Public-Private Dialogue on Policies and Good Practices Related to Influencers Advertising in order to Prevent Harm to Consumers and Improve Competition

Summary Report

APEC Committee on Trade and Investment

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APEC Project: CTI 208 2023A

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Executive Summary

This report presents the main findings and outcomes of the APEC Public-Private dialogue on policies and good practices related to influencers advertising in order to prevent harm to consumers and improve competition (CTI 208 2023A), organized by Peru and supported by ten co-sponsoring economies. The event responded to growing concerns about the impact of influencer advertising on consumers and fair competition, particularly in digital spaces where regulatory frameworks are still evolving.

The PPD brought together competition and consumer protection authorities, international organizations, industry associations, advertising agencies, academia, and consumer groups to exchange experiences and explore regulatory and self-regulatory strategies. The discussions addressed pressing challenges including lack of clear definitions, insufficient disclosure standards, limited enforcement mechanisms, and risks to vulnerable consumers—particularly in advertising related to health, nutrition, gambling, and content targeting minors.

Public and private sector representatives shared enforcement approaches, legal frameworks, practical tools, and case studies from across APEC economies. The dialogue also highlighted the need for stronger cooperation with digital platforms, promotion of ethical content creation, and strategies to enhance compliance and consumer trust.

Based on the experiences and suggestions shared during the event, a set of voluntary recommendations is presented to competition and consumer protection authorities, the private sector, and APEC as a regional forum. These aim to strengthen institutional capacity, improve oversight, and support the development of coherent and transparent influencer advertising standards across the region.

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I. Introduction

This Summary Report compiles the main discussions, presentations, and outcomes of the Public-Private Dialogue (PPD) on Policies and Good Practices Related to Influencer Advertising to Prevent Harm to Consumers and Improve Competition, implemented under APEC Project CTI 208 2023A. The project was led by Peru with the sponsorship of Australia; Canada; Chile; China; Indonesia; Malaysia; Mexico; the Philippines; Singapore; and the United States.

The PPD was designed to bring together stakeholders from APEC economies, including competition and consumer protection authorities, international organizations, advertising agencies, industry leaders, academia, and consumer groups, to exchange perspectives and promote responsible influencer advertising practices that safeguard consumers and uphold fair competition in digital markets.

This report reflects the content of the sessions held, including keynote presentations, public and private sector contributions, case studies, and panel discussions. It aims to provide a reference for economies seeking to enhance their regulatory approaches, institutional capabilities, and collaboration efforts in response to the evolving dynamics of influencer marketing.

The dialogue supported APEC's broader strategic initiatives under the Putrajaya Vision 2040 and the APEC Internet and Digital Economy Roadmap, reinforcing efforts to foster regulatory cooperation, strengthen digital market oversight, and build regional capacity to address emerging advertising practices that impact consumer protection and market fairness.

II. Background

The rapid expansion of influencer advertising across digital platforms has introduced new regulatory challenges for APEC economies. This form of advertising, often presented as personal content, blurs the line between individual expression and commercial promotion. As a result, consumers, especially vulnerable groups such as minors, may struggle to identify advertising content, assess its credibility, or understand its commercial intent.

Particular risks arise in sectors subject to specific regulation, such as health and nutritional products, pharmaceuticals, online gambling, and sales promotions. Influencer content in these areas may bypass traditional advertising controls, increasing the potential for misleading claims, undisclosed sponsorships, and unfair competition practices.

While some economies have begun developing legal and self-regulatory frameworks to address these challenges, disparities persist in definitions, disclosure requirements, enforcement

capacity, and cooperation with digital platforms. The lack of harmonized approaches, combined with the cross-border nature of online content, further complicates oversight and legal accountability.

In response, this APEC project established a platform for dialogue among public institutions, industry stakeholders, the academia and civil society. By exchanging good practices, legal approaches, and practical enforcement experiences, the project sought to identify common gaps and promote coordinated responses that strengthen consumer protection and fair competition in influencer marketing throughout the region.

III. Public-Private Dialogue Summary

1. Session 1: Oversight and Enforcement in Influencer Advertising: Public Sector Perspectives and Legal Frameworks

1.1. Opening remarks

Mr. Alberto VILLANUEVA, President of INDECOPI of Peru, welcomed participants to the Public-Private Dialogue (PPD) on influencer advertising. He thanked delegates and speakers for their participation and emphasized the importance of addressing influencer advertising practices that may harm consumers or distort competition. Mr. Villanueva noted that the dialogue builds on APEC's Putrajaya Vision 2040 and the APEC Internet and Digital Economy Roadmap, aiming to strengthen policy coordination, improve oversight, and promote responsible advertising, especially in sensitive areas such as weight-loss products, sports betting, and advertising directed at minors. He affirmed INDECOPI's commitment to advancing fair advertising standards through international cooperation.

1.2. Keynote speaker: Consumer protection, online advertising and influencers

Mr. Abelardo ARAMAYO, Technical Secretary of the Commission on Unfair Competition of INDECOPI of Peru, discussed the crucial aspects of consumer protection in the context of online advertising and the role of influencers. He began by outlining general concepts of commercial advertising, emphasizing the importance of transparency and fairness in e-commerce.

Through his presentation he highlighted the rapid growth and influence of digital advertising and influencer marketing, pointing out that 69% of consumers trust influencer recommendations in Peruvian marketplace, according to research. In that context, he emphasized the importance of maintaining consumer trust through transparent advertising practices, particularly in the digital and influencer marketing spheres. He explained that the adherence to international guidelines

ensures that consumers are protected from deceptive practices, and influencers maintain credibility by clearly disclosing material connections.

He concluded by emphasizing that adherence to international standards and local enforcement is essential to preserve consumer trust and ensure the legitimacy of digital advertising practices.

Key points:

- Advertising Practices: Various practices qualify as advertising if there is any form of compensation involved, including non-monetary benefits.
- Material Connections: The relationship between an influencer and an advertiser should be transparent to maintain credibility.
- International Guidelines: Multiple international bodies have established guidelines to protect consumers, emphasizing the need for clear identification of ads, truthful endorsements, and special protections for vulnerable consumers.

1.3. Panel discussion: Oversight of influencer's advertising and enforcement

Mr. Andrés HERRERA, Director of the National Consumer Service (SERNAC) of Chile, discussed the framework and practices related to influencer advertising from a consumer protection perspective. He focused in how SERNAC regulates and interprets influencer advertising within Chile's legal framework, highlighting the importance of transparency, truthfulness, and consumer rights.

The speaker introduced the legal framework of Chile, the Law N° 19.496 on the protection of consumer rights (LPDC) and SERNAC's interpretative circulars form the backbone of consumer protection in influencer advertising. According to it, Mr. Herrera highlighted Transparency and Truthfulness, which are essential principles in advertising, requiring clear identification of ads and honest communication from influencers. Also, he highlighted the proactive action of SERNAC using interpretative circulars which allows it to extend existing legal frameworks to cover new forms of advertising, ensuring ongoing consumer protection. Finally, he put special emphasis on safeguarding children and teenagers from potentially harmful or misleading advertising.

Mr. Michael OSTHEIMER, Senior Attorney of the Division of Advertising Practices of the Federal Trade Commission (FTC) of the United States, focused on the oversight and enforcement of influencer advertising practices through the lens of the FTC's Endorsement Guides and the challenges of ensuring compliance in the rapidly evolving digital landscape.

Likewise, the speaker argued that the FTC plays a crucial role in regulating influencer advertising through its Guides which are interpretations of the FTC Act, though not legally binding regulations.

He explained that these Guides, such as the Endorsement & Testimonial Guides, apply to all forms of endorsements, including social media, and emphasize that endorsements must be honest and substantiated. According to it, influencers are required to disclose any material connections, such as financial relationships, that could affect the credibility of their endorsements.

Mr. Ostheimer mentioned that FTC is involved in ongoing rulemaking to address issues like fake reviews and the responsibilities of expert influencers to substantiate their claims. In fact, he specified that when it comes to vulnerable audiences, particularly children, the FTC stresses the importance of clearly separating entertainment content from advertising and suggests that platforms should implement tools for content creators to identify sponsored content and for parents to control their children's exposure to ads. Special considerations are given to advertising targeted at children, with the FTC advocating for clear distinctions between content and ads, along with educational initiatives.

Finally, he Mr. Ostheimer also emphasized the evolving role of digital platforms, noting that the FTC encourages the development of tools to facilitate clear disclosures and empower parental control over children’s exposure to advertising.

Mr. Rafael REGLA, Head of the International Affairs Department at the Office of the Federal Consumer Attorney (PROFECO) of Mexico, presented the Mexican approach to the oversight and enforcement of influencer advertising. He began by highlighting the absence of a legal definition for “influencer” in Mexico, explaining that influencers are content creators on social media whose opinions influence consumer decisions, and are thus used by marketers to promote goods and services.

He referred to the role of international collaboration, particularly through ICPEN, a global network of 70 economies, which released in 2016 key guidance on online reviews and endorsements targeting traders, marketers, review administrators, and influencers.

Mr. Regla then detailed Mexico’s regulatory framework, particularly Article 32 of the Federal Consumer Protection Law (LFPC), which defines misleading advertising and empowers PROFECO to provide industry guidance, consumer education, and enforcement actions including fines and collective actions. In that context, he mentioned that as part of the domestic strategy, PROFECO developed an Advertising Guide for Influencers, built through stakeholder consultation, which includes recommendations such as clearly labeling paid content, ensuring truthful and verifiable information, and rejecting non-compliant partnerships. Mr. Regla emphasized that influencers must disclose all paid content, declare commercial relationships, and provide authentic views.

He concluded by noting PROFECO's multi-dimensional strategy, which includes promoting the guide domestically, collaborating with other government bodies (e.g., on labor, environment, and data privacy issues), and continuing international engagement to address this cross-cutting regulatory challenge.

Ms. Andrea VEGA, Legal Officer at the Commission on Unfair Competition of INDECOPI of Peru, addressed the legal framework, key issues, and enforcement actions related to influencers advertising in Peru introduced the Peruvian legal framework related to this topic. She explained that Peru is governed by Legislative Decree 1044 – Unfair Competition Act, which aims to prevent unfair market practices, covering all forms of advertising, including digital and influencer marketing, also she explained that the Act include specific provision for supervising influencer advertising.

Regarding the main market issues, Ms. Vega mentioned that it included misleading advertising (ads that deceive consumers about product features), the principle of authenticity (ads that don't disclose their true commercial nature, e.g., undisclosed sponsored content), the principle of lawfulness (ads that violate mandatory laws like consumer protection, alcohol nutrition and pharmaceuticals) and principle of social alignment (ads leading to unlawful acts or inappropriate content targeting non-adults). And she explained that the Act includes responsibility for advertisers, media and advertising agencies.

Finally, the speaker addressed some enforcement actions, highlighting that since 2019, 331 investigations were conducted, with most cases resolved and the development of guidelines through a participative process. This illustrates the proactive role of INDECOPI in adapting enforcement tools to the evolving dynamics of influencer advertising.

1.4. Case studies: Unfair competition cases related to influencers advertising

Mr. Cheng-Chieh WANG, Section Chief of the Department of Legal Affairs of the Fair Trade Commission of Chinese Taipei, discussed the main contents and recent amendments to the CTFTC's guidelines on online advertisements, with a specific focus on unfair competition cases involving influencers.

In that context, the speaker explained that online advertisements have expanded to include various digital platforms such as business websites, shopping sites, auction sites, social networking platforms, emails, and internet faxes. He emphasized that the evolution of digital marketing has led to increased scrutiny of how products and services are advertised online, particularly when it comes to social media influencers, bloggers, and streamers who regularly promote goods or services. Besides, the speaker argued that businesses and influencers are

considered advertisers under these guidelines, and they must adhere to the same standards of truthfulness, transparency, and accuracy in their promotional activities.

He mentioned three key principles: (i) Ensure truthful representations in ads; (ii) Promptly correct and update ad content; and (iii) Fully disclose any restrictions that may affect consumer decisions. Also, the speaker explained the types of misleading ads according to Chinese Taipei regulation:

- False transaction details (e.g., price, quality).
- Failure to update ads with product/service changes.
- Misleading promotional information.
- Poor disclosure of restrictions (e.g., small print).
- False certification claims.
- Deceptive hyperlinks.
- Incomplete voucher/discount information.

Also, he mentioned that in case of misleading advertising (breach of Fair Trade Act), the legal consequences are penalties and fines.

Through his presentation, Mr. Cheng-Chieh WANG underscored the critical role that accurate and transparent advertising plays in maintaining fair competition and protecting consumers in the digital marketplace. He highlighted that CTFTC's guidelines are designed to ensure that both businesses and influencers adhere to these principles, fostering a marketplace where consumers can make informed decisions based on truthful and complete information.

He concluded by recommending enhanced monitoring, increased penalties for non-compliance, and international collaboration to address emerging digital advertising risks.

Ms. Rosa GILES, Legal Officer at the Commission on Unfair Competition of INDECOPI of Peru, presented in-depth analysis of unfair competition in influencer advertising through a series of Peruvian case studies. At the beginning of her presentation, she examined the legal framework and key types of unfair competition, followed by selected case studies and closed with an explanation of the administrative procedures for investigating and sanctioning such cases, according to the Peruvian Legal Framework rule by the Legislative Decree 1044 (the basis for regulating unfair practices).

The speaker addressed the types of unfair competition in influencer advertising according to domestic legal framework like misleading advertising, principle of authenticity and principle of social adequacy, to introduce three case studies.

The first case “Alcohol Spray Case”, where during Covid-19, a pharmaceutical company falsely claimed through social media that its product could eliminate viruses and bacteria with the collaboration of a huge number of Peruvian influencers. The company was fined, but in this case the influencer was not held responsible since they did not classify as advertisers, according to Legislative Decree 1044. The second case “Betting Houses” in which an influencer was fined for covertly advertising online gambling without disclosing that the content was paid, highlighting the need for transparency in influencer ads. And the third case “Picap App”, in which an influencer was warned for promoting an illegal service and for advertising the App through Instagram stories without disclosing it as paid content, acting both as a media platform and an advertising agency.

Ms. Giles also detailed the administrative process for investigating influencer advertising cases in Peru, which can take up to 205 business days and involves complaint submission, evidence collection, oral arguments, and decisions by specialized legal bodies (the Commission and the Chamber).

In addition to it, the speaker addressed AI-created influencers like @Noonoouri and @Miquela-She mentioned that it poses several challenges due to their lack of real-life experiences, transparency issues as consumers may not know they are interacting with AI, and accountability concerns for misleading claims and authenticity. Additionally, she highlighted some ethical questions that may arise about consumer manipulation, which put in evidence the need for clear guidelines and responsible use.

To conclude, Ms. Giles emphasized the multifaceted challenges in ensuring fair competition in influencer marketing. She noted that social media has blurred the lines between genuine content and paid advertising, making it increasingly difficult for consumers to recognize commercial intent, an issue that can lead to misleading claims and the promotion of socially inappropriate products. She stressed that, to safeguard consumer trust and ensure a level playing field, it is essential to educate both influencers and consumers about their rights and responsibilities in the digital advertising environment.

Ms. Libby DARWIN, General Manager of Consumer Compliance Strategies, Consumer Fair Trading Australian Competition and Consumer Commission (ACCC), discussed Australia’s regulatory focus on influencer marketing, highlighting the need for enhanced oversight due to the growing impact influencers have on consumer behavior and the potential for unfair competition. She addressed key enforcement concerns, particularly regarding transparency, platform accountability, and the evolving nature of influencer practices.

She emphasized that digital platforms and influencer activities have become a key enforcement priority for the ACCC in 2024–2025. In this context, Ms. Darwin presented the ACCC’s Internet

Sweep of Influencers, a coordinated monitoring initiative informed by over 150 public tip-offs. The sweep revealed widespread non-compliance, particularly the failure of influencers to disclose paid partnerships and endorsements across several sectors.

According to Ms. Darwin, these findings not only expose manipulative advertising practices, such as undisclosed testimonials and endorsements, but also inform the development of future enforcement strategies, specific guidance for influencers, and legislative reforms. The ACCC is also evaluating the potential liability of digital platforms when used as vehicles for breaches of consumer law.

Finally, Ms. Darwin emphasized the need for global policy reform and coordinated enforcement to ensure consumer trust, ethical content, and fair competition in the digital space.

2. Session 2: Good Practices and Industry Insights: Building Transparency and Consumer Trust in Influencer Marketing

2.1. Keynote speaker: Communication strategies in advertising

Estefanía CHUMPITAZ, Representative at *Apoyo Comunicación* of Peru, presented best practices for effective influencer marketing strategies, emphasizing their relevance in safeguarding consumers and improving market competition.

She began by contextualizing the growing significance of influencer marketing in Latin America, noting that economies such as Brazil; Chile; Colombia, Mexico; and Peru are leading the region in digital marketing investments. In particular, Peru is becoming a highly attractive market due to the strong presence and cross-platform reach of content creators.

Ms. Chumpitaz outlined the different categories of influencers (ranging from nano to celebrity influencers) and their respective engagement rates. She emphasized that successful campaigns depend on aligning influencer type with the brand's strategy and objectives.

In terms of platform-specific strategies, she highlighted that Instagram remains central in Peru, especially in fashion, beauty, lifestyle, and travel sectors. Content formats like stories, reels, and carousels enhance user interaction and authenticity. On TikTok, she noted the importance of live videos, challenges, and reactions, which encourages high user engagement through culturally resonant formats.

Also, she explained how brands should use three content approaches:

- Trending content, by selectively using viral formats that align with the brand.

- Original content, focused on brand identity and unique storytelling.
- Participative content, which invites user interaction and community engagement.

She concluded by noting that effective influencer strategies must balance creativity, authenticity, and compliance with legal standards to ensure both market impact and consumer protection.

Key Points:

- Growing Influence: Influencer marketing is expanding rapidly in Latin America, with Peru emerging as a key market.
- Platform-Specific Tactics: Effective use of Instagram and TikTok can significantly enhance engagement through stories, reels, carousels, trends, and live content.
- Content Types: Brands should balance trending, original, and participative content to maximize their impact.
- Regulatory Compliance: Ads for alcoholic beverages, healthy nutrition products, and pharma products must adhere to specific legal requirements to ensure transparency and consumer protection.

2.2. Private sector Perspectives: Insights from agencies, associations and industries

Ms. Kelly SAAVEDRA, Representative of the Interactive Advertising Bureau (IAB) Industries of Peru, addressed some insights on working with influencers and provided a comprehensive guide on best practices for successful collaborations. Ms. Saavedra emphasized the importance of authenticity, creativity, and alignment with brand values while also addressing strategies for managing and protecting brand interests in influencer partnerships.

Likewise, she explained that influencers are not merely content creators; they are integral to crafting a sense of belonging and community for their audience. According to the speaker, their unique storytelling, rooted in honesty and authenticity, helps shape cultural conversations and drive high engagement on online platforms. For that reason, she outlined that by designing content that resonates with their followers, influencers foster a deep connection with their audience, which can be leveraged effectively in marketing campaigns.

Ms. Saavedra emphasized that by following the best practices and being prepared for potential challenges, brands can maximize the benefits of influencer partnerships while safeguarding their interests. Also, building long-term relationships with influencers can lead to more authentic and effective marketing outcomes, she mentioned.

Finally, she highlighted the relevance of clear guidelines and communication to help influencers to ensure content quality and compliance and the importance of establishing a robust legal framework, monitoring performance, and having strategies for damage control are essential for protecting brand interests. She emphasized that long-term partnerships, grounded in transparency and shared values, are essential to maximize impact while maintaining regulatory compliance.

Mr. Bruno MEJÍA, Senior Manager at Ernst & Young and representative of Exporters Association (ADEX) of Peru, started his presentation providing a comprehensive examination of the importance of influencers, the regulatory landscape in Peru, their market impact, and considerations for industries when engaging with these digital personalities.

Likewise, Mr. Mejia argued that the role of influencers is also shaped by regulatory frameworks designed to ensure fair advertising practices. In Peru, the Unfair Competition Repression Act (Legislative Decree 1044) governs these practices. INDECOPI, the Peruvian Institute for the Defense of Competition and Protection of Intellectual Property, oversees compliance through its Commission for the Supervision of Unfair Competition. The regulatory measures include corrective actions such as cessation of misleading advertisements, correction of false information, and registration of infringers. These regulations aim to maintain transparency and protect consumers from deceptive practices, highlighting the growing need for accountability in influencer marketing.

Finally, he addressed the market impact related to influencer marketing. He highlighted that influencers significantly boost e-commerce and impact consumer purchasing decisions, demonstrating their effectiveness in modern marketing. For that reason, industries need to manage influencer agreements carefully, ensuring content approval, and implement technical controls for campaign oversight and performance tracking.

Ms. Fiorella COLONNA, Manager of Niubox Legal of Peru, discussed the complexities of the influencer marketing industry, legal considerations, and strategies for brands and influencers to ensure transparency and authenticity. She noted that as influencer marketing continues to grow, both influencers and brands must navigate evolving regulations and ethical concerns to maintain consumer trust and achieve effective advertising outcomes.

Through her presentation, she emphasized that brands and influencers should establish clear agreements, provide training, monitor compliance, and build long-term partnerships to enhance advertising effectiveness and transparency.

She concluded explaining that responsible advertising through influencers not only protects consumers but also enhances trust in brands and fosters a fairer competitive market. For that purpose, she highlighted that by adopting transparent and ethical practices, brands can ensure the long-term success and sustainability of influencer marketing, and it has become essential to implement good practices for the sustainable growth of influencer marketing.

Ms. Pamela VALDIVIA, representative of Chamber of Commerce of Lima (CCL), started her presentation saying that in the evolving landscape of digital advertising, influencers have become key players in promoting products and services. In that context, she addressed the ways companies utilize their services, the challenges faced, and potential improvements for more effective regulation.

The speaker explained that influencers have dramatically transformed the advertising sector by shifting focus from traditional methods such as television and print media to digital platforms. Their growing recognition, primarily measured by the number of followers, has enabled them to reach a vast and often engaged audience. In fact, she emphasized that this audience, loyal to the influencer, is more likely to consider and purchase the products or services endorsed by them.

According to Ms. Valdivia companies use influencers in various ways to amplify their marketing efforts, like contractual agreements and organic influencers. Regarding the contractual agreements, she explained that businesses establish formal contracts with influencers who have substantial followings. These influencers promote the company's products or services, leveraging their established trust and loyalty to drive consumer engagement and sales. Likewise, regarding organic influencers, she mentioned that some companies engage with influencers informally, providing gifts or exchanges instead of monetary compensation. These influencers share their experiences with the products without a formal advertising contract. Ms. Valdivia clarified that although this approach can be less controlled, it still reaches consumers through perceived genuine endorsements.

Also, through her presentation, she mentioned that influencer marketing involves some challenges, for example, their adherence to guidelines and the reputation risk. In fact, according to her experience, influencers may not always follow the guidelines established by companies, leading to potential issues with content quality or regulatory compliance. She emphasized that organic influencers may not be aware of or adhere to the regulations set by bodies like INDECOPI. Also, she underlined that an influencer’s improper conduct or loss of credibility can negatively impact the company's reputation, particularly, she explained that if an influencer loses followers or trust, it can diminish the effectiveness of their endorsements and reflect poorly on the brands they promote.

In addition to it, she continued pointing out that the critical aspect of influencer marketing is differentiating between genuine opinions and paid advertisements. However, she noted that this context gives rise to regulatory 'gray areas where an influencer might receive compensation or gifts but still provide honest or negative reviews. Ms. Valdivia mentioned that current regulations lack clear guidance on these scenarios, creating ambiguity in determining whether an influencer's content is purely opinion-based or promotional.

To finalize her presentation, she delivered some recommendations to improve the regulation of influencer's advertising:

- Educational events: Organizing events to educate influencers about advertising regulations can increase their understanding and compliance. Workshops, webinars, and informational sessions can help influencers navigate legal requirements more effectively.
- Clarification of gray areas: Greater clarity from regulatory authorities is needed regarding situations where influencers provide opinions versus engaging in advertising. Clear guidelines can help both influencers and companies navigate complex scenarios and ensure proper disclosure.

2.3. Consumers Perspective on influencer's advertising

Ms. Hollie HAMBLETT, Policy Specialist at Consumers International, addressed the consumer association perspective. She introduced Consumers International, an organization that advocates consumer rights and transparency in the global marketplace and that assumes consultative status at the United Nations.

She highlighted the significant impacts of advertising on consumers' decisions, emphasizing the need for regulatory reforms to protect them from various risks associated with this marketing strategy. According to Ms. Hamblett there are some risks like:

- Need for Transparency: Clear disclosure of sponsored content is crucial to prevent misleading endorsements.
- Risk of Misinformation: Unqualified influencers can spread harmful or incorrect information.
- Emotional Manipulation: Influencers may exploit emotional connections to drive impulsive purchases.

She pointed out some key points to be addressed by both the private and public sector to prevent unfair commercial practices developed by influencers:

- Conflict of Interest: Financial incentives may lead influencers to promote inferior products.

- Accountability and Regulation: Increased accountability for influencers and stricter regulations are necessary to protect consumers.
- Sector-Specific and Vulnerable Consumer Protections: Tailored regulations and built-in protections for vulnerable consumers are essential.
- Enforcement and Cooperation: Prioritizing influencer marketing in regulatory enforcement and fostering cooperation among authorities is critical for effective oversight.

To conclude, she stressed the importance of prioritizing enforcement and cooperation across jurisdictions, and of developing safeguards tailored to protect vulnerable consumers in digital markets.

2.4. Public sector Perspectives: Regulatory approaches to influencer's advertising

Ms. Cecilia PARKER, International Consumer Protection and Enforcement Network (ICPEN) Misleading Environmental Claims Group leader and Director Consumer Protection of the United Kingdom Competition and Markets Authority (CMA), shared the journey of the CMA in this topic, starting in 2018.

She explained that initially, the CMA focused on celebrity influencers in the UK who were promoting products like clothing and accessories without disclosing that they were being paid or receiving free goods. She added that after educating these influencers on consumer protection laws, the CMA realized that targeting individual influencers was not sufficient for widespread change. Therefore, Ms. Parker explained that CMA shifted their focus to platforms, especially Instagram, requiring them to implement systems that ensure influencers disclose paid promotions. This included technological solutions to flag suspicious posts and tools for businesses to monitor their influencers' compliance.

She highlighted that the CMA also issued guidance for platforms, businesses, and influencers to promote transparency and has collaborated internationally to develop guidelines for marketing, especially to protect vulnerable groups like children from misleading content.

The speaker also mentioned that the CMA's work evolved to address new challenges, such as AI-created influencers, who raise issues of transparency and accountability. Additionally, she mentioned that the CMA has expanded its focus to the content of influencer posts, particularly in areas like greenwashing, where influencers promote sustainability claims. And she emphasized that the CMA expects businesses to take responsibility for ensuring that influencers they work with are not misleading consumers.

In that context, Ms. Parker underlined that recent developments in the UK, including the Digital Markets Competition and Consumers Act and the Online Safety Act, further empower the CMA to regulate large platforms and address harmful online behavior, including fraud. The speaker acknowledged the challenges public enforcers face, such as keeping up with rapidly changing technology and engaging with younger audiences. However, she explained that they also see opportunities in working with influencers who promote positive messages, such as sustainable consumption, and using influencers to spread consumer rights information effectively.

Ms. Parker ended her presentation pointing out the challenges for public enforcers:

- Difficulty in keeping up with rapidly evolving technology and engaging with younger audiences.
- Established a data analytics and technology team to monitor changes and enhance enforcement.

Ms. Rossana BAUTISTA, Executive Officer at the Commission on Unfair Competition of INDECOPI of Peru, addressed the issue of influencers and content creators engaging in advertising without adhering to competition and advertising regulations. She explained that to enforce the law, various strategies were implemented, including direct engagement with influencers, creating an Advertising Guide for Influencers, and organizing advocacy events, webinars, and press releases.

Likewise, the speaker argued that the Advertising Guide for Influencers aims to guide influencers on proper digital advertising practices, emphasizing responsible use of technology in compliance with current regulations. She explained that it included four parts: (i) Importance of Fair Competition: Establishes the methodology and definitions; (ii) Digital Advertising Overview: Discusses different online advertising formats; (iii) Authority and Regulation: Clarifies INDECOPI's role in controlling advertising and mentions self-regulation by CONAR; and (iv) Influencers' Role and Practices: Highlights influencer advertising practices, potential sanctions, and provides recommendations.

She shared a compliance checklist for influencers and advertisers to ensure proper disclosure, content responsibility, and adherence to applicable regulations. Ms. Bautista reaffirmed that guidance and education are critical pillars for fostering ethical advertising and ensuring that influencers act in accordance with advertising regulation.

2.5. Expert experience related to marketing of influencers

Mr. Daniel CAVERO, representative of the Commission for the Promotion of Peru for Exports and Tourism (PROMPERU), shared PROMPERU's experience working with influencers for

advertising campaigns. He explained that the campaign aims to enhance domestic pride and reconnect Peruvians with their cultural and economic heritage. In that context, the audience included millennials and gen-z to leverage their ability to drive viral content and foster domestic pride.

Through his presentation, some key insights of the campaign were highlighted:

- Content Strategy: Utilizes main content for high impact, tactical content for ongoing engagement, and support activities for additional interaction.
- Influencer Guidelines: Influencers must align with the brand's values, follow content guidelines, and use specific hashtags. They should be vetted for their relevance and avoid controversial topics.
- Media Success: The campaign achieved outstanding results in digital media, radio, and overall reach, significantly surpassing projections.

In summary, the speaker emphasized that the domestic campaign of the brand “Marca Peru” effectively utilized influencers to promote domestic pride, showcase cultural heritage, and drive engagement through a well-structured content strategy and clear influencer guidelines. Mr. Cavero underlined that the campaign's success is reflected in its impressive media results and widespread reach.

Mr. Cavero concluded by affirming that well-structured influencer campaigns, when aligned with institutional values and supported by clear guidelines, can drive meaningful engagement and reinforce domestic identity in digital media.

2.6. Closing remarks

Ms. Galia MAC KEE, Member of the Commission on Unfair Competition of INDECOPI, closed the PPD by thanking all participants for their valuable insights. She highlighted the importance of continued collaboration to address challenges in influencer advertising, especially those related to transparency, consumer protection, and fair competition. She summarized the key issues discussed throughout the day, including regulatory frameworks, enforcement mechanisms, and best practices shared by public authorities, the private sector, and consumer organizations. Ms. Mac Kee reaffirmed INDECOPI’s commitment to promoting responsible influencer practices through regional dialogue and cooperation.

IV. Conclusions

The PPD highlighted shared challenges and opportunities across APEC economies in regulating influencer advertising. As digital platforms, especially social media, increasingly shape consumer

behavior, the lack of harmonized standards and the prevalence of informal or unregulated advertising practices have created significant risks for consumer protection and market fairness.

Key conclusions include:

- Influencer advertising continues to expand rapidly across APEC economies, while many regulatory frameworks remain under development or face enforcement limitations.
- There is no consistent legal definition of "influencer," nor a common set of rules regarding disclosure obligations, advertiser accountability, or applicable sanctions.
- Informal or "organic" collaborations (such as unpaid endorsements or content shared in exchange for gifts) often operate outside existing oversight mechanisms, making enforcement difficult.
- Specific regulatory attention is required in high-risk sectors such as health and nutritional products, pharmaceuticals, gambling, and advertising directed at children and adolescents.
- Effective oversight depends on stronger institutional capacity, including digital monitoring tools, clear disclosure standards, and cooperation with digital platforms.
- Public and private stakeholders agree that ethical and transparent influencer advertising requires a shared commitment to compliance, education, and cross-border cooperation.

V. Recommendation for next steps

Based on the experiences and insights shared during the PPD, the following voluntary recommendations are proposed to strengthen institutional capacity, improve oversight, and support the development of coherent influencer advertising frameworks across APEC economies:

For APEC Competition and Consumer Protection Authorities:

- Develop and implement clear guidelines for influencer advertising, including mandatory disclosures, advertising accountability, and platform responsibility.
- Strengthen institutional capacity for digital monitoring, particularly in high-risk sectors, by investing in analytical tools.
- Integrate influencer advertising risks into domestic consumer protection and education strategies, including awareness campaigns directed at vulnerable audiences.
- Promote cross-border cooperation through existing regional networks (e.g., APEC, ICPEN) to share data, align regulatory responses, and address emerging digital advertising practices.

For the private sector:

- Establish internal protocols and training programs to ensure influencers and marketing teams understand their legal responsibilities.

- Foster self-regulatory practices to encourage responsible advertising, clear disclosure of commercial relationships, and ethical content development.
- Ensure that influencer partnerships (both paid and organic) are governed by contracts that define disclosure obligations and content review procedures before dissemination.

For APEC as a regional forum:

- Facilitate policy discussions to harmonize terminology, disclosure requirements, and oversight strategies across economies.
- Promote the adoption of voluntary principles for responsible influencer advertising aligned with consumer protection and competition goals.
- Support knowledge-sharing and technical cooperation initiatives that build regulatory capacity and strengthen enforcement capabilities in the digital advertising environment.

VI. Annexes

Annex 1: Agenda

Public-Private Dialogue on policies and good practices related to influencers advertising in order to prevent harm to consumers and improve competition

20 August 2024

OBJECTIVE

The Public-Private Dialogue (PPD) aims to tackle the challenges APEC economies face regarding influencer advertising. These challenges include misleading information, lack of disclosure about sponsored content, and advertising that may be harmful to children, among other issues. The primary goal is to enhance the leadership and capacity of agencies in APEC economies that oversee influencer advertising. Additionally, the PPD seeks to promote policy coordination and coherence to establish better practices in influencer advertising and consumer protection. The Project includes a one-day PPD, a summary report, and a Best Practices Document on influencer advertising and consumer protection. After the PPD event, Peru will compile a workshop summary report highlighting the key findings and insights from the discussions.

Sponsoring economies: Australia; Canada; Chile; China; Indonesia; Malaysia; Mexico; The Philippines; Singapore; and United States.

OUTCOMES

1. **Enhanced Understanding:** Participants will gain a deeper understanding of influencer advertising practices and their impact on trade flows, economic growth, and sustainability.
2. **Capacity Building:** Participants will strengthen their ability to design and implement competition policies for e-commerce and social media. This will be achieved through the exchange of experiences and best practices in supervising influencer advertising across APEC economies.
3. **Skill Improvement:** Participants will develop improved skills for resolving competition cases related to influencer advertising, ensuring fair and transparent advertising practices.
4. **Empowerment of Female Participants:** The program will specifically enhance the capacity and skills of female participants, enabling them to better understand and regulate competition and influencer advertising for improved advertising practices.

Session 1 – Morning (8:30 – 12:00)

TIME	AGENDA ITEM	POC
8:30 – 9:00	Registration	
9:00 – 9:10	Opening remarks: Alberto Villanueva Eslava, Executive President of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru	Peru
9:10 – 9:30	Consumer protection, online advertising and influencers: Abelardo Aramayo – Technical Secretariat of the Commission on Unfair Competition of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru **Q & A**	Peru
09:30-10:30	Oversight of influencer advertising and enforcement: - Andrés Herrera Troncoso – National Director of the National Consumer Service (SERNAC) of Chile - Michael Ostheimer – Senior Attorney of the División of Advertising Practices of the Federal Trade Commission of the United States of America - Rafael Regla – Head of the International Affairs Department at the Office of the Federal Consumer Attorney (PROFECO) of Mexico - Andrea Vega – Legal Officer at the Commission on Unfair Competition of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru **Q & A**	Chile United States Mexico Peru
10:50 – 11:40	Unfair competition cases related to influencers advertising: - Cheng-Chieh WANG – Section Chief of the Department of Legal Affairs of the Fair Trade Commission of Chinese Taipei - Rosa Giles – Legal Officer at the Commission on Unfair Competition of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru - Libby Darwin – General Manager of Consumer Compliance Strategies, Consumer Fair Trading of the Australian	Chinese Taipei Peru Australia

	Competition & Consumer Commission (online) **Q & A**	

Session 2 - Afternoon (14:30 – 17:30)

TIME	AGENDA ITEM	POC
14:30-14:35	Introduction to good practices for better influencer advertising: Lucía Altamirano – Representative of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru	Peru
14:35-14:50	Communication strategies in advertising: Estefanía Chumpitaz – Representative of Apoyo Comunicación **Q & A**	Apoyo Comunicación – Peru
14:50-15:50	Private sector Perspective: Agencies and Associations - Kelly Saavedra – Representative of the Interactive Advertising Bureau (IAB) Industries - Bruno Mejía – Senior Manager, representative of Exporters Association (ADEX) - Fiorella Colonna – Manager of Niubox Legal - Pamela Valdivia – Representative of Chamber of Commerce of Lima (CCL) **Q & A**	Interactive Advertising Bureau (IAB) – Peru Exporters Association (ADEX) – Peru Niubox Legal – Peru Chamber of Commerce of Lima (CCL) – Peru
15:50-16:10	Consumers Perspective: Hollie Hamblett – Policy Specialist at Consumers International **Q & A**	Consumers International
16:30-17:00	Public sector Perspective: - Cecilia Parker Aranha – ICPEN Misleading Environmental Claims Group leader and Director Consumer Protection of the United Kingdom Competition and Markets Authority - Rossana Bautista – Executive Officer of the Commission on Unfair Competition of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru **Q & A**	United Kingdom Peru

17:00-17:15	International organization perspective and expert experience related to marketing of influencers: Daniel Cavero – Representative of the Commission for the Promotion of Peru for Exports and Tourism (PROMPERU) **Q & A**	Peru
17:15-17:30	Closing remarks: Galia Mac Kee – Commissioner of the Commission on Unfair Competition of the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) of Peru	Peru

Annex 2: Presentations

Public-Private Dialogue presentations available at:

https://goo.su/qLI2Z8

Annex 3: Official Photo

