web site and must comply with all requirements of the ASHRAE Policy for Chapter Web sites.
- Chapters may include advertising in chapter newsletters and publications if it is restricted to business card type advertising as described in the Manual of Chapter Operation.

Examples of unacceptable applications include:

- The title or the text of papers and presentations may not promote a commercial product or service.
- The use of commercial names may not be done in ways that promote the benefits of that commercial entity nor be used to principally further awareness of that commercial entity.
- The subject of presentations and papers may not be to promote a commercial entity's exclusively available commercial product and service.
- Commercial part numbers may not be used in a presentation's or paper's title, text or illustrations unless such information is necessary for advancing technical knowledge.
- Product-specific programs (programs whose main intent is to describe the features of a specific manufacturer's product) may not be scheduled because their very nature would be to further awareness of a specific commercial entity or to describe the advantages of the commercial entity.
- Chapter and regional web sites may not state by name products, services and companies, except in advertising, in sponsorships or to identify the business affiliations of persons named on the site.

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***Flexographic Technical Association (obtained from the web)***

The Flexographic Technical Association has a mission of providing technical information, training, and a forum for the exchange of ideas and solutions for the advancement of the flexographic printing industry.

The FTA/FFTA has historically implemented a “non-commercial” policy that prohibits any form of commercial exploitation of companies, people, products or services. The following statements reflect specific criteria, as well as the spirit of a “non-commercialism policy.”

***DEFINITION OF NON-COMMERCIALISM:***

Communicate in generic terminology. Avoid any reference to the promotion of a company or specific product, service or process in a way that would provide an advantage to a company or individual.

Presentations at the Annual Forum, “conferences,” “seminars” and “workshops” will focus on technical issues and the processes that provide solutions. Products and services will be identified by description as they are incorporated into the described process.

- Company and product names are prohibited, except in special situations (see below).
- No direct reference to price or cost is allowed, nor is competitive ranking.
- Reference to “our,” “my,” or “we,” is strongly discouraged, but may be used to support personal experiences.
- Slides, transparencies, drawings, signs, etc., should be void of all product or company names, with the exception of an introductory and closing slide that provides a speaker’s name and company affiliation. Program chairpersons have the responsibility of reviewing information prior to sessions.
- Speakers should be familiar with other company product names and eliminate them from their presentation, describing them by their generic description, rather than their names. This is also important to protect trademarks.

“Roundtable” programs are an exception to the policy; product names are allowed since the format is intended to promote specific discussion within a limited management audience. Overt “sales” talk is prohibited.

Special programs may allow a “relaxation” of the non-commercialism policy where a product name is essential to the description of a process or system. An example at this writing is electronic software discussions where an audience requires a product name to fully understand the presentations, especially when comparisons of complex software programs are involved. Competitive ranking is not endorsed.

Product introductions unique to the industry or new innovations are valuable to FTA/FFTA audiences; however, the “non-commercialism policy” applies, and all references to the company, people and product must be stated in descriptive terms and not by name.

Literature availability will be evaluated per individual program. Generally, the Annual Forum will not involve literature handouts, except at tabletop displays; Workshops and Roundtables may be appropriate for literature distribution. The FTA/FFTA staff and responsible chairpeople will assess each opportunity.

***POSSIBLE ACTIONS AS A RESULT OF INFRACTIONS:***

***Minor:*** Verbal or written notification of infraction (ex: company name on slides or product name during presentation).

***Moderate:*** Written notification, with a copy to the individual’s management and an explanation of the FTA/FFTA non-commercialism policy; copy to Board of Directors and Trustees (ex: mild “sales pitch” for product).

***Flagrant:*** Immediate action during the presentation, if possible; written notification to the individual and company management with an explanation, and possible suspension as a speaker or participant for the company in all FTA/FFTA events for one year (ex: strong sales pitch with pricing information, or direct reference to advantages of one product versus competition). (Requires Board of Directors/Trustees approval.)