

ASCI issues final Guidelines for Influencer Advertising on Digital media, launches ASCI.Social platform

- *Feedback from 25 stakeholders received for draft guidelines*
- *Digital platform will be home to all information about guidelines and a community of influencers, marketers, agencies and consumers*

Mumbai, 27th May, 2021: The Advertising Standards Council of India (ASCI) today unveiled the final guidelines for influencer advertising on digital media. The draft guidelines initially were issued in February and feedback from all stakeholders – advertisers, agencies, influencers and consumers – was sought. To ensure a collaborative process and expert inputs, ASCI tied up with Big Bang Social, a leading marketplace for social storytelling, to get India’s leading digital influencers’ views on board. The guidelines will be applicable to commercial messages or advertisements published on or after June 14, 2021. The guidelines make it mandatory for influencers to label the promotional content they post.

As digital media consumption becomes the norm, the distinction between content and promotional advertisements becomes critical. The marketing landscape is transforming, and influencer marketing has become mainstream. Therefore, consumers have a right to know what content has been paid for by brands and the guidelines intend to bring this transparency to influencer marketing. Since ‘Influence equals action’ is a reality now – consumers today not only buy products and services endorsed by influencers, but they also buy into the brand stories they create. Thus, these guidelines safeguard the interests of consumers, influencers, marketeers, and the advertising industry.

When the draft guidelines were shared, they sparked vigorous conversations within the influencer community and among other stakeholders. We received feedback from more than 25 different stakeholders over two months, some of them included industry associations like IMAI, IBHA, advertisers like PepsiCo, P&G, Nestle, HUL, Tata, Star, we also received comments from voluntary consumer organizations. Dolly Singh, Vishnu Kaushal, Ayesha Billimoria, Aanam C, Scherezade Shroff Talwar aka Sherry Shroff, Raghav Meattle, Varun Duggirala and more. ASCI took note of all feedback, concerns and suggestions to arrive at the final guidelines

Subhash Kamath, Chairman, ASCI, said: “We received an overwhelming positive engagement and feedback from influencers and others for the draft guidelines, as well as suggestions to finetune and clarify some points. After extensive discussions, we are now launching the final guidelines that balance the interests of consumer, influencers, agencies, advertisers and all other stakeholders. I urge everyone to follow the ASCI Code and the guidelines and be part of this change promising transparency and responsibility.”

One of the key questions raised was how ASCI would monitor potential violations of these guidelines. For this, ASCI has identified a French technology provider, Reech.

Manisha Kapoor, Secretary General, ASCI said “The Reech Influence Cloud platform uses Artificial Intelligence to identify lack of disclosure on posts of a commercial nature on social media. Machine learning algorithms and pattern searching Regex (Regular Expression) maximize accuracy. As part of ASCI’s increasing focus on digital content, we will continue to deploy advanced technology solutions to keep track of advertisements that violate the ASCI code.

Along with the guidelines, ASCI is aiming to develop an inclusive educational approach to shape the narrative of influencer advertising. To achieve this, ASCI is launching the [ASCI.Social](#) platform, a one-stop destination for all information related to the guidelines themselves. The digital platform will be interactive with dos and don'ts, FAQs, information related to the guidelines etc. Over time, ASCI.Social hopes to create a community of social media influencers, consumers, advertisers, and talent management agencies.

Dhruv Chitgopekar, Founding Partner, Collective Artists Network and CEO of BigBang.Social said: “The guidelines were the need of the hour considering the rapid growth in branded communications to consumers via social media. We have guidelines for traditional media advertising but, with the boom in influencer marketing, these are essential. We got on board on ASCI’s behest, lending our learnings from extensively working with social media influencers and understanding of brands to the effort. I’m pleased with how comprehensive and practical the final guidelines are.

Dolly Singh, who is among India’s leading digital influencers, said: “The digital marketing space is growing rapidly and so are its participants. This is the right time to have a codified system of disclosure. I fully support this move by ASCI because it will result in viewers having even greater trust in influencers like me.”

Guidelines for Influencer Advertising in Digital Media

DEFINITIONS

Influencer

An Influencer is someone who has access to an audience and the power to affect their audiences' purchasing decisions or opinions about a product, service, brand or experience, because of the influencer's authority, knowledge, position, or relationship with their audience

Virtual Influencer

Virtual influencers, are fictional computer generated 'people' or avatars who have the realistic characteristics, features and personalities of humans, and behave in a similar manner as influencers.

Material connection

A material connection is any connection between an advertiser and influencer that may affect the weight or credibility of the representation made by the influencer. Material connection could include but is not limited to benefits and incentives, such as monetary or other compensation, free products with or without any conditions attached including those received unsolicited, discounts, gifts, contest and sweepstakes entries, trips or hotel stays, media barter, coverage, awards or any family or employment relationship, etc.

Digital media

"Digital Media is defined as a means of communication that can be transmitted over the internet or digital networks and includes communication received, stored, transmitted, edited or processed by a digital media platform. Digital Media includes but not limited to

- 1) 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.)
- 2) 2) 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.
- 3) Mobile broadcast, mobile, communications content, websites, blogs, apps, etc. / Digital TV (including digital video broadcasting handheld and terrestrial) etc.
- 4) NSTV (non-standard television)
- 5) DDHE (digital delivery home entertainment)
- 6) DTT (digital terrestrial television)

Guidelines for Influencer Advertising in Digital Media

PREAMBLE:

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 behavior for an immediate or eventual commercial gain. Consumers may view such messages without realizing 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)

GUIDELINES:

1. Disclosure

All advertisements published by social media influencers or their representatives, on such influencers' accounts must carry a disclosure label that clearly identifies it as an advertisement.

1.1 The following criteria must be used to determine if disclosure is required:

- a. Disclosure is required if there is any material connection between the advertiser and the influencer.
- b. Material connection isn't limited to monetary compensation. Disclosure is required if there is anything of value given to mention or talk about the Advertiser's product or service. For example: If the Advertiser or its Agents gives free or discounted products or service or other perks and then the influencer mentions one of its products or services, a disclosure is needed even if they weren't specifically asked to talk about that product or service.
- c. Disclosures are required even if the evaluations are unbiased or fully originated by Influencer, so long as there is a material connection between Advertiser and Influencer.
- d. If there is no material connection and the influencer is telling people about a product or service they bought and happen to like, that is not considered to be an advertisement and no disclosure is required on such posts.

1.2 Disclosure must be upfront and prominent so that it is not missed by an average consumer

- a. It should be placed in a manner that is hard to miss.
- b. Disclosures are likely to be missed if they appear only on an ABOUT ME or profile page, or bios, at the end of posts or videos, or anywhere that requires a person to click MORE.
- c. Disclosure should not be buried in a group of hashtags or links.
- d. Using a platform's disclosure tool should be considered in addition to an influencer's own disclosure.

- e. If the advertisement is only a picture or video post without accompanying text (such as Instagram stories or Snapchat), the discloser label needs to be superimposed over the picture/video and it should be ensured that the average consumer is able to see it clearly.
 - I. For videos that last 15 seconds or lesser, the disclosure label must stay for a minimum of 3 seconds.
 - II. For videos longer than 15 seconds, but less than 2 minutes, the disclosure label should stay for 1/3rd the length of the video.
 - III. 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.
 - f. In live streams, the disclosure label should be announced at the beginning and the end of the broadcast. If the post continues to be visible after the live stream is over, appropriate disclosure must be added to the text/ caption.
 - g. In the case of audio media, the disclosure must be clearly announced at the beginning and at the end of the audio, and before and after every break that is taken in between.
- 1.3 The disclosure must be made in a manner that is well understood by an average consumer.
- a. Following is the list of disclosure labels permitted. Any one or more can be used:
 - Advertisement
 - Ad
 - Sponsored
 - Collaboration
 - Partnership
 - Employee
 - Free gift
 - b. The disclosure should be in English OR in the language as the advertisement itself in a way that is easy for an average consumer to understand.
- 1.4 A virtual influencer must additionally disclose to consumers that they are not interacting with a real human being. This disclosure must be upfront and prominent.
- 1.5 Responsibility of disclosure of material connection and also of the content of Advertisement is upon the Advertiser for whose product or service the advertisement is, and also upon the Influencer. For clarity, where Advertiser has a material connection with the Influencer, Advertiser's responsibility will be to ensure that the posted Influencer advertisement is in line with the ASCI code and its Guidelines. While the Influencer shall be responsible for making disclosures required under the Guidelines. The Advertiser, shall, where needed, call upon the Influencer to delete or edit an advertisement or the disclosure label to adhere to the ASCI Code and Guidelines.

2. Due Diligence

The influencers are advised to review and satisfy themselves that the advertiser is in a position to substantiate the claims made in the advertisement.

About ASCI

The Advertising Standards Council of India (ASCI), established in 1985, is committed to the cause of self-regulation in advertising ensuring the protection of the interest of consumers. ASCI seek to ensure that advertisements conform to its Code for Self-Regulation, which requires advertisements to be legal, decent, honest and truthful and not hazardous or harmful while observing fairness in competition. ASCI looks into complaints across ALL MEDIA such as Print, TV, Radio, hoardings, SMS, Emailers, Internet / website, product packaging, brochures, promotional material and point of sale material etc. In January 2017, the Supreme Court of India in its judgement affirmed and recognized the self-regulatory mechanism as an effective pre-emptive step to statutory provisions in the sphere of advertising content regulation for TV and Radio in India. ASCI's role has been acclaimed by various Government bodies including The Department of Consumer Affairs (DoCA), Food Safety and Standards Authority of India (FSSAI), Ministry of AYUSH as well as the Ministry of Information and Broadcasting (MIB). MIB issued an advisory for a scroller providing ASCI's WhatsApp for Business number 77100 12345, to be carried by all TV broadcasters for consumers to register their grievance against objectionable advertisements. ASCI is a part of the Executive Committee of International Council on Ad Self-Regulation (ICAS). Among several awards bestowed by the European Advertising Standards Alliance (EASA), ASCI bagged a Gold Global Best Practice Award for the Mobile App "ASCIonline" (2016). As well as a special recognition for its "Guidelines for Celebrities in Advertising" at the first-ever 'Global Awards for Effective Advertising Self-Regulation' hosted by the ICAS (2019)

About BigBangSocial

A trusted marketplace for social storytellers with a pulse on all things pop-culture.

A growing community that is trusted by global and Indian brands; by talent; and the audiences they nurture.

About Reech

Reech is an Influence Marketing company expert that has been working with the biggest brands since 2015, such as Coca-Cola, Carrefour, Spontex, Philips, Yves Rocher. With its support offer, Reech defines the strategy and operates the influence campaigns for the brands. Since 2020, Reech is selling Reech Influence Cloud, a solution that allows organizations to manage all of their influencer activities.

For further information, please contact:

Press Release



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