

Influencer Ad Disclosure on Social Media: Instagram and TikTok (2024)

Indicative ad disclosure compliance rates based on an analysis of a sample of UK-based Instagram and TikTok influencer accounts

May 2025



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Executive summary

The disclosure of advertising by influencers on social media remains a global hot topic, and the ASA continues to receive a high number of complaints about this specific consumer concern. In 2024, the ASA received over 3,500 complaints about potential non-disclosure of ads on social media.

This is our second report examining rates of compliance. In 2021 we published our first report on [Influencer Ad Disclosure on Social Media](#). That report focused on disclosure rates on Instagram; we found 65% of ads on 122 monitored UK Instagram accounts were not clearly disclosed as advertising.

For this exercise, we used our AI-based Active Ad Monitoring system to help us assess ad disclosure rates on both Instagram and TikTok. This report outlines the findings and trends found across the range of accounts assessed.

We monitored three categories of UK accounts: a random selection of influencer accounts; influencer accounts about which the ASA and CAP had recently received complaints or applied sanctions to on the basis of ad non-disclosure and the 122 Instagram accounts included in the previous monitoring exercise.

It is the analysis of the random selection of influencer accounts that we consider as the most likely indicative and broadbrush rate of ad disclosure compliance on Instagram and TikTok.

The other two sample groups, composed of accounts in which actual or potential ad non-disclosure had been identified, naturally skewed the overall compliance results negatively. All three groups were initially monitored for three weeks, prior to further monitoring being conducted specifically on the random sample group.

We used our Active Ad Monitoring system to capture and process over 50,000 individual pieces of content - 'Stories', Reels and posts - across Instagram and TikTok, from 509 UK-based accounts by 390 influencers and manually assessed a representative sample. Instagram Stories made up most of the content (83%) because the majority of content published was via that format in the period monitored.

Conclusion

Whilst there are signs of improvement of ad disclosure rates on social media by influencer accounts generally, the overall rate of ad disclosure – as determined by this analysis - is still below where we would expect the sector to be.

We will continue to use targeted enforcement action to apply sanctions to influencer accounts who repeatedly, consistently and recalcitrantly break the ad disclosure rules.

Key findings

- Using an estimation based on our study findings, approximately 57% of influencer content on Instagram and TikTok in the UK would likely be adequately disclosed as advertising in compliance with the Code.
- One in every four pieces of content on Instagram captured and returned by our monitoring, was categorised as being likely advertising. From the content captured and returned by our monitoring for TikTok, that number dropped to one in every six pieces of

content being likely advertising. The remaining content, $\frac{3}{4}$ on Instagram and $\frac{5}{6}$ on TikTok, was categorised as being non-advertising content.

- Statistically, there was no significant difference in advertising disclosure rates between Instagram (55%) and TikTok (60%), nor among differing types of content: Instagram posts (58%), reels (56%) and Stories (53%) and TikTok posts (60%).
- A fifth of the undisclosed ads did make some attempt at using a disclosure label (gifted, pr trip, affiliate, etc), but the ASA has ruled, and the Competitions and Markets Authority has advised, that those labels do not adequately convey the commercially persuasive intent of the advertising posts.
- Over 50% of ads relating to the Fashion and Travel sector were undisclosed or inadequately disclosed.
- The influencer accounts monitored for the 2021 report showed a significant improvement in ad disclosure from 35% in 2021 to 49% in 2024 of their ads adequately disclosed. In part, we attribute this to our compliance monitoring and action. But further targeted enforcement action is required, as the overall level is below where it needs to be.
- Across all three individual sample groups, 4 out of 5 pieces of likely advertising content that was then categorised as *Undisclosed or Inadequately disclosed*, was completely undisclosed, as no attempt was made to disclose it as advertising.

Key recommendations

- Influencers, agencies, brands and platforms all need to play a part to ensure **all** advertising content is clearly disclosed.
- While brands and agencies can use their creativity to adequately disclose when content is advertising, they must ensure their disclosure complies with the rule which states “ads must be obviously identifiable as ads”. Therefore, the ASA and CMA strongly advise the use of “Ad” or “#ad”. If influencers want to make a distinction as to the type of commercial relationship involved, we recommend putting “Ad” clearly first. For example, “Ad - Gifted”, “#ad – prtrip”.
- Disclosing advertising, in each piece of advertising content, is a necessity across all pieces of related advertising content; influencers and brands cannot rely on disclosure in bios or in other advertising posts to comply.
- Own brand content: if the content makes it clear that you are advertising your own brand, then disclosure will be deemed by the ASA to be “clear by context”. No additional ad disclosure label is required in such a circumstance. However, if it is not “clear by context”, it must be disclosed as an ad through the upfront inclusion of an ad disclosure label, such as “Ad”. If the name of your brand is the same as that of your name account, there is a greater chance of ad disclosure being deemed “clear by context”. The ASA has previously ruled that disclosure using abbreviated versions of an influencer’s name is unlikely to be considered clear disclosure¹. If it is not the same, the best way to ensure you are complying with the rules, is to include an ad disclosure label.
- Platforms have their own ad disclosure tools. Influencers, brands and agencies are strongly advised to use them.
- Read our [guidance](#) and use our free [self-help tool](#) for quick advice about when and how to disclose advertising content.

¹ [Charlotte Dawson t/a charlottedawsey \(22 December 2021\)](#); [Jamie Genevieve \(22 December 2021\)](#); [Erim Kaur t/a Erim Kaur, erimstagram \(08 March 2023\)](#)

Introduction

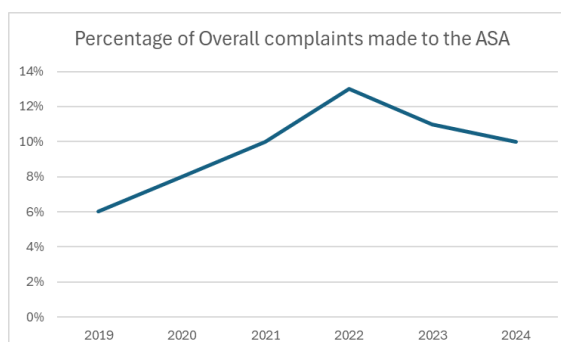
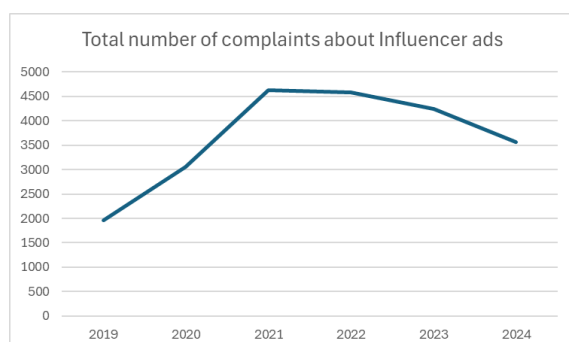
In November 2023 the ASA launched its new five-year strategy: AI-Assisted Collective Ad Regulation. Strand 3 (Online) outlines the ASA's vision to bring greater transparency and broader accountability to platforms, committing the organisation to more comprehensive reporting of compliance levels. Strand 6 (Organisational transformation) outlines the ASA's desire to use its data science functionality to capture more ads, which will in turn allow the organisation to provide a view on whether sectors are abiding by the rules. Both elements of the strategy are relevant to our review on ad disclosure rates by influencers on social media.



Ad disclosure on social media remains a key area of concern both globally and in terms of consumer complaints to the ASA.

UK spend on influencer advertising more than tripled between 2019 and 2023². The predictions are that expenditure in influencer advertising will continue to rapidly increase.

The number of complaints about influencer ads received by the ASA rose from 1,969 complaints in 2019 (6% of all complaints received) to 3,566 complaints in 2024 (10% of all complaints received).



In

2024, 71% of the complaints made to the ASA about influencer advertising related to content on Instagram. 19% of the complaints were about influencer content on TikTok.

Not every such complaint is considered by the ASA to identify a breach of the rules. However, given the overall number of complaints received about each platform, we considered it appropriate to assess the rate of compliance of ad disclosure by influencers on both Instagram and TikTok.

Our in-house Data Science team harnesses technology to enable us to review ads at a greater speed and at scale. This helps to generate insights into the influencer sector, where

² <https://www.statista.com/forecasts/1445521/influencer-advertising-spending-uk>

the low barriers to entry and potential quick rise in popularity can enable new influencers to trade on their followership and monetise their accounts in a relatively short period of time.

Anyone with a social media account has the potential to be an influencer and attract followers, sometimes in high numbers. In June 2024, there were 34,709,300 UK users on Instagram³. In April 2024, it was reported that over 20 million UK users accessed TikTok⁴.

With influencer advertising being a popular and evolving sector, and with ad disclosure remaining an area of scrutiny, given our monitoring capabilities and strategic commitments, we undertook, through this report, to check in on ad disclosure compliance rates by influencers on Instagram and TikTok.

The changes in methodology from the 2021 report, mean that this report and the compliance rates it provides do not serve as a direct comparison with the report from 2021. This report does not provide a fully comprehensive overview of the entire UK influencer marketing sector. Some individual accounts are disclosing ads on a far more consistent basis. But there remains a high proportion who are not doing so. By focusing on a random selection of UK based influencer accounts, we aim to provide a likely indicative and broadbrush rate of ad disclosure on Instagram and TikTok.

Our data science methodology

From 2 July to 23 July 2024, we captured all the content posted by 509 UK-based influencer accounts across Instagram and TikTok across the following three sample groups:

- The 122 Instagram accounts monitored for the 2021 report;
- Influencer accounts about which the ASA has, within the year, July 2023 to July 2024, received complaints, ruled against, or applied sanctions against;
- A random sample of influencer accounts across Instagram and TikTok spanning different follower sizes.

We focused primarily on capturing content from the random sample group across the three-month period, 23 July to 24 October 2024. The random sample constituted 31,998 pieces of individual content. (Overall, 52,239 pieces of individual content were captured).

Data captured from the 122 accounts reported on in our 2021 report, across the initial three-week period from 23 July 2024, showed a significant drop in the amount of Instagram Stories published.

	Instagram Stories	Instagram Posts and Reels	TikTok
2021	24,208	N/A	N/A
2024	8,282	742	326

From all three sample groups and the full collection of data, we selected 5,259 individual

³ https://napoleoncat.com/stats/instagram-users-in-united_kingdom/2024/06

⁴ <https://socialchameleon.com/blog/tiktok-statistics-you-should-know-in-2024/>

pieces of content that covered both Instagram and TikTok, all content formats and a range of accounts, and made an assessment, asking ourselves:

1. Is the content likely to be an Ad?
2. If yes, is it adequately disclosed as an Ad?

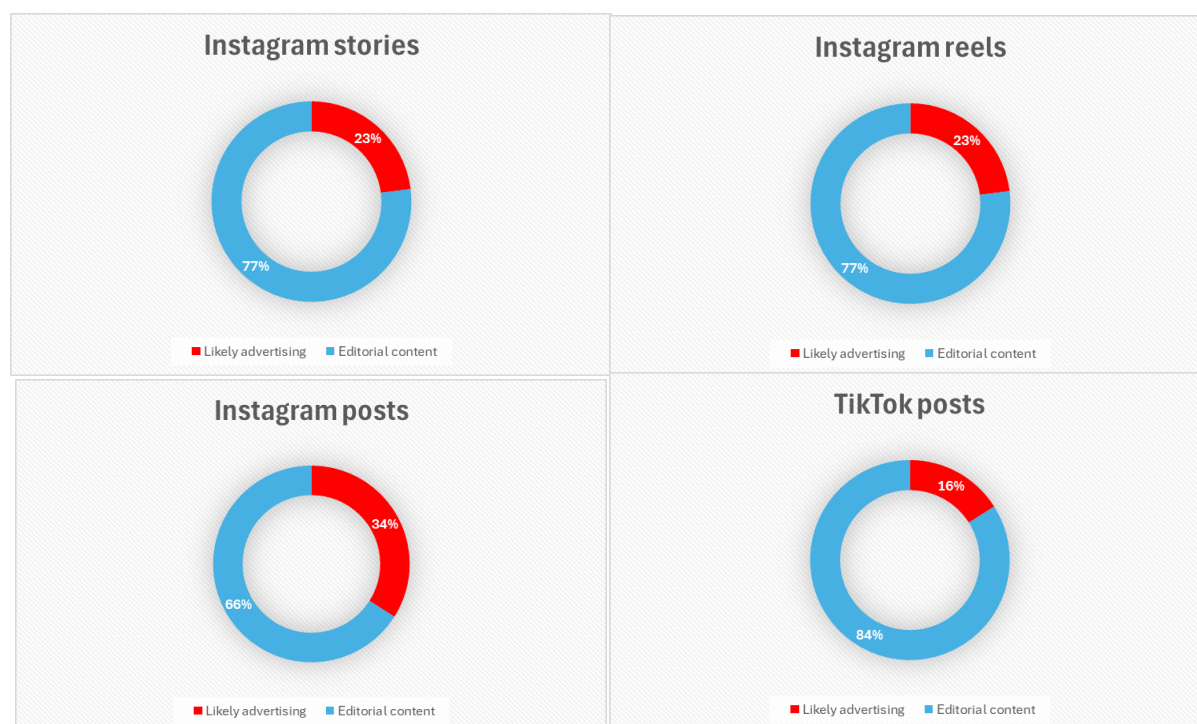
Is the content likely to be an Ad?

The random sample made up 71% of the content selected (totalling 3,734 individual pieces of content). From that total, we used an AI-based model, which categorised 1,715 pieces of content as unlikely to be advertising (editorial content), leaving 2,019 pieces of content for expert human review. Following review 1,250 pieces of content were deemed unlikely to be advertising and 769 pieces of content were categorised as likely to be an Ad.

Various factors contributed to content being categorised as likely advertising, including: personalised discount codes being referenced, affiliate links being included, known brand ambassador relationships between an influencer and a brand, other corresponding pieces of content that made clear that further pieces of content were also advertising, and, obviously, clear ad disclosure labels such as the use of Ad, #ad or a platform's own ad disclosure tools. The AI-based model also considered the prominence of the product or service within a post, and whether solely positive language was used about a product or service, and if emphasis was given to those positive elements.

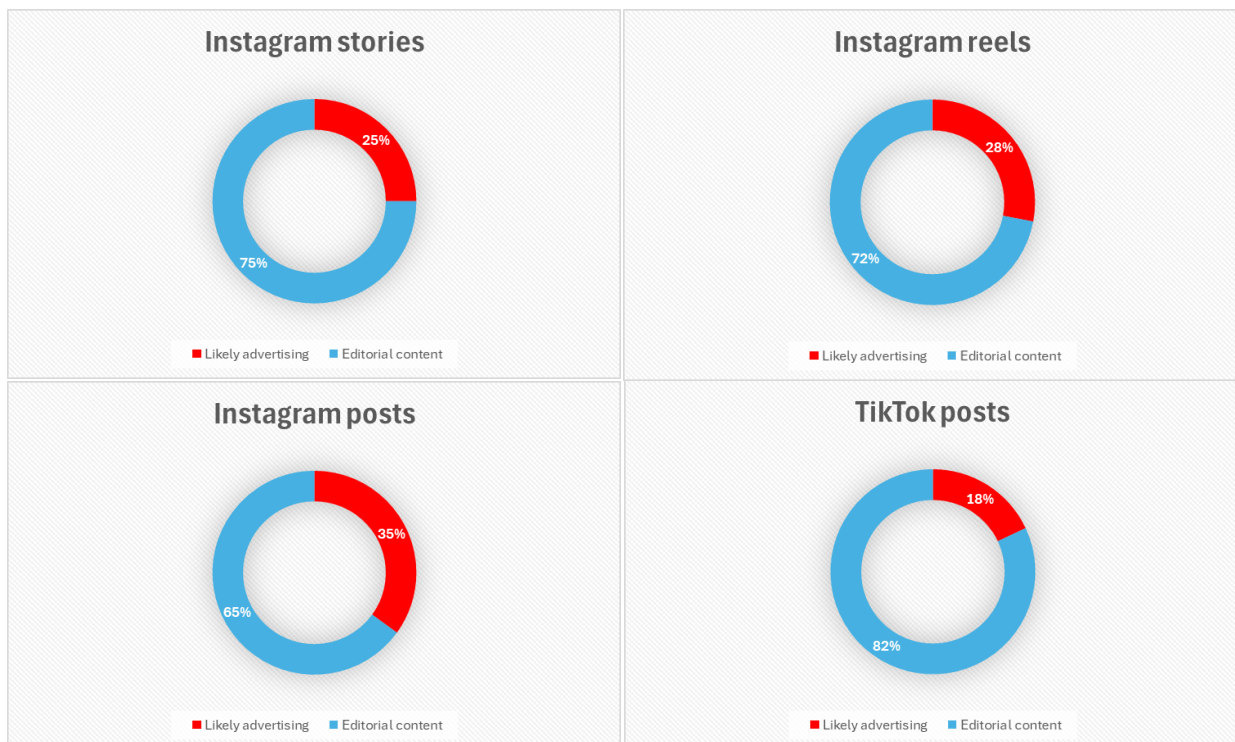
Percentages of advertising and non-advertising content

Breaking only the random sample down by platform, and by content format, Instagram posts had the greatest share of advertising posts (34%) set against non-advertising, editorial posts (66%).



When viewing content categorised as advertising across all three sample groups (in the graphs below) set against non-advertising, editorial posts, the results are broadly similar. TikTok posts have the lowest share of advertising content and Instagram posts have the

highest share. So, whilst the two other sample groups may skew negatively in terms of overall ad disclosure rates, the percentage of advertising content users may encounter when engaging with Instagram and TikTok is broadly similar.



Is the content adequately disclosed as an Ad?

Having actively regulated influencer advertising since the first ASA rulings on ad disclosure more than ten years ago, we are well practiced at identifying when content is likely to be advertising. The presence of the following can be indicative of advertising:

- Personalised discount codes;
- Links that when clicked show a trackable link which forms part of a commercial relationship (affiliate marketing);
- Previous posts or information in an account bio which suggests a brand relationship or ownership of/investment in a company;
- Certain wording and hashtags coupled with tagging of brands, which market intelligence informs us engage in influencer marketing, for example, “I’ve teamed up with”, “[brandname]partner”;
- Content in one format e.g. a Reel or Story or on a different platform that is labelled as an ad but appears elsewhere undisclosed;
- The overall presentation of the content; for instance, an influencer talking only positively about a brand/product/service whilst highlighting key benefits and features.

Consumers should know when they are engaging with advertising and the onus is on the influencer, agency and brand to make it clear when content is an ad. Platforms should also be taking steps to prevent undisclosed or inadequately disclosed advertising from

appearing, and to remove such content when it does⁵. It is neither fair nor reasonable to expect consumers to know, with sufficient certainty, that they are viewing advertising based on an assumption that they have seen information about a brand/influencer commercial relationship elsewhere.

With the above in mind, of the 769 individual pieces of content in the random sample which we deemed likely to be an ad, we considered 331 were undisclosed or inadequately disclosed, and 438 were adequately disclosed.

- **Adequately disclosed:** We identified a clear, upfront, timely ad disclosure label, or it was clear from the overall content that it was an ad. Clear ad labels include **Ad**, **#Ad**, **Advertisement** and/or labels provided via a platform's own ad disclosure tools i.e. "paid partnership" or "commission paid". An ad for an influencer's own brand might be clear by context, but the ASA has ruled that 'own brand' promotions have to be unambiguously clear that they relate to the influencer's own brand. For instance, a clear reference to a brand being "your own brand" coupled with the brand featuring the name of the influencer⁶. However, brands based on derivatives of an influencer's name have been deemed insufficiently clear to disclose the content as advertising⁷.

Where we assessed content that caused us to question whether the advertising was adequately disclosed, and where ASA rulings do not provide sufficient guidance to support our decision, we deemed the ad to have been adequately disclosed.

Undisclosed/Inadequately disclosed: In these cases, there were either no attempt to disclose the content as advertising, or the disclosure label had previously been determined by the ASA as inadequate. For example, we continued to see the use of "Aff⁸/affiliate"⁹, "gifted"¹⁰, "prtrip"¹¹, "brand ambassador"¹², "collab"¹³, "Partner"¹⁴, "Thank you"¹⁵ and simply using a personalised discount code¹⁶. However, 82% of all content in this Undisclosed category, across the three sample groups, was completely undisclosed.

⁵ The CMA has published Platform Principles to help outline what they expect platforms should be doing to comply with consumer protection law in regard to hidden advertising: <https://www.gov.uk/cma-cases/social-media-endorsements>

⁶ [ASA Ruling Erim Kaur t/a Erim Kaur, erimstagram \(08 March 2023\)](#)

⁷ [ASA Ruling on Charlotte Dawson \(15 February 2023\)](#)

⁸ [ASA Ruling on Sainsbury's Supermarkets Ltd t/a Sainsbury's \(16 October 2024\)](#)

⁹ [ASA Ruling on Asos.com Ltd \(22 April 2020\)](#)

¹⁰ [ASA Ruling on Vodafone Ltd \(08 February 2023\)](#)

¹¹ [ASA Ruling on J Choo Ltd \(30 November 2022\)](#)

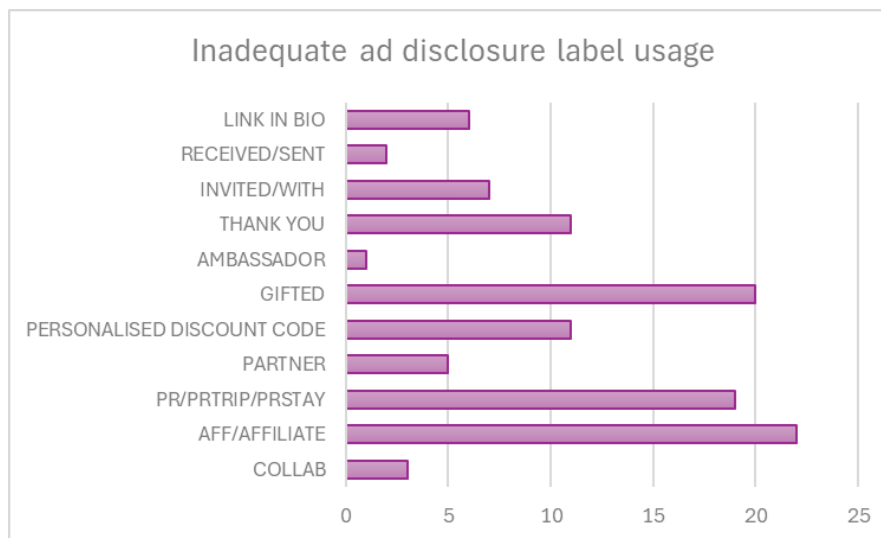
¹² [ASA Ruling on Emma Louise Connolly \(18 August 2021\)](#)

¹³ [ASA Ruling in BPerfect Ltd \(06 March 2024\)](#)

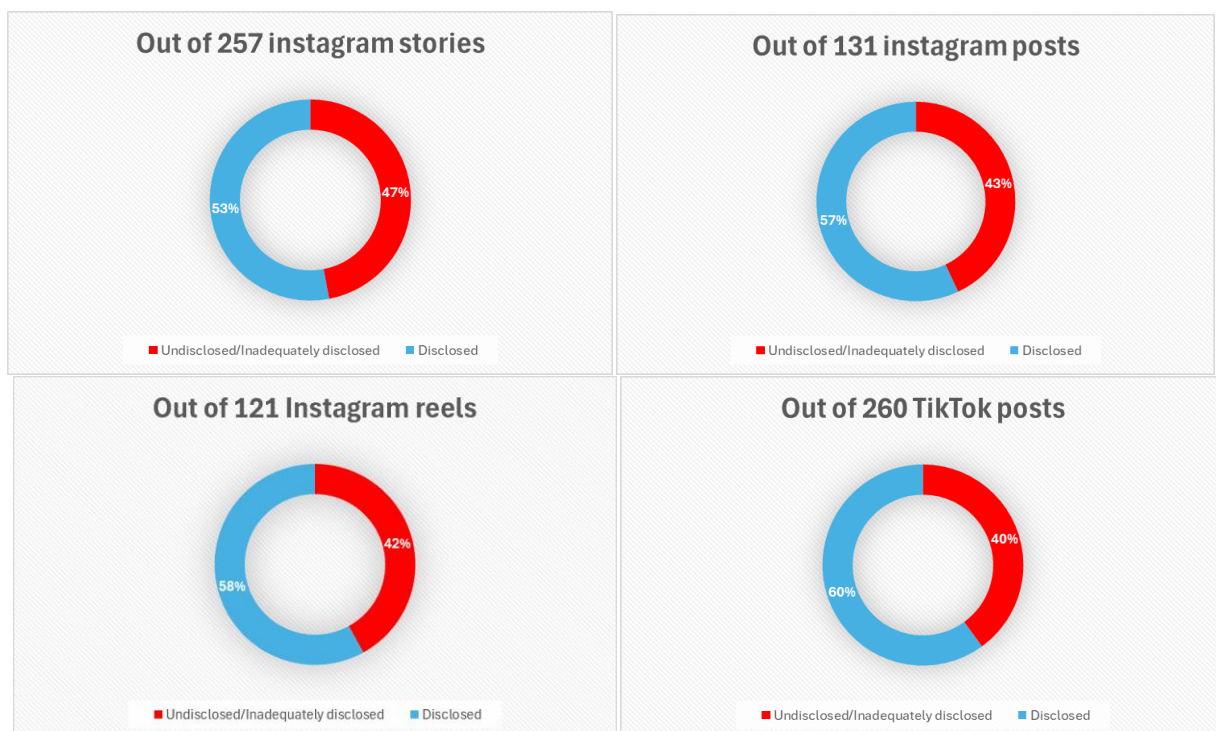
¹⁴ [ASA Ruling on Sony Interactive Entertainment Europe Ltd t/a Playstation Plus, playstation.com \(21 December 2022\)](#)

¹⁵ [ASA Ruling on Vodafone Ltd \(08 February 2023\)](#)

¹⁶ [ASA Ruling on Tara Maynard t/a Taramays25 \(25 January 2023\)](#)



For posts assessed as being advertising, the rates of disclosure / non-disclosure were not statistically significantly different across the four formats.

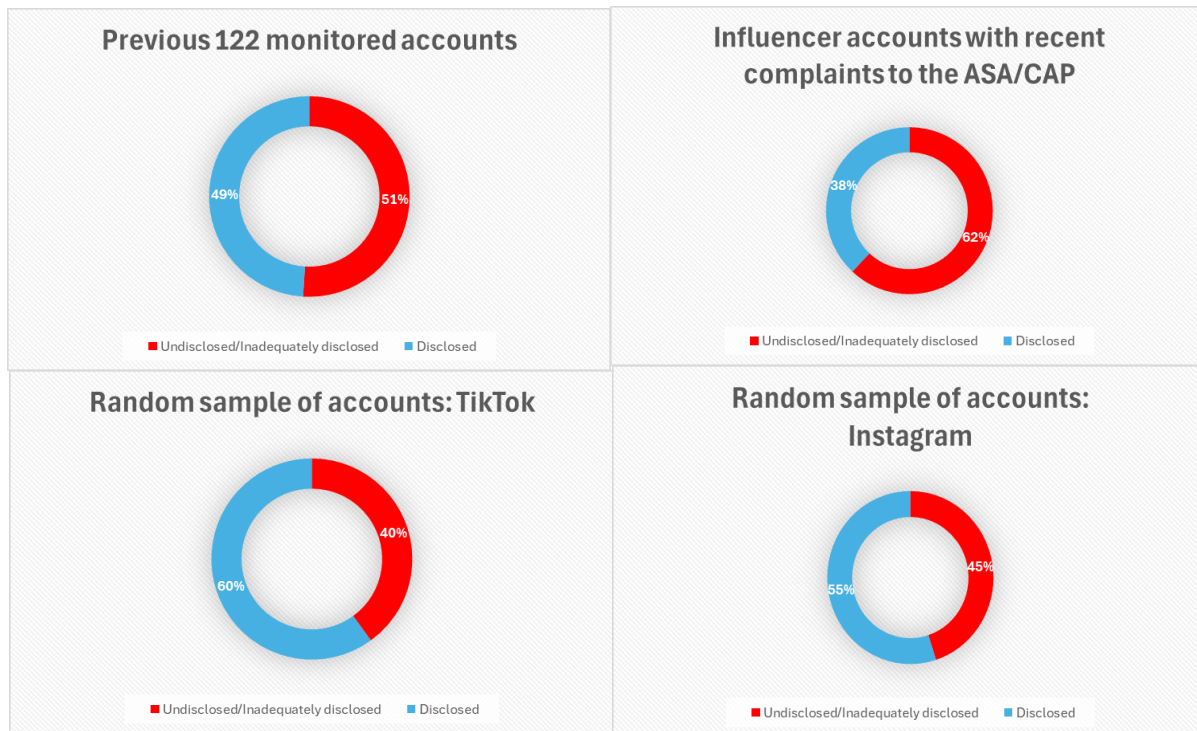


The accounts monitored

The 509 accounts, from 390 influencers, 119 of whom had accounts on both platforms, were made up of three groups:

- The 122 Instagram accounts monitored for the 2021 report;
- Influencer accounts about which the ASA has, within the year July 2023 to July 2024 received complaints, ruled against, or applied sanctions against;
- A random sample of influencer accounts across Instagram and TikTok spanning different follower sizes.

The disclosure rates of advertising across each sample group demonstrates that those accounts who have previously, or have recently, been brought to the ASA's or CAP's attention, tend to be less compliant in making it clear when the ads they publish are ads.



The 122 Instagram accounts from the 2021 report

In 2021, our [Influencer Ad Disclosure on Social Media](#) report highlighted that 35% of ads across the 122 accounts monitored were disclosed as ads. In 2024, that figure rose to 49%.

Four years is a long time in influencer marketing terms, and not all of these accounts will be as active as they were in 2021. Although, some accounts have become more established.

The change in methodology¹⁷ between the reports means the rates should not necessarily be considered a like-for-like comparison. However, we need to see a much higher rate of compliance from this category, as we concluded in the previous report.

Influencer accounts subject to recent ASA/CAP assessment/action

Generally, we noted weaker disclosure rates in this group. This suggests that complaints from consumers to the ASA about influencer accounts are identifying accounts more likely to be non-compliant with the ad disclosure rules.

The random sample

For this monitoring exercise, we included a random sample of 212 influencer accounts (104 on Instagram and 108 on TikTok). To identify these accounts, we used an influencer discovery database, which contained a comprehensive list of UK influencers.

We:

¹⁷ The previous monitoring was conducted manually. This report has used our data science automated monitoring to help capture and categorise content.

- sampled accounts across 13 different follower number bands ranging from 50k to 2m+. The process involved randomly sampling 15 accounts from each band across each platform.
- reviewed the list to ensure that we weren't capturing large brand or large company accounts¹⁸.
- removed any accounts which we were monitoring from the other two groups to avoid duplication.
- re-sampled where necessary to ensure we had similar numbers of accounts across each follower band (from 50k followers to 2m+).

Overall, the accounts in the random sample showed marginally better compliance rates than the other two sample groups: 55% of pieces of likely advertising content on Instagram and 60% on TikTok were adequately disclosed. But that still left a relatively high percentage of advertising undisclosed, or inadequately disclosed, on both platforms.

Other notes of interest

Follower count

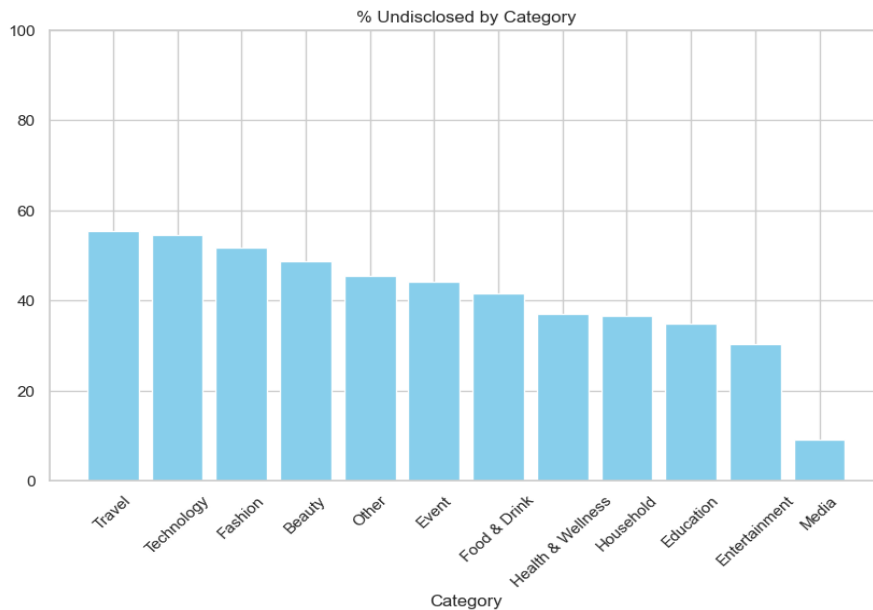
Regarding rates of non-disclosure, no statistically significant difference was found based on accounts with different follower count numbers. More analysis across a further range of accounts would likely be required to present more conclusive findings. This will likely be conducted in a future monitoring exercise.

Sector

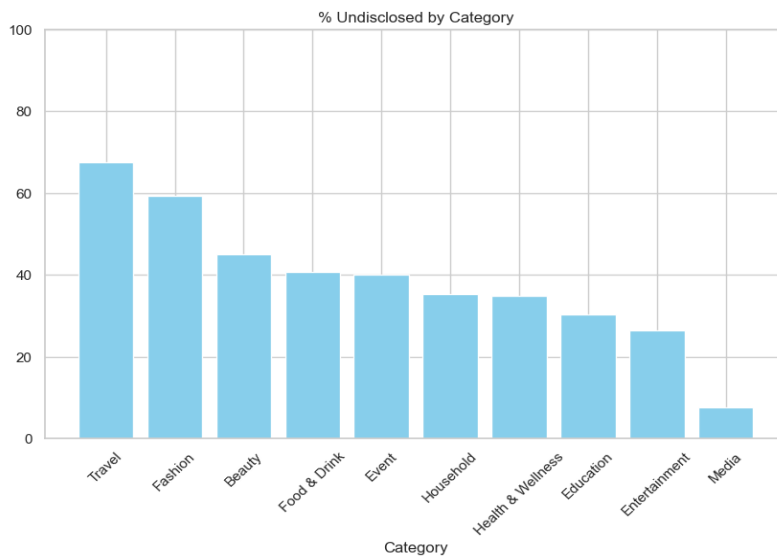
Influencer advertising content relating to different commercial sectors also have differing rates of compliance. Content relating to the Travel sector evidence the highest rate of non-disclosure or inadequate disclosure.

In the random sample content relating to the Technology sector was also shown to have a large proportion of undisclosed, or inadequately disclosed, advertising content.

¹⁸ Advertising content that appears on a brand's own social media channel will be obviously identifiable as an ad due to the context in which it appears. Content that is clearly advertising by context does not require an additional ad disclosure label to make it clear to consumers what they are engaging with. When a consumer visits a brand's social media page they will be aware that they are engaging with advertising for that brand, from that brand. Therefore, when assessing the compliance rates of ad disclosure across UK influencers, who may publish a mixture of editorial content and advertising content for different brands all on the same profile sometimes all in an indistinguishable manner, we do not want to include brand own social media accounts.



Across all three sample groups analysis, content relating to the Travel and Fashion sectors remained areas of concern for the proportion of ads that were categorised as undisclosed or inadequately disclosed.



Within the category of Fashion and Beauty ads, we noted:

- Undisclosed brand ambassador relationships;
 - Content in one format was undisclosed but directed consumers to other pieces of content that were disclosed as advertising (“view stories for links” on a post with the link in the Story an affiliate link). In such instances where a piece of content focuses on a product or service, and pushes users to view another piece of content that is advertising, the ASA expects the original piece of content to also be disclosed as an ad;
 - Personalised discount codes for fashion and beauty brands with no ad disclosure label.
- Within the Travel ads category, we noted:

- Completely undisclosed content. Examples where the trip was paid for by a brand on the basis that the influencer would create content in return. Sometimes multiple pieces of content were undisclosed with one final piece of content confirming the trip was an ad. Ad disclosure should be clear, prominent, upfront and timely.
- Inadequate disclosure labels – “Gifted”¹⁹ and “prtrip”²⁰ were frequently used and, as explained above, are not acceptable ad disclosure labels.

We consider the factors listed above contributed to a lower overall percentage of adequate disclosure in these sectors.

Criticisms of the 2021 report

A criticism of the findings of the 2021 report was that, by focusing only on those accounts about which the ASA had received complaints, the compliance rate would be negatively skewed. The argument being that those accounts were, straightforwardly, less likely to be complying with the rules.

This appears to have played out in the 2024 report, where the compliance rate (whilst showing improvement against the 2022 rate) is the lowest in the three assessed categories.

There were also questions about the diversity of the accounts monitored and whether account size played a role in compliance rates. In theory, accounts with higher follower numbers were more likely to be “professional” influencers who were well acquainted with the ad rules. Therefore, we could expect to see higher rates of compliance within that group.

The random sample helped us to monitor a full array of accounts and perhaps encompasses a more accurate reflection of what UK consumers could see, ad disclosure wise, on each platform.

Further action

We will share the report with those accounts we have monitored to make them aware of our findings. We have also shared the report with Instagram and TikTok.

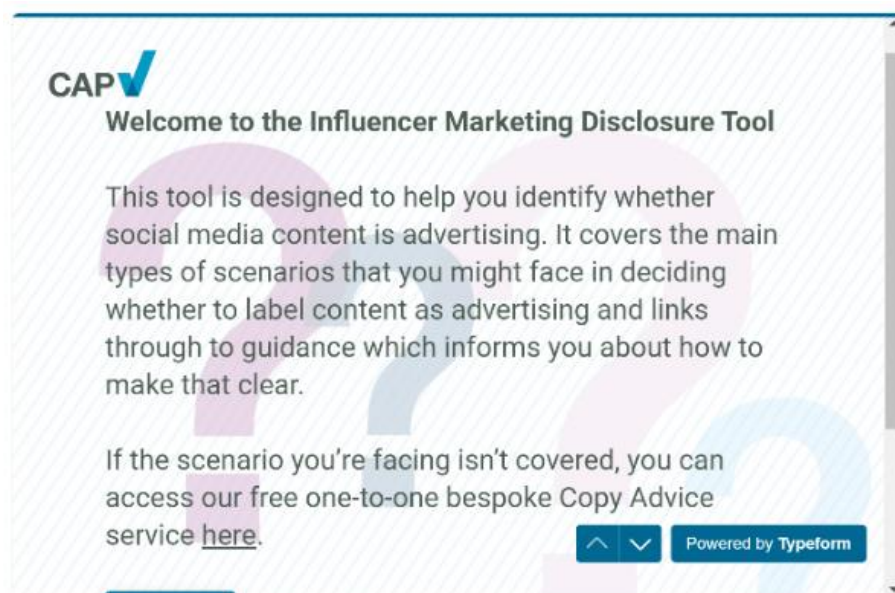
Whilst we will continue to support influencers and brands in understanding the rules, we will apply sanctions to those influencer accounts which consistently and repeatedly do not disclose, or inadequately disclose, advertising.

¹⁹ [ASA Ruling on Vodafone Ltd \(08 February 2023\)](#)

²⁰ [ASA Ruling on J Choo Ltd \(30 November 2022\)](#)

Annex: Our recent ad disclosure work

CAP has continued to update guidance on influencer marketing - *Influencers' guide to making clear that ads are ads*. A new Self-help Tool was created specifically to help influencers, brands and agencies quickly establish if a piece of social media content is advertising that needs to be disclosed. It's been viewed over 10,000 times since its creation on 23 March 2023.



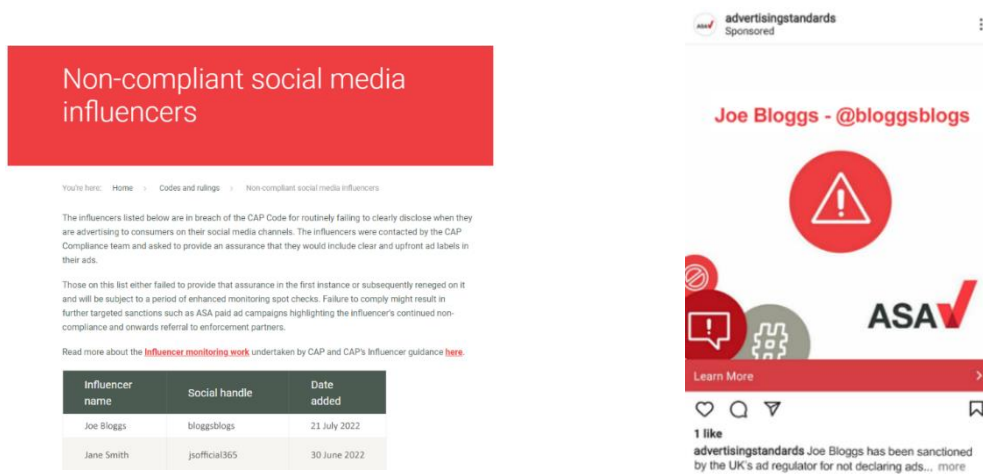
In the first three quarters of 2024, out of all CAP's guidance and advice articles, the specific advice on influencer marketing were the two most read pieces of advice. Advice on affiliate marketing, which many influencers engage with, was the ninth most read.

Top 10 Online Resources 2024 Q1-Q3



Novel sanctions have been created, and implemented, to bring those influencer accounts who consistently and repeatedly fail to adhere to the ad disclosure rules into compliance.

The non-compliant social media influencer page highlights influencer accounts that fail to disclose advertising. On-platform targeted ads are directed at social media users who are most likely to follow that specific influencer account to warn them that when doing so, they may be engaging with undisclosed advertising. These sanctions apply after repeated contact from the ASA and/or CAP has failed to bring about compliance with the rules.



Non-compliant social media influencers

You're here: Home > Codes and rulings > Non-compliant social media influencers

The influencers listed below are in breach of the CAP Code for routinely failing to clearly disclose when they are advertising to consumers on their social media channels. The influencers were contacted by the CAP Compliance team and asked to provide an assurance that they would include clear and upfront ad labels in their ads.

Those on this list either failed to provide that assurance in the first instance or subsequently reneged on it and will be subject to a period of enhanced monitoring spot checks. Failure to comply might result in further targeted sanctions such as ASA paid ad campaigns highlighting the influencer's continued non-compliance and onwards referral to enforcement partners.

Read more about the [influencer monitoring work](#) undertaken by CAP and CAP's Influencer guidance [here](#).

Influencer name	Social handle	Date added
Joe Bloggs	bloggsbloggs	21 July 2022
Jane Smith	jsofficial365	30 June 2022

Joe Bloggs - @bloggsbloggs

ASA ✓

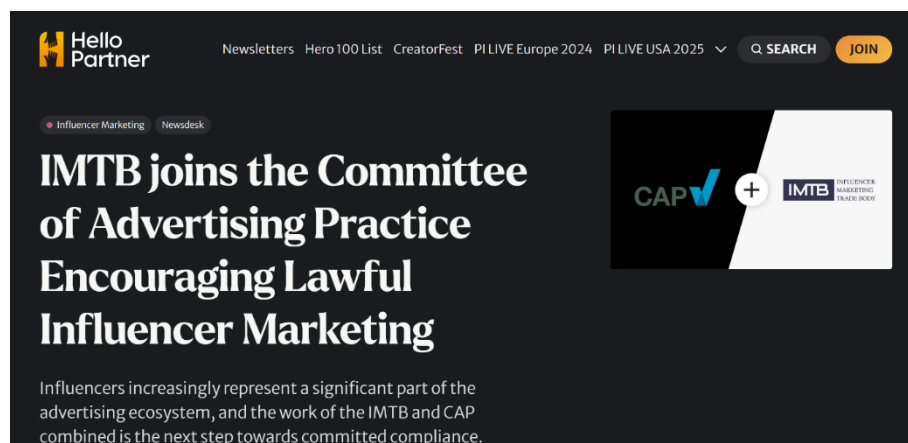
Learn More

1 like

advertisingstandards Joe Bloggs has been sanctioned by the UK's ad regulator for not declaring ads... more

The ASA has continued to publish rulings on the issue of whether ads are suitably disclosed as such, providing further consideration and precedent about specific ad disclosure labels.

In March 2023, the Influencer Marketing Trade Body (IMTB) was appointed as a member of CAP to represent the influencer marketing sector. An important step in ensuring influencer marketing has a voice, but also a strong signal of intent that influencers want to willingly abide and engage with the self-regulatory system.



Hello Partner Newsletters Hero100List CreatorFest PILIVE Europe 2024 PILIVE USA 2025 Q SEARCH JOIN

IMTB joins the Committee of Advertising Practice Encouraging Lawful Influencer Marketing

Influencers increasingly represent a significant part of the advertising ecosystem, and the work of the IMTB and CAP combined is the next step towards committed compliance.

CAP + IMTB

Other organisations have done their own assessment of ad disclosure on social media; including the European Commission.

We have also partnered with other statutory bodies to provide sector specific advice to influencers. The Fin-fluencing guidance, jointly published with the Financial Conduct Authority, being an example.



Fin-fluencing? Get it right.

Got an opportunity to promote a financial product to your followers?

Did you know that the Financial Conduct Authority (FCA) polices the promotion of MOST financial products and services? You could be on the wrong side of the law if you promote without cluing yourself up first.

Regulatory bodies, including the ASA and CAP, remain steadfast that ads need to be disclosed on social media. The law makes it clear that consumers need to be in no doubt when they are engaging with advertising. Yet, disclosure rates remain too low.

Annex: The CAP Code rules

The CAP Code applies in full to ads in all non-broadcast media. Advertising content that is UK based or targets UK consumers on Instagram, Facebook, TikTok YouTube, Snapchat, X and other social media platforms must abide by the rules. This includes Section 2 of the CAP Code, the Recognition of marketing communications. Many of the rules within Code, including those in Section 2, are underpinned by legislation. At the time of the monitoring and analysis of content it was underpinned by the Consumer Protection from Unfair Trading Regulations 2008 (CPRs). From 6 April 2025, the Digital Markets, Competition and Consumers Act 2024 (DMCCA) will be the applicable legislation for Section 2 of the CAP Code.

A failure to disclose advertising is not just a breach of the Code, but it is also a likely breach of the law. Both the brand and the influencer can be held responsible. It is vital that due care is taken by influencers and brands to ensure consumers are aware of when they are engaging with advertising.

The relevant ad disclosure rules of the Code state:

2.1

Marketing communications must be obviously identifiable as such.

2.4

Marketers and publishers must make clear that advertorials are marketing communications; for example, by heading them "advertisement feature".

Whilst we recommend using "Ad", platforms offer their own tools which can be used to label content as advertising: "Paid Partnership", "Commission Paid" or "Ad".

Introducing additional ad disclosure labels leaves an influencer susceptible to risk. Many labels do not adequately convey easily to consumers the nature of the commercial relationship and therefore fall foul of the rules.

Contact us

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www.asa.org.uk

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