



# **International Consumer Protection and Enforcement Network**

**ONLINE REVIEWS & ENDORSEMENTS**

**ICPEN GUIDELINES FOR DIGITAL INFLUENCERS**



**JUNE 2016**



## WHAT IS ICPEN?

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The International Consumer Protection and Enforcement Network (ICPEN) is an organisation comprised of consumer protection authorities from around 60 countries. ICPEN's aim is to protect consumers' economic interests around the world, share information about cross-border commercial activities that may affect consumer welfare, and encourage global cooperation among law enforcement agencies.

For further information, please visit the ICPEN website at [www.icpen.org](http://www.icpen.org).

### Online Reviews and Endorsements project

On 1st July 2015, the Competition and Markets Authority (United Kingdom) assumed the Presidency of ICPEN and identified online reviews and endorsements as a focus of work for its 2015/2016 presidency year – see [here](#). These guidelines are the product of the Online Reviews and Endorsements project group brought together under the ICPEN UK Presidency.

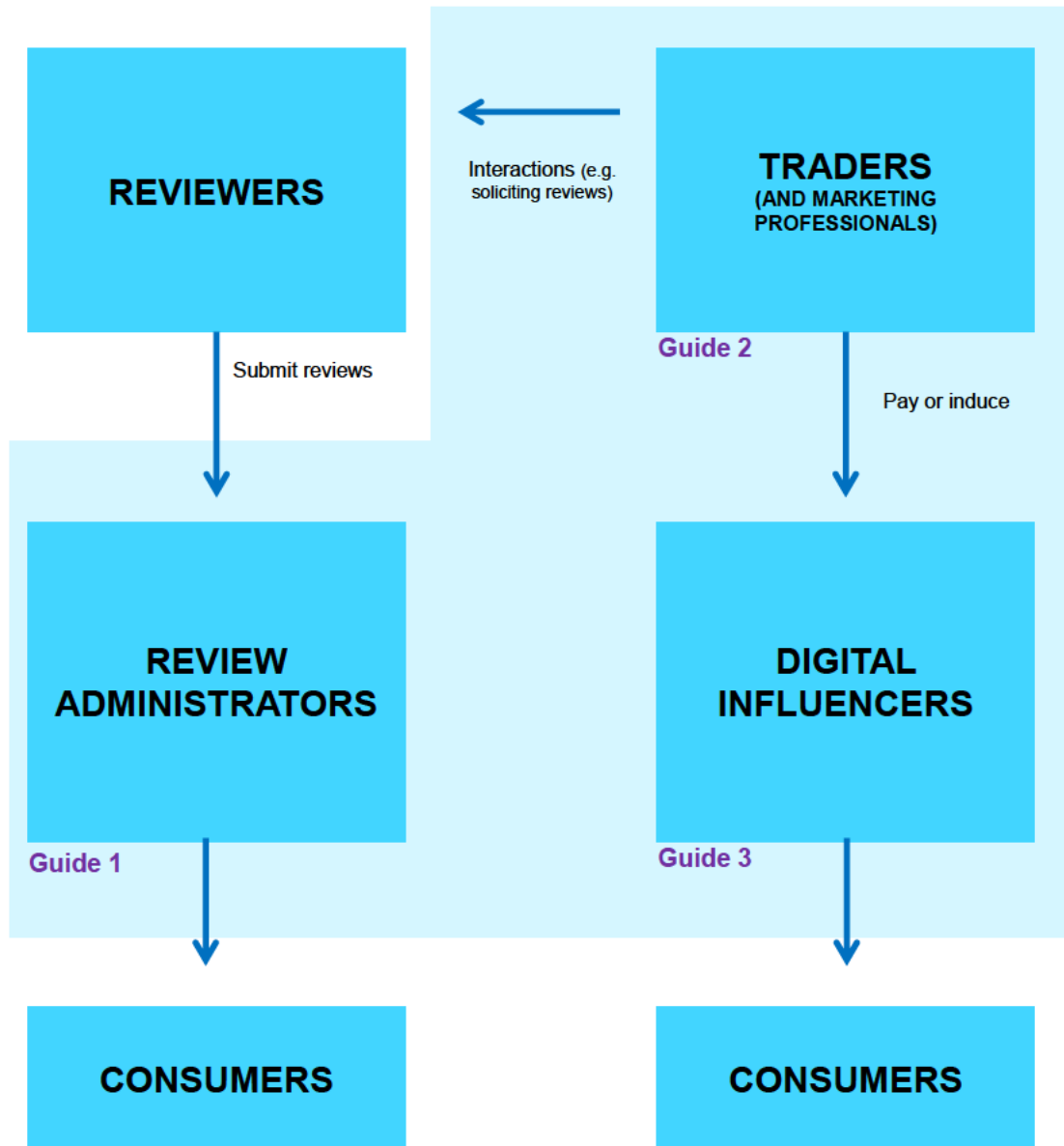
The guidelines have been developed by ICPEN members to help digital influencers (such as bloggers and online publications) to act appropriately when they are paid or induced to talk about goods or services.

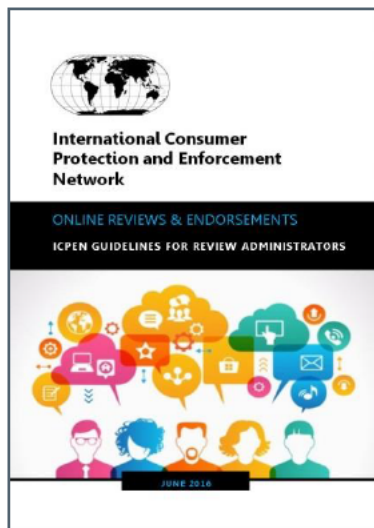
These guidelines provide general guidance to digital influencers. At their core, the guidelines reflect basic truth-in-advertising principles in ICPEN member countries. However, the guidelines do not provide shelter from liability in any ICPEN member country. ICPEN enforcers must assess conduct under their national laws, on a case-by-case basis, and will remain free to take action to address any conduct which infringes their national laws, whether or not it technically complies with any aspect of these guidelines. Moreover, the guidelines cannot cover every issue associated with online reviews and endorsements or every principle of law in every ICPEN member country. Digital influencers should still carry out their own assessment of the legal requirements in any country in which they operate.

This guide is part of a wider set of materials in relation to online reviews and endorsements. Specifically, the materials cover guidance for review administrators (Guide 1), traders and marketing professionals (Guide 2) and digital influencers (Guide 3) – illustrated on page 4. The materials provide guidance for some of the participants in the functional chain, as identified diagrammatically on page 3.



**Figure 1. Online reviews and endorsements functional chain**



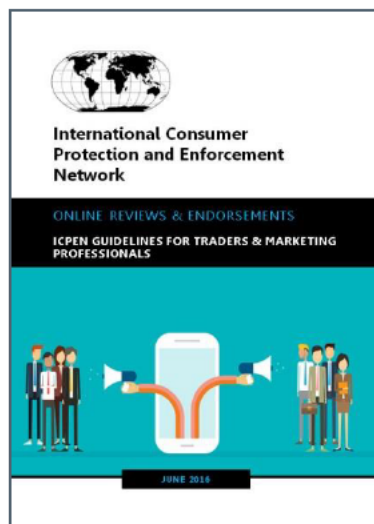


## Guide 1: ICPEN Guidelines for Review Administrators

This guide provides guidance to **review administrators**. A review administrator is an organisation or individual that processes consumer reviews.

Review administrators should be guided by the following key principles:

- be equal and fair in the collection of reviews;
- be alert and proactive in the moderation of reviews; and
- be transparent in the publication of reviews.



## Guide 2: ICPEN Guidelines for Traders and Marketing Professionals

This guide provides guidance to **traders and marketing professionals** on online reviews and endorsements.

Traders and marketing professionals should be guided by the following key principles:

- do not prevent consumers from seeing the whole picture of genuine, relevant and lawful reviews;
- do not write, commission or publish fake reviews;
- disclose paid-for content clearly and prominently; and
- disclose other commercial relationships where they may be relevant to the content.



## Guide 3: ICPEN Guidelines for Digital Influencers

This guide provides guidance to **digital influencers**, for example bloggers, vloggers, tweeters, and contributors to online publications.

Digital influencers should be guided by the following principles:

- disclose, clearly and prominently whether content has been paid for;
- be open about other commercial relationships that might be relevant to the content; and
- give genuine views on markets, businesses, goods and services.



## INTRODUCTION – THE IMPORTANCE OF ONLINE REVIEWS AND ENDORSEMENTS

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Online reviews and endorsements are a growing tool used by consumers and businesses when buying and selling products and services. Businesses, for example, have spotted new opportunities to use ‘native advertising’ by working with digital influencers (see the box overleaf).

Online reviews and endorsements allow consumers to easily access a wide variety of opinions on brands and products, and use them to better inform their purchasing decisions. They also provide businesses with an important source of feedback to allow them to improve their products and services.

However, if an online review or endorsement is not based on a genuine user experience, or displays elements of bias without appropriate disclosure (such as where it has been paid for or solicited without appropriate disclosure), this can have a negative impact on consumers and competition:

- consumers can be misled into taking decisions that they would not otherwise have taken (for example, purchase decisions), and consumer trust in these information tools is diminished;
- competitors who do not engage in misleading practices are penalised at the expense of traders who do.

In light of the importance of this issue, the purpose of these guidelines is to set clear principles in relation to the relevant activities of bloggers, vloggers, tweeters, online publications, and other digital influencers.





## **Native advertising and endorsements**

The impact of online endorsements is increasing with the rise of native advertising.

Native advertisements closely resemble the content in which they are embedded. Examples include an advert in search results that looks like a search result, or an advert on a news webpage that looks like a news story. Other examples include a message in a social media account, or an article in a blog, where the content has been paid for by an advertiser.

Native advertising is not new, but there are ever greater opportunities for advertisers to use it:

- consumers are increasingly engaging with traditional media (e.g. newspapers) online;
- consumers are increasingly engaging with social media (for example blogs, vlogs and social networking sites); and
- advances in mobile technology are allowing advertisers to reach consumers anytime and anywhere.

Other factors driving a move to native advertising (and to paid content more generally) may include: falling revenue from display ads in some markets, consumers' dislike of intrusive ads, the availability of ad-blocking software, the need for traditional publishers to find new revenue streams where they provide online content free to readers, and the advertising industry's search for new ways to make content more interesting for consumers so that they engage with it and 'connect' with the brand.

Native advertising is a legitimate business practice. However, if an advert looks too much like the platform's content, consumers may not understand that it is an advert. Digital influencers, therefore, can be creative and innovative in how they present their content but, to avoid misleading consumers, they should be clear when content has been paid for or when a commercial relationship may have influenced what they have said.



## BLOGGERS, VLOGGERS, TWEETERS, ONLINE PUBLICATIONS AND OTHER DIGITAL INFLUENCERS

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These guidelines provide guidance to anyone who:

- posts online content – whether it is their content, an employee's or a guest contributor's – on their own website (or other online platform) or social media account; and,
- in this content, includes an opinion, experience or other information about a market, business, good or service.

This may include creators of, and contributors to, web logs (blogs), video logs (vlogs), microblogs on social media (including tweets), online newspapers/magazines, and other online publications. In these guidelines, we refer to all of these as '**digital influencers**'.

## KEY PRINCIPLES FOR DIGITAL INFLUENCERS

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Digital influencers should be guided by the following principles:

- **disclose, clearly and prominently, whether content has been paid for;**
- **be open about other commercial relationships that might be relevant to the content;** and
- **give genuine views on markets, businesses, goods or services.**

## GUIDELINES TO DIGITAL INFLUENCERS

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### **Disclose all paid-for content clearly and prominently**

Digital influencers should ensure that any content that they post, for which payment has been received, is clearly identifiable to readers/viewers as paid-for content.

'Paid-for' is not limited to financial payment – for example it can include free clothing or tickets to events. Digital influencers should tell their readers/viewers about any incentive (financial or otherwise) that may have influenced or led them to post particular content.

Paid-for content might include advertisements, advertorials, product placements, sponsored posts, sponsored links, articles written in collaboration, promotional features, consumer interest stories, et cetera.



## **Disclose other commercial relationships**

More generally, digital influencers should tell their readers/viewers about any relevant commercial relationships that they have with businesses featured in their online content. For example, they should say if they are paid to be a business's brand ambassador.

Disclosure of a commercial relationship may be appropriate regardless of whether the digital influencer has been paid, or is otherwise obliged, to write or talk about a good or service at a particular time. For example, a business may pay a celebrity to promote their brand, but may not have paid him or her to tweet a particular endorsement; nonetheless, it may well be appropriate for the tweeter to tell readers that they have a financial connection to the business.

## **Give genuine views on markets, businesses, goods or services**

If a writer or speaker presents an opinion and/or experience as being their own, or otherwise gives that impression, then this is what readers/viewers will assume it to be. If, for whatever reason, the writer or speaker is not giving their own genuine account of what they think or experienced, then this should be explained to readers/viewers.

Digital influencers should ensure that it is clear whose opinion or experience is being stated (e.g. their own, an employee's, a guest contributor's, or an advertiser's).

Digital influencers should never pretend to be an expert or authority on a subject (for example, when stating the health benefits of a product). If they **are** experts or authorities on a subject, they should explain how.

## **Say 'no' to non-compliant businesses**

Digital influencers should turn down requests from businesses for them to post paid-for content without proper disclosure.





## ICPEN MEMBER ORE RESEARCH & GUIDANCE

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### **Australia:**

<http://www.accc.gov.au/business/advertising-promoting-your-business/managing-online-reviews>

### **Canada:**

<http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/03782.html>

### **Denmark:**

<http://www.consumerombudsman.dk/~media/Consumerombudsman/dco/Guidelines/Guidelines%20on%20publication%20of%20user%20reviews.pdf>

### **France:**

<http://www.afnor.org/en/news/news/2013/july-2013/a-world-first-france-adopts-a-standard-enabling-reliable-processing-all-online-consumer-reviews>

### **Norway:**

<https://forbrukerombudet.no/english/guidelines/guidelines-labelling-advertisements-in-social-media>

<https://forbrukerombudet.no/english/guidelines/nordic-position-on-covert-marketing>

### **United Kingdom:**

<https://www.gov.uk/cma-cases/online-reviews-and-endorsements>

### **United States of America:**

<https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>

<https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-endorsement-guides-what-people-are-asking>

[https://www.ftc.gov/system/files/documents/public\\_statements/896923/151222deceptiveenforcement.pdf](https://www.ftc.gov/system/files/documents/public_statements/896923/151222deceptiveenforcement.pdf)

<https://www.ftc.gov/tips-advice/business-center/guidance/native-advertising-guide-businesses>



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