2023

EASA BEST PRACTICE RECOMMENDATION ON INFLUENCER MARKETING GUIDANCE

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European Advertising Standards Alliance

EASA

EASA – the European Advertising Standards Alliance is the single authoritative voice on advertising self-regulation in Europe. EASA promotes high ethical standards in commercial communications by means of effective self-regulation, for the benefit of consumers and business in Europe and beyond.

Effective advertising self-regulation helps ensure responsible advertising, meeting consumers' demand for honesty and transparency, regulators' demand for responsibility and engagement and businesses' demand for freedom to operate responsibly. EASA and its members have developed a robust and coherent system of advertising self-regulation that can respond effectively to new challenges.

EASA is not a Self-Regulatory Organisation (SRO) in itself, but acts as a co-ordination point for best practice in the implementation of self-regulation, as well as operational standards for its national SRO members. Part of EASA's role involves coordinating the cross-border complaint mechanism as well as international compliance monitoring exercises. EASA also collects and analyses top line statistical data on received and resolved complaints, as well as on copy advice requests and pre-clearance from its SRO members each year.

EASA was set up in 1992 to represent national self-regulatory organisations in Europe. In 2004, it developed into a partnership between national advertising SROs and organisations representing the advertising industry. Today, EASA is a European network of 41 organisations (27 SROs from Europe and 13 advertising industry associations, including advertisers, agencies and the media, and 1 digital pure play company) committed to making sure advertising is legal, decent, honest and truthful. EASA is also a founding member of the International Council on Ad Self-Regulation (ICAS).

EASA is a not-for-profit organisation with a Brussels-based Secretariat. For further information please visit www.easa-alliance.org.

EASA Contact Information
European Advertising Standards Alliance (EASA)
Rue des deux églises 26 Tweekerkenstraat, 1000 Brussels, Belgium
+32 2 513 78 06
info@easa-alliance.org
www.easa-alliance.org

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Executive Summary

EASA's Best Practice Recommendation on Influencer Marketing (BPR IM) clarifies the remit of advertising self-regulatory organisations (SROs) when considering online influencer marketing content and provides recommendations for SROs to develop their own national guidance.

For the purpose of this BPR, the concept of influencer includes any human-controlled online profile that is active on any social media platform and shape attitudes by publishing online content. Only content for which the influencer has received some form of compensation, whether financial or through other arrangements, is considered in remit of SROs, given its marketing intent. Brand control may also be a factor that helps in identifying whether a piece of content is marketing.

Compensation is defined as recognition from the brand of the service provided by the influencer to advertise their products or services. It can range from formal contractual agreements defining monetary payments to a mere provision of free goods or other reciprocal commitments for the benefit of the influencer.

Brand control may range from advertiser suggestions to an actual clearance of the content before publication by the influencer.[1]

User-Generated online Content (UGC): editorial content

Influencer Marketing defining criteria:
- Brand compensation, or
- Brand control.

Other elements and indications can be examined (full list on p.10):
- Promotion of a product, expressing gratitude towards a brand;
- Presence of affiliate links or discount codes;
- Displaying received gifts, or mentioning the possibility of receiving gifts from a particular brand;
- Proof or previous collaboration between the brand and influencer, recent public announcement that a collaboration has occurred or will occur.
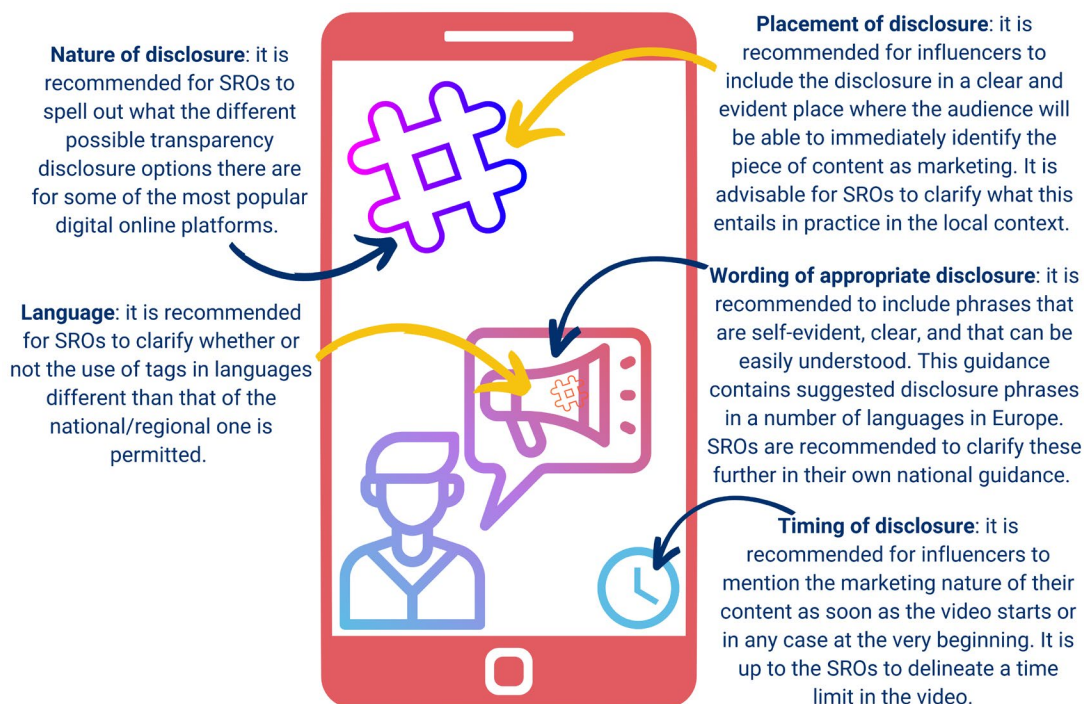
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[1] In cases of sponsorship and product placement, as per articles 10 and 11 of the Audio-Visual Media Services Directive, the factor of brand control may not be used to qualify a piece of content as commercial, since brand control would not be allowed.

Other elements outside brand compensation and control may be indicative to the SRO of the marketing intent of a piece of influencer content, such as those mentioned in the diagram on the left, among others (full list on p.10).

Once a piece of content is qualified as marketing communication, it is subject to all SROs' codes. All influencer marketing communications should therefore be designed and presented in such a way that the audience immediately identifies them as such. When used, disclosure can be achieved in multiple ways, as long as the public is made aware of the existence of engagements or agreements between the advertiser and the influencer every time the marketing message is being shared. It is recommended that SROs emphasise in their guidance that such awareness and recognition should be widespread and not attained only by a specific group or selected audience.

Disclosure of marketing intent should appear instantly and be appropriate to the medium and message. SROs are recommended to consider giving concrete examples of acceptable disclosures by covering all types of formats used by influencers, on the different platforms, on the use of (national) languages, and the different main target audiences. It is recommended that these examples be regularly updated. The following elements of disclosure should be further defined at national level:

Nature of disclosure: it is recommended for SROs to spell out what the different possible transparency disclosure options there are for some of the most popular digital online platforms.

Language: it is recommended for SROs to clarify whether or not the use of tags in languages different than that of the national/regional one is permitted.

Placement of disclosure: it is recommended for influencers to include the disclosure in a clear and evident place where the audience will be able to immediately identify the piece of content as marketing. It is advisable for SROs to clarify what this entails in practice in the local context.

Wording of appropriate disclosure: it is recommended to include phrases that are self-evident, clear, and that can be easily understood. This guidance contains suggested disclosure phrases in a number of languages in Europe. SROs are recommended to clarify these further in their own national guidance.

Timing of disclosure: it is recommended for influencers to mention the marketing nature of their content as soon as the video starts or in any case at the very beginning. It is up to the SROs to delineate a time limit in the video.

In any case, influencers are urged to include multiple forms of disclosure for each marketing post or video. The clearer the disclosure, the higher the chance of compliance with SR rules.

As laid down in the ICC Code, all parties that are involved in the creation of an ad must take their share of responsibility in ensuring that it abides not only with the local legislation, but also with the higher standards of advertising self-regulatory rules enforced by SROs.

It is highly advised that SROs make use of the tools they already have developed to raise awareness among local influencers about the applicable rules, including by providing them with copy advice, trainings, and guidelines. In particular, SROs may find it relevant to develop tailor-made training programmes that allow influencers to be more aware of the relevant regulatory frameworks, followed by an examination procedure that certifies influencers as having successfully learnt from the training and passed the test. This would also benefit local and global brands by knowing that there is a high chance of compliance when working with influencers that have received their certificate. SROs may also wish, if relevant and applicable in their cases, to expand their membership to directly include influencers.

SROs are also recommended to develop monitoring exercises that regularly review the content of these ads. Given the fast-pacing and ephemeral nature of influencer marketing, it is advisable that such monitoring schemes are supported by AI technology.

Table of Contents

1. What is an EASA Best Practice Recommendation?

EASA's Best Practice Recommendations (BPRs) are designed to provide support and advice to EASA's Self-Regulatory Organisations (SROs) and industry members on the practice of advertising self-regulation. They are based on EASA's "Common Principles and Operating Standards of Best Practice"[2] (EASA Common Principles) and EASA's "Best Practice Self-Regulatory Model"[3]. In June 2004 the advertising industry committed to achieve these through the signing of EASA's "Advertising Self-Regulation Charter"[4] for a stronger self-regulatory network in the enlarged European Union, while recognising that advertising self-regulation reflects a rich and varied tapestry of systems for business responsibility, complementing the law.

EASA BPRs can be divided into two main categories: operational and blueprint BPRs. Operational BPRs give guidance on the operation, structure and procedures of SROs while blueprint BPRs provide guidance on the remit and codes of SROs. The content of blueprint BPRs, such as the present publication on Influencer Marketing, needs to be agreed upon by the whole advertising eco-system and all SROs at European level.

Best Practice Recommendations do not constitute a European code and are not formally binding. However, they do aim to achieve a high level of coherence regarding remit and application of advertising self-regulation throughout Europe, but the way to achieve this at national level may differ as a result of the national regulatory, cultural and societal context. The implementation of a BPR at national level needs to be the result of a negotiation process taking into account the existing (self-) regulatory framework and the legal background to find an approach best suited to the national circumstances and needs. A national SRO may choose to adopt provisions in its advertising code that go beyond those recommended by EASA; some indeed, have already done so.

BPRs are thus also designed to stimulate and assist national discussions on the development of effective self-regulation and are intended as a means for taking clear actions at both European and national level.

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2 In 2002, EASA approved its Common Principles and Operating Standards of Best Practice to be complied with by all national SROs, with the aim of making the continued acceptance of self-regulation by European consumers and government at both national and EU levels more certain.

3 Based on the EASA Common Principles, EASA approved the "Best Practice Self-Regulatory Model" in April 2004. This Best Practice Model describes the various component parts of self-regulatory systems that the EASA wishes to see in place in all self-regulatory systems for advertising, with the aim of helping EASA and its members to evaluate, initiate and develop effective and efficient systems.

4 On 25 June 2004, the European advertising industry formally signed the "Advertising Self-Regulation Charter" in Brussels in front of the European Commission. The Charter offers a goal for self-regulatory systems throughout the Single Market and confirms the advertising industry's commitment to achieve a stronger self-regulatory network in the enlarged European Union, while recognising that advertising self-regulation reflects a rich and varied tapestry of systems for business responsibility, complementing the law.

2. Best Practice Recommendation on Influencer Marketing

2.1 Introduction

As elaborated in the previous chapter, all EASA BPRs are based on EASA's Charter which commits its signatories to ensure comprehensive coverage by self-regulatory systems of all forms of advertising and all practitioners (Art 1.) and to enforce comprehensive and effective codes of advertising practice (Art. 3), which would be "applicable to all forms of advertising", including digital marketing communications, which cover advertising using "digital interactive media intended primarily to promote products or to influence consumer behaviour.[5]"

Due to the fast-paced evolution of technologies and rapid development of platforms new forms of digital advertising practices have evolved which have seen an exponential growth in recent years urging SROs and EASA to have a closer look at such marketing communications and explore the best ways to address the challenges coming with them.

Therefore, the present EASA Best Practice Recommendation on Influencer Marketing, without prejudice to the applicable national and European Union legal provisions, aims to look at the key elements of influencer marketing techniques and assist SROs in creating their own national guidance by showcasing already existing national guidance on this topic across the SR network[6] and elaborating the different elements a guidance should address and define.

EASA recognises that, subject to local parameters SROs may vary in their national practices and choose to go beyond what is suggested in this document or design and implement alternative strategies and guidelines to ensure that influencer marketing abides by the national advertising codes and is honest, decent and truthful and can be thus trusted by consumers.

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5 ICC Advertising and Marketing Communications Code, Chapter C: Direct Marketing and Digital Marketing Communications, 2018
6 See Annex I: National SR guidelines on influencer marketing in this BPR

2.2 Influencer marketing: context and scope

In 2008, EASA launched its first edition of the Digital Marketing Communications Best Practice Recommendation (DMC BPR)[7]. The DMC BPR, revised in 2015, confirmed that the remit of advertising self-regulation covers all forms of marketing communications, including for digital media, as well as any future forms of online or digital marketing communication that are yet to be developed. It provides a non-exhaustive list of digital advertising techniques and gives further elaboration of selected marketing communications. The recommendation sets out a general definition of what falls within remit of SRO's rules:

> *"The term 'marketing communications' includes advertising as well as other techniques, such as promotions, sponsorships and direct marketing, and should be interpreted broadly to mean any communications produced directly by or on behalf of marketers intended primarily to promote products or to influence consumer behaviour."[8]*

The DMC BPR then clarifies that, although user-generated online content (UGC) is usually outside the remit of SR codes since it is considered editorial content produced by the user, including a possible influencer, UGC that is *"intentionally solicited, endorsed […] by a marketer for advertising purposes"* or *"to which the marketer in some other way seeks to associate his brand"* falls into the remit of regulation[9].

Since the DMC BPR has been introduced, all EASA members have accepted and implemented it[10]. At international level, the International Chamber of Commerce (ICC) in its latest version of the Advertising and Marketing Communications Code (2018)[11] unambiguously states the Code's "applicability to other participants in the marketing eco-system, including market influencers, bloggers, vloggers, affiliate networks, etc. [12]"

It is within this definition of marketing communications that influencer marketing fits as a marketing practice produced by or on behalf of the advertisers.

2.2.1 What is Influencer Marketing?

Academic definitions often identify influencers as third-party endorsers who shape audience attitudes through blogs, posts, tweets, and the use of other social media[13]. For the purpose of this Best Practice Recommendation, the concept of influencer includes any human-controlled online profile is active on any online social media platform, such as BeReal, Facebook, Instagram,

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[7] EASA, "EASA Digital Marketing Communications Best Practice Recommendation" 2015, (first published in 2008). The DMC BPR had been developed in co-operation of all EASA SRO and Industry members as well as external stakeholders such as platforms.
[8] EASA BPR on DMC, p.9
[9] EASA, "EASA Digital Marketing Communications Best Practice Recommendation" 2015, section "2.2.7 User-Generated Content"
[10] Based on EASA Best Practice Recommendations Scoreboard, annual assessment exercise, 2018 edition
[11] ICC Advertising and Marketing Communications Code, Chapter C: Direct Marketing and Digital Marketing Communications, *10th Code Revision — significant changes, p.2*, 2018
[12] ICC Advertising and Marketing Communications Code, Chapter C: Direct Marketing and Digital Marketing Communications, Art. C20, 2018
[13] Karen Freberg, Kristin Graham, Karen McGaughey, Laura A. Freberg, Who are the social media influencers? A study of public perceptions of personality, Public Relations Review, Volume 37, Issue 1, 2011, Pages 90-92,

Snapchat, TikTok, Twitch, YouTube, among others. Though they may be named differently in certain social media platforms or regulatory frameworks, such as "vloggers", "bloggers", "creators" or "uploaders", they are all within scope of this BPR. Subsequently, influencer marketing traditionally involves elements of identification of such individuals by the advertisers and engaging them in marketing activities and promotion of the brand and/or its products [14].

On the one hand, such a broad definition of influencer marketing is needed to make it future-proof and ensure that ongoing developments of this advertising technique will still fall under the scope of SR codes. On the other hand, and for the purpose of this BPR, it is important to define influencer marketing based on specific criteria, which allow to decide when the influencer's activity on social media is a marketing communication as opposed to pure editorial content.

Building on this general provision, the current BPR specifies that the qualifications of an influencer's message as a marketing communication must be carried out by testing the presence of a form of compensation, while also considering the level of control by the brand. Later sections of the present BPR will look in more depth at these elements.

2.2.3. Importance of Influencer Marketing: why is it addressed in a separate BPR?

The growing importance of this marketing technique and especially the role played by influencers make additional guidance necessary to shed a spotlight on advertising self-regulatory efforts that are on the forefront of ensuring responsible marketing and protecting audiences and society at large from inappropriate advertising.

Content created by influencers is viewed and followed by an increasing number of people, particularly young people and minors. For some it is even a part of their daily lives and an important source of information. Therefore, it is vital to clearly draw the lines between genuine opinions shared by such influence holders – also known as "editorial content" – and the ones that have a marketing intent. However, since influencer marketing is closely linked to the concept of user-generated content, these lines can blur more easily than in traditional advertising, which could subsequently mislead consumers.

Therefore, the role of the advertising self-regulatory organisations is to guide the industry stakeholders – advertisers and brand owners as well as influencers themselves – to use this marketing technique responsibly and in compliance with the existing SR principles and national SR codes.

The following sections of the present BPR will highlight the key elements which are recommended to be addressed by SROs when developing or updating their guidance on influencer marketing. The document will also recommend some proactive steps which SROs could take in order to ensure higher compliance with their codes in this area.

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[14] Brown, Duncan and Nick Hayes (2008), Influencer Marketing: Who really influences your customers?, Routledge

2.3. Recommendation on Influencer Marketing guidance

2.3.1. Compensation and level of control by the brand

As defined in section 2.2.1. of this BPR, content uploaded by influencers is defined as a marketing communication if the advertiser compensated the influencer either via payment or through other arrangements. The level of control by the brand, sometimes known as editorial control, is also a factor that can help determine whether the influencer's content is to be regarded as marketing communication. However, the absence of self-evident proof of control or compensation by the brand does not preclude a piece of influencer content from being within the definition of "marketing communication". Where obvious indicators of compensation or brand control are not present, the following list provides examples of features of content which may help evidence that the content is a marketing communication:

- promotion or mentioning of products/services, or the characteristics of particular brand, omitting any reference to similar products or services of competitors,
- the mention of specific prices for products/services of a particular brand in the content,
- a markedly laudatory tone of excessive praise of the products/services of a particular brand in the content,
- direct appeal to purchase the products/services of a particular brand,
- a lack of editorial or personal interest in the content (the content does not contain anything other than the promotion of the product/service of a particular brand),
- presence of affiliate links to the products/services of a particular brand,
- presence of discount codes for the products/services of a particular brand,
- displaying received gifts or mentioning the possibility to receive gifts from a particular brand,
- expressing gratitude towards a particular brand,
- reiteration of messages or content in relation to the products or services of a particular brand,
- proof of any previous collaboration between the brand and influencer,
- recent public announcement that a collaboration between the brand and influencer has occurred or will occur, and/or
- coincidence in the same period of time with identical or similar messages, content or hashtags in relation to a particular brand disseminated by other influencers and/or by the brand in its own media or networks or those of third parties.

SROs may also want to consider the relevant legal provisions that impact influencers recognised as providing an audio-visual media service within the context of sponsorship or product placement. In such cases, as per articles 10 and 11 of the Audio-Visual Media Services Directive, the factor of brand control may not be used to qualify a piece of content as commercial, since brand control would not be allowed in such cases.

During the SROs' investigative work as part of the complaints' handling process, EASA recommends, as per the BPR on Complaints Handling[15], that SROs always contact the advertiser and the influencer for their respective feedback within a given timeframe. This allows for the SRO to receive input from the advertiser on whether the influencer has acted under their consideration or whether the influencer has acted independently, despite any apparent link in the post or video. Such cases are outside the remit of advertising self-regulation, as these pieces of content have been created without the advertiser being aware, though this will depend on the proof provided by both the advertiser and the influencer.

Once a piece of content qualifies as marketing communication, it is subject to all SROs' Codes. Consequently, influencers, ad agencies, and advertisers are responsible to comply with all ad SR rules, including those relevant to protecting vulnerable groups, such as minors and children. Influencers should be particularly mindful about the way they target certain products and take care that their audience is not provided with ad content that should not be targeted to minors or children under the law and/or ad SR rules.

2.3.1.1. **Compensation** for the marketing communication shared by the influencer can take many forms, but all reflect the recognition by the brand of the service provided by the influencer to advertise their products or services on their online social media profile(s) and make use of their virtual following.

> **Example:** It can range from formal contractual agreements defining monetary payments to a mere provision of free goods or other reciprocal commitments for the benefit of the influencer. While a contract and/or a monetary remuneration by the advertiser or its representative is undoubtedly the clearest way to establish the commercial relation between the brand and the influencer, other types of arrangements should also be considered as compensation. For example, it can take the form of provision of free or discounted products and/or services, discount codes for their online followers, free or sponsored voyages, free or sponsored tickets to certain events or venues, just to name a few. In short, any form of consideration by the brand toward the influencers is proof of compensation and therefore qualify the piece of content as influencer marketing.

The considered mechanisms of compensation should be explained in the SRO guidance, preferably by giving examples.

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15 EASA, *Best Practice Recommendation on Complaints Handling*, 2017, p.8, available for members only.

2.3.1.2. **Level of control by the brand**, known also as editorial control, can be understood broadly and include different elements ranging from more inclusive to stricter definitions.

> **Example:** Advertisers' suggestion or proposal for the tone, structure and/or direction of the message; for example, requests for a positive review, requests for a specific number of posts on a certain social media channel mentioning the service/product or requests to show the product in a social media post. The concept of brand control can also be defined more strictly, including thus a dominant control with a pre-suggested message script, scenario or speech for the influencer prepared by the advertiser with additional requests for validation of the content before its publication.

EASA acknowledges the differences already existing in national SR practices and approaches on this issue and recommends, regardless of the chosen definition of brand control, to explain the concept clearly as part of their guidance, particularly by providing examples to illustrate different situations.

2.3.2. Recognisability and disclosure

2.3.2.1. **Recognisability** of commercial communications is of paramount importance and is a cornerstone of responsible advertising. As for traditional media (native advertising, product reviews on TV, etc.), some forms of online marketing communications, including influencer marketing, require dedicated disclosure making sure that the audience clearly recognises a marketing communication as opposed to pure editorial content. The ICC code, which is at the basis of most national advertising codes, states that marketing communications:

> *"[…] should be clearly distinguishable as such, whatever their form and whatever the medium used. When an advertisement, including so-called "native advertising", appears in a medium containing news or editorial matter, it should be so presented that it is readily recognisable as an advertisement and where appropriate, labelled as such.*
>
> *The true commercial purpose of marketing communications should be transparent and 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, private postings on social media or independent reviews".[16]*

All influencer marketing communications should therefore be designed and presented in such a way that that the audience immediately identifies them as such. This identification can be done by various means (as discussed in the following section) as long as the public is made aware of the existing engagement or agreement between the advertisers and the influencer each time the marketing message is being shared.

It is recommended that in their guidance the SROs emphasise that such "awareness" and recognition should be widespread and not attained only by a specific target group or selected audience (e.g. the followers of a particular influencer who might be "aware" of the agreement between the brand and influencer from his/her previous messages).

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[16] ICC Advertising and Marketing Communications Code, Art. 7—Identification and Transparency, 2018 edition, p.10

2.3.2.2. **Disclosure** of marketing intent of the influencer's message can be made in a variety of ways, but, most importantly, it should appear instantly and be appropriate to the medium and message. Therefore, in their national guidance regarding influencer marketing, the SROs are recommended to consider giving examples of acceptable disclosure by covering all different types of formats used by influencers (e.g. pictures, posts, tweets, videos, blogs), different platforms that the messages appear on (e.g. Facebook, Instagram, Twitter, YouTube) as well as different contexts of local markets, national languages and different main target audiences (e.g. adults, young adults, children). It is also recommended to regularly update any national guidance produced by SROs to ensure that examples mentioned cover new emerging platforms relevant for influencer marketing.

The following elements of disclosure should be further defined at national level:

- Nature of disclosure: transparency disclosures include a variety of possible options, ranging from hashtags mentioned at the very top of the description text accompanying the text or video (further elaborated below with examples), proprietary disclosure methods made available by the digital platform (such as "*sponsored*" mentioned above the post or video), and/or mentioning explicitly at the start of a video that the content has been sponsored or paid for by a brand. It is recommended to spell out what the different possible transparency disclosure options there are for some of the most popular digital online platforms that influencers use for their marketing content. Influencers are advised to include a combination of disclosure techniques, to ensure that their audience is fully aware when viewing any content that contains marketing.
- Placement of disclosure: whilst each online platform will have slight variations of where their own disclosure tool appears alongside the sponsored post or video, the placement of hashtags, discussed in detail further below, is universally mandated to be mentioned at the very top of any description or text.
- Timing of disclosure: it is recommended for influencers to mention the nature of their content as marketing as soon as the video starts or in any case at the very beginning.
- Language: whether or not the use of tags in languages different than that of the national/regional one is permitted.
- Wording of appropriate disclosure: such as phrases used to correctly identify the nature of the agreement with the advertiser, e.g. "these products have been sent for free to give a review", "the trip was sponsored by".

Example: Transparency of ad content for influencer marketing includes multiple levels of disclosures, such as the use of hashtags at the beginning of the description of the post or video, the use of proprietary marketing disclosure techniques for particular social media platforms, and in the case of video, the mention that the content is marketing at the start.

SROs may provide additional concrete examples in their guidance about which types of hashtags are acceptable and which are not. **Influencers, advertisers, and other marketing professionals are strongly advised to check with their local ad self-regulatory organisation**

(SRO) on the accepted forms of disclosures and hashtags. For the purpose of this BPR, the following table outlines a non-exhaustive list of recommended key words or hashtags in various languages that influencers ought to include in their marketing posts or videos.

Bulgarian (български)
• #реклама/ad • #спонсорирано/sponsored • #безплатни мостри/free samples • #в партньорство с/in partnership with,
Dutch (Nederlands)
• Deze video bevat reclame voor … • Deze video bevat een betaalde samenwerking met … • …. heeft mij betaald om deze video te maken • Advertentie • Advertorial • Betaalde promotie • Betaald partnerschap met … • #reclame • #advertentie • #gesponsord • #productplaatsing • #publiciteit • Samenwerking met @...
English[17]
• #advertising • #ad • #advert • #advertisement • Advertisement feature • #sponsor
French (Français)
• #Partenariat • #Publicité • #Collaborationcommerciale • #Encollaboration • #Collaboration • #Sponsorise • #enpartenariat • #placementdeproduit
German (Deutsch)
• #werbung • #anzeige
Italian (Italiano)
• #pubblicità

- #promosso da … brand
- #sponsorizzato da … brand
- #in collaborazione con … brand
- #post sponsorizzato
- #presentato da … brand

Portuguese (Português)

- Publicidade
- #Publicidade
- Anúncio
- #Anúncio
- Patrocínio
- #Patrocínio
- patrocinado por
- parceria remunerada com
- pub
- #pub
- Ad
- #ad
- #sponsored
- sponsored
- embaixador
- #embaixador
- embaixadora
- #embaixadora
- #brandambassador
- advertising
- #advertising
- parceria
- #parceria

Slovak (Slovenčina)

- #spolupraca
- #sponzorovanyobsah
- #reklamnyobsah
- #platenepartnerstvo
- #barter
- #sponzorovanasutaz
- #reklama

Spanish (Español)

- Embajador de [marca/brand]
- Gracias a [marca/brand]
- Regalo de [marca/brand]
- Viaje patrocinado
- #publicidad
- #publi
- #en colaboración con
- #patrocinado por

Swedish (Svenska)

- #reklam

Turkish (Türkçe)[18]
• #Reklam • #Tanıtım • #Sponsor • #İşbirliği • #Ortaklık • @[Reklam veren] ile işbirliği • @[Reklam veren] tarafından sağlandı • @[Reklam veren] tarafından hediye olarak alındı • Bu video [reklam veren] reklamlarını içermektedir • Bu video, [reklam veren] ile ücretli işbirliğini içermektedir • Bu ürünleri [reklam verenden] hediye olarak aldım • Ürünleri bana gönderdiği için [reklam verene] teşekkürler • [Reklam veren]'in destekleri ile
Influencers are urged to include multiple forms of disclosure for each marketing post or video. The clearer the disclosure that the piece of content they published is sponsored, marketing content in nature, or any other form of advertising, the higher the chance of compliance of the ad. Tagging the brand may also be an additional form of disclosure, on top of the abovementioned recommended keywords and hashtags, that will enable increased transparency as to whom sponsored the advertisement.

EASA acknowledges that due to the evolving nature of influencer marketing, of its regulatory framework, as well as the changes in the tools provided by platforms, setting up an exhaustive list of appropriate labelling (i.e. particular hashtags, formulation of phrases) may not be advisable and SROs might instead choose to give more general guidance of how to make the disclosure easily identifiable and distinguishable from other information given in the influencer's message.

2.3.3. Responsibility over the content

As laid down in the ICC Code the "*general rules on responsibility are technology neutral and apply to all forms of marketing communications.*"[19] Furthermore, "*overall responsibility for all aspects of direct marketing and digital marketing activities, whatever their kind or content, rests with the marketer.*"[20]

However, the 2018 revision of the ICC Code also acknowledges that "*All parties concerned need to take into account that responsibility also applies to other participants in the direct marketing and digital marketing eco-system including: […] market influencers, bloggers and vloggers*[21]". This shows that influencers have and should be reminded of their duty to abide by the SR codes and to adhere to responsible marketing practices.

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[18] As proposed by the Ministry of Trade's (Ticaret Bakanlığı) guidance to which the Turkish SRO, RÖK, has provided substantial input.
[19] ICC Advertising and Marketing Communications Code, Chapter C: Direct Marketing and Digital Marketing Communications, Art. 23, 2018
[20] ICC Advertising and Marketing Communications Code, Chapter C: Direct Marketing and Digital Marketing Communications, Art. C20, 2018
[21] Ibid.

EASA acknowledges that the SROs may identify which parties bear responsibility differently based on the provisions in the national laws and the specific conditions identified in a given influencer marketing case (e.g. lack of control by the brand, no clear agreement between the brand and the influencer). It is therefore recommended that in their national guidance for influencer marketing, SROs would explain the responsibilities and obligations of all parties concerned (i.e. advertisers and/or their representatives, influencers and/or their agencies) and remind them of their duties in the local markets.

2.3.4. Recommended SRO actions and initiatives

EASA's Self-Regulatory Organisations already have a multitude of communication tools available which they use for awareness raising. Depending on the local context, SROs' membership and structure, these tools include sharing news and updates via various communication channels, publications, communications with journalists and the media, or organisations of seminars or workshops for the industry on specific topics. Therefore, national SROs are in the best position to decide which communication techniques would suit their needs best.

Advice and guidance on influencer marketing can also be given in different ways. SROs might want to consider drafting dedicated guidelines on influencer marketing, providing them with copy advice or pre-clearance services and/or with documents listing frequently asked questions online, organising workshops for advertisers (or their representatives), working directly with influencers (or their agencies), as well as training and educating the influencers themselves. More details can be found in EASA's Best Practice Recommendations on Communication and Awareness.[22]

2.3.4.1 Trainings

An impactful way to reach out to influencers and raise awareness about the rules applicable to online marketing content is to organise tailor-made training programmes. This allows for SROs to engage with influencers directly, inform them about the challenges and the relevant regulatory frameworks. This also allows for the opportunity to formalise the process via a test which, if passed, gives way to a certificate. Importantly, the certificate would only attest to the influencer having passed the latest test on advertising regulations, with the possibility to create recurring testing procedures. Influencers would be able to tag their content and profiles as having passed the test and thus raise awareness among their peers of the ad SR rule in force.

This system benefits both SROs and brands. SROs interact directly with influencers and spread the word at local level via a grass-root solution, whilst brands can engage more securely and with more confidence with these particular influencers, as there is a high chance any marketing content they produce in agreement with the brands is compliant with local rules. Nonetheless, having a certificate does not preclude consumers complaining about the ads to the SRO – which will later investigate the matter – nor whether it is, in fact, compliant or not with applicable rules. The certificate is a tool that allows SROs to engage directly with influencers, raise awareness

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[22] Please contact the Secretariat for access to the BPR.

about their national standards and legislative frameworks, and enable brands to work with influencers connected with the SRO and whose content is routinely monitored.

2.3.4.2 Monitoring

Influencer marketing remains a medium that is particularly ephemeral given the rapid creation, dissemination, and turn-over of short video stories on the main digital platforms and the short time it takes audiences to interact with this content. Therefore, it is recommended that SROs embark on developing monitoring exercises to review advertising material against their SR rules and flag any non-compliant element to the influencer and/or the brand. As this medium is bound to expand in terms of ad spend, it is advisable that such monitoring schemes are supported by data-driven algorithmic technology.

Further to the use of testing practices and certificates outlined in the previous point, SROs could do either ad hoc checks or continuous monitoring of the influencers' advertising content. Failure to comply after a certain time and/or after a number of notices by the SRO, would see the influencer lose their certificate. Monitoring may also allow for SROs and advertisers to see whether the relevant advertising codes are being complied with on social media, and allow for SROs to consider whether perhaps more guidance, training, and awareness is necessary. Given the large quantities of data to be analysed in a short amount of time, it is advisable to use AI-supported tools to review the large amount of data produced by the influencers. However, SROs are better suited to know what is required to ensure at local level that influencer marketing remains compliant with their rules.

The examples outlined in this document are by no means exhaustive, limiting or obliging SROs to conduct any of the specific activities. More details about the monitoring schemes can be found in the EASA BPR on Advertising Monitoring or by contacting the EASA Secretariat.

In any case, EASA recommends that given the growing importance of influencer marketing at global level, its member SROs should raise awareness and advocate for responsible influencer marketing by providing guidance for relevant industry practitioners in a way that best suits the context and the need of their local markets.

2.3.4.3 Membership

Self-Regulatory Organisations with a membership model may consider welcoming influencer agencies and relevant influencers as members, to increase awareness of the ad SR ecosystem and facilitate a direct connection between SROs and influencers and influencer agencies.

3. Annexe

National guidelines on influencer marketing[23]

Country	Influencer marketing guidelines/ guidance notes or other advice given on the subject
Austria	Part of Ethik-Codex der Werbewirtschaft (section 1.8)
Belgium	Recommendations of the Communication Centre on Influencer Marketing Dutch: https://www.jep.be/wp-content/uploads/2022/04/influencers_NL.pdf French: https://www.jep.be/wp-content/uploads/2022/04/influencers_FR.pdf
Bulgaria	Part of the Национален съвет за саморегулация (National Council for Self-Regulation) Code
France	Part of Recommandation Communication publicitaire numérique v5 Other relevant resources regarding influencer marketing regulation
Germany	aktualisierter Leitfaden der Wettbewerbszentrale zu Influencer Marketing
Ireland	ASAI Guidance Note - Recognisability of marketing communications
Italy	Part of IAP Code and Digital Chart Regulation
The Netherlands	Part of SRC The Dutch Advertising Code - ADVERTISING CODE SOCIAL MEDIA
Portugal	ARP's Novo Guia Influenciadores (soon to be published)
Romania	Part of The Code of Advertising Practice (Ch.1, Art.4)
Spain	AUTOCONTROL's Código de conducta sobre el uso de influencers en la publicidad
Slovakia	Code for influencer marketing (Kodex Influencer Marketingu), developed with the support of Rada Pre Reklamu.
Slovenia	SOZ's guidelines for Influencer Marketing (PRIPOROČILA K MARKETINGU VPLIVNEŽEV)
Sweden	The Swedish Consumer Agency Guidance on marketing in blogs and other social media, developed with the input of Reklamombudsmannen.
Turkey	The Ministry of Trade's guidance piece (Sosyal Medya Etkileyicileri Tarafından Yapılan Ticari Reklam ve Haksız Ticari Uygulamalar Hakkında Kılavuz) developed with the input of Reklam Özdenetim Kurulu.
UK	CAP and CMA's Influencer's Guide to making clear that ads are ads Other relevant resources regarding influencer marketing regulation

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[23] Last updated in May 2023

4. Relevant links:

1. EASA Advertising Self-Regulatory Charter
2. Overview of EASA Best Practice Recommendations
3. EASA Best Practice Self-regulatory Model
4. EASA Statement of Common Principles and Operating Standards of Best Practice
5. EASA 30th Anniversary Declaration for proactive and effective advertising self-regulation and the enhancement of socially responsible advertising in Europe

easa

**European Advertising
Standards Alliance**

European Advertising Standards Alliance

Rue des Deux Églises 26

1000 Brussels, Belgium

www.easa-alliance.org

info@easa-alliance.org

@AdvertisingEASA

european-advertising-standards-alliance