

# **Influencer Advertising Standards: Best Practices and Policy Recommendations to Enhance Transparency**

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**APEC Committee on Trade and Investment**

**June 2025**



**Asia-Pacific  
Economic Cooperation**





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# **Influencer Advertising Standards: Best Practices and Policy Recommendations to Enhance Transparency**

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This paper is the product of collaboration between the Governments of Peru and Canada through the Expert Deployment Mechanism for Trade and Development (EDM). Funded by Global Affairs Canada and implemented by Cowater International and the Institute of Public Administration of Canada, the EDM provides technical assistance to eligible economies to maximize the benefits of trade and development. Under the EDM, this initiative was conducted to deepen the economic and trade relationship between Canada and Peru, to increase the utilization of the Canada-Peru Free Trade Agreement (CPFTA) and to support the implementation of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). In collaboration with Peru's National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPi), Professors de Beer and Mogyoros reviewed emerging best practices and recommendations for competition and consumer protection agencies to address influencer advertising, with the aim of promoting policy coherence and improved consumer protection. The opinions expressed in this paper are the authors' and not necessarily those of any EDM funder or implementing partner or APEC member economy.

The EDM is implemented by Cowater International and the Institute of Public Administration of Canada

## Executive Summary

This paper examines emerging best practices and policy recommendations for influencer advertising across APEC economies, with a focus on transparency and consumer protection. Developed in collaboration between the Governments of Peru and Canada under the Expert Deployment Mechanism for Trade and Development (EDM), the report highlights regulatory approaches, enforcement challenges, and potential policy interventions to align advertising standards across jurisdictions.

Influencer marketing has transformed digital advertising, leveraging perceived authenticity and trust to drive consumer engagement. However, this model raises concerns regarding transparency, misleading endorsements, and inadequate disclosure of material connections. Many APEC economies have introduced regulations and guidelines to address these issues, but the level of oversight varies significantly. While some jurisdictions impose stringent disclosure requirements and enforce compliance through consumer protection agencies, others rely on industry self-regulation with limited enforcement mechanisms.

The paper identifies key best practices, including the need for clear and conspicuous disclosures, standardized terminology across platforms, and consistent enforcement of advertising guidelines. It recommends that APEC economies adopt evidence-based and technology-neutral regulations to ensure adaptability in a rapidly evolving digital landscape. Additional recommendations include strengthening media literacy initiatives to help consumers critically assess influencer endorsements and exploring the potential for an APEC-wide code of conduct or certification mark system to promote responsible influencer marketing.

By fostering international cooperation and regulatory consistency, APEC economies can enhance consumer trust, ensure fair competition, and mitigate the risks of deceptive advertising practices in influencer marketing.

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# 1 Introduction

Someone who has the potential to influence others can be called an influencer. Influencer advertising happens when an influencer's message is controlled directly or indirectly by an advertiser and communicated in any medium to influence viewers' choice, opinion, or behaviour. Competition and consumer protection agencies in APEC economies and around the world are addressing this phenomenon in various ways.

This paper looks at emerging best practices and policy recommendations, with the aim of promoting policy coherence and improved consumer protection in influencer advertising. It was prepared in the context of a collaboration between Peru's National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) and independent experts supported by the Government of Canada.

In 2024 INDECOPI published, *Guía de Publicidad Para Influencers*, a framework for understanding and addressing influencer advertising in digital contexts.<sup>1</sup> Canada's economy-wide not-for-profit advertising regulatory organization, Ad Standards, had released its own updated *Influencer Marketing Disclosure Guidelines* in 2023.<sup>2</sup> And Canada's Competition Bureau had looked at influencer advertising in its *Deceptive Marketing Practices Digest* as early as 2018.<sup>3</sup> These materials are all part of a growing collection of guidelines and regulations on influencer advertising worldwide, complementing awareness-raising podcasts, popular books, and extensive academic research on topic.

Building on legal and policy instruments, as well as industry and academic research, this paper begins by elaborating on the context and definition of influencer advertising. It then highlights challenges raised by influencer advertising and explores best practices from approaches in Canada; Peru; and several other APEC economies (e.g. New Zealand; Singapore; the United States; and more).<sup>4</sup> The paper concludes with forward-thinking analysis about how influencer advertising may relate to broader issues around information and trust in the digital economy, social media infrastructure standards, consumer literacy and awareness, and the potential for internationally coordinated approaches to new challenges. The result is to promote policy coherence for better practices in influencer marketing so that advertisements online are aligned with consumer protection values and consumers' interests.

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<sup>1</sup> INDECOPI, 'Guía de Publicidad Para Influencers' (Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual (INDECOPI) 2024) <<https://cdn.www.gob.pe/uploads/document/file/6774363/5870366-guia-de-publicidad-para-influencers-2024.pdf?v=1723645305>> accessed 16 January 2025.

<sup>2</sup> Influencer Marketing Steering Committee Ad Standards, 'Influencer Marketing Disclosure Guidelines: Industry Best Practices' (Ad Standards (Canada) 2023) <<https://adstandards.ca/resources/influencer-marketing/>> accessed 6 February 2025.

<sup>3</sup> Competition Bureau, 'The Deceptive Marketing Practices Digest — Volume 4' (5 June 2018) <<https://competition-bureau.canada.ca/deceptive-marketing-practices-digest-volume-4>> accessed 6 February 2025.

<sup>4</sup> This section is the result of desk research conducted by the author(s) and does not necessarily reflect the views of the United States.

## 2 Context

### 2.1 The rise and role of influencer advertising

With the rise of digital platforms and the shift to online advertising, influencer marketing is an increasingly common and impactful phenomena around the globe. The landscape is a dynamic and rapidly expanding. Empirical research shows a sustained increase in the adoption of influencer marketing across industries. One industry source projects influencer marketing to be worth USD32.55 billion globally in 2025.<sup>5</sup>

The academic study of influencer marketing has grown substantially, consolidating insights across disciplines such as digital marketing, behavioral science, and consumer psychology. A recent meta-analysis of over 250 other studies published in a top-ranked journal, *Journal of the Academy of Marketing Science*, describes how influencer marketing effectively impacts outcomes like consumer engagement, trust, and purchase behaviour.<sup>6</sup> Another review of 214 articles finds that brands are shifting budgets to influencer advertising, which is deeply embedded in digital commerce, engagement strategies, and loyalty mechanisms.<sup>7</sup> Yet another systematic literature review spanning two decades has highlighted how brands, consumers, and regulatory agencies engage with influencer advertising in digital spaces.<sup>8</sup> Research has also examined the technological evolution of influencer marketing, particularly its transition from early celebrity endorsements to social media influence.<sup>9</sup> This shift has changed the structure of digital advertising, making influencer marketing a powerful industry.<sup>10</sup>

Modern influencer marketing primarily occurs on digital social media platforms. The most widely cited definition of “social media” in the field of marketing is—“a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of User Generated Content”—covers collaborative projects, blogs, content communities, social networking sites, virtual game worlds, and virtual social worlds.<sup>11</sup> In information communications research, a commonly used definition of “social network sites” was established in 2007:

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<sup>5</sup> Influencer Marketing Hub, ‘Influencer Marketing Benchmark Report 2025’ (*Influencer Marketing Hub*, 30 January 2025) <<https://influencermarketinghub.com/influencer-marketing-benchmark-report/>> accessed 25 February 2025.

<sup>6</sup> Meizhi Pan and others, ‘Influencer Marketing Effectiveness: A Meta-Analytic Review’ (2025) 53 *Journal of the Academy of Marketing Science* 52.

<sup>7</sup> Yatish Joshi and others, ‘Social Media Influencer Marketing: Foundations, Trends, and Ways Forward’ [2023] *Electronic Commerce Research* <<https://link.springer.com/10.1007/s10660-023-09719-z>> accessed 21 February 2025.

<sup>8</sup> Surej P John and Sivakumari Supramaniam, ‘Antecedents and Effects of Influencer Marketing Strategies: A Systematic Literature Review and Directions for Future Research’ in Francisco J Martínez-López (ed), *Advances in Digital Marketing and eCommerce* (Springer, Cham 2023) <[https://link.springer.com/10.1007/978-3-031-31836-8\\_15](https://link.springer.com/10.1007/978-3-031-31836-8_15)> accessed 24 February 2025.

<sup>9</sup> Aun Ahmed and Tushar Rathore, ‘The Evolution of Influencer Marketing’ in Soumi Dutta and others (eds), *Advances in Data Analytics for Influencer Marketing: An Interdisciplinary Approach*, vol 9 (Springer Nature Switzerland 2024) <[https://link.springer.com/10.1007/978-3-031-65727-6\\_2](https://link.springer.com/10.1007/978-3-031-65727-6_2)> accessed 24 February 2025.

<sup>10</sup> *ibid.*

<sup>11</sup> Andreas M Kaplan and Michael Haenlein, ‘Users of the World, Unite! The Challenges and Opportunities of Social Media’ (2010) 53 *Business Horizons* 59.



web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system.<sup>12</sup>

Many platforms exist globally. Yet, lately, the market has become dominated by a few leaders in the industry, namely: Instagram; TikTok; Facebook; X (formerly Twitter); and Pinterest.<sup>13</sup> Studies have shown that different platforms foster different forms of influencer engagement, with Instagram and YouTube being the most commonly used for influencer marketing, while TikTok has driven the rise of short-form influencer content.<sup>14</sup> Such platforms have become central to advertising ecosystems for both distribution and monetization.<sup>15</sup>

Advertising through these channels using influencers is desirable to target niche consumer groups while leveraging authenticity. As influencer marketing matures, its impact is no longer limited to isolated sponsorships but is increasingly integrated into long-term brand strategies.<sup>16</sup> Research on brand-influencer relationships highlights that brands prioritize influencers not only for their reach but also for their alignment with brand values, credibility, and audience trust.<sup>17</sup>

Scholars have raised concerns about how influencer marketing is shaping consumer behavior, particularly in regard to the parasocial relationships that influencers develop with their followers.<sup>18</sup> Unlike traditional advertising, influencer marketing leverages emotional engagement and perceived authenticity, which can blur the line between organic content and commercial sponsorships.<sup>19</sup>

Beyond traditional sponsorship models, creators are increasingly monetizing through direct audience support (e.g., Patreon, Substack) and diversified revenue streams.<sup>20</sup> This shift underscores the broader transformation of digital advertising, where influencers function as both content producers and entrepreneurs, navigating a complex

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<sup>12</sup> Danah M Boyd and Nicole B Ellison, 'Social Network Sites: Definition, History, and Scholarship' (2007) 13 *Journal of Computer-Mediated Communication* 210.

<sup>13</sup> Emplifi Inc., 'Report State of Influencer Marketing Asia-Pacific 2023' (Emplifi Inc 2023) <<https://go.emplifi.io/state-of-influencer-marketing-2023.html>> accessed 15 February 2025.

<sup>14</sup> John and Supramaniam (n 7).

<sup>15</sup> Catalina Goanta and Sofia Ranchordás (eds), 'The Regulation of Social Media Influencers: An Introduction', *The Regulation of Social Media Influencers* (Edward Elgar Publishing 2020) <<https://www.e-elgar.com/shop/usd/the-regulation-of-social-media-influencers-9781788978279.html>> accessed 24 February 2025.

<sup>16</sup> Ahmed and Rathore (n 8).

<sup>17</sup> Sommer Kapitan and others, 'Influencer Marketing and Authenticity in Content Creation' (2022) 30 *Australasian Marketing Journal* 342.

<sup>18</sup> Samira Farivar and Fang Wang, 'Influencer Marketing: Current Knowledge and Research Agenda' in Francisco J Martínez-López and David López López (eds), *Advances in Digital Marketing and eCommerce* (Springer International Publishing 2021) <[https://link.springer.com/10.1007/978-3-030-76520-0\\_21](https://link.springer.com/10.1007/978-3-030-76520-0_21)> accessed 24 February 2025.

<sup>19</sup> *ibid.*

<sup>20</sup> 'Influencers with Taylor Lorenz' <<https://www.polcommtech.com/post/influencers-with-taylor-lorenz>> accessed 24 February 2025.

commercial landscape where traditional and non-traditional monetization strategies intersect.<sup>21</sup>

Accordingly, influencer marketing is closely associated with a “creator economy” which can be understood as “a quickly growing ecosystem consisting of content and campaign management platforms, brands that need to scale content, and creators who produce online content.”<sup>22</sup> This broader context around influencer advertising is not only analyzed in industry reports and scholarly articles but has also become the subject of popular books by academics and journalists, reflecting its growing significance in the digital economy. The creator economy has restructured modern capitalism, shifting power away from traditional media and toward individual content creators and digital platforms.<sup>23</sup> While this shift offers new entrepreneurial opportunities, it also perpetuates inequalities, as many creators engage in unpaid or precarious aspirational labour.<sup>24</sup> The rise of influencer marketing reflects a broader quest for authenticity, as audiences favor relatable online personalities over traditional corporate messaging.<sup>25</sup> However, authenticity itself has become a marketable commodity, with influencers carefully curating their self-presentation to balance commercial partnerships with audience trust.<sup>26</sup>

In this milieu, the reliance on platform-driven marketing raises transparency and regulatory issues, particularly regarding paid partnerships and disclosure rules.<sup>27</sup> One might get a sense that social media platforms facilitate communication and the exchange of content in a “free, loosely-regulated context.”<sup>28</sup> However, as the following sections of this paper demonstrate, there are increasingly legal and policy constraints on influencer advertising.

Before proceeding, we note that competition and consumer protection agencies are focusing mostly on the commercial aspects of influencer advertising. Yet there are emerging, important, and unanswered questions about “what happens when influencers get involved in politics, when they harness their digital clout to promote political causes and social issues, and thereby become political influencers.”<sup>29</sup> Moreover, despite the competition and consumer protection focus of this paper, entire books about the

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<sup>21</sup> Taylor Lorenz, *Extremely Online: The Untold Story of Fame, Influence, and Power on the Internet* (Simon & Schuster 2023).

<sup>22</sup> Emplifi, ‘The State of Influencer Marketing: Asia-Pacific 2003’ (2023) <<https://go.emplifi.io/state-of-influencer-marketing-2023.html>>.

<sup>23</sup> Lorenz (n 20).

<sup>24</sup> Brooke Erin Duffy, *(Not) Getting Paid to Do What You Love: Gender, Social Media, and Aspirational Work* (Yale University Press 2017).

<sup>25</sup> Emily Hund, *The Influencer Industry: The Quest for Authenticity on Social Media* (Princeton University Press 2023) <<https://www.degruyter.com/document/doi/10.1515/9780691234076/html>> accessed 24 February 2025.

<sup>26</sup> *ibid.*

<sup>27</sup> Alexandra J Roberts, ‘False Influencing’ (2020) 109 *Georgetown Law Journal* 81.

<sup>28</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore), ‘Guidelines for Interactive Marketing & Social Media’ <<https://asas.org.sg/Portals/0/Guidelines%20for%20Interactive%20Marketing%20Communication%20and%20Social%20Media%20%28web%29.pdf>>.

<sup>29</sup> Martin J Riedl, Josephine Lukito and Samuel C Woolley, ‘Political Influencers on Social Media: An Introduction’ (2023) 9 *Social Media + Society* 20563051231177938.

regulation of social media influencers have been written and cover regulatory topics like free speech, child labour, contracts, and more.<sup>30</sup>

## 2.2 Defining an influencer

While there are a range of ways in which an “influencer” can be defined, most definitions share a key conception of what an influencer is. That is an influencer:

A social media influencer is an individual with a large or targeted audience of followers who has the potential to affect the purchase decisions of others and who may be approached by brands to promote their products or services.<sup>31</sup>

Various other terms used for online actors may encompass influencing activities. These alternate terms include *bloggers*, *streamers*, *celebrities*, and *content creators*.<sup>32</sup> The term *influencer* does not only include individuals that are natural persons exclusively. Rather, any human, animal, or virtual person—including an AI generated virtual persons or animated characters—may be properly identified as an influencer.<sup>33</sup>

Influencers may be active on a wide range of online social media platforms, such as Facebook, Instagram, Snapchat, TikTok, Twitch, YouTube, among others.<sup>34</sup> Influencers are frequently active across multiple platforms. According to a survey of 165 creators in the Asia-Pacific region, 93% of influencers posted content on multiple platforms. Notably, however, they did not post the same content across different platforms but altered and modified their content to fit the platform’s intended users, types of interactions, and content.<sup>35</sup> Successful influencers are sensitive to the idiosyncratic differences between social media platforms. Influencers care deeply about their audience and “Influencers focus on creating meaningful and valuable content that will resonate with their followers and partner with brands their fans will be interested in.”<sup>36</sup>

Influencers are not always engaged in advertising and marketing. Sometimes influencers create their own *organic content*, that is content that is created and disseminated without paid promotion or advertising in any form. Related but distinct, influencers may also benefit from *earned media*. Media that is “driven by consumers’ sharing and engagement and is not sponsored”<sup>37</sup> is in some economies, such as Singapore, excluded from guidelines for interactive marketing communication and

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<sup>30</sup> Catalina Goanta and Sofia Ranchordás (eds), *The Regulation of Social Media Influencers* (Edward Elgar Publishing 2020) <<https://www.e-elgar.com/shop/usd/the-regulation-of-social-media-influencers-9781788978279.html>> accessed 24 February 2025; Christian Fieseler and others (eds), *The Hashtag Hustle: Law and Policy Perspectives on Working in the Influencer Economy* (Edward Elgar 2025).

<sup>31</sup> International Council For Ad Self-Regulation, ‘Guidelines for Social Media Influencers • ICAS’ (ICAS, 2022) <<https://icas.global/advertising-self-regulation/influencer-guidelines/>>.

<sup>32</sup> The Committee Of Advertising Practice, ‘Influencers’ Guide to Making Clear That Ads Are Ads’ 2 <<https://www.asa.org.uk/resource/influencers-guide.html>> accessed 7 February 2025.

<sup>33</sup> *ibid*; Emplifi Inc. (n 12).

<sup>34</sup> The Committee Of Advertising Practice (n 31) 2.

<sup>35</sup> Emplifi (n 21).

<sup>36</sup> *ibid*. Emplifi, ‘The State of Influencer Marketing: Asia-Pacific 2023’ (2023) <<https://go.emplifi.io/state-of-influencer-marketing-2023.html>>.

<sup>37</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) 2.

social media. Even though consumer engagement may be a direct result of the influencer's advertising efforts, Singapore excludes it from the ambit of marketing communication because the consumers themselves are not paid. Earned media may be acquired through online activities such as "liking" content, "re-posting" content, reviews and other forms of user-generated content on part of an influencer's followers that are unpaid.

This paper, like most regulations and guidelines in APEC economies, focusses on influencers that are engaged in advertising. There is a range of ways in which an influencer may also be acting as an advertiser. An influencer may advertise their own product or service, they may conduct themselves as a media platform by sharing ad content that is controlled—either directly or indirectly—by an advertiser on their user page, channel, or profile.<sup>38</sup>

Influencers can also be paid or compensated for the content they post in a range of ways. That is, influencers may receive compensation in a range of forms including: cash, gift cards, free products, discounts and credit/content exposure.<sup>39</sup> Influencers can be compensated quite highly, for example one source cited influencers to be compensated from USD10-10,000 per post on Instagram and USD25-2,500 on TikTok.<sup>40</sup>

Yet, advertising, as discussed further below, ought to be understood broadly. For example, New Zealand's guidelines on influencers include the following definition:

[A]n Influencer is a broad term used to describe people who have influence over the choice, opinion or behaviour of their followers. An Influencer is someone who has access to an audience (regardless of size) for their own organic content and ad content they generate income from. Influencers who develop and / or distribute content about products or services in return for some form of payment are providing a platform for advertising.<sup>41</sup>

This definition of an influencer has the benefit of capturing a wide range of activities that constitute marketing. This definition is similar to the Canadian definition of advertising which is defined as "any message where the content is controlled directly or indirectly by the advertiser and which is communicated in any medium to viewers with the intent to influence their choice, opinion, or behaviour."<sup>42</sup> Accordingly, an influencer need not have a certain size audience or number of followers for their content to meet the definition of an advertisement.<sup>43</sup>

One big "customer engagement platform" known as Emplifi has characterized the nature of influencers by their nature and reach.<sup>44</sup> Such accessible industry-facing

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<sup>38</sup> ASA (NZ), 'Influencers: Making It Clear That Ads Are Ads' (Advertising Standards Authority (New Zealand) 2021) 1 <<https://www.asa.co.nz/resources/influencers-adhelp/>>.

<sup>39</sup> Emplifi (n 21).

<sup>40</sup> Influencer Marketing Hub, 'Influencer Rates: How Much Do Influencers Really Cost in 2025?' (*Influencer Marketing Hub*, 16 December 2024) <<https://influencermarketinghub.com/influencer-rates/>> accessed 7 February 2025.

<sup>41</sup> ASA (NZ) (n 37) 2.

<sup>42</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 5.

<sup>43</sup> ASA (NZ) (n 37) 14.

<sup>44</sup> Emplifi (n 21).

summaries can help policymakers better understand insights from the leading research by academic experts. But this is not the only, nor necessarily leading way, influencers are classified.

For instance, one widely cited journal article classifies the many different types of influencers that now exist based on influencers' three functional components: "the audience, the endorser, and the social media manager."<sup>45</sup> Another typology for influencers looks at "Snoopers, Informers, Entertainers, and Infotainers".<sup>46</sup> And a group of Belgian scholars integrated others' work into a framework that classifies potential influences and their features, combining the influencers' characteristics with their audiences' perceptions. They list three types of top social media influencers as "Passionate Business Influencers," "Passionate Influencers," and "Celebrity Influencers" along with two types of potential social media influencers, "Dreaming Business Dormants" and "Passionate Topic Enthusiasts".<sup>47</sup>

## 2.3 Challenges raised by influencer advertising

Influencer marketing is a form of advertising. As such, many of the leading concerns that govern advertising regulation arise in the instance of influencer advertising. Similarly, many of the principles that underpin the legal and regulatory framework for advertising—transparency, clarity, accuracy—are relevant in the case of influencers.

Nevertheless, the ways in which influencers effect their advertising and engage with consumers is different than other print and digital forms of advertising. This is particularly true as current advertising rules and regulations have been developed in reference to more traditional advertising paradigms.<sup>48</sup>

Influencer advertising is uniquely positioned from more traditional forms of advertising, however, and the challenges require explicit consideration. Influencer advertising leverages authenticity and blurs boundaries between organic and advertising content.

Indeed, influencer marketing is "founded on the idea of influencer authenticity."<sup>49</sup> In many instances, influencer marketing is conducted by ordinary individuals that have gained notoriety and become celebrities online for a specific group of consumers that are interested in a certain niche topic or community.<sup>50</sup> Influencers acquire and develop an audience that then allows advertisers to target more specific consumer segments directly.

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<sup>45</sup> Colin Campbell and Justine Rapp Farrell, 'More than Meets the Eye: The Functional Components Underlying Influencer Marketing' (2020) 63 Business Horizons 469.

<sup>46</sup> Jana Gross and Florian von Wangenheim, 'The Big Four of Influencer Marketing - A Typology of Influencers' (2018) 35 Marketing Review St. Gallen 30.

<sup>47</sup> Gaëlle Ouvrein and others, 'The Web of Influencers. A Marketing-Audience Classification of (Potential) Social Media Influencers' (2021) 37 Journal of Marketing Management 1313.

<sup>48</sup> Clarisse N'Kaa, 'Influencer Marketing: Advertising in the Age of Social Media' (Options Consommateurs for Innovation, Science and Economic Development Canada (ISED) 2021) Research Report 19 <<https://option-consommateurs.org/wp-content/uploads/2021/10/option-consommateurs-814574-rapport-de-recherche-eng.pdf>> accessed 18 February 2025.

<sup>49</sup> *ibid* 16.

<sup>50</sup> *ibid*.

Influencer marketing strategies are frequently successful precisely because they appear alongside, and sometimes indistinguishable from, organic content.<sup>51</sup> Influencer advertising content is a form of *native advertising*, which is designed by its nature to blend into the medium in which it is located:

Most influencer marketing and affiliate marketing content appears alongside or within organic or editorial content, and is presented in a very similar style, so in almost all cases it won't be immediately obvious to the audience when something is or isn't an ad from the context alone.<sup>52</sup>

It can be very difficult, if not impossible, for viewers of influencer content to discern between organic content and sponsored/paid content that constitutes an advertisement. Research has shown consumers overestimate an ability to discern whether content is an advertisement or not.<sup>53</sup> This is why disclosing all material connections and commercial relationships is a cornerstone of best practices for influencer marketing, discussed further below in subsection 3.2. Likewise, consumers receive and value information differently depending on whether it is organic or an advertisement.<sup>54</sup>

Furthermore, the interfaces and infrastructure of social media platforms themselves can act as a barrier to proper and robust disclosures given the visual layouts and interface limits of various platforms.<sup>55</sup> Influencers make use of privately owned social media platforms that are designed, by their nature, to change frequently. While in many economies, advertising laws and regulations apply to influencer advertising, some economies provide guidance on influencer-specific marketing. Not only are social media platforms liable to change quickly but regulating them has proven tricky for several economies.

### 3 Emerging best practices for influencer advertising

#### 3.1 Scanning approaches in APEC economies and elsewhere

Many jurisdictions have their own regulatory framework that applies to advertisements in a range of media. Influencers generally fall within the ambit of advertising regulation and are subject to the same laws which govern advertisers. Influencers should be aware of the legal and regulatory advertising frameworks that exist in the economies in which they operate.

However, given the specific concerns that arise in influencer marketing, as discussed above in Section 2.3, various economies, including APEC member economies, have put

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<sup>51</sup> ASA (NZ) (n 37) 6.

<sup>52</sup> The Committee Of Advertising Practice (n 31) 7.

<sup>53</sup> *ibid* 8; ASA (UK), 'The Labelling of Influencer Advertising' (Advertising Standards Authority (United Kingdom) 2019) <<https://www.asa.org.uk/resource/labelling-of-influencer-advertising.html>>.

<sup>54</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 2, 20.

<sup>55</sup> Christine Riefa and Laura Clausen, 'Towards Fairness in Digital Influencers' Marketing Practices' (2019) 8 Journal of European Consumer and Market Law 21; Arunesh Mathur, Arvind Narayanan and Marshini Chetty, 'Endorsements on Social Media: An Empirical Study of Affiliate Marketing Disclosures on YouTube and Pinterest' (2018) 2 Proc. ACM Hum.-Comput. Interact. <<https://doi.org/10.1145/3274388>>.

together guidelines for influencer marketing practices. Numerous documents from different economies were reviewed and consolidated. The findings formed the basis of these identified best practices for influencer advertising.

In addition, we reviewed many multi-jurisdictional resources including but extending beyond APEC economies. Examples include: a nearly 340-page report of economy-level responses to the International Trademark Association's questionnaire on advertising laws and regulations;<sup>56</sup> an extensive database from the International Council for Ad Self-Regulation (ICAS) linking to domestic guidelines;<sup>57</sup> a blog-series snapshot of regulations by region (Asia, Latin America, Europe, and "English-speaking economies") prepared by a Chinese Taipei-headquartered influencer marketing analytics company;<sup>58</sup> and an international legal and regulatory comparison prepared by a leading global law firm.<sup>59</sup> All of these materials were reviewed and vetted in the course of our scan.

The 21 economies of APEC have some form of regulation regarding influencer advertising, which may be based on general frameworks such as consumer protection, competition, regulation of restricted products (such as pharmaceuticals, alcohol, and cigarettes), or laws related to commerce, the internet, or media. However, the level of advancement varies significantly among them, reflecting differences in economic development and social and cultural particularities.

In most economies, governments have delegated regulatory functions to specific entities, with multiple authorities intervening depending on their competences. Additionally, there are non-governmental entities providing self-regulation, taking a more prominent role in certain economies based on the level of government control over the private sector. As a result, there is no common framework across APEC economies, which could be considered a challenge for transnational actors in the influencer advertising ecosystem.

A recurring concern across economies with existing guidelines, self-regulation bodies, and hard law regulations, is the prevention of deceptive advertising and the lack of transparency in disclosing sponsorships. To address this, some economies have opted for disclosures at certain points of the advertisement depending on the format (live, streaming video), while others have stricter requirements, such as permanent visible labeling. In general, advertising disclosures must follow the same principles online as in traditional media. Therefore, influencers' statements must be honest, claims about product performance must reflect real expectations, and material connections with brands must be disclosed. Advertisers may be held liable for misleading influencer content.

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<sup>56</sup> INTA, 'INTA Questionnaire on International Advertising Law and Regulations' (International Trademark Association (INTA) 2023) <<https://www.inta.org/wp-content/uploads/public-files/resources/committee-reports/Global-Advertising-Law-Questionnaire-May-2023.pdf>>.

<sup>57</sup> ICAS, 'Advertising Guidelines for Social Media Influencers' (*The International Council for Ad Self-Regulation (ICAS)*, 2023) <<https://icas.global/advertising-self-regulation/influencer-guidelines/>> accessed 6 February 2025.

<sup>58</sup> Davide Demarchi, 'The-CreatorDB-International-Guide-to-Influencer-Regulations.Pdf' (CreatorDB) <<https://www.creatordb.app/blog/influencer-laws-ebook/>>.

<sup>59</sup> Baker McKenzie, 'So You Think You Want To ... Work with a Social Media Influencers' (2024) <<https://www.bakermckenzie.com/en/-/media/files/insight/publications/resources/so-you-want-to-work-with-a-social-media-influencer.pdf>>.

Economies such as Australia; Canada; New Zealand; and the United States have implemented clear regulatory frameworks requiring the disclosure of commercial relationships, supported by self-regulatory bodies that function actively.<sup>60</sup> These economies promote transparency in digital advertising, enhancing consumer trust. Regulatory authorities have been proactive in encouraging ethical and responsible behavior from brands and influencers, complemented by tools such as codes of ethics, clear informational guides, and accessible language for influencers with examples, awareness campaigns, and various other informational mechanisms on official websites and social media accounts.

A similar trend is seen in places like Chile; Japan; Korea; Malaysia; Mexico; the Philippines; Thailand; and others, which follow a similar path with regulatory frameworks, some more modern and specific than others for digital advertising, and some at an earlier stage of consolidation. These economies also have self-regulatory mechanisms that help transition traditional advertising obligations to influencers. In general, policies in these economies can be considered more flexible, with traditional or reasonable restrictions, except for differences in bureaucracy and the level of regulation.

Some economies, such as Brunei Darussalam and others with regulatory frameworks based on religious principles, although lacking specific laws on influencers, have oversight of many public acts, including the digital advertising of influencers. Restriction tends to be of a moral, cultural, or political nature.

In economies like Indonesia; Papua New Guinea; the Philippines; and Viet Nam, regulations are still developing. While limited, these regulations are being gradually implemented in response to concerns about controlling digital content and protecting consumers.

Finally, there are economies such as China and Russia, requiring influencers to register and disclose any activity or product they promote, with often onerous obligations. Unlike the previous economies, regulation in these economies is extensive, with frequent new restrictive rules being issued. These economies also seek to prevent or restrict to varying degrees, paid advertising from foreign companies. In these economies, state control over digital advertising is intensive, strictly controlling the content influencers can share, with severe penalties for those who violate the rules.

## 3.2 Common principles and practices

### 3.2.1 Clear and truthful disclosures

The cornerstone to fair and legitimate influencer marketing is disclosure.<sup>61</sup> Because influencers' content can encompass both organic content and sponsored/paid,

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<sup>60</sup> This section is the result of desk research conducted by the author(s) and does not necessarily reflect the views of the United States.

<sup>61</sup> INDECOPI, 'Indecopi actualiza guía de publicidad para que influencers informen y generen contenidos de manera responsable' (*Gob.pe*, 14 August 2024) <<https://www.gob.pe/institucion/indecopi/noticias/1004032-indecopi-actualiza-guia-de-publicidad-para-que-influencers-informen-y-generen-contenidos-de-manera-responsable>> accessed 16 January 2025.



consumers need to be told when what they are viewing and interacting with is an advertisement.

When content is indeed organic content or editorial this means that the influencer produced this content without there being a relevant material relationship or without any form of payment or compensation. This content does not need to be labelled. When an influencer has a combination of organic content and advertising on their profile or platform, the content that is advertising must be clearly identified through a disclosure.<sup>62 63</sup> Disclosing when content is an advertisement is necessary so that viewers do not mistaken content that was paid for or sponsored as content which is coming from a credible and impartial source.<sup>64</sup> Disclosure should occur whenever it is not immediately obvious that the content they are viewing is an advertisement.<sup>65</sup>

The orienting principle for good disclosures is that they are required, and should be clear, conspicuous and broadly understood.<sup>66</sup> The goal of a disclosure is to provide honesty and transparency for anyone who views or interacts with an influencer's content.<sup>67</sup> As stated by the UK Advertising Standards Authority, "Simply put, the key rule here is that it needs to be clear that ads are ads."<sup>68</sup> Influencers, and the brands they are working with, should never assume a viewer will interpret content as an advertisement—it should always be explicitly stated.<sup>69</sup>

It is crucial a consumer be able to easily discern between an influencer's organic content and an advertisement.<sup>70</sup> This distinction should be made at a viewer's first interaction with the content. A viewer should be able to immediately recognize content as an advertisement or sponsored content. A consumer should not have to click on a post or engage with it to discern if it is organic content or not; special knowledge should not be needed to identify an advertisement as an advertisement.<sup>71</sup>

As consumers attribute differing weight to an influencer's claim based on whether it is organic content or not, consumers need to know when they are viewing an advertisement.<sup>72</sup> This means advertising content needs to be labelled as such. This labelling should be done through explicit disclosures declaring that content *is* an advertisement when it is sponsored or occurring within the context of a material relationship. Singapore, for example, goes further and states that marketing communications should be distinguishable from organic or editorial content, and should

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<sup>62</sup> ASA (NZ) (n 37) 2.

<sup>63</sup> The Committee Of Advertising Practice (n 31) 9.

<sup>64</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.1(g).

<sup>65</sup> ASA (NZ) (n 37) 6.

<sup>66</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 7.

<sup>67</sup> *ibid.*

<sup>68</sup> The Committee Of Advertising Practice (n 31) 3.

<sup>69</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 22.

<sup>70</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.1(a); ASA (NZ) (n 37) 1.

<sup>71</sup> ASA (NZ) (n 37) 6; Advertising Standards Authority, Committee of Advertising Practice, 'Clarity for Consumers: Why #ad Is Essential in Paid Influencer Posts' (*Advertising Standards Authority*, 5 September 2019) 7 <<https://www.asa.org.uk/news/clarity-for-consumers-why-ad-is-essential-in-paid-influencer-posts.html>> accessed 7 February 2025.

<sup>72</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 2.

not even “be made to appear like them.”<sup>73</sup> This is a high standard given that a key aspect of influencer marketing is precisely that apart from a disclosure it may otherwise appear as organic content.

Accordingly, it is important to disclose when content is an advertisement—which includes disclosing when content pertains to a person, product, service, or brand with which the influencer has a material connection, discussed further below in subsection 3.2.2. This disclosure allows advertising content to be transparent and honest as well as allow viewers and consumers appropriately weigh the value of the claims and endorsements an influencer makes.<sup>74</sup> <sup>75</sup> Disclosures are meant to help identify influencers sponsored and marketing content as an advertisement. Influencers should be honest in their representations and disclosures and not apply an endorsement or material connection exists where it does not.<sup>76</sup>

All advertisements should be clear and obvious they are advertisements, regardless the form they take. An influencer’s online engagement, aside from posting original content, may also be a form of advertising as they can be understood as endorsements. That is, a “tag”, “like”, “pin” or other ways of demonstrating liking or supporting a brand or another user’s content can be seen as an endorsement.<sup>77</sup>

Disclosures do not, however, exclude the advertisement from the scope of existing legal and regulatory governance of advertising in the given economy in which it exists. Most economies require advertisements to be honest and truthful, and influencer content is no exception. Even where content constitutes an advertising and disclosed as such, it must still be accurate. An influencer cannot make claims about a product that would require evidence.<sup>78</sup> Accordingly, influencers should not create content about experience with a product they haven’t tried and should not lie about their experience with a product or service and claim it was more positive than it otherwise was.<sup>79</sup>

### 3.2.2 Material connections and relationships

Disclosures are appropriate for a wide range of influencer content are critical such that viewers can properly identify them as an advertisement.

Influencers should disclose where any content is the result of a *material connection*. A wide range of relationships can amount to a material connection including relationships with a brand that are: personal, familial, employment relationships, or financial relationships.<sup>80</sup>

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<sup>73</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.1(b).

<sup>74</sup> Federal Trade Commission (United States), ‘Disclosures 101 for Social Media Influencers’ 2 <[https://www.ftc.gov/system/files/documents/plain-language/1001a-influencer-guide-508\\_1.pdf](https://www.ftc.gov/system/files/documents/plain-language/1001a-influencer-guide-508_1.pdf)>.

<sup>75</sup> This section is the result of desk research conducted by the author(s) and does not necessarily reflect the views of the United States.

<sup>76</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) 3.1(f).

<sup>77</sup> Federal Trade Commission (United States) (n 72) 3.

<sup>78</sup> *ibid* 6.

<sup>79</sup> *ibid*.

<sup>80</sup> *ibid* 2.

Influencers ought to disclose all material connections and relationships to keep their endorsements and recommendations honest and truthful. Moreover, informing followers and viewers of existing material connections related to content allows them to weigh the value their endorsements.<sup>81</sup>

Even where influencers are promoting a brand that they, their family, or their friends own, this connection needs to be disclosed. This includes disclosing a wide range of products and businesses including events, concerns, gigs, filters, contests that an influencer is running.<sup>82</sup>

The nature of financial relationships and arrangements that amount to disclosure include a wide range of factual scenarios. For instance, where an influencer has received payment or any other incentive from a brand, the content produced is advertising and should be disclosed as such.<sup>83</sup> <sup>84</sup> Financial arrangements extend beyond situations where influencers are paid in currency alone; disclosure should occur if an influencer receives “anything of value to mention a product.”<sup>85</sup>

There is a wide range of interactions and activities that constitute the type of compensation that needs to be disclosed.<sup>86</sup> Receiving free gifts, sponsorship, complimentary samples, friendly favours and special invitations are all forms of incentives or compensation that should be disclosed.<sup>87</sup> Likewise, being a brand ambassador, shareholder, having a position in the company, receiving an exclusive discount or commission, or receiving services, trips, hotel stays, loans, leases, rentals, shares for free—whether solicited or not—require disclosure.<sup>88</sup> This disclosure exists even where there is no obligation to post about the complimentary items, services, or experiences received.<sup>89</sup>

Influencers should not assume followers know about their brand relationships.<sup>90</sup> Accordingly, influencers should disclose all material connections and relationships even when they think their endorsements and evaluations are unbiased.<sup>91</sup> That being said, influencers do not have to declare the absence of brand relationships and can share products where no material connection or brand relationship exists organically.<sup>92</sup>

For a successful legitimate and healthy functioning influencer marketing industry to exist, influencers, of a range of sophistication levels, must know when their obligations to disclose exist. A graphic representation of disclosure requirements may help influencers understand if the economy they are working in requires disclosure and when.

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<sup>81</sup> *ibid.*

<sup>82</sup> The Committee Of Advertising Practice (n 31) 5.

<sup>83</sup> *ibid* 4.

<sup>84</sup> *ibid* 5.

<sup>85</sup> Federal Trade Commission (United States) (n 72) 3.

<sup>86</sup> INDECOPI (n 59).

<sup>87</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) 3.1(c).

<sup>88</sup> The Committee Of Advertising Practice (n 31) 5.

<sup>89</sup> *ibid*; Influencer Marketing Steering Committee Ad Standards (n 2) 7.

<sup>90</sup> Federal Trade Commission (United States) (n 72) 3.

<sup>91</sup> *ibid.*

<sup>92</sup> *ibid.*

The Canadian self-regulating advertising industry body, Ad Standards, has included in their guidelines graphic representations of when disclosure is required, for example.<sup>93</sup>

### 3.2.3 Language of disclosure

Disclosures should be clear and conspicuous and broadly made.<sup>94</sup> As Singapore's guidelines set out, disclosures should make use of clear language and syntax and avoid "legalese or technical jargon."<sup>95</sup> Disclosures should be made in the same language as the accompanying advertisement or endorsement itself.<sup>96</sup>

It is important for disclosures to be broadly and easily understood that are composed of clear and straightforward language.<sup>97</sup> Various economies provide guidance to influencers on examples of what this acceptable and clear language, which include terms and hashtags such as:<sup>98</sup>

- "advertisement", "ad" and "sponsored"
- "#ad", "#sponsored", "#XYZ\_Ambassador", and "#XYZ\_Partner"
- #GiftedProduct"

Some economies' guidelines also provide examples of terms that are inadequate to provide sufficient disclosure. These include vague and confusing terms like:

- "sp", "spon", or "collab"
- "Gifted"
- "Affiliate", "Aff", "Af", or "Afflink"
- "Collab" or "iworkwith"

And stand-alone terms that alone convey insufficient information like:<sup>99</sup>

- "thanks", "ambassador", or "brand ambassador"
- "Supported by", "Funded by", "In Association with", or "In partnership with"
- "Thanks to [brand] for making this possible", "Made possible"

Simply thanking or tagging a brand is not an effective disclosure as it does not convey the material connection as precisely or clearly as needed.<sup>100</sup> Likewise, tagging a brand is insufficient disclosure as this practice may not be viewed or understood by viewers

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<sup>93</sup> Influencer Marketing Steering Committee Ad Standards (n 2).

<sup>94</sup> *ibid* 7.

<sup>95</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(a).

<sup>96</sup> Federal Trade Commission (United States) (n 72) 5; Influencer Marketing Steering Committee Ad Standards (n 2) 15.

<sup>97</sup> Federal Trade Commission (United States) (n 72) 5.

<sup>98</sup> Federal Trade Commission (United States) (n 72); Advertising Standards Authority, Committee of Advertising Practice (n 69); Influencer Marketing Steering Committee Ad Standards (n 2); ASA (NZ) (n 37); INDECOPI (n 59).

<sup>99</sup> Federal Trade Commission (United States) (n 72); Advertising Standards Authority, Committee of Advertising Practice (n 69); Influencer Marketing Steering Committee Ad Standards (n 2); ASA (NZ) (n 37); INDECOPI (n 59).

<sup>100</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 22.

as indicating a material connection between the brand and influencer as easily or clearly as required.<sup>101</sup>

Not all economies agree on what terms sufficiently convey an advertisement and which are insufficient—for instance, using simply “sponsored” alone or with a hashtag. This assessment advises that influencers should be aware of the precise guidance of the economies they are working in and always err on the side of including more information about the nature of the relationship or connection they are disclosing.

### 3.2.4 Location and form disclosure

A disclosure should accompany any endorsement or content that constitutes an advertisement—disclosures should not be hidden.<sup>102</sup> Influencers should make disclosures “difficult to miss.”<sup>103</sup> Disclosures should be presented as soon as possible; viewers should not have to engage with content to properly identify it as an advertisement.<sup>104</sup> Any disclosure should be easily seen or heard on first interaction with the content, and a consumer should not have to refer elsewhere to obtain the information that an advertisement is an ad.<sup>105</sup>

The United Kingdom’s Advertising Standards Authority advises that to make it clear about when content is an advertisement an influencer should:

[A]s an absolute minimum, include a prominent label at the beginning - don’t bury the disclosure in many other hashtags or leave it poorly contrasted with the content background.”<sup>106</sup>

Influencers should not make use of “blanket disclosures”, that is, disclosures which sit above the content and exist only in a bio tagline, profile, or About Me section.<sup>107</sup>

Such blanket disclosures alone are inadequate because each individually sponsored post needs to be explicitly connected to a brand or material connection.<sup>108</sup>

Similarly, a disclosure should not only be available through a hyperlink and should not require a viewer to click “more” to see the disclosure.<sup>109</sup> Disclosures ought also to be

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<sup>101</sup> *ibid* 18.

<sup>102</sup> *ibid* 11.

<sup>103</sup> Federal Trade Commission (United States) (n 72) 4; Advertising Standards Authority, Committee of Advertising Practice (n 69).

<sup>104</sup> Federal Trade Commission (United States) (n 72) 4.

<sup>105</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(b)(v); Ipsos MORI, ‘Research on the Labelling of Influencer Advertising: Report for the Advertising Standards Authority’ (Ipsos MORI 2019) Report for the Advertising Standards Authority 17 <<https://www.ipsos.com/sites/default/files/ct/news/documents/2019-09/asa-online-ad-labelling-report.pdf>> accessed 18 February 2025; Influencer Marketing Steering Committee Ad Standards (n 2) 17.

<sup>106</sup> The Committee Of Advertising Practice (n 31) 7.

<sup>107</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 16; The Committee Of Advertising Practice (n 31) 7.

<sup>108</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 16.

<sup>109</sup> Federal Trade Commission (United States) (n 72) 4; Influencer Marketing Steering Committee Ad Standards (n 2) 14; Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(b)(vi).

prominently placed and not, for example, buried among hashtags.<sup>110</sup> Placing a disclosure in a “sea of hashtags”, where a user needs to scroll, or click more is insufficient.<sup>111</sup> These placements run the risk of making the disclosure possible to miss.<sup>112</sup>

Influencers should consider the interface and experience of the specific platform they are using when designing their disclosures. For example, an influencer should consider how their content will be viewed across various types of devices (e.g. tablet, phone, desktop) and platforms when deciding how to catch a viewer’s attention to draw attention to their disclosure.<sup>113</sup>

Disclosures should be relevant to the form of media of the content. Written content requires written disclosures and audio content require audio disclosures.<sup>114</sup> The style of the disclosure should consider the specific nature of the content. In the case of audio content, for example, the audio disclosure should be in the same language of the content and the volume and cadence should be accessible for the reasonable user to hear and understand it.<sup>115</sup> Likewise, where the endorsement is a picture, on a platform like SNAPCHAT or INSTAGRAM, the disclosure should be superimposed on the photo.<sup>116</sup> The disclosure should be viewable for a duration long enough for a viewer to notice, read, and understand it.<sup>117</sup> Where the content or endorsement is in video form, the disclosure should be in the video and not just the video’s caption or description. Given that a user may watch a video without sound, or listen to the video without looking at it, disclosures should be both visually and auditorily represented.<sup>118</sup> Such a practice best ensure a consumer notices and understands the disclosure. Where endorsed or sponsored content is shared in a live stream format, the disclosure should be repeated periodically to ensure viewers who do not watch the entire live stream will still notice and understand the disclosure.<sup>119</sup>

Influencers can make use of a range of techniques and methods to ensure their disclosure captures viewers’ attention. For example, the disclosure may be in a colour that is contrasted to the background colour, or is in a different size or style font, or displayed with emphasis.<sup>120</sup> Where it is not possible to keep the disclosure directly with

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<sup>110</sup> Influencer Marketing Steering Committee Ad Standards (n 2) 12.

<sup>111</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(b)(i); The Committee Of Advertising Practice (n 31) 9.

<sup>112</sup> Federal Trade Commission (United States) (n 72) 4; Influencer Marketing Steering Committee Ad Standards (n 2) 11.

<sup>113</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(b)(iv); The Committee Of Advertising Practice (n 31) 9; Influencer Marketing Steering Committee Ad Standards (n 2) 13.

<sup>114</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(d).

<sup>115</sup> *ibid.*

<sup>116</sup> Federal Trade Commission (United States) (n 72) 4; Influencer Marketing Steering Committee Ad Standards (n 2) 19.

<sup>117</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(d).

<sup>118</sup> Federal Trade Commission (United States) (n 72) 4; Influencer Marketing Steering Committee Ad Standards (n 2) 19.

<sup>119</sup> Federal Trade Commission (United States) (n 72) 4.

<sup>120</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(b)(iii).

the content for whatever reason, or where the hyperlink text itself is sponsored, different font styles should be used for the hyperlink to distinguish it from editorial or organic content.<sup>121</sup>

### 3.2.5 Stacking disclosures

Sometimes social media platforms themselves provide a mechanism for an influencer to disclose that a content, post, or endorsement is paid for or an advertisement. Where these options are available, influencers should make use of them.<sup>122</sup> Built-in disclosure mechanisms may be insufficient or provide an inadequate disclosure. Irrespective of what platform is being used, disclosure for advertisements should be conspicuous, clear, and accurate.<sup>123</sup>

Ultimately, the responsibility to properly disclose that content is an advertisement, and not editorial or organic content, rests with the influencer. If an influencer is in doubt about the nature of the disclosure offered through the platform, they should not rely on a platform's disclosure tool alone but consider using it in addition to their own good disclosure.<sup>124</sup> Nevertheless, all parties to an advertisement, including the advertiser, brand, platform and other agents, should take responsibility for making it clear when content is advertising.<sup>125</sup>

Best practice is to both use a platform's existing disclosure mechanisms, where available, as well as an influencers own disclosure and labelling to *stack disclosures*.

Similarly, influencers should include other labels in addition to, but not instead of, advertisement identification labels to provide viewers with a more precise understanding of the nature of the commercial relationship at play, advises New Zealand.<sup>126</sup> Influencers who choose to use additional labels—e.g. ProductReview; FreeTrial; AmbassadorWorkingWith[Brand/Advertise name]; FreeGift—should include them after and separate from Ad, Advert or Advertisement.”<sup>127</sup>

## 4 Policy recommendations

As influencer marketing continues to grow, so do concerns about misinformation, deceptive advertising, and declining consumer trust. While disclosure rules and competition laws help mitigate some risks, they may not be enough on their own to create a fully transparent and reliable marketplace. This section explores policy directions that could strengthen trust in influencer marketing across APEC economies, focusing on standardization, education, and industry self-regulation.

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<sup>121</sup> *ibid* 3.5(b)(vii).

<sup>122</sup> ASA (NZ) (n 37) 7.

<sup>123</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.5(b)(i).

<sup>124</sup> Federal Trade Commission (United States) (n 72) 5; Influencer Marketing Steering Committee Ad Standards (n 2) 13.

<sup>125</sup> Advertising Standards Authority Of Singapore- An Advisory Council Under Case (Singapore) (n 27) s 3.1(h); ASA (NZ) (n 37) 1,8.

<sup>126</sup> ASA (NZ) (n 37) 8.

<sup>127</sup> *ibid*.

## 4.1 Evidence-based and technology neutral approaches

Regulating influencer advertising requires appreciating the truly dynamic and quickly evolving nature of this form of advertising. Changes to influencer advertising can be observed in the language used to discuss this issue—even the term “influencer” is relatively recent having entered public dialogue in the 2010s. Effectively regulating this arena of advertising requires considering how economies can create regulations which transcend the specifics of any given platform or technology.

Nevertheless, the ability of an influencer to provide adequate disclosure is impacted by the nature and design of a social media platform’s infrastructure. For instance, the layout of a social media platform, visual presentation, and character limits or other file constraints impact the way in which an influencer can disclose the sponsored nature of their content.<sup>128</sup>

Likewise, platforms ought to be driven by facilitating and creating an environment of trust online, and empowering users to determine the trustworthiness of content available. Such a motivation should, in turn, incentivize social media platforms to integrate disclosure mechanisms into their infrastructure and design.<sup>129</sup>

One issue for future consideration is whether platforms ought to undertake standardized mechanisms to require disclosure and to create user interfaces intended to facilitate disclosures without compromising influencer content.<sup>130</sup> Such standardization could, potentially, be mandated by competition and consumer protection agencies. Or standardization could be encouraged by self-regulatory bodies or industry associations.

Moreover, while efforts have been taken to provide guidance on influencer advertising focusing on the competition law and consumer protection issues, effective regulation ought to consider other issues implicated—such as freedom of expression and child labour concerns—for example.<sup>131</sup> Academic literature on social media regulation has begun to emerge and should be consulted for guidance.<sup>132</sup>

Likewise, regulatory reforms should draw on insights from behaviour economics and behavioural science. Drawing on this body of research can help better understand how consumers process influences and how competition and consumer protection authorities can design interventions to mitigate negative effects, such as emotional manipulation or impulsive decision-making.

## 4.2 Media literacy

APEC economies could consider working together towards establishing a literacy campaign that will educate consumers and influencers. Informing consumers of the best practices for influencer marketing may help key stakeholders be empowered and accountable to one another.

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<sup>128</sup> Mathur, Narayanan and Chetty (n 54).

<sup>129</sup> Riefa and Clausen (n 54).

<sup>130</sup> *ibid.*

<sup>131</sup> Tarleton Gillespie, ‘Regulation of and by Platforms’ [2018] *The SAGE handbook of social media* 254.

<sup>132</sup> Alex Rochefort, ‘Regulating Social Media Platforms: A Comparative Policy Analysis’ (2020) 25 *Communication Law and Policy* 225.



Disclosure practices and strategies are crucial, but their efficacy lies in how they are received by the viewers that encounter them. Research has established consumers, at times, overestimate their ability to distinguish organic content from advertisements.<sup>133</sup>

Consumers ought to both have expectations of proper disclosure practices and be able to interpret them. The ability to interact with influencer advertising critically can be taught. Given the nature of influencer advertising, and how it often appears intermixed with organic content, can hinder the ability of consumers to critically engage with this form of advertising. This is especially true for adolescents consuming influencer content online, one Spanish study suggests.<sup>134</sup>

Yet, empowering consumers to detect deceptive influencer advertising through education is not a clear-cut task. One research paper raises the concern that educating consumers about a specific deceptive advertising tactic may, counterintuitively, leave consumers more vulnerable to other advertising tactics.<sup>135</sup> More research is required on how to effectively educate consumers on deceptive influencer advertising without leaving them more vulnerable to deceptive advertising tactics overall.

### **4.3 APEC code of conduct for influencer marketing**

APEC economies may also consider developing standardized acceptable practices for influencer marketing. Standardizing such behaviour and practices is recommendable given the global reach of many online platforms.

As influencers range in sophistication, easy to understand guidelines with timely examples that are available in multiple languages and easy to access is advisable. The guidance set out by Canada; New Zealand; and Peru provide excellent examples. And, as influencer advertising occurs on platforms which are subject to swift changes, any code of conduct should be based on core advertising regulation principles.

A principled approach is ideal as social media platforms form dynamic environments, and marketing practices evolve quickly. Prescriptive guidance on influencer behaviour ought to consider not only marketplace harms relating to competition and consumer protection, but other concerns that arise in this space, such as child labour. Any code of conduct would be strengthened by mechanism for frequent changes as marketplace practices online are increasingly dynamic.

### **4.4 Certification marks as an idea worth exploring**

Ensuring trust in influencer marketing remains a critical challenge for policymakers. While disclosure requirements and competition law enforcement provide some safeguards, these measures often address misleading practices after the fact rather than offering proactive solutions. Certification marks, which function as trust signals in other industries, present a potential regulatory tool for enhancing transparency and credibility in influencer advertising. Used extensively in areas such as food labeling,

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<sup>133</sup> Ipsos MORI (n 102).

<sup>134</sup> Beatriz Feijoo, Luisa Zozaya and Charo Sádaba, 'Do I Question What Influencers Sell Me? Integration of Critical Thinking in the Advertising Literacy of Spanish Adolescents' (2023) 10 Humanities and Social Sciences Communications 1.

<sup>135</sup> Andrew E Wilson, Peter R Darke and Jaideep Sengupta, 'Winning the Battle but Losing the War: Ironic Effects of Training Consumers to Detect Deceptive Advertising Tactics' [2022] Journal of business ethics 1.

environmental standards, and professional accreditation, certification marks provide consumers with assurance that a product, service, or organization meets defined ethical or quality criteria.<sup>136</sup> Applying this concept to influencer marketing, a certification framework could help distinguish responsible, transparent advertising practices from deceptive endorsements.

Many of the same agencies that oversee consumer protection, fair competition, and advertising standards are also responsible for legal, policy, and administrative aspects of certification marks. In Peru, for example, this is INDECOPI. In Canada, intellectual property and competition agencies are related through the Department of Innovation, Science, and Economic Development (ISED). Given this regulatory relation, certification could serve as a complementary mechanism within the broader marketplace framework. Just as sustainability labels in food and fashion industries help consumers navigate complex commercial landscapes, an independent certification system for influencers could support advertising transparency efforts by providing an easily recognizable indicator of compliance with disclosure requirements and ethical promotional practices.

The challenge in applying certification models to influencer marketing lies in ensuring that any such system is credible, enforceable, and resistant to manipulation. A significant risk is the rise of pseudo-certification marks,<sup>137</sup> where influencers, brands, or even platforms introduce self-regulated trust labels that lack independent oversight.<sup>138</sup>

Despite these challenges, certification could offer a valuable complement to existing regulatory mechanisms if carefully designed and implemented. Consumer protection bodies, advertising regulators, and competition agencies could explore ways to develop independent certification systems that provide meaningful guarantees of compliance. Certification mechanisms could be integrated within broader regulatory efforts, reinforcing disclosure requirements and providing regulators with an additional tool for enforcement. At the same time, social media platforms could be encouraged—or required—to recognize certification indicators within their interface design, offering a standardized way for consumers to identify influencers who meet established transparency and disclosure criteria.

## 5 Conclusion

In conclusion, the rapid evolution of influencer advertising has, at times, challenged pre-existing regulatory approaches to advertising. As outlined in this paper, influencer marketing leverages authenticity and parasocial relationships to engage consumers. However, this very strength also raises challenges regarding transparency, disclosure, and consumer protection. The blurred lines between organic content and commercial

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<sup>136</sup> Alexandra Mogyoros, ‘Attestation Marks and Pseudo-Certification Marks: A Divergence of Roles in Trademark Law’ (2021) 43 European Intellectual Property Review 219.

<sup>137</sup> Alexandra Mogyoros, ‘Attestation Marks and Pseudo-Certification Marks: A Divergence of Roles in Trademark Law’ (2021) 43 European Intellectual Property Review.

<sup>138</sup> Alexandra Mogyoros, ‘The Inconsistent Reality of Certifying Trade Marks: How Certification Marks Are Failing Their Truth Ideals’ (2025) 56 IIC - International Review of Intellectual Property and Competition Law 91.

sponsorships necessitate clear and enforceable guidelines to maintain consumer trust and ensure fair competition in the marketplace.

The regulatory landscape is evolving to address these challenges. Various APEC economies have developed guidelines and governance frameworks that promote greater transparency in influencer advertising. These efforts align with broader global trends in regulating digital marketing practices, reinforcing the importance of policy coherence across jurisdictions.

Yet, as the creator economy continues to expand, the nature of influencer advertising will likely continue to evolve. Influencers are no longer just brand endorsers; they are entrepreneurs, content creators, and, in some cases, media entities. As influencer marketing becomes further embedded within global advertising strategies, international coordination will be crucial in ensuring consumer protection while supporting fair and innovative market practices.

Ultimately, achieving a balance between innovation and regulation is key. As APEC economies continue to refine their approaches to influencer advertising, fostering cross-border cooperation and knowledge sharing will be essential to developing a robust, consumer-centric regulatory framework. By addressing the challenges of transparency, disclosure, and trust, policymakers can work towards creating a regulatory environment where influencer marketing is responsible and a sustainable component of the digital economy.

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## Annex: Glossary of Terms

This glossary is the result of our synthesis based on materials cited within this report.

**Advertising:** Any message or expression where the content is controlled directly or indirectly by the advertiser and communicated in any medium to influence viewers' choice, opinion, or behavior.

**Brand:** An entity that markets goods, services, or ideas, and engages with consumers through various forms of advertising, including influencer marketing.

**Commercial Relationship:** A relationship between an influencer and a brand or advertiser where compensation, monetary or otherwise, is provided in exchange for promotion, endorsement, or content creation.

**Content:** Any material, including text, images, videos, and audio, created and shared by influencers, brands, or advertisers on digital and social media platforms.

**Influencer:** A social media user who posts content and who has the potential to affect consumer decisions and may partner with brands for promotional purposes.

**Material Connection:** Any relationship between an influencer and a brand that may affect the credibility of an endorsement, including financial compensation, gifts, employment, or personal ties.

**Native Advertisement:** A form of paid media that matches the look, feel, and function of the platform it appears on, often indistinguishable in form from organic media of the same nature.

**Organic Content:** Content that is created and shared by influencers without paid promotion or advertising, often driven by personal interest or audience engagement.

**Payment:** Any form of compensation received by an influencer in exchange for promotional content, including, but not limited to, cash, free products, discounts, commissions, or exclusive benefits.

**Post:** A piece of content published on social media or digital platforms, which may be organic or sponsored, and can include text, images, videos, or interactive media.