



INTERNATIONAL ASSOCIATION  
OF CULINARY PROFESSIONALS

Ethical Guidelines

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**This Code of Ethics** for members of the International Association of Culinary Professionals has been adopted to promote and maintain the highest standards of association service and personal conduct among its members. Adherence to these standards is required for membership in the Association, and serves to assure public confidence in the integrity and service of Culinary Professionals.

## **IACP Code of Professional Ethics**

**As a member of the International Association of Culinary Professionals, I pledge myself to:**

- Support the growth of knowledge and free interchange of ideas within the profession, and respect the views and opinions of my colleagues and honor their right to express them.
- Strive to achieve and maintain excellence in my culinary work.
- Constantly strive to improve and expand my culinary knowledge.
- Accurately represent my professional training and qualifications and not knowingly permit, aid, abet or suffer the misstatement of my training and qualifications by others.
- Maintain the highest standards of accuracy and honesty in my dealings with colleagues and clients.
- Not publish, or knowingly permit to be published on my behalf, any advertising or promotional material which contains false, deceptive or misleading statements.
- Respect the intellectual property rights of others and not knowingly use or appropriate to my own financial or professional advantage any recipe or other intellectual property belonging to another without proper recognition.
- Respect my students and my colleagues, and strive always to ensure that professional comment and criticism of their work is both constructive and appropriate.
- Dedicate myself to support and assist the association in serving the profession and the public.
- Refrain from any act or omission, and not permit to suffer any act of omission, which would discredit or bring dishonor to the association or any member thereof.
- Acknowledge ethics and morality as inseparable elements of doing business and will test every decision against the highest standards of honesty, legality, fairness, impunity, and conscience.
- Conduct myself at all times such as to bring credit to the industry at large.
- Concentrate my time, energy and resources on the improvement of my own product and services and will not denigrate our competition in the pursuit of our own success.
- Provide every employee at every level of the knowledge, training, equipment and motivation required to perform his or her tasks according to our published standards.
- Strive constantly, in words, actions and deeds, to develop and maintain the highest level of trust, honesty and understanding among clients, colleagues, employees, employers and the public at large.

## General Ethical Considerations

Ethical issues in the food profession are hard to pin down, because these issues are more philosophical than legal. It's more the spirit of the issue, than the letter, that applies.

Chef-author Joyce Goldstein notes that "Ethics is a moral code and cannot be easily enforced." Maggie Waldron, the veteran culinary director of Ketchum Public Relations, suggests and we think not overly optimistically, that "Judgment calls really depend on a sort of honor system. When in doubt, call upon honor, which most of the people in the business have to a considerable degree."

Our overall approach to IACP ethics is that with these guideline in place, they will have a deterrent/preventative function. Because members will be aware of ethical guidelines, infractions will be prevented before they happen, thus eliminating "crisis control" later.

There are already ethical guidelines in other professions, including the hospitality industry, the legal, medical and nursing professions; dietitians, public administration; and social workers. Now food professionals will have their own.

One standard text on ethics, *The Power of Ethical Management* by Kenneth Blanchard and Norman Vincent Peale (1988), cites three overall considerations for any issue:

### The "Ethics Check" Questions:

1. Is it legal?
2. It is balanced (that is, have all sides of the issue been presented)?
3. Is it fair?

While we firmly advocate the rights of the individual to his or her ideas and property, and will go to considerable lengths to protect those rights, we also believe that these arguments can be taken too far. Some questions indicate that people seem more worried about others stealing from them, than about giving something back. Generosity and collegiality have always been key components in interaction among IACP membership.

This guide begins with overall ethical principles, which apply to all professional areas. It then continues with issues of ethical concern within specific areas (Food Writers and Editors, Cooking Schools and Teachers, and Chefs and Restaurateurs).

Professional discussions of ethics frequently try to address the issue of whether ethics can be learned. Are we born with it? There are arguments that it is not possible to learn ethics.

Joyce Goldstein concludes: "Morality and ethics are the product of upbringing and education...PRAY FOR KARMA."

## Overall Ethical Principles (For all IACP Professional Areas)

- Be truthful in communications, and constructive in advice.
- In general, never accept credit, or permit credit to be received or implied, for work done by others.
- Try to get all agreements in writing, prior to commitment to the job.
- Any time a recipe goes out under your name, you imply that it has been thoroughly tested, and within reason, will work as written.
- Recipes should conform to accepted safe health practices and standards.
- If a food professional submits material (article or book proposal, restaurant consulting proposal, catering or restaurant menu ideas, class programs) and the materials are not used, the person to whom they were submitted has no rights to that material, and should return them to the author.
- Note that when recipes have been published in book form, the right to grant permission to reprint those recipes generally resides with the publisher rather than the author. It is necessary to apply to the publisher's permissions department for re-use (sometimes a fee is charged). A quick call to an author is frequently not enough.
- Where chefs, authors, and teachers are hired to promote a commercial product, they should be paid fairly. If the arrangement is that the "publicity value" to the food professional is in lieu of payment, the professional should know this in advance, and agree to it (or not), before setting out to do the work.
- Contracts should spell out the responsibilities of an employee when he or she departs a business, especially with regard to use of propriety materials.

## Attribution of Material

In our survey of committee members in preparing this booklet, no issue came up as regularly as the attribution and credit of recipes (or other propriety materials), whether in food writing, cooking classes, or on restaurant or catering menus. This is an area of concern to all food professionals.

While each case requires its own clear thinking, here is a general guide to the ethics of attribution. Note that these only apply to any use of recipes, whether published, demonstrated, taught, or on menus.

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### Methods of Attributing Recipes

NOTE: This applies to both publishing and teaching recipes.

- 1) Where a recipe has been obtained from another source (a friend's family heirloom recipe, a restaurant chef, a cookbook, etc.):

You may make some minor changes, but the recipe remains fairly intact (even if you completely re-word to suit your format.) In these cases, the source should be credited: "*This recipe is from John X of Restaurant Y.*" Or if appropriate, you can credit the source in the recipe title, "*John X's Peach Pie.*"

- 2) Where you have made some changes in a recipe from another source, but the original essence still remains:

Indicate that "This recipe is *adapted from* or *based on* a recipe from John X."

- 3) Where you have changed a recipe considerably, but still want to indicate derivation from the original:

You can indicate that "This recipe is *loosely adapted from* or *inspired by* a recipe by John X."

- 4) Where a recipe is so substantially changed that it no longer resembles source recipes (a soup made with fish instead of meat, other major changes):

You can print it without credit, or mention where the idea comes from.

- 5) Where you have looked at ten or more versions of a traditional, standard dish that is in the classic repertoire (Irish stew; angel food cake), going through multiple sources and records to see exactly what comprises a dish:

If you've then come up with your own version, you can print it without credit to others (unless you've borrowed heavily from one of those sources).

## Gray Areas:

- 1) Even where you print a recipe without credit to others, you can mention borrowing a technique or detail. “The technique of thickening the pan juices by pureeing the stew vegetables is borrowed from John X’s Beef Stew.”
- 2) Where you have adapted *historical recipes from old cookbooks or manuscripts*, with changes necessary for today’s taste, ingredients, and kitchen equipment, sources should be credited (briefly), even if very loosely adapted. This adds resonance to your recipe.
- 3) Where a recipe has been *suggested by something described* to you, or *suggested by an old recipe name* (“Strawberry Nonsense”). Here, you many make significant changes, or work out entirely new versions based on old traditions. In these cases, you can note that a recipe is “*suggested by*” another, or by a general tradition.

## Overall:

*When in doubt, give credit.* Follow this, and you’ll never go astray.

## A Discussion of the Ethics of Recipe Attribution

In her essay, “The Ethics of Recipe Writing,” which appeared in IACP’s newsletter *Food Forum*, Mary Goodbody reminds us of a key legal point: “Note that recipes are not subject to copyright laws. What is copyrightable is how they are written, which makes copying a recipe verbatim a violation of the copyright.” The phrase “how they are written” refers to the precise wording of ingredients and method in the recipe.

“The law values having a free marketplace for ideas and does not protect ideas,” explains intellectual-property attorney Paul Berg, who regularly represents both publishers and writers. “In their most metaphysical form, recipes are ideas.”

In other words, if your apple pie recipe with cheddar crust is your own invention, and it’s so fabulous that you’ve staked your professional reputation on it, fine – but *you can’t copyright the idea*. Anyone else can make an apple pie with a cheddar crust and call it his or her own. What people cannot do is simply copy your exact wording for the recipe, which is copyrightable.

But as you can see, there are easy ways around this. All someone needs to do is change the wording, without changing a single ingredient, and he or she can call the recipe his or her own. This, of course, is true legally, *but not ethically*. (This, essentially, is a form of plagiarism – in spirit of using someone else’s work and calling it your own.)

Cookbook editor, Judith Jones (vice-president of Alfred A. Knopf, Inc.; editor of Julia Child, James Beard, Marcella Hazan, and many others; and an Ethics Committee member) points out that for her, “Originality can’t be measured by the number of new ingredients or even changing some words in the directions.” More to the point, she explains, “It is the cook’s personal imprint on the recipe that counts – the precise way he or she does something, the little tricks, and when the recipe is written down, the way in which the cook expresses himself and herself.”

“The trouble,” Ms. Jones continues, “is that it is hard to reduce ethical questions to a formula. Originality lies in the author’s voice that expresses his or her whole being as a cook. Julia Child didn’t have to spell out what her changes were in a classic French recipe. It was the way in which she interpreted that formula for an American cook, anticipating all the problems, making it accessible, *teaching* all the way that made her contribution entirely novel.”

But recipe attribution is still a key concept of the food professional’s ethics.

"I find it amazing that in the '90s, people still, in their books, do not alert you as to where their recipe comes from," says food journalist Suzanne Hamlin. Back in the early 1980's, Hamlin wrote one of the seminal articles on recipe plagiarism in *The New York Daily News*. "Part of the joy of reading a cookbook is learning where the recipe comes from," Hamlin continues. "I think it is a certain kind of arrogance to assume the readers don't care."

Cookbook author-columnist Brooke Dojny points out that your own work is "no less original if you acknowledge the inspiration of others." And former Ethics Chairman, cookbook author-teacher Flo Braker adds that "Its only professional to credit people. It doesn't diminish you in the least."

According to ethics journalist Jeremy Iggers, "You know in your heart of hearts when you've made a recipe your own."

But as strongly as we feel about the obligation to give credit where credit is due, sometimes this can be taken too far. One author quoted in Mary Goodbody's essay suggested that too many people are far too sensitive to the issue of "ownership." Many recipes, particularly for standard preparations (vinaigrette, pie or biscuit dough) are basically in the public domain.

"Are we perhaps making too much of all this?" Judith Jones asks (wisely). "Perhaps there really aren't so many sinners and they get flushed out one way or another. The genuinely creative, conscientious food writers, whose work makes a real contribution, are the ones whose books become classics – not all the eager beavers who have climbed on the food wagon are trying to peddle gimmicky ideas (somehow their books get sifted out in the long run, even if they do win prizes)."

Some questions indicate that people seem more worried about people stealing from them, than about giving something back. As we said earlier, generosity and collegiality have always been key components in interaction among IACP membership.

Another point well taken: The use of the words "inspired" and "created" should be severely curtailed. As in: "Inspired by a pie I ate at \_\_\_\_\_, I created this apple pie."

After all, *there is nothing new in food.*

***But overall, when in doubt, give credit.***

## Copyright Information

The following information on copyright registration of recipes was obtained from the Library of Congress:

Mere listing of ingredients in recipes, formulas, compounds or prescriptions are not subject to copyright protection. However, where a recipe or formula is accompanied by substantial literary expression in the form of an explanation or directions, or when there is a combination of recipes in a cookbook, there may be a basis for copyright protection.

Protection under copyright law (Title 17 of United States Code, Section 102) extends only to “original works of authorship” that are fixed in a tangible form (a copy). “Original” means merely that the author produced the work by his or her own intellectual effort, as distinguished from copying a preexisting work. Copyright protection may extend to a description, explanation, or illustration, assuming that the requirements of the copyright law are met.

## Other Food Writing and Publications Issues

- One should always make clear if a proposal, whether book or magazine, is a multiple submission (that is, submitted to more than one publisher/magazine at the same time). Multiple submissions should be clearly identified as such.
- It is the author's right to be shown the edited version of his or her work. Editors should notify the author/recipe creator if any significant changes are made. A handful of magazines have a policy of refusing to allow authors to see their edited work before publication. This is an autocratic stance that goes contrary to standard accepted practices within the publishing industry, and is against all notions of fairness to working professionals.

The author should always be able to review the final version of his or her work before publication.

- Unless contracted otherwise, if an editor chooses not to use material submitted, he or she has no rights to that material and should return it to the author.
- Ideally, you should include a bibliography of sources consulted. This allows you to credit all sources of information, ideas, recipes, etc. However, many formats do not allow for a bibliography. Even without a bibliography, you can reference sources in some way, often within the text itself.

## Culinary Schools

- Cooking schools are responsible for instituting policies which are relevant, timely, and non-discriminatory.
- Schools should have educators that honor all relationships with their education institution.
- Schools should have policies which obey all laws and regulations, and conduct activities which support and do not harm culinary educators' professional works.
- Cooking schools should have written policies for student refund, class cancellations and inter-class transfers.
- Schools should publish their policies clearly in each and every brochure and calendar.
- Schools should have written policies regarding cooking teachers and their work (fees, cancellation, etc.).

## Chefs, Restaurateurs and Caterers

Restaurant and catering professionals should not use another chef-restaurateur's name in marketing product, without that person's permission.

Joyce Goldstein Shares a Parable...

Then there is another issue: where credit is given, but for a recipe that bears no relationship to the original. Chef-author Joyce Goldstein tells a story about this, beginning by mentioning how seeing original works or art, after seeing photographs of them requires adjusting "my image with the reality."

Similarly, she describes how her friend, chef Anne Rosenzweig, ate chocolate bread pudding (a dish she made famous) in a California restaurant, only to be told it was "Anne Rosenzweig's chocolate bread pudding." Unfortunately, it was a "sodden gooey mess."

"This," Joyce explains, "was like 'knowing' the painting from the photograph, but never having seen the real painting. Here was Anne getting 'credit' for the dish."

This recipe mangling happens often today because amateur and professional cooks read recipes in magazines and cookbooks and have never tasted or seen the dish that is presented. This doesn't mean that people should not cook new recipes from a cookbook or prepare a dish they have never eaten, *but they should never claim it to be authentic and the real thing*. Attribution is a funny thing...people take it personally; countries take it seriously. What works best is to say that a dish is inspired by Giuliano Buglialli or Marcella Hazan or Alain Senderens or Roger Vergé. Or it's Venetian or Provençal. But it's not Harry's Bar or Tre Scalini's tartufo.

"Imitation may be the sincerest form of flattery, but sometimes no credit is better than an incorrect attribution."

## Other Areas of Ethical Concern

Here are some further areas of concern. We include them to raise your awareness about some of the various considerations that affect business situations. Remember, when addressing these areas, reflect or ask: Is what I'm doing...

- legal?
- balanced?
- fair?
  
- **Personnel Issues**
- **Food Safety and Sanitation:** Know issues and regulations, and carry them out.
- **Quality Issues:** Quality of Products, Equipment, Services
- **Environmental Issues**
- **Cultural Issues:** Non-discriminatory
- **Community Issues:** Various
- **Supporting Sustainable Agriculture:** Supporting local farmers and locally grown produce
- **Wholesomeness;** Nutrition Issues
- **Political and Policy Issues**

Also, please note that IACP has a complaint and hearing procedure. If you'd like a copy, it is available from IACP Headquarters.

## Further Reading on Ethical Issues

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