



ASAI FAQs on blogging

Our FAQ document is designed to give bloggers, and those interested in the area, some useful information about how our advertising code applies to blogging and some related activities.

Before considering some FAQ's, it is beneficial to frame FAQ's firstly with an understanding of 4 fundamental questions around how and where some of our Code applies.

Q1 | When is content actually advertising/marketing communication?

When is content considered to be advertising/marketing communication? It is likely to be considered a marketing communication:

- where an advertiser makes a **payment** (directly or in kind) to the reviewer/blogger and
- where the advertiser has **control** over the content that is created

Q2 | What do Payment & Control mean?

Payment includes:

- Compensation
- Cash
- Free product
- Free services
- Reciprocal arrangement
- Akin to benefit in kind

Control:

Obligation to create content
with direction from a brand owner



Q3 | How do the Payment & Control concepts apply?

The test whether content in this context is to be considered a marketing communication has two necessary elements: payment and control. Both elements must be present for content to be considered marketing communication.

For the first stage of the test, money does not necessarily need to change hands and the payment need not be financial.

The second stage of the test takes into account the degree of control the marketer exerts over the content of the feature or promotion - a good benchmark is whether the marketer has final approval of text and any visuals used.

Q4 | What is one of the Code consequences of a Blogger promoting products/services?

- When a blogger enters into a commercial arrangement with an advertiser to promote the company's products or services through platforms under their own control then they are effectively acting as a publisher.
- A blogger consequently has a responsibility to indicate to their readers what material is marketing communications.
- Where bloggers are **paid** to promote a brand's products, it must be clear that the content/material is marketing communication.



FREQUENTLY ASKED QUESTIONS

For greater ease of understanding, the FAQ's are broadly categorised to take account of practical scenarios that take account of the payment and control concepts referenced at Question 4 (above). 'Payment' referred to under the Code can be addressed in three categories as follows:

1. Payment
2. Indirect Payment
3. No payment

FAQ's specifically for blogging are addressed below, taking account of the three payment categories above.

Category 1: where a blogger is to receive a monetary payment

A blogger has been paid to say something positive in a post. Is this a marketing communication?

Yes, this is a marketing communication as there is payment and control.

A blogger was paid for a non-bias review with no stipulation that the review or article had to be positive. Is this an ad?

While a payment was made to write a review, the advertiser did not exercise control over the content. Accordingly, it is not a marketing communication under the Code.

Category 2: where there is indirect payment

A blogger received something for free and was asked to write it about but the people who asked were in charge of the final decision of whether it went live or not. Is this an ad?

As the Company is telling a blogger what to post, it is a marketing communication and should be disclosed as such.

A blogger received something for free and was asked to write about it on their blog with no stipulation as to what to say. They wrote a positive review and mentioned it a few times across their blog, do they have to disclose?

While there was payment there was no control by the brand, therefore the original review was not a marketing communication and subsequent mentions would not be marketing communications either.



A travel company pays for the travel and accommodation costs of visiting a specific destination, and commissions a blogger to write them a piece for their website. Does the blogger need to disclose?

Yes, it is marketing communication.

A blogger replicates commissioned content. Is there a need to disclose?

If a blogger replicates the commissioned content at another time on their own website the content remains a marketing communication and therefore must be disclosed.

A blogger writes content for their own site that was not required by the advertiser, is disclosure required?

If a blogger wrote a new article on their own site and the advertiser had no control over the content then the article is not advertising.

A blogger is on a press trip and sharing on social media, how should they make it clear that this is a ‘freebie’?

If there is no control over what is being written by the blogger (via the social media) then the content is not marketing communications¹.

A blogger is brought on a press trip but no outline in terms of expectation of coverage ‘in return’ for being invited as a guest arises but the brand has paid for a bloggers flights /accommodation. Does the blogger need to post content any particular #?

If there is no control/expectation of certain things being said, the brand does not contractually control what the blogger says, then the content is not marketing communication

¹ Please refer to the ICPEN Guidelines relating to free product and disclosure – see www.ccpic.ie.



Category 3: No payment (neither monetary nor reciprocal) is exchanged

A blogger posts blog articles as favours to readers with no money changing hands, does the blogger have to disclose under the Code?

This does not appear to be advertising copy and as it not a sponsored post, there is no need to disclose.

A blogger is booked by a brand for a Facebook live and they put up a Snapchat while in there, what is the Code requirement on that?

A blogger's posts on a platform that is not part of the commercial arrangement with the advertisers, is not considered to be marketing communication.

A blogger writes a piece for his/her own site, with no control from the advertisers, but separately the travel company had paid for the travel and accommodation costs to visit a specific destination, and commissioned the blogger to write them a piece for the company website. Does the blogger need to disclose?

The blogger needs to disclose the piece commissioned by the advertisers but not the piece written for his/her own website, as this content is not subject to control by the advertiser nor required by them.

A PR company sends free gifts, samples or provides services to bloggers in the hope of receiving a positive review, does this situation require disclosure?

This does not require disclosure.

A blogger goes on a press trip on the basis that certain content will be created and/or is shared. Is disclosure required?

Yes, disclosure is required.

A blogger is offered free service or product on the basis of creating a positive review or using content produced by the advertiser. Is disclosure required?

Yes, disclosure is required.

Blogger A is asked by Blogger B to share a post about an event that Blogger B has been paid to attend, does Blogger A have to disclose anything?

As Blogger A has not been paid, their post is not a marketing communication.



Recognisable labelling

Acceptable hastags under the Code. What kind of hashtags are they?

Acceptable hashtags include hashtags such as #ad; #sp; #spon#; #workwith; #paidpartnership, #brandambassador

If a blogger uses affiliate links on their own blog/website, is disclosure required.

Yes, it must be clear, before consumers engage with the content, that affiliate links have been used in all or some of the links.

If a blogger is paid to attend an event with control of content, must they # every single snap?

Yes

A brand ambassador is required by the brand owner to promote their product on the brand ambassador's snapchat twice, on Instagram once and write about it on the brand ambassador's blog, must each of these be labelled #ambassador, #brandambassador?

Yes

A brand ambassador has declared they are a brand ambassador on some posts, does the brand ambassador have to mention 'brand ambassador' in each post that mentions the brand?

Yes

Labelling content on expiring media, for example on snaps or stories:

Is there a Code obligation to disclose on every snap/story or if someone uses the # at the beginning, middle or end of a series will they be compliant with the Code?

The Complaints Committee considers that when using expiring media, all content must be flagged, not just a sample.

If a blogger is paid to attend an event with control of content, must they # every single snap?

Yes



A blogger does a sponsored post and shares a link for the blog post on their Facebook page, does this need disclosure as a marketing communication?

Yes

A vlogger in Ireland posts regularly to YouTube. Is it enough to put a disclosure just in the video description rather than the video itself?

If a blogger has worked with a brand or advertiser around a piece of content, this needs to be clear 'from the start' of the piece of content. This means bloggers must reveal this at the beginning of a blog post or video and use appropriate # in social media.

Principles of the Code that apply to Payment and Control Concepts

The concepts of **payment** and **control** for content are central to identifying if material must declare a commercial relationship between a blogger and an advertiser.

Some Code provisions relevant to marketing communications being identifiable as such are:

Section 1: Definitions

- 1.1 The following definitions apply to the Code and to the procedures for its implementation:
- (b) A marketing communication includes, but is not limited to, advertising, as well as other techniques such as promotions, sponsorships and direct marketing, and should be interpreted broadly to mean any form of communication produced directly by, or on behalf of, advertisers intended primarily to promote products, to influence the behaviour of and/or to inform those to whom it is addressed.
 - (c) Advertising or advertisement includes, but is not limited to, a form of marketing communication carried by the media, usually in return for payment or other valuable consideration or in a space that would generally be provided for in return for payment.
 - (n) An advertorial is an advertisement feature, announcement or promotion published or electronically broadcast in exchange for a payment or other reciprocal arrangement where the content is controlled by the advertiser.

Section 2: Principles

- 2.1 The primary objective of the Code is to regulate commercial marketing communications in the interest of consumers ensuring, so far as possible, that all marketing communications are prepared with a sense of responsibility both to the consumer and to society.
- 2.2 The Code applies to:
- (g) Advertorials.
 - (h) Marketing communications in non-paid-for space online, under the control of the advertiser or their agent, including but not limited to advertisers' own websites, that are directly connected with the supply or transfer of goods, services, facilities, opportunities, prizes and gifts or which consist of direct solicitations for donations.

Section 3: General Rules

Recognisability

- 3.31 A marketing communication should be designed and presented in such a way that it is clear that it is a marketing communication.
- 3.32 Marketing communications should not misrepresent their true purpose. Marketing communications should not be presented as, for example, market research, consumer surveys, user-generated content, private blogs, or independent reviews if their purpose is marketing, i.e. the promotion of a product.
- 3.33 Advertorials should be clearly identified, should be distinguished from editorial matter and should comply with the Code.
- 3.34 The identity of the advertiser, product or service should be apparent. This does not apply to marketing communications with the sole purpose of attracting attention to communication activities to follow (so called "teaser advertisements").
- 3.35 Marketing communications should, where appropriate, include contact information to enable the consumer to get in touch with the advertiser without difficulty.

Section 5: Promotional Marketing Practices

Advertisement Promotions

- 5.45 Advertisement promotions should be designed and presented in such a way that they can easily be distinguished from editorial material.
- 5.46 Features, announcements or promotions that are published in exchange for a payment or other reciprocal arrangement where their content is controlled by the promoter should comply with the Code.