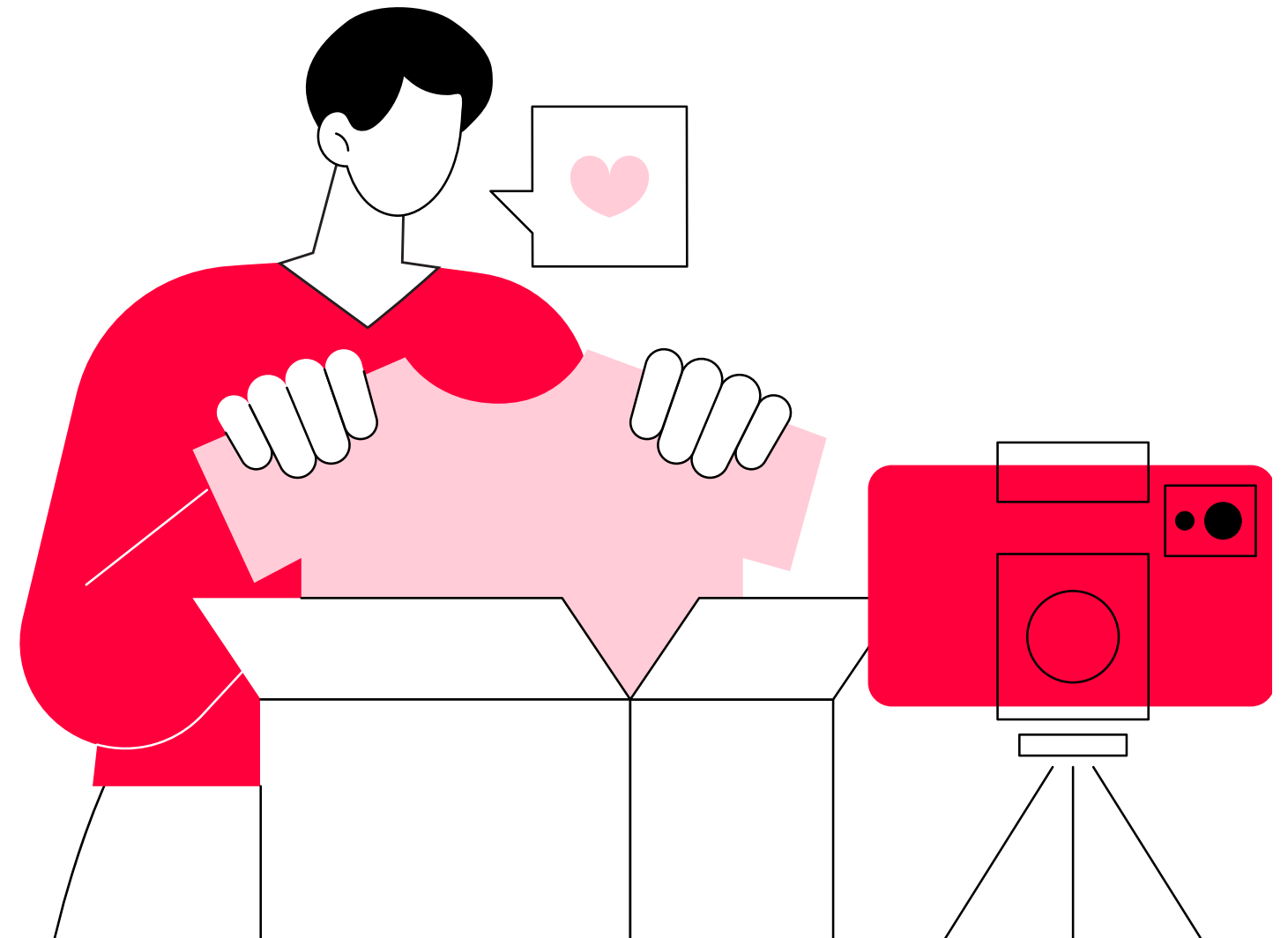


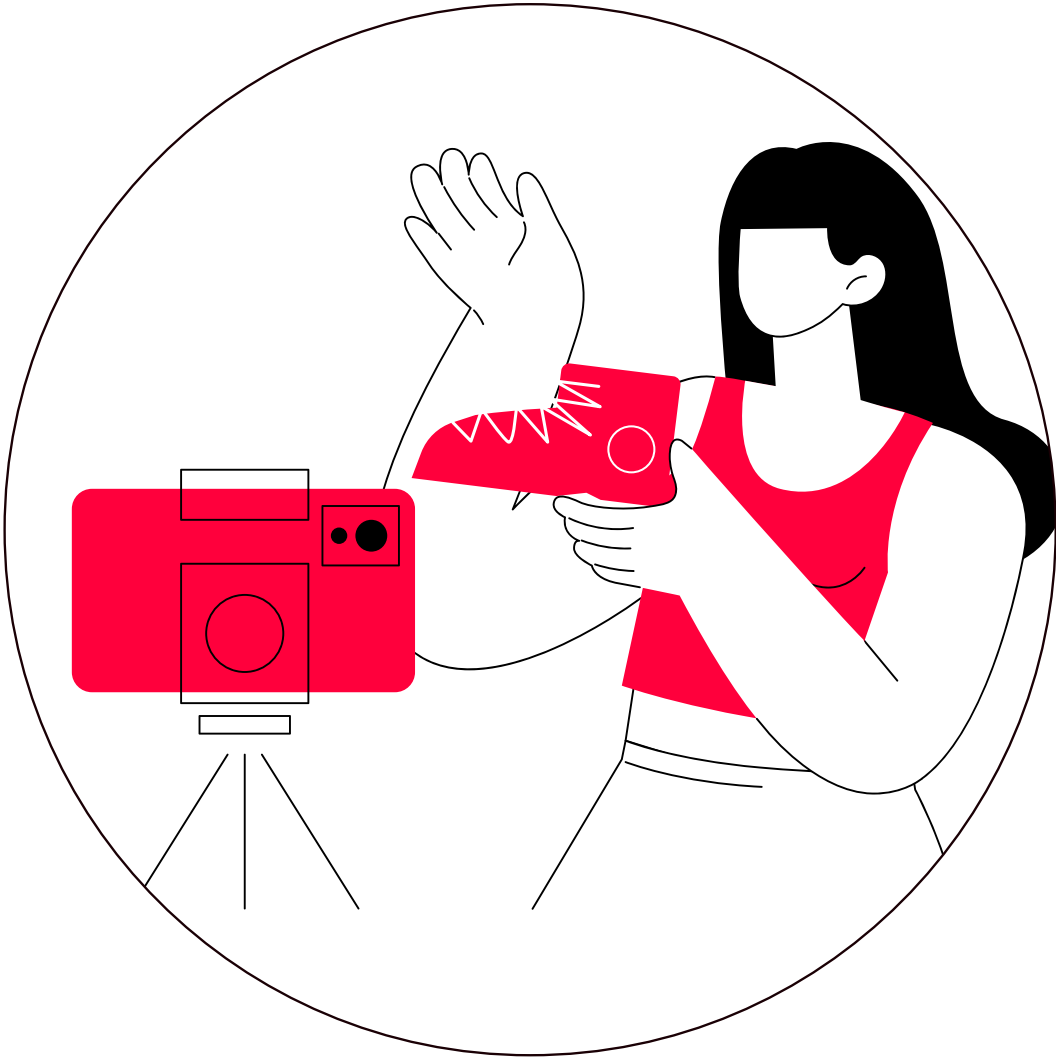


Global Guidance on Influencer Marketing



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About this guidance

The guidance was commissioned by WFA and developed in collaboration with the International Council for Advertising Self-Regulation (ICAS), with support from influencer marketing experts at the UK Advertising Standards Authority (ASA). A peer review process was carried out by self-regulatory organisations from Argentina, Brazil, Canada, Greece, the Netherlands, Spain, Sweden, the UAE, and the US, as well as the European Advertising Standards Alliance (EASA). Additional input was provided by other relevant stakeholders such as the International Alliance for Responsible Drinking (IARD). The guide also includes case studies provided by self-regulatory organisations in Australia, Belgium, Brazil, France, India, South Africa, Sweden, the UAE, the UK and the US, offering practical examples of how principles are applied in different national contexts.

It therefore represents a broad consensus across advertisers and industry regulators on the core elements needed to ensure trustworthy and meaningful influencer marketing.



Argentina:
Consejo de Autorregulación Publicitaria



Belgium:
Jury d'Ethique publicitaire / Jury voor Ethische Praktijken inzake reclame



Canada:
Ad Standards



Greece:
Greek Advertising Self-Regulation Council



Netherlands:
Stichting Reclame Code



Spain:
Asociación para la Autorregulación de la Comunicación Comercial



UAE:
Advertising Business Group



USA:
BBB National Programs



WFA:
World Federation of Advertisers



EASA:
European Advertising Standards Alliance



Australia:
Ad Standards / The Alcohol Beverages Advertising Scheme



Brazil:
Conselho Nacional de Autorregulamentação Publicitária



France:
Autorité de régulation professionnelle de la publicité



India:
The Advertising Standards Council of India



South Africa:
Advertising Regulatory Board



Sweden:
Reklamombudsmannen



UK:
Advertising Standards Authority



ICAS:
International Council for Ad-Self Regulation



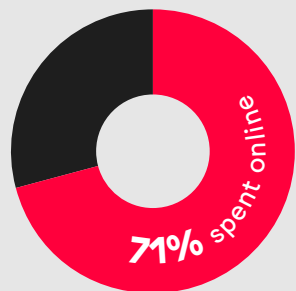
IARD:
International Alliance for Responsible Drinking

Purpose of the guidance

According to WFA's latest [research](#), brand budgets for influencer marketing will continue to rise.

Fifty-four percent of multinational brand marketers say they plan to boost spend in 2025. Sixty-one percent agree that influencer marketing will become more important in the future.

Data from [Influencer Marketing Hub](#) forecasts that influencer marketing budgets will rise to US\$22bn in 2025.



Influencer marketing has become part of the fabric of the online marketing ecosystem. **According to Magna, 71% of all marketing spend today goes online** and this is set to rise to 78% in 2029.

With the rapid and continued growth of online platforms such as TikTok, Instagram, YouTube and Facebook, where influencer marketing is most prevalent, this channel is only going to become a more important part

of the marketers' toolkit in the coming years. But regulators around the world have concerns, especially around issues relating to disclosure. And brands run the risk of reputational damage when influencers sail too close to the wind and flaunt rules and regulations.

Two in three big brands have policies in place to manage their dealings with influencers but a quarter still do not. And while there has been a rapid rise in the contractualisation of arrangements, too often these contracts are not properly monitored, policed and enforced.

Sound policies, comprehensive contracts, clear disclosure and monitoring processes will help brands err on the side of caution when it comes to managing risk and reputation when leveraging the undoubted opportunities that influencer marketing offers.

This guidance is designed to drive best practice and highlight how some brands are managing this new channel. We hope that by applying these simple principles that all boats will rise and the industry can build trust in a marketing phenomenon that harnesses undoubted possibilities for brand growth.

“

While many brands are striving to set best practice, there is still work to do to raise the bar in terms of where the industry needs to be. This new guidance highlights where and why brands can improve and provides checklists they can follow to ensure a better, more sustainable and trustworthy approach to influencer marketing, which should ultimately benefit both brands and consumers.

Stephan Loerke
CEO
WFA



What is influencer marketing?

Influencer marketing is where brands collaborate with third-party endorsers (“influencers”) – human, animal, or virtually produced (e.g., AI-generated) – to create and share content online that promotes the brand’s products or services, typically in return for compensation. This approach leverages the influencers’ ability to affect the opinions and behaviours of their followers.

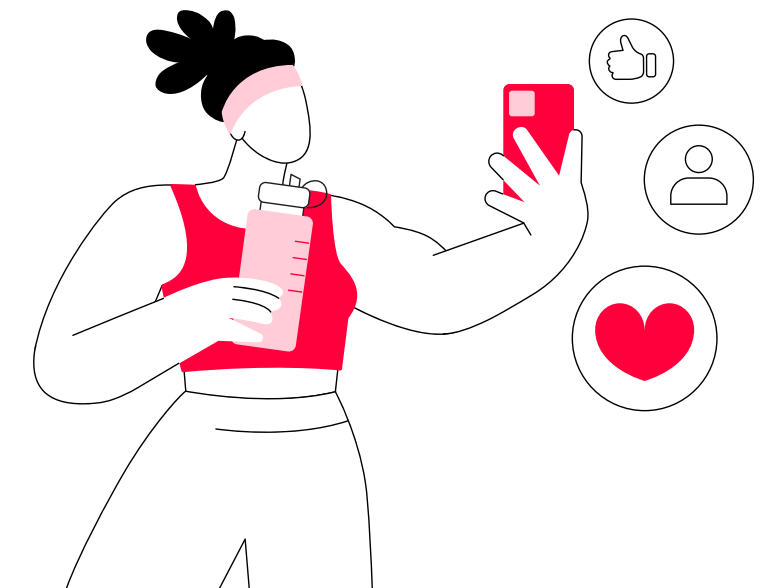
This type of marketing usually appears on social media platforms, such as Facebook, Instagram, Snapchat, TikTok, Twitch, YouTube, X, WeChat, Weibo, Douyin, Xiaohongshu (also known as “Red Note”), Naver, and many others. Influencers range from celebrities and well-known personalities to niche content creators. They have many names, e.g., ‘talent,’ ‘bloggers,’ ‘streamers,’ ‘celebrities,’ ‘content creators,’ ‘KOLs/ Key Opinion Leaders,’ ‘social media stars,’ ‘endorsers,’ or ‘digital influencers,’ and would all be considered “influencers” for purposes of this voluntary guide.

Influencer marketing can take many forms including gifting products, affiliate marketing, one-off ‘advertorial’ content, product collaborations, and longer term ‘brand ambassador’ relationships. Some influencers also promote their own products and services – this scenario is not within the remit of this voluntary guide.

Only content for which an influencer has received some form of compensation, financial or otherwise, or where they have a material connection to the brand, is considered influencer marketing for purposes of this document. Compensation can range from monetary payments to the provision of free goods or travel, or other benefits such as early-access to a product, the possibility of winning a prize, appearing in TV or other

media promotions, a loan of a high value item or entry to an exclusive event. Material connections can include a business, employment, family, or personal relationship.

Brand control can also be a deciding factor in identifying whether a piece of content is marketing in some countries. Brand control ranges from direction on tone and key messaging, and dictating the frequency, time, length, etc., to clearance of the content before publication. It is, however, possible for content to be considered influencer marketing in many countries – and the brand held at least partly responsible – despite their being unaware of the specific content.



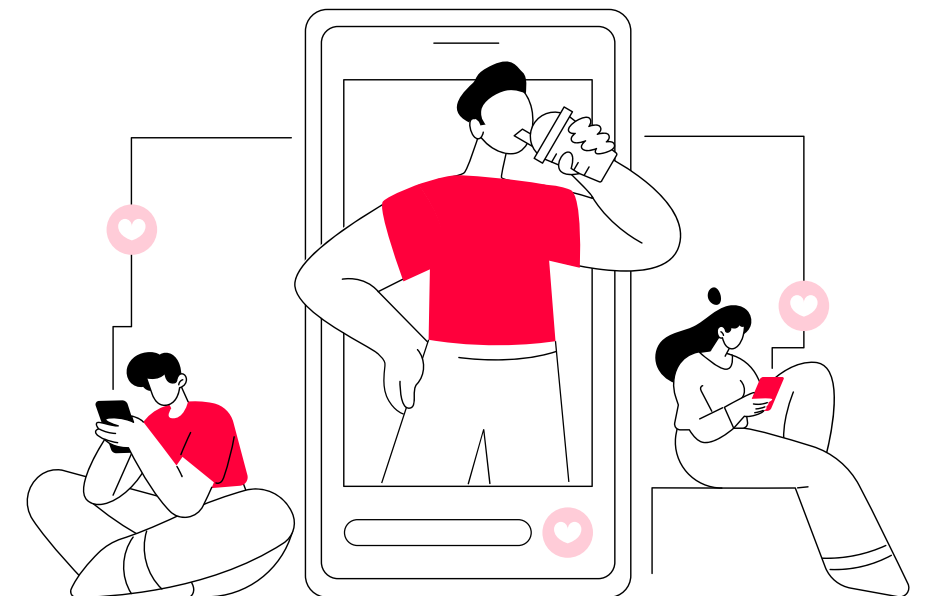
Why is responsible marketing important?

Irresponsible influencer marketing is an area that attracts a lot of interest from news media as well as public backlash and discourse on social media. It's also a topic that tends to catch the attention of governments and regulators around the world given its ever-increasing popularity, especially among younger audiences, and it's potential to significantly influence attitudes, behaviours, purchases, and perceptions.

When done well, influencer marketing is an effective, authentic, engaging way for brands to reach specific audiences and grow their businesses. However, the key to successful influencer marketing is leveraging the trust and connection influencers have built with their followers. If done irresponsibly, e.g., by failing to disclose the nature of the content, promoting age-restricted products like alcohol or gambling to a protected age group such as children and young people, or otherwise disregarding applicable advertising regulations – it can mislead the audience, produce irresponsible or harmful content, cause reputational damage, and erode trust in the influencer, the brand, and advertising generally.

Not everyone is a social media expert, a content creator, or an advertising professional. Most people on social media are quickly scrolling through a vast amount of content, without much knowledge about the underlying relationships or time to decipher exactly what they are engaging with. That's why brands may feel it's important for influencer marketing to be responsible and transparent upfront – so people know when they're being advertised to and can engage their critical reasoning to make a conscious decision about the extent to which they want to engage further and how they might interpret the content, or any opinions expressed.

Influencer marketing ideally requires a similar approach to other forms of marketing, including from a regulatory perspective. Brands should exercise the same due diligence as they do in other media to ensure the audience is suitably protected, to support a level playing field for competition, and to engender trust in advertising. Brands may consider it's crucial to get this right, as failing to do so leads to regulatory scrutiny, reputational damage and, in some cases, hefty fines. Widespread bad practice could also prompt the implementation of more restrictive, or even prohibitive, legislation.

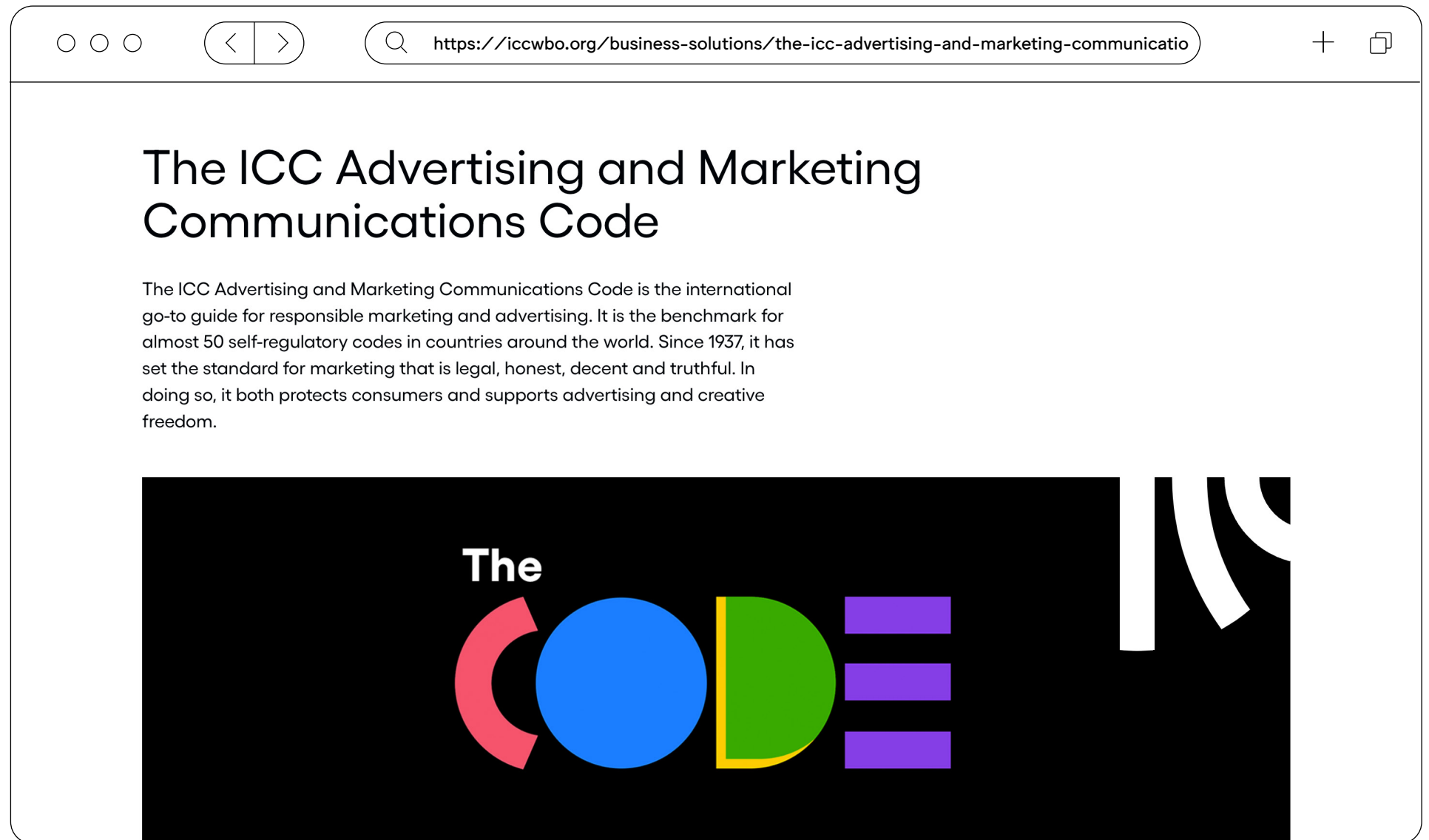


Who should ensure that marketing is responsible?

Brands, agencies, influencers, and all participants in the advertising chain bear some responsibility for ensuring marketing communications are responsible¹.

Brands are primarily responsible for compliance with the law and advertising regulations in relation to marketing of their own products and services by influencers, though in many countries or in relation to specific requirements, influencers can also be considered equally responsible. Other intermediaries involved in producing influencer marketing content such as advertising agencies, public relations firms, review brokers and reputation management companies, may also be considered responsible.

As brands can be held at least jointly responsible for an influencer's failure to comply, even where they did not directly prepare or vet the specific content, it is vital that brands ensure that they are clear with their influencers about what is expected of them and check compliance.



Country-specific legislation and advertising standards

Many countries with a Self-Regulatory Organisation (SRO) for advertising have developed guidance aimed at preventing misleading or irresponsible influencer marketing.

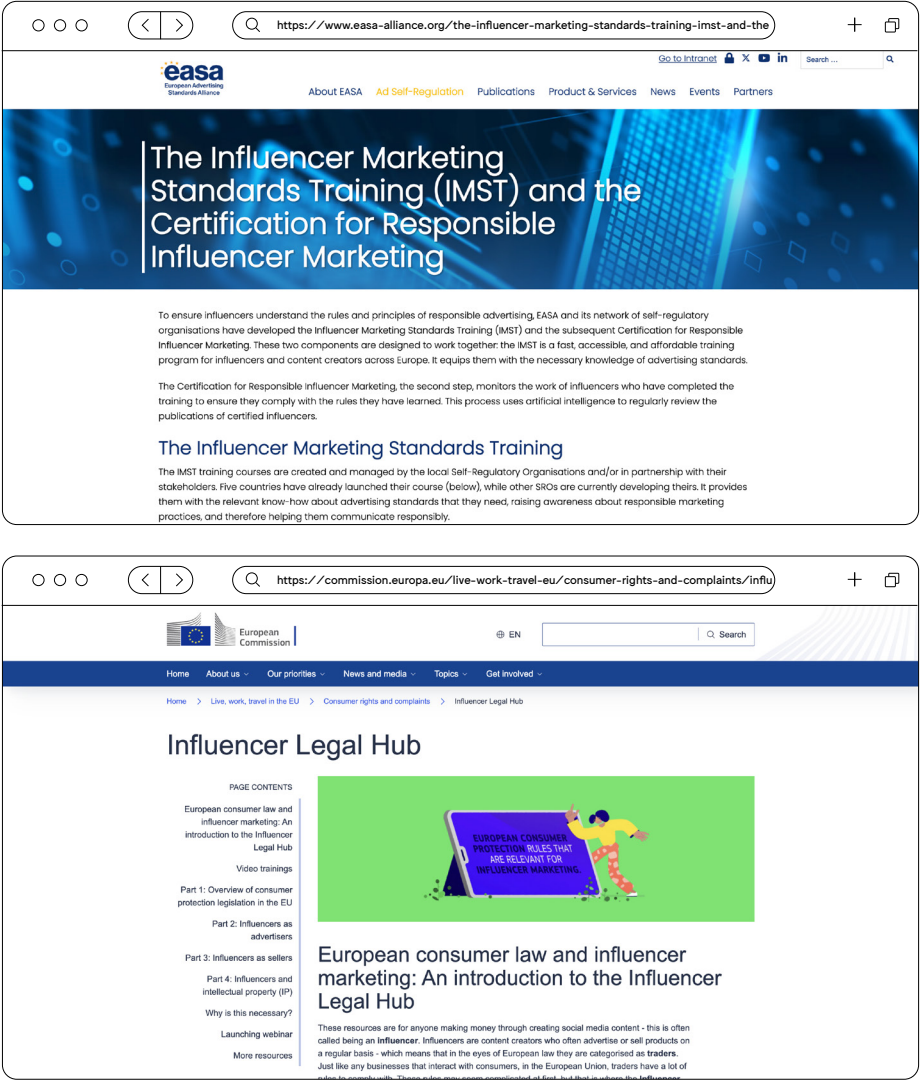
While most countries rely on existing media laws and those concerned with consumer protection, some also have specific legislation. Statutory legislation, self-regulatory codes, and other relevant industry codes have been taken into consideration in proposing this voluntary guide. By taking into account the contents of this guide, marketers will be in a good place when it comes to compliance with the laws of most countries.

Some countries require some influencers to be licensed or registered and ban certain product promotions (e.g., Spain, France, The Netherlands, The UAE). This voluntary guide focuses on core principles, country-specific requirements around licencing and prohibitions are not addressed.

Marketers can seek advice from those national SROs who provide ‘copy advice’ to help ensure compliance with local regulations. Many also offer published guidance and training on their websites. Some [European SROs](#) offer a training and certification scheme specifically for influencers. Other countries are currently working on developing similar schemes.

Working with certified influencers can help ensure that content is compliant with local regulations and, given the similarities, with some other jurisdictions as well.

A list of SROs, an overview of advertising regulation in key markets and examples of specific national legislation can be found at [ICAS’](#) site. For more information on EU legislation, see the [‘Influencer Legal Hub’](#).



Key principles for responsible influencer marketing

To ensure responsible influencer marketing, brands should consider following these five principles.



Transparent

Influencer marketing communications should be designed and presented in a way that the audience immediately identifies it as advertising and is aware of the promotional nature of the content.



Authentic

Influencers should be honest when making claims and giving endorsements. All objective claims should be truthful and supported by suitable evidence, and material information should not be misleadingly omitted.



Responsible

Brands and influencers should consider the social impact of their influencer marketing content, avoiding harmful or offensive material. Where possible, content should be respectful of all audiences, avoiding harmful stereotypes.



Tailored

Influencers, and their content, should be suitable for the product or service being advertised. Brands should not work with influencers with a large youth following when advertising age-inappropriate products.



Compliant

Influencer marketing must adhere to all relevant advertising laws and regulations to avoid being in breach of law and maintain ethical standards.

Transparent



Influencer marketing communications should be designed and presented in a way that the audience immediately identifies it as advertising and is aware of the promotional nature of the content.

The audience should be able to recognise immediately when influencer content is advertising. The brand, the influencer and any agents involved in creating or publishing the content may carry responsibility in this regard. Marketers should therefore consider the following guidance either to comply with local laws and/or as voluntary best practices.

Placement and timing

The audience should know that content is advertising before engaging with it, or immediately upon engagement if it plays automatically. Adequate disclosure depends on the nature and format of the content and the platform it appears on. Since social media posts are often viewed in isolation or in newsfeeds, content should be identifiable as advertising without relying on prior knowledge of the influencer's commercial relationships, details in their 'bio,' or other posts.

It is therefore advisable to consider including a suitable label or identifier at the 'beginning,' meaning wherever it will be seen first when encountering the content and remain visible when content is reposted. This might mean including it at the beginning of the caption, in a title or thumbnail, on an image or at the start of a video. It is advisable that labels are not hidden amongst hashtags, written in much smaller text, poorly contrasted with the background, or placed where users need to click 'See more' or similar. Any label should also be visible whichever device is used by the audience.

Wording and language

Any disclosure should be easily understood by the audience, so it's important to use clear and simple language that those viewing the content are likely to be familiar with and avoid unusual abbreviations or industry jargon.

The legislation and/or self-regulatory guidance in most countries favour labels that explicitly call out the content as "advertising" e.g., "Ad" (UK/US/IE), "Publicité" (FR), "Werbung" (DE), "Pubblicità" (IT), "Publicidad" (ES), "Publicidade" (BR, PT), "Reklam" (SE), "광고" (KR), 广告 (CN), etc.

In some countries it's necessary to use the '#' symbol at the start of the label (e.g., Ireland, Bulgaria, UAE, etc.), but provided it is prominent and clearly separate from any other content, it's usually acceptable in other countries to use other symbols – such as asterisks or square brackets – to ensure the label is sufficiently distinct.

It is advisable that labels are presented in the same language as the content of the post unless the audience is likely to be familiar with the label in another language. There are many countries where "Ad" is as well understood as the equivalent label in the local language (e.g., NL, UAE, etc.), but this is not the case for all countries. For a non-exhaustive list of suggested key words or hashtags in various languages across Europe, see [EASA's voluntary Best Practice Recommendation on Influencer Marketing](#) pages 13–18 or use EASA's "[DiscloseMe](#)" tool. For the rest of the world, check the local SRO's guidance, where available.

Transparent

Children

When the target audience is children, assuming this is permitted under local laws and regulations, it's crucial for all stakeholders to consider that disclosures are clear and easy for that audience to understand. There are cognitive differences between children and young people of different ages and any approach should take this into account.

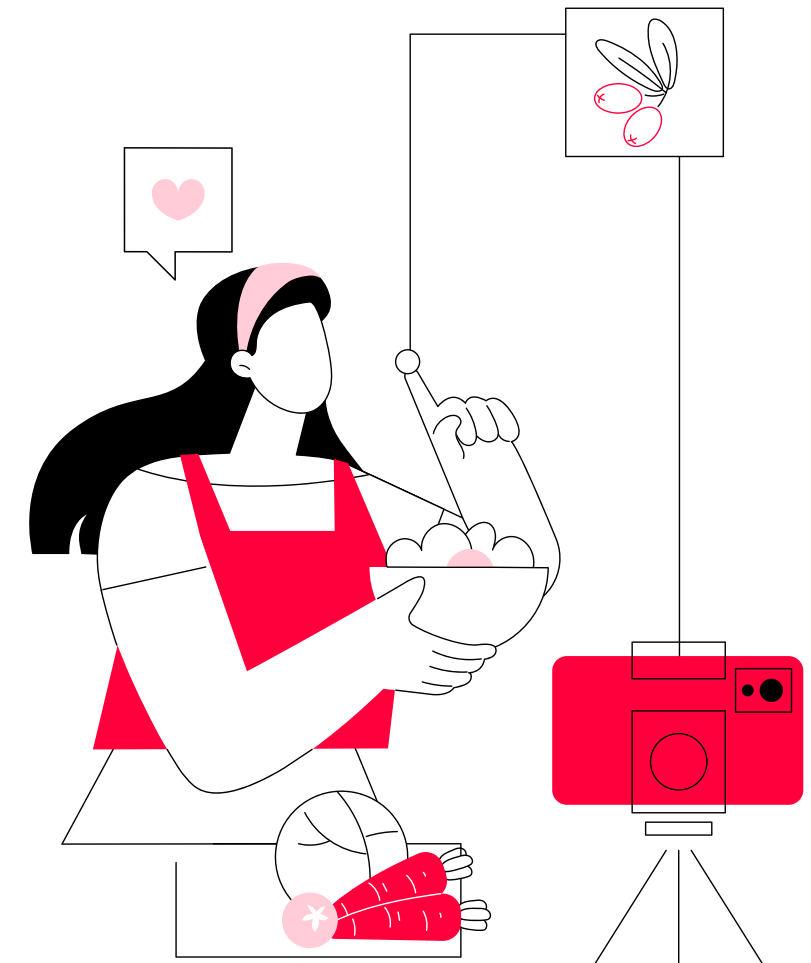
This often means that disclosures, particularly for younger children (e.g., under 12s) should be more noticeable and detailed to ensure both that children can see and understand them, and that the advertising content is clearly identified and differentiated from the surrounding content. A simple 'Ad' label might not be enough; disclosures should ideally be attention-grabbing, interruptive, and properly explained, while also being immediate.

Disclosure tools

When a platform offers a proprietary disclosure tool to label branded content (e.g., Instagram's 'Paid partnership' tool), this may suffice in some jurisdictions if the label is upfront, clear, and prominent. However, if the label is obscured or does not clearly indicate that the content is advertising, an additional label should be included. Additionally, influencers and brands should ensure that the disclosure continues to appear when the content is re-posted or shared, including on other platforms.

Other platform functionality, such as 'joint publishing' content with a brand, may have the potential to make clear through context that the content is advertising, but this is not necessarily the case – particularly when the functionality is relatively new to platform users.

When in doubt, it is usually best practice to add an additional disclosure label, particularly as there are some jurisdictions where the use of a platform tool or functionality alone is not considered sufficiently clear.



Case studies

Valio PROfeel protein drinks

Valio Sverige AB, Sweden

The influencer Martin Melin was found to have advertised the Valio PROfeel drink, through a self-produced video and a series of photos, without making it clear that the post was an advert. This was in breach of the International Chamber of Commerce’s Rules according to the Advertising Ombudsman.

The Ombudsman found that the post did not contain anything that would allow an average consumer to immediately identify the post as an advertisement. Best practice is that there should be a clear advertising mark at the beginning of the text of a post on Instagram. The post was subsequently updated.

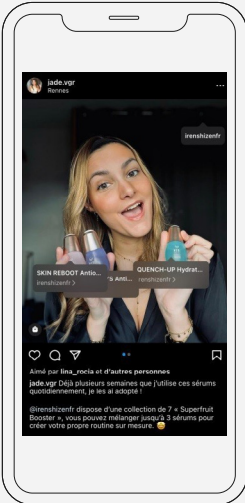


Iren Shizen

Ikeda Group, France

The Jury de Déontologie Publicitaire found that a post by Instagram influencer @jade.vgr was not transparent and explicit about the commercial collaboration with the Iren Shizen brand. The posts in question feature the influencer showing products of the Iren Shizen brand belonging to the Ikeda Group company.

Neither the Ikeda Group nor @jade.vgr submitted a defence ahead of the ruling, so it was not clear if a commercial relationship existed. The JDP however noticed that the adverts praise the merits of the three serums of the Iren Shizen brand in the same way as other influencers who have signed influencer marketing contracts with the brand.

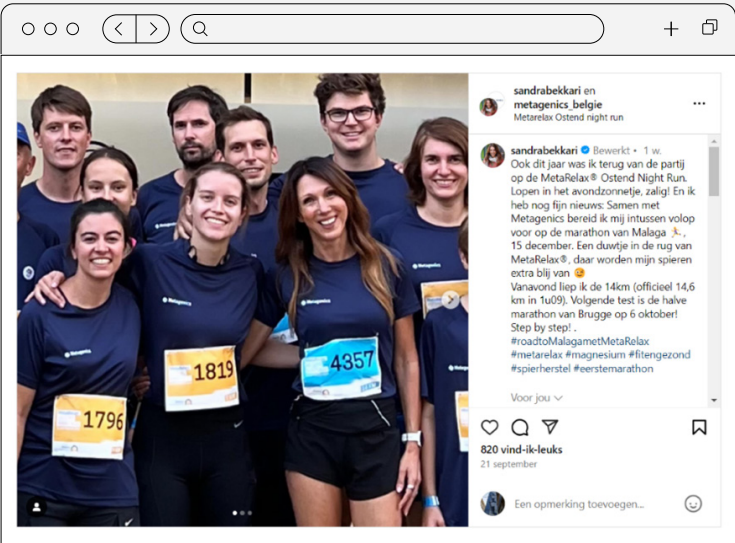


MetaRelax

Metagenics, Belgium

A post by Instagram influencer Sandra Bekkari promoting MetaRelax as part of her training regime, was found to be in breach of the Code of the International Chamber of Commerce as it did not make clear the post was an advert.

Metagenics stated that they had asked the influencer to include ‘advertising’ in every post however the Jury found that at the time of the complaint, the post did not contain sufficient elements for its commercial nature to be easily recognisable by the average consumer. The influencer amended the post in question.



Authentic



Influencers should be honest when making claims and giving endorsements. All objective claims should be truthful and supported by suitable evidence, and material information should not be misleadingly omitted.

When assessing whether an ad is likely to mislead, national authorities usually consider how the average member of the likely audience will interpret the content, and whether it could cause them to make a decision they otherwise would not have made. Marketers should consider the following, either to comply with local laws and/or as voluntary best practices.

Genuine views

Influencers should only provide views or endorsements of products or services that they have tried for themselves and must not give views that are not reflective of their actual views on a product or service. Virtual influencers (e.g., AI-generated) should not produce content that makes misleading claims about the experience of a product or service that the ‘influencer’ could not have experienced for themselves.

Material information

Material information about the product, service, or the relationship between the brand and influencer, is important for audiences to know, to be able to make informed decisions, and it must not be misleadingly omitted or hidden. Whether the omission or presentation of material information is likely to mislead depends on the context and, if the content is limited in time or space, the measures taken to make that information available by other means.

Evidence and exaggeration

Marketers should hold suitable evidence to prove all claims that could be seen as factual. The evidence needed will vary based on the product or service, the nature of the claim, and the context in which it is presented.

Influencer marketing content should accurately represent the product or service. Influencers should not overstate the performance of a product or its benefits, nor may they make objective claims that the brand itself cannot support with suitable evidence.

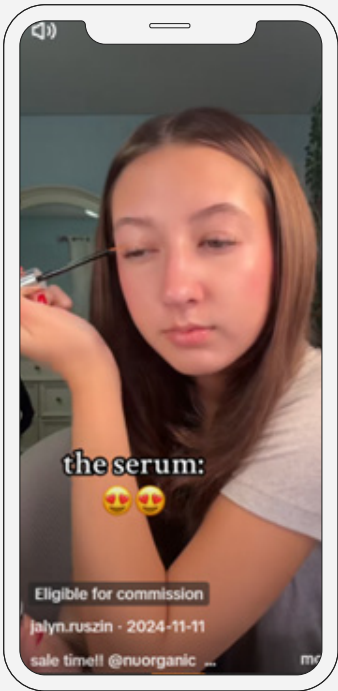
Additionally, such content should avoid making misleading or exaggerated claims through the use of filters or generative AI. While the use of such tools is not inherently problematic, marketers should ensure that any applied filters or generated imagery does not mislead the audience about the product or service. It may also be necessary in some countries to disclose where images have been heavily retouched, filtered or AI-generated.

NuOrganic Eyelash Serum

NuOrganic Cosmetics, USA

BBB National Programs’ National Advertising Division recommended NuOrganic Cosmetics discontinue influencer videos containing unsupported claims for its eyelash serum.

The claims (“This is for the girls who want naturally long lashes”; “Naturally grown long lashes”; “This [lash] extensions alternative”) and implied claims (NuOrganic’s Eyelash Serum is safe for young eyes; NuOrganic’s Eyelash Serum helps naturally grow eyelashes) used by a teen influencer across Instagram and TikTok, were found by NAD to be unsupported by NuOrganic and they recommended the discontinuation of the videos which NuOrganic agreed to do.



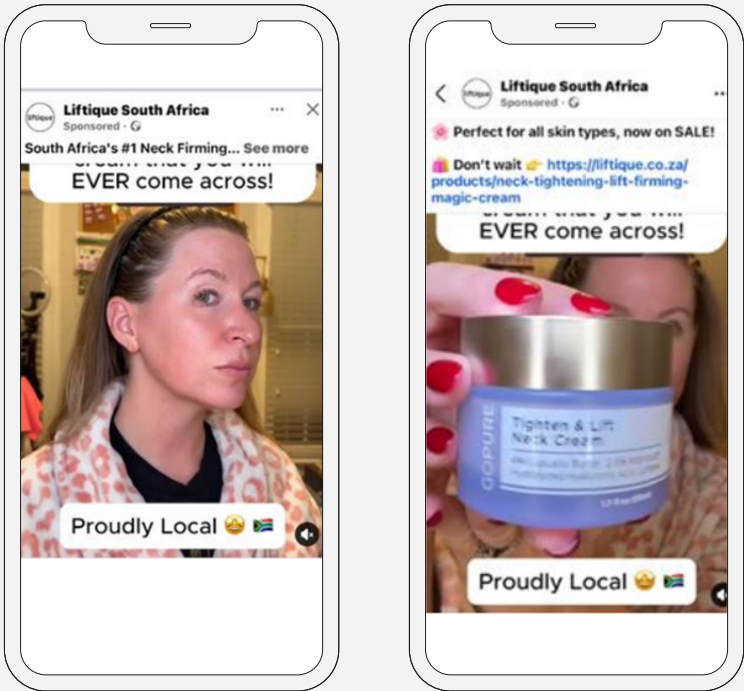
Lift & Firm Neck Cream

Liftique South Africa, South Africa

The Advertising Regulatory Board (ARB) was made aware of a misleading claim by Liftique South Africa published by an influencer on Facebook. The consumer complaint centred on them receiving a different product to the one being advertised, made in China and not South Africa (as claimed in the advert).

ARB found the advert to be in breach of two sections of the Code of Advertising Practice for misleading claims and for non-availability of advertised products.

It instructed members not to accept any adverts from Liftique South Africa promoting the product.



Responsible



Brands and influencers should consider the social impact of their influencer marketing content, avoiding harmful or offensive material. Where possible, content should be respectful of all audiences, avoiding harmful stereotypes.

Marketing communications should not cause serious or widespread offence, particularly on the grounds of age; disability; gender; race; religion or belief; sex; and sexual orientation, etc. All marketing communications should ideally also be prepared with a sense of responsibility to the audience and wider society. For more detailed guidance, brands are encouraged to engage with local SROs on these topics. Marketers may want to consider the following, either to comply with local laws and/or as voluntary best practices.

Cultural and religious sensitivities

Marketers will benefit from being aware of and sensitive to the beliefs, practices, and customs of individuals and societies within a country. Content should avoid ridiculing or demeaning any culture, religion, or belief (or lack thereof), nor should it cause serious or widespread offence to the audience.

Social responsibility

Marketers may want to consider whether there's any reason that an influencer might be inappropriate for the product or service being advertised. For example, it could be inappropriate for an influencer who is known to be pregnant to promote products that wouldn't be safe during pregnancy. It's important to consider the influencer themselves and the style of their content (including their age/perceived age) when considering whether they're the right fit for a campaign or longer-term 'brand-ambassador' relationship.

Influencer marketing content should ideally also be mindful of not condoning or encouraging behaviour that would be antisocial or violent, harmful to emulate, or grossly prejudicial to the environment. For example, it would be inappropriate for the content to encourage the audience to disregard established safety measures, or act in ways that has the potential to seriously harm them, others, or the environment.

Body image

Marketers may want to give proper consideration to whether influencer content portrays body types in an irresponsible manner, present an unhealthy body image as aspirational, exploit people's insecurities about their body image, or suggest that happiness or wellbeing depends on conforming to a particular physical appearance, body type or physical features.

Stereotypes

Influencer marketing content should avoid including gender stereotypes that are likely to cause harm, or any stereotypes in a way that is likely to cause serious or widespread offence. Marketers should consider not using stereotypes in an insulting, mocking, derogatory, or demeaning way.

REAL C63

Realme Brasil, Brazil

In an advert highlighting that the C63 phone model from Realme ‘doesn’t break’ a child influencer is seen throwing a mobile phone to the ground after losing a game.

The investigation by the National Council for Advertising Self-Regulation (CONAR) found several breaches of advertising ethics noting it contributes to a distorted view of family life, social behaviour and how to deal with frustrations.

Realme defended themselves claiming that they made no interference over content, but this was disputed given that their account accepted the influencers Instagram collaboration request. CONAR also found that the advert was inappropriately targeted at minors in Brazil. The advert was discontinued and a warning issued to both Realme and the influencer.



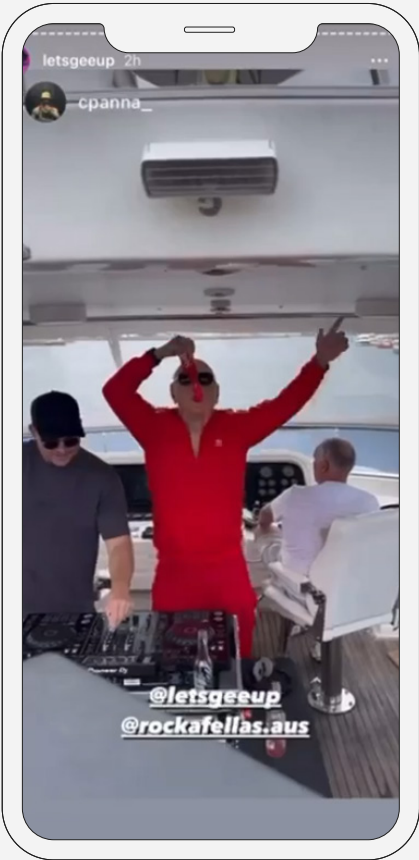
Gee Up

80Proof, Australia

An Instagram story shared by alcohol brand @letsgeep features an influencer known as DJ ‘Rockafellas’ rapidly consuming a ‘Gee Up’ alcoholic product through a device known as a ‘snorkel’.

While the video was not created by the brand, it actively promoted the product, and it was shared on the brand’s official page, amounting to a degree of control over the content, and therefore constituted advertising.

Finding that the ad promoted unsafe drinking behaviour, the complaint was upheld. 80Proof removed the video from its page and implemented several policies to prevent it happening again including an influencer guideline document.



Tailored



Influencers, and their content, should be suitable for the product or service being advertised. Brands should not work with influencers with a large youth following when advertising age-inappropriate products.

Influencer marketing typically involves organic social media posts, which often lack the advanced targeting capabilities of paid advertisements. Therefore, marketers should consider the age demographics of an influencer's followers and the nature of their other content when choosing collaboration partners. Marketers should consider the following, either to comply with local laws and/or as voluntary best practices.

Age-restricted products

Laws and regulations in many countries purport that age-restricted products, such as alcohol and gambling, should not be advertised to audiences under the legal age limit (often 18+), either through the content or its placement or targeting.

Marketers of such products should consider not partnering with influencers whose content clearly targets younger audiences. They may want to make best use of available data on an influencer's followers or, if unavailable, data on the platform's users. Audiences with a significant percentage of viewers below the required age, though this varies by jurisdiction – should be avoided.

Brands should also pay careful attention to the influencer's content – particularly in terms of the use of language, tone, choice of words, design elements and animation, or inclusion of games and other activities, that could be considered directed at or of appeal to children – to ensure that they do not partner with influencers who are likely to have a significant audience below the

legally required age, or produce content that appeals inappropriately to that age group.

The International Alliance for Responsible Drinking (IARD) has taken significant steps to promote responsible influencer marketing on a voluntary basis within the alcohol industry. In 2021, IARD collaborated with leading global advertising, public relations and influencer marketing agencies to propose the first-ever global standards aimed at preventing alcohol marketing from reaching minors and reduce harmful drinking among adults.

The initiative is centred around several key components:

- **Influencer Guiding Principles:** five specific safeguards that influencers are invited to apply to any content they create in their work with the leading beer, wine and spirits products.
- **Influencer Pledge:** a joint voluntary commitment from IARD members and agencies to focus on transparency, compliance with local laws and promoting responsible drinking in their content.
- **Educational resources:** [videos](#) designed to support brands, agencies and influencers in creating responsible content and preventing underage audiences from being exposed to alcohol marketing.

Alcohol brands are advised to follow IARD's guidance.

Tailored

Other products and content

Some products may not be specifically ‘age-restricted,’ but it could potentially be irresponsible, or even forbidden by national laws, to promote them to younger audiences – for example weight-loss products or regimes, some health, medical or cosmetic products or services, or some categories of foods.

Ads for such products must, where permitted, be suitably targeted at an appropriate audience using the voluntary guide highlighted above. The same should be considered in regards to any content which might be otherwise unsuitable for younger audiences.

Platform tools

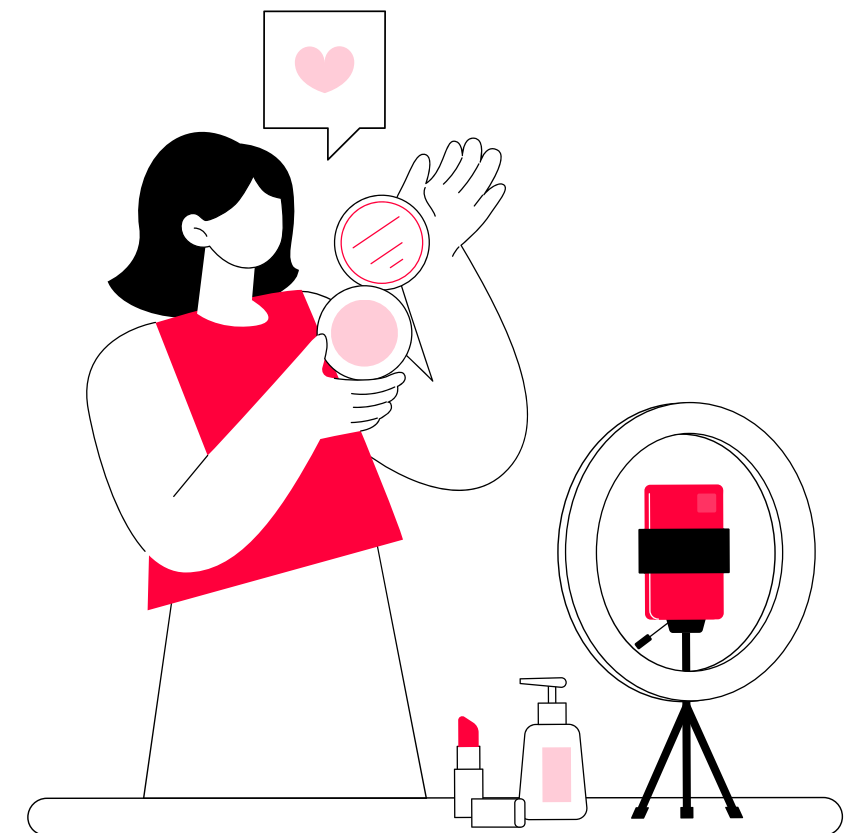
Where platform-based targeting tools are available, marketers should take all reasonable steps to ensure that content is targeted away from unsuitable audiences – for example by placing restrictions on the content that mean it is only visible to logged-in users or subscribers and using interest-based factors. Any tools available to categorise content properly and accurately should be used, e.g., tagging a post to say that it contains gambling content.

Children

Where permitted marketing content for suitable products targets children, special care must be taken to ensure that it contains nothing that would be likely to result in their physical, mental or moral harm, exploit their credulity, loyalty, vulnerability or lack of experience, or directly exhort them to buy products or persuade others to do so.

Prohibitions

There are some countries where certain influencers are prohibited from promoting certain products. Marketers of products that are usually subject to restrictions in other media, should practice due diligence to ensure that they do not seek to produce content that would be prohibited in the influencer’s country of residence.



Barry’s Drink

Alter Ego Drinks, Australia

In a series of Instagram posts, Barry’s Drink used a group of high-profile footballers, under the age of 25, to promote their drink. Alter Ego Drinks stated that as the footballers were shareholders in the company they were not influencers and had an interest in the product.

ABAC’s panel found that the footballers have the public profile and following to be fairly regarded as influencers despite their interest in the company. In addition, as the featured footballers were under the age of 25, the posts were a further breach of the Code. The complaint was upheld.



Skinny Caffe

The White Star Key Group, United Kingdom

An Instagram post promoting weight loss food supplements, published by influencer Jemma Lucy showed her sitting at a table in a bikini and socks, holding a mug. Text stated “I’ve been staying in shape with my go to @skinnycaffe products...”

The ASA received 25 complaints, many challenging the lack of clear disclosure, but some also raised concerns that as Ms Lucy was pregnant at the time of the post, the ad irresponsibly encouraged the consumption of weight loss products in pregnancy.

On that point, the ASA noted official health guidance advising that dieting during pregnancy was not recommended and could harm the health of the unborn child.

They considered that the ad encouraged women who might be pregnant to use the products to lose weight and so concluded that the ad encouraged an unsafe practice and was irresponsible, upholding the complaints.

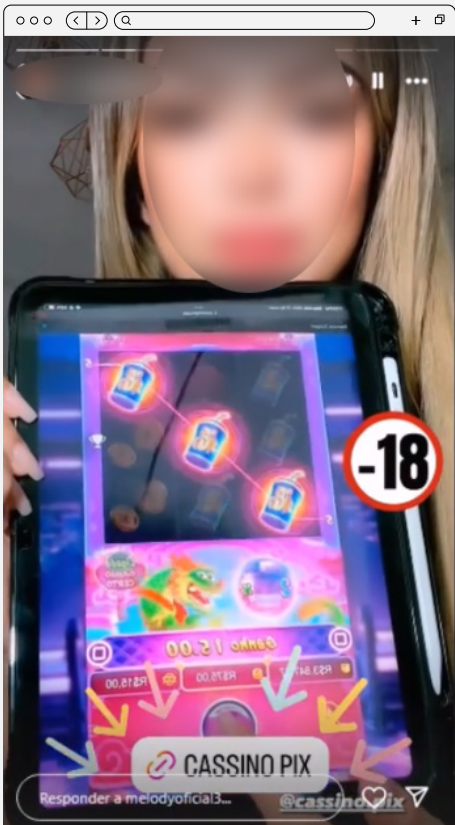


CASSINO PIX

Brazil

In an Instagram post, a child influencer was seen advertising a betting website. Given that this is prohibited by legislation an immediate injunction was taken out once the complaint was received by CONAR. The advert also promised easy winnings and did not include a gambling warning clause to play responsibly.

The advertiser did not file a defence, and the guardians of the influencer stated they were not aware of the rules. However, the legal and ethical flaws were deemed indisputable. The suspension of the advert was upheld and warnings issued to the brand and the guardians of the influencer.



Compliant



Influencer marketing must adhere to all relevant advertising laws and regulations to avoid being in breach of law and maintain ethical standards.

Regulation

Advertising regulations vary across the world, reflecting different legal, cultural, and economic contexts. They do, however, tend to share similar foundations based on the principles that:

- ✓ **Advertising is legal, decent, honest, and truthful.**
- ✓ **Ads are prepared with a due sense of social responsibility.**
- ✓ **Ads conform to the principles of fair competition.**
- ✓ **Ads don't impair public confidence in advertising.**

Regulations are often a mix of general principles, such as issues around consumer protection, responsibility, and offence, alongside more specific requirements around particular issues or sectors.

For an overview of some of the key requirements, [The International Chamber of Commerce's Advertising and Marketing Communications Code](#) is the international guide for responsible marketing and advertising, and is the cornerstone for most self-regulatory systems around the world.

Marketers should consider the following, either to comply with local laws and/or as voluntary best practices.

Advertising rules

Marketers should apply the same rules to their influencer marketing content as they do to their other marketing communications and remember that influencers cannot make claims that the brand itself cannot make in advertising.

Depending on the product or service, this could include, for example, not featuring influencers with a significant underage following in the promotion of alcohol or gambling, not permitting unauthorised health claims to be made for food products, limiting claims about a medicine, health or other product to those permitted by a relevant regulator, not making claims the brand cannot substantiate, or ensuring that content for age-restricted products does not have an inappropriate level of appeal to children. In many jurisdictions it is also not permitted to use influencers to promote medicines, medical devices, or vaping products.

Compliant

Promotional marketing

Promotional marketing and other engagement activities involving influencers are usually also subject to the same local legal and/or best practice requirements as promotional marketing in other media. For example, it is usually necessary to ensure that significant conditions are included in relevant posts where it would be misleading to omit them, and that links are provided to the full terms and conditions. Brands should carefully consider legal and voluntary self-regulatory rules on promotional mechanics, especially in sensitive or restricted sectors.

Other legal considerations

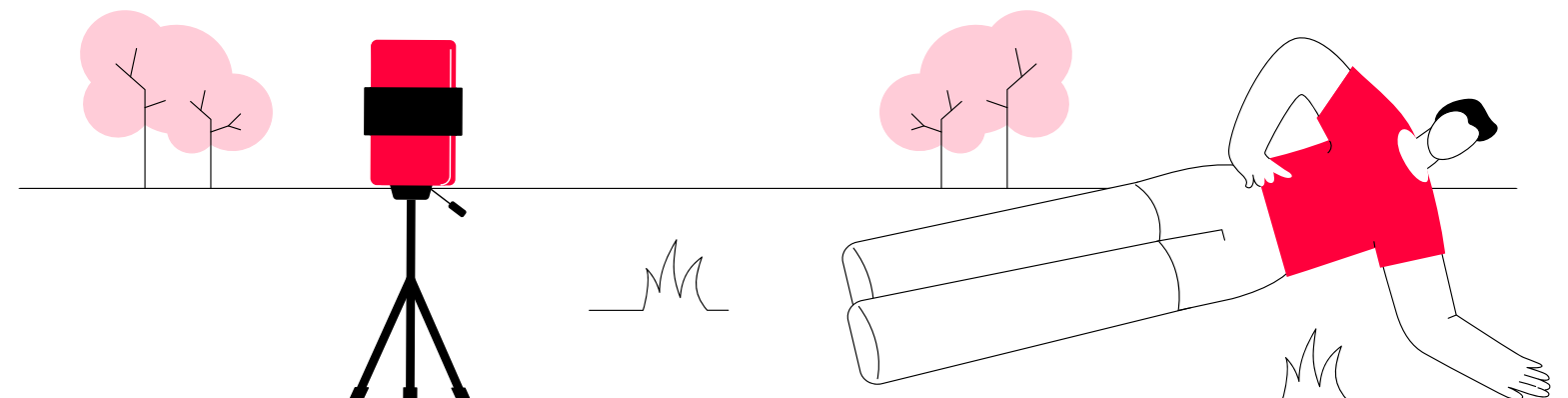
Although beyond the scope of this guidance, marketers should be mindful of other legal considerations around influencer marketing, in particular those around intellectual property (copyright and trademark infringement), data privacy (GDPR and personal information) and legislation regarding the use of AI (where relevant).

If unsure, marketers should seek qualified legal advice when influencer marketing activities involve the use of third-party materials, the collection of personal data, or significant use of AI.

Good practices

Brands are encouraged to adopt clear influencer marketing agreements that reflect the key legal and regulatory requirements and monitor compliance – especially in sensitive or restricted sectors. Ensuring compliance helps maintain transparency and protect both the brand’s reputation and consumer trust.

Due to the ease of entry and the growing number of new entrants to the industry, brands should encourage their influencers to engage with relevant training programs, guidance, and awareness activities. This helps boost knowledge of local laws and/or voluntary best practices and ensures high standards in responsible marketing.



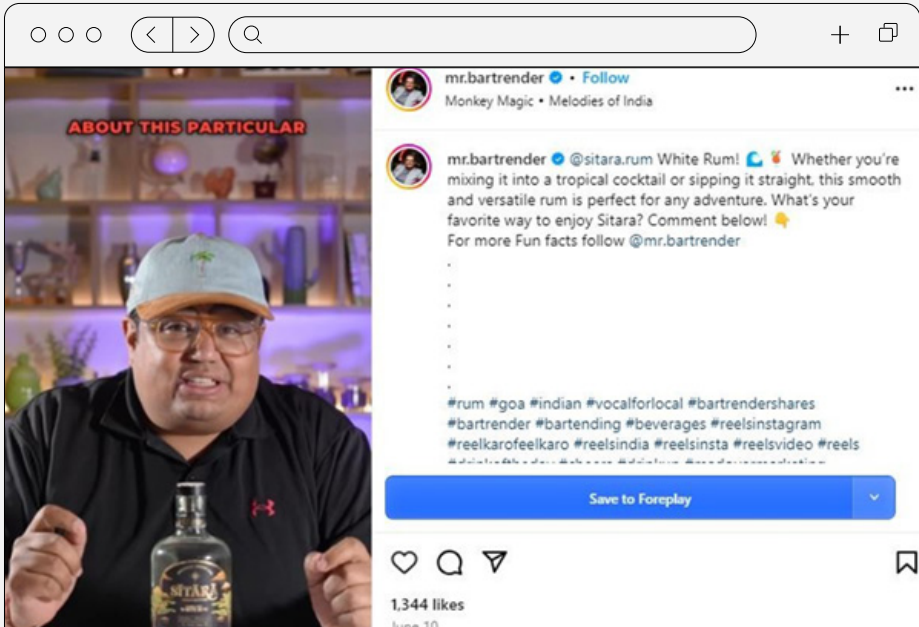
Case studies

Sitara White Rum

Spaceman & Company, India

The differences across and within countries in what is and isn't allowed to be advertised by influencers is one area where global brands need to be vigilant. The Advertising Standards Council of India (ASCI) ruled on a case where the Instagram influencer @mr.bartender was deemed to be promoting Sitara White Rum.

The case was quickly resolved as laws in India forbid alcohol solicitation and the direct promotion of alcohol. The advert was subsequently removed from Instagram following an approach by ASCI.



Goose Creek Candles

Goose Creek Candles LLC, USA

In a series of videos across their online platforms, brand Goose Creek Candles used actors featured as consumers giving their opinions on their products in their advertising. BBB National Programs' National Advertising Division (NAD) asked Goose Creek to modify all videos where actors are portraying consumers with a clear and conspicuous disclosure.

The request follows guidelines set out by the Federal Trade Commission which requires disclosures on the use of paid advertising. The NAD requested that the disclosure by Goose Creek Candles is made in audio and video and outline that the actors have been employed in the videos.



Responsible Influencer Marketing - A Voluntary Checklist

By considering this voluntary checklist, marketers can support an environment wherein influencer marketing campaigns are responsible, ethical, and compliant with advertising laws and regulations around the world.



Disclosure and Transparency

- ✓ **Clear Disclosure:**
Ensure influencers clearly disclose their relationship with the brand (e.g., using a suitable label).
- ✓ **Placement of Disclosure:**
Disclosures should be immediate, easily noticeable, and not hidden.
- ✓ **Language:**
Use clear and unambiguous language that the average or ordinary member of the audience can understand.



Content Accuracy

- ✓ **Authenticity:**
Encourage influencers to provide genuine opinions and experiences.
- ✓ **Truthful Claims:**
Verify that all claims made in the content are truthful and can be substantiated.
- ✓ **Misleading Information:**
Avoid misleading claims, exaggerations, or omissions about the brand, product, or service.



Ethical Considerations

- ✓ **Respect and Sensitivity:** Avoid content that could be considered offensive, discriminatory or environmentally or socially irresponsible.



Compliance with Local Laws

- ✓ **Local Regulations:**
Understand and follow advertising laws and guidelines in each country where the content will be distributed.
- ✓ **Age Restrictions:**
Ensure content is appropriate for the audience and follows age restrictions where applicable.



Best Practices

- ✓ **Clear Contracts:**
Have clear contracts outlining compliance expectations and responsibilities.
- ✓ **Training and Guidance:**
Provide influencers with, or direct them to, training and guidelines on compliance and ethical standards.
- ✓ **Ongoing Monitoring:**
Regularly monitor influencer content for compliance and be prepared to take corrective actions if non-compliance is found.

- If ever in doubt seek advice from local experts -

Resources

WFA helps brands conduct transparent and responsible influencer marketing to maintain consumer trust and ensure compliance with industry standards and local laws.

In 2019, WFA [surveyed](#) its members on their use of influencer marketing, exploring how they collaborated with influencers, measured impact, encountered challenges, and viewed the future role of influencer marketers. WFA has also [compiled](#) a list of recommended partners and tools to help identify and manage influencers.

These insights empower brands to adopt best practices and navigate the evolving landscape of influencer marketing.

National laws from around the world

Many countries around the world have laws or guidelines applicable to influencer marketing.

For Member States of the European Union, the applicable general regulatory framework is the [Unfair Commercial Practices Directive](#) and the [Audiovisual Media Services Directive](#). In 2021, the European Commission issued [guidance](#) to ensure that the Unfair Commercial Practices Directive is understood and implemented in the same manner across the Single Market. Countries such as [France](#) have gone even further than the EU regulatory framework by creating their own legal framework for regulating influencer marketing.

In the US, the Federal Trade Commission has issued a [guide](#) on responsible ad disclosures. Similarly, the UK Competition and Markets Authority has published [guidance](#) on how to ensure transparency of influencer marketing communications.

WFA has mapped legislation and guidelines in key markets, which can be found [here](#).

Local SRO rules on influencer marketing

Self-regulatory ad standards bodies (SROs) have an essential role to play when it comes to raising awareness and educating influencers and brands about responsible practices and their legal obligations.

Many countries with an SRO have developed rules and guidelines for influencers and brands to prevent irresponsible and misleading influencer marketing. It is, therefore, vital to be aware of – and comply with – existing legislation and self-regulatory rules.

An overview of local SRO rules and guidelines in key markets can be found [here](#).





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Competition compliance policy

The purpose of the WFA is to represent the interests of advertisers and to act as a forum for legitimate contacts between members of the advertising industry. It is obviously the policy of the WFA that it will not be used by any company to further any anti-competitive or collusive conduct, or to engage in other activities that could violate any antitrust or competition law, regulation, rule or directives of any country or otherwise impair full and fair competition. The WFA carries out regular checks to make sure that this policy is being strictly adhered to.

As a condition of membership, members of the WFA acknowledge that their membership of the WFA is subject to the competition law rules and they agree to comply fully with those laws. Members agree that they will not use the WFA, directly or indirectly, (a) to reach or attempt to reach agreements or understandings with one or more of their competitors, (b) to obtain or attempt to obtain, or exchange or attempt to exchange, confidential or proprietary information regarding any other company other than in the context of a bona fide business or (c) to further any anti-competitive or collusive conduct, or to engage in other activities that could violate any antitrust or competition law, regulation, rule or directives of any country or otherwise.

Please note that the recommendations included in this document are merely meant as suggestions or proposals. They are not binding in any way whatsoever and members are free to depart from them.