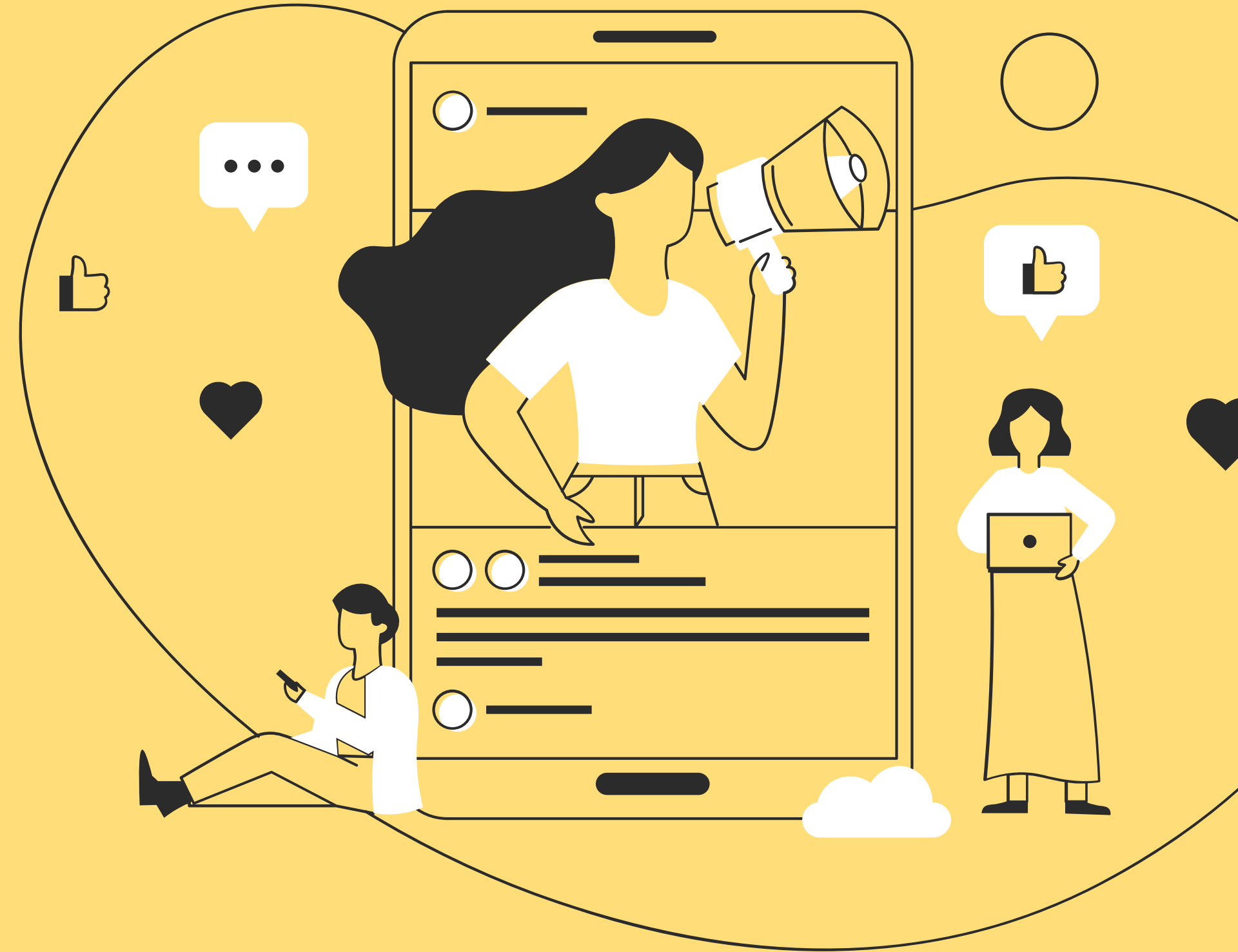
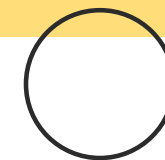


Guidelines for "Influencer advertising on digital media"- draft for stakeholder consultation



Advertising Standards Council of India
February 2021



context

As digital media becomes increasingly pervasive and more consumers start to consume advertising on various digital platforms, it has become important to understand the peculiarities of these advertisements and the way consumers view them. With lines between content and advertisements becoming blurry, it is critical that consumers must be able to distinguish when something is being promoted with an intention to influence their opinion or behaviour for an immediate or eventual commercial gain. Consumers may view promotional messages without realising the commercial intent of these, and that becomes inherently misleading, and in violation of clause 1.4 (misleading by omission) and 1.5 (abuse trust of consumers or exploit their lack of experience or knowledge)

It has also become necessary to update the definition of certain terms as they relate to advertising regulation and guidelines in the changed scenario.

index

Definitions

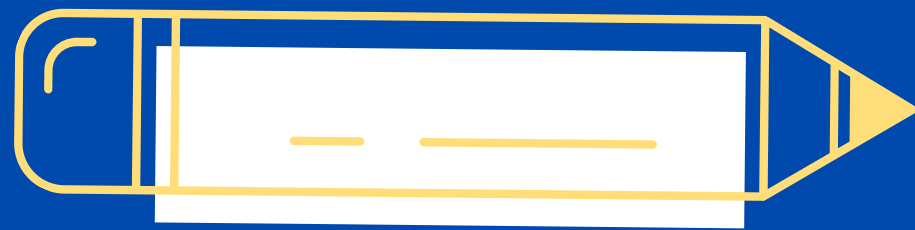
Disclosure (what, how, when , why, by whom, labels)

Influencer advertising guidelines

How will ASCI handle complaints

Ready reckoner for key media platforms

Timelines



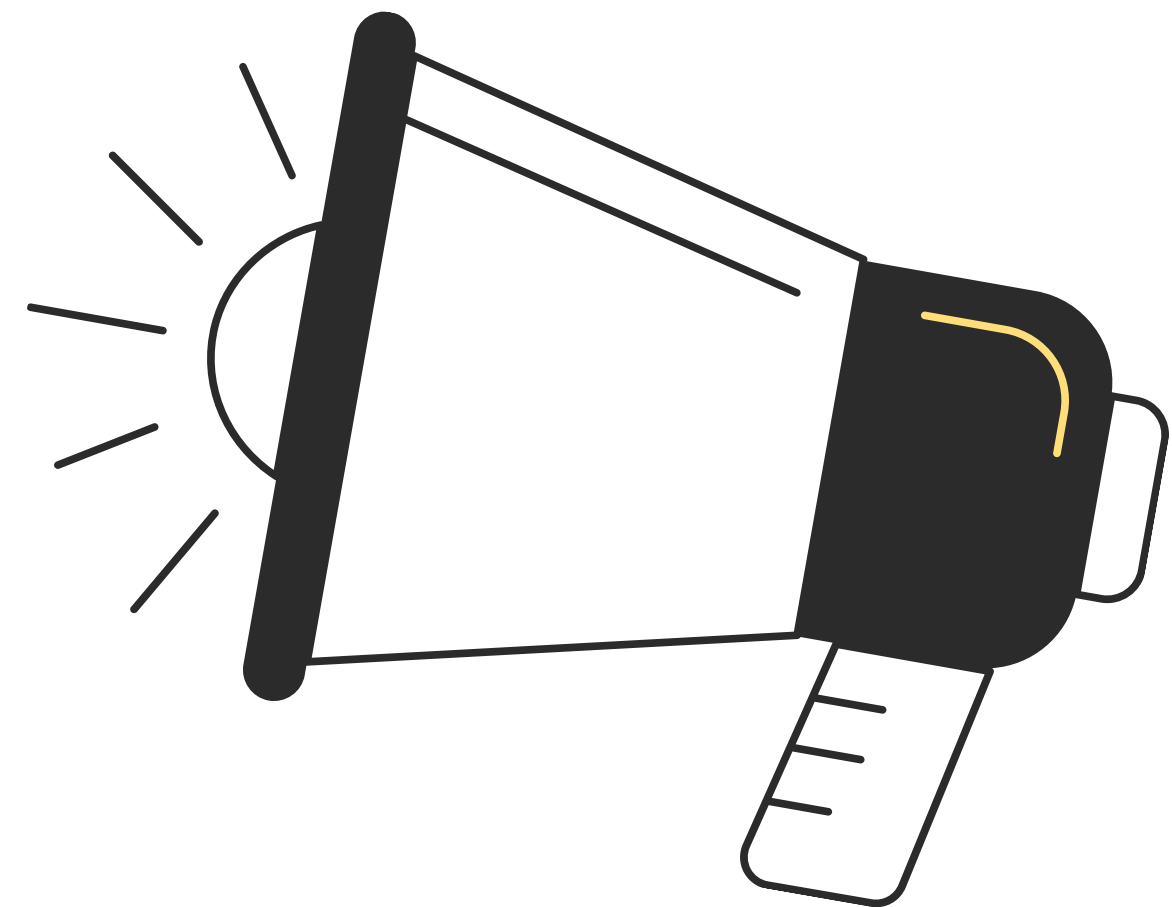
definition

ADVERTISEMENT

An ADVERTISEMENT is defined as a paid-for communication, addressed to the public or a section of it, the purpose of which is to influence the opinions and/or behaviour of those to whom it is addressed.

Any communication which in the normal course may or may not be recognized as an advertisement by the general public, but is owned or authorised by the advertiser or brand owner would be included in the definition.

Explanation: An Advertisement shall be “Owned or Authorized” by an advertiser when there is a material connection with the publisher of the Advertisement.



definition

MATERIAL CONNECTION/ PAYMENT

Any connection between an entity providing a product or service and an endorser, reviewer, influencer or person making a representation or publishing the communication that may affect the weight or credibility of the representation, and that could include benefits and incentives, such as monetary or other compensation, free products with or without any conditions attached, discounts, gifts, contest and sweepstakes entries, and any employment relationship.

Examples of a material connection or payment could be free products including those received unsolicited, direct monetary exchange, trips or hotel stays, media barter, coverage, awards, with the expectation—explicit or implied—that a promotion or inclusion of the advertiser's products in a post occurs immediately or eventually.



definition

DIGITAL MEDIA

Digital media includes but is not limited to:

- Internet (advergaming, sponsored posts, branded content, promotional blogs, paid-for links, gamification, in-game advertising, teasers, viral advertising, augmented reality, native advertising, connected devices, influencers, etc.)
- On-demand across platforms including Near Video On Demand, Subscription Video On Demand, Near Movie On Demand, Free Video On Demand, Transactional Video On Demand, Advertising video on demand, Video On Demand, Pay Per View etc.
- Mobile broadcast, mobile, communications content, websites, blogs, apps, etc.
- Digital TV (including Digital Video broadcasting0 Handheld and terrestrial) etc.
- NSTV (non-standard television)
- DDHE (digital delivery home entertainment)
- DTT (Digital terrestrial television)



definition

MEDIA OWNERS

- Media owners include organizations or individuals in effective control of the management of media or their agents.
- Media are any means used for the propagation of advertisements and include press, cinema, radio, television, hoardings, hard bills, direct mail, posters, internet, digital etc.

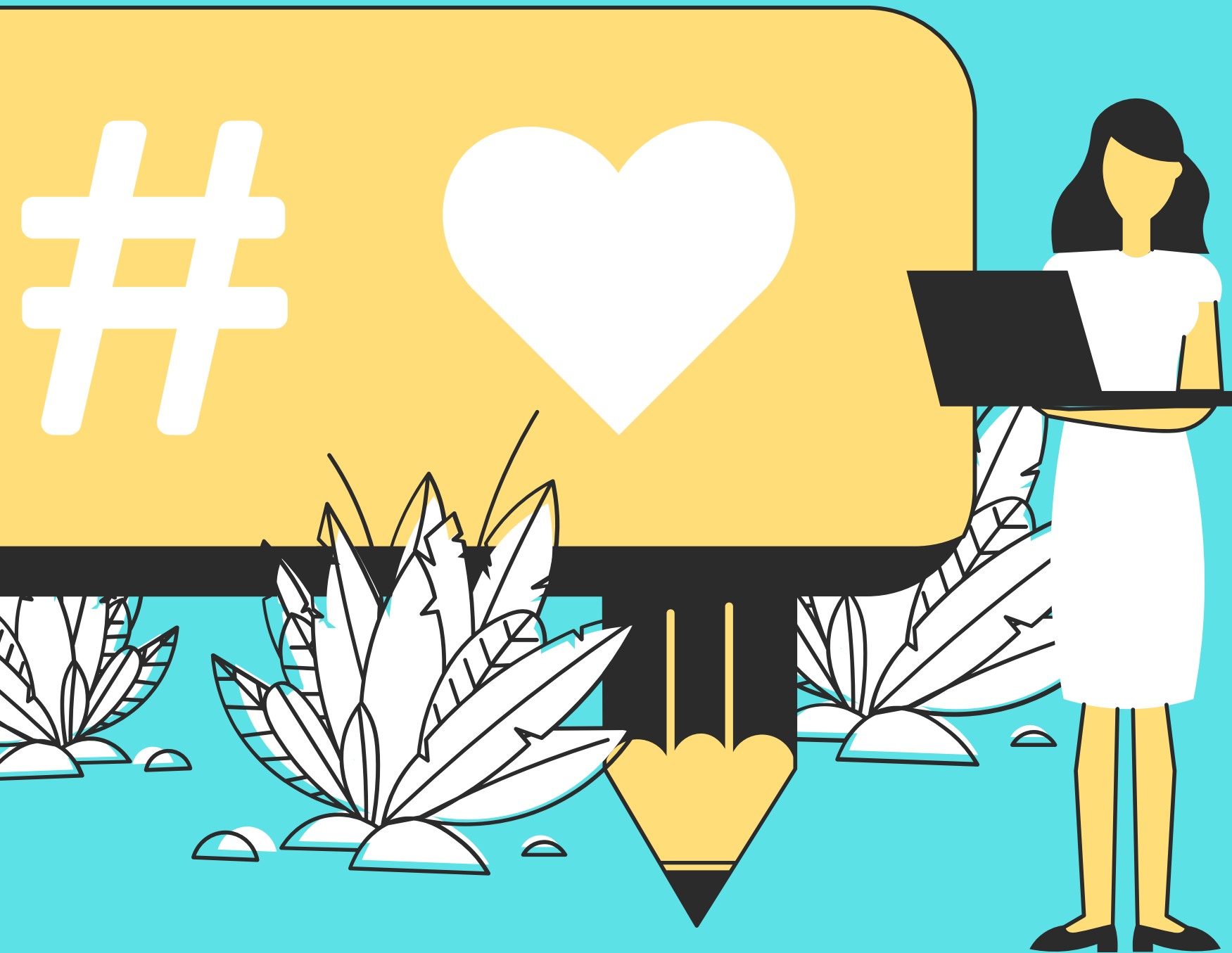


definition

INFLUENCER

An Influencer is someone who has access to an audience and the power to affect their audience's purchasing decisions or opinions about a product, service, brand or experience, because of the influencer's authority, knowledge, position, or relationship with their audience, An influencer can intervene in an editorial context or in collaboration with a brand to publish content.

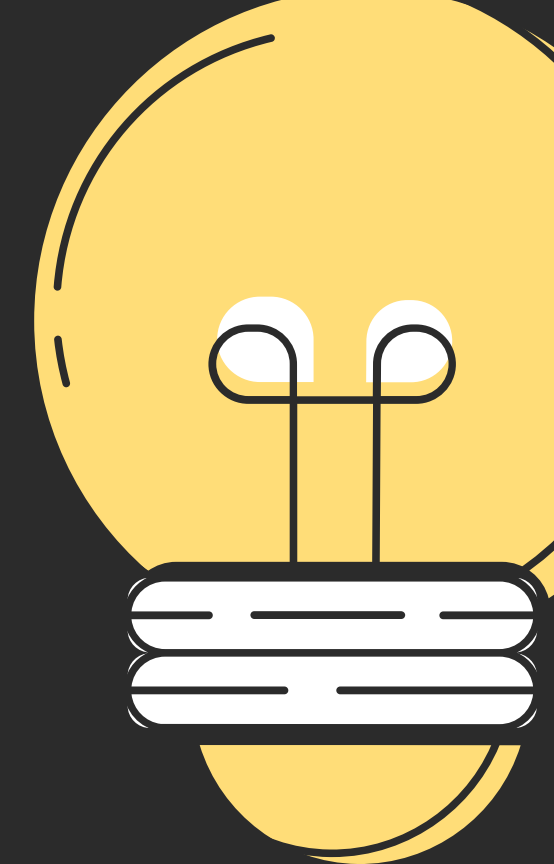




For advertisements on digital media to be honest and not violate ASCI chapter 1 on misleading advertisements, we are creating "Guidelines for Influencer Advertising on Digital Media".

disclosure that an ad is an ad

- what, why, how, when



what

A disclosure is a clarification that a piece of communication is an advertisement.

why

An average consumer should be able to recognise that something is an advertisement without having to click or otherwise interact with it. It needs to be clear/obvious, and consumers shouldn't have to work to figure out whether what they are hearing, viewing or experiencing is an advertisement,

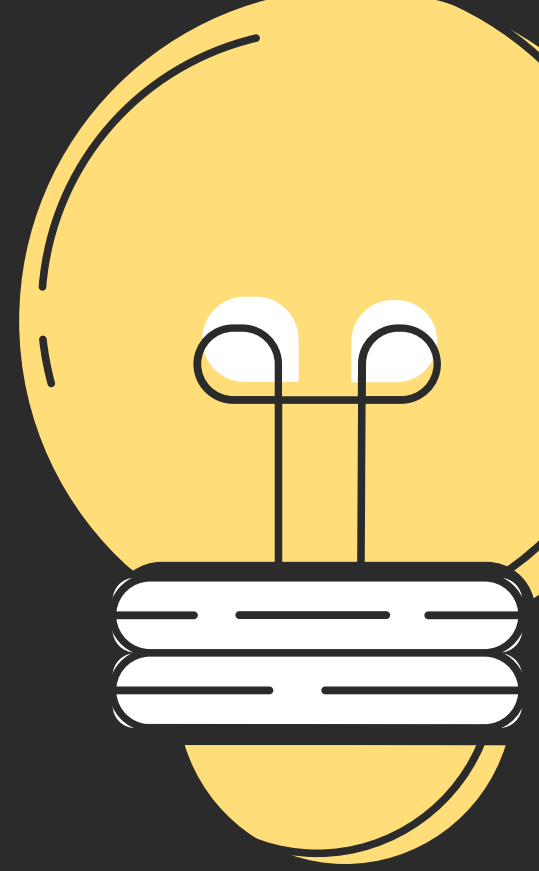
how

By using the disclosure label when a piece of communication is an advertisement.

when

The disclosure needs to be made upfront so that the consumer knows that they are viewing or hearing or reading or experiencing an advertisement before they view, hear, read or experience it.

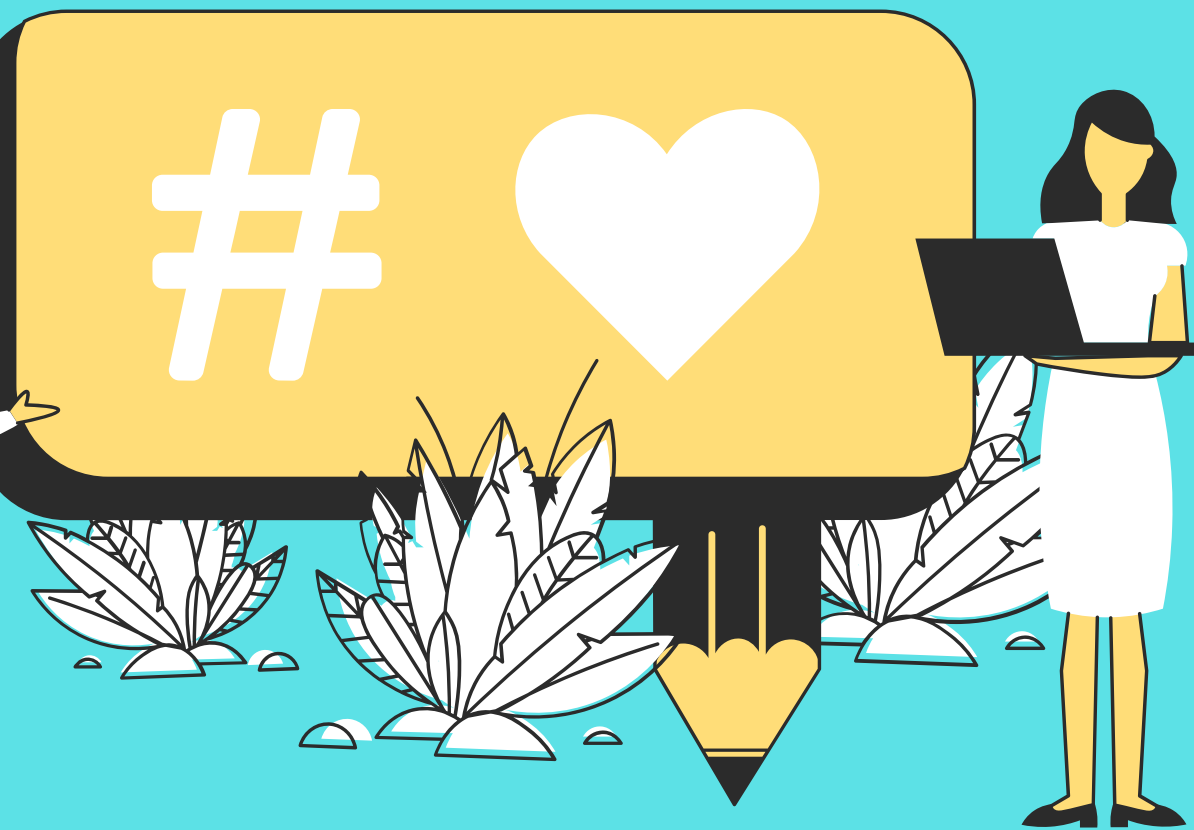
...and who



The responsibility of the disclosure is upon the **influencer** or **publishing account** on which the advertisement is published, as well as the **advertiser** for whose brand the advertisement is.

In the case of a brand using a virtual influencer, the onus of the disclosure is upon the **advertiser**

disclosure label options



#ad
#collab
#promo
#sponsored
#partnership

No other labels may be used as consumers may not be familiar with short forms or other words to connote advertisements.

This list will be periodically reviewed to add any new labels that become popular or recognised by an average consumer as a way to connote promotional communication

Guidelines for Influencer advertising on digital media

- 1** Advertisements must be obviously distinguishable by the average consumer from editorial and independent user-generated content, to prevent the audience from being confused between the two. Therefore a disclosure label must be added from the list of approved labels. Only permitted disclosure labels will be considered as adequate as consumers may not be familiar with various creative ways in which advertisers and influencers may wish to convey that the said communication is an advertisement. Examples of such advertisements could be paid music promotion in a video, promoting a store or a brand through a post on the influencers media handle
- 2** The disclosure label used to highlight advertising content needs to be upfront (within the first two lines of any given platform, such that a consumer need not click on see more or have to scroll under the fold), prominent (so people don't miss it), appropriate for the channel (what can you see and when) and suitable for all potential devices (it needs to be visible regardless of the device used, or platform such as website or app etc.).
- 3** The disclosure label must be in English or translated into the language of the advertisement in a way that it is well understood by the average consumer who is viewing the advertisement.



Guidelines for Influencer advertising on digital media

- 4 Blanket disclosures in a profile/bio/about section will not be considered adequate because people visiting the site might read individual reviews or watch individual videos without seeing the disclosure on another page
- 5 If the advertisement is only a picture post such as Instagram stories or Snapchat, the label needs to be superimposed over the picture and it should be ensured that the average consumer is able to see it clearly.
- 6 In the case of video not accompanied by a text post, the disclosure label should be superimposed on the video in a manner that is easily visible to the viewer. For videos that last 15 seconds or lesser, the disclosure label must stay for a minimum of 2 seconds. For videos longer than 15 seconds, but less than 2 minutes, the disclosure label stays for 1/3rd the length of the video. For videos which are 2 minutes or longer, the disclosure label must stay for the entire duration of the section in which the promoted brand or its features, benefits etc are mentioned. In live streams, the disclosure label should be placed periodically, for 5 seconds at the end of every minute so that users who see part of the stream can see the disclosure.



Guidelines for Influencer advertising on digital media

7 In the case of audio media, the disclosure label must be clearly announced at the beginning and at the end of the audio.

8 Filters should not be applied to social media advertisements if they exaggerate the effect of the claim that the brand is making- eg. makes hair shinier, teeth whiter etc.

9 The influencer must do their due diligence about any technical or performance claims made by them such as 2X better, effect lasts for 1 month, fastest speed, best in class etc. Evidence of due diligence would include correspondence with the advertiser or brand owner confirming that the specific claim made in the advertisement is capable of scientific substantiation.

10 It is recommended that the contractual agreement between advertiser and influencer carries clauses pertaining to disclosure, use of filters as well as due diligence



Timelines:

Feedback on draft influencer advertising guidelines is invited until the 8th of March, 2021

Based on the feedback and inputs, the final guidelines will be issued by ASCI by 31st March, 2021

The influencer advertising guidelines will be applicable to all promotional posts published on or after 15th April 2021



COMPLAINT HANDLING

ASCI will issue a notice to both brand owner and influencer for violation of any guideline in the case of a consumer complaint or suo motu cognisance of a potentially objectionable advertisement.

In the case of disappearing posts, a screenshot with timestamp would suffice as prima-facie evidence of the advertisement having been published



Influencers- Know when to Label



**Is this post an ad for your product/
service/ event/ contest/prize run by
you?**

**Have you received or will receive
payment/ barter for promoting a
product, service or brand in this post**

**Have you included a discount code/
hyperlink whereby you get a
commission on clicks or sales
generated via this link or code?**

**Has any brand commissioned
or authorized this
communication**

**Have you or will you receive a free
product/ service/
incentive/hospitality/free
trip/discounts or any other benefits
for making this post?**

If you answer yes to any of these questions, you need to add the disclosure label to your post as per the ASCI Digital disclosure guidelines

Ready reckoner for specific media channels



The disclosure label to be included in the text that shows. If only the image/video is seen, the image/video itself must include the label eg reels, insta stories



Include the disclosure label in the title of the entry or post. If only the image/video is seen, the image/video itself must include the label eg FB story

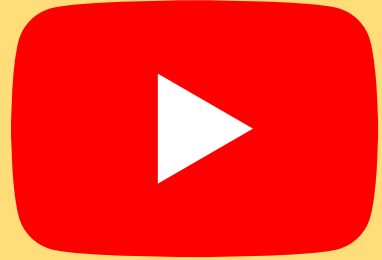


Include the disclosure label or tag at the beginning of the body of the message as a tag



Include the disclosure label at the beginning of the message.

Ready reckoner for specific media channels



YouTube and other video platforms

Include the label in the title / description of the post.



Overlay the disclosure label while talking about the product or service



Include the disclosure label in the body of the message in the beginning as a tag.



Include the disclosure label in the title of the post.

what's in it for you?

Responsible brands
like responsible
influencers

Join the league of
responsible
advertisers

Protect yourself by
disclosing upfront
what the intent of
your post is. That
way you and the
advertiser both
share the onus of
your posts in case of
a consumer
complaint

Your success
depends on your
audience's trust in
you. Being
responsible will
increase this trust
over time.

With great influence, comes great responsibility





Feedback on the guidelines may be sent by
8th March 2021 to hilda@ascionline.org