



House of Commons
Digital, Culture, Media and
Sport Committee

**Influencer culture:
Lights, camera,
inaction?**

Twelfth Report of Session 2021–22

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 26 April 2022*

HC 258

Published on 9 May 2022
by authority of the House of Commons

The Digital, Culture, Media and Sport Committee

The Digital, Culture, Media and Sport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Digital, Culture, Media and Sport and its associated public bodies.

Current membership

[Julian Knight MP](#) (*Conservative, Solihull*) (Chair)

[Kevin Brennan MP](#) (*Labour, Cardiff West*)

[Steve Brine MP](#) (*Conservative, Winchester*)

[Clive Efford MP](#) (*Labour, Eltham*)

[Julie Elliott MP](#) (*Labour, Sunderland Central*)

[Rt Hon Damian Green MP](#) (*Conservative, Ashford*)

[Dr Rupa Huq MP](#) (*Labour, Ealing Central and Acton*)

[Simon Jupp MP](#) (*Conservative, East Devon*)

[John Nicolson MP](#) (*Scottish National Party, Ochil and South Perthshire*)

[Jane Stevenson MP](#) (*Conservative, Wolverhampton North East*)

[Giles Watling MP](#) (*Conservative, Clacton*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the internet via www.parliament.uk.

Publication

© Parliamentary Copyright House of Commons 2022. This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/copyright.

Committee reports are published on the Committee's website at www.parliament.uk/dcsmcom and in print by Order of the House.

Committee staff

The current staff of the Committee are Keely Bishop (Committee Operations Assistant), Andy Boyd (Committee Operations Manager), Joe Briggs (Committee Specialist), Laura Caccia (Second Clerk), Dr Conor Durham (Committee Specialist), Ollie Florence (Senior Media and Communications Officer), Lois Jeary (Committee Specialist), Dr Stephen McGinness (Clerk) and Billy Roberts (Media & Communications Officer).

Contacts

All correspondence should be addressed to the Clerk of the Digital, Culture, Media and Sport Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6188; the Committee's email address is dcsmcom@parliament.uk.

You can follow the Committee on Twitter using [@CommonsDCMS](https://twitter.com/CommonsDCMS).

Contents

Summary	3
1 Introduction	4
Definitions	4
Influencer marketing	4
Regulatory gaps	5
Our inquiry	6
2 Behind the camera	7
The Job	7
Influencing as a career	7
Challenges	8
Harassment	9
Diversity	11
Lack of research	13
3 Pay and employment	15
The influencer marketing ecosystem	15
Brands	15
Intermediaries	17
Code of practice	18
Pay rates	18
Platform revenue sharing	20
4 Advertising	24
UK advertising regulation and enforcement	24
Competition and Markets Authority	24
Advertising Standards Authority	25
The state of influencer compliance	28
Monitoring	31
Platforms	33
5 Children	35
Children as viewers	35
Benefits and risks	35
Media literacy	38
Advertising literacy	39
Children as influencers	41

A booming market	41
Harm to children	42
Child influencers as advertisers	43
Legislative gap	44
Filling the legislative gap	47
Appendix 1: Influencer Culture survey	50
Appendix 2: ISBA Influencer Marketing Code of Conduct	60
Formal minute	62
Witnesses	63
Published written evidence	65
List of Reports from the Committee during the current Parliament	67

Summary

Influencer culture is a rapidly expanding and professionalising subsection of the UK's vibrant creative industries. As social media continues to gain popularity, influencers have utilised this new medium to enhance their content creation and develop online communities around their work and interests. In this report we consider the benefits and challenges of this new industry and identify regulatory gaps to be addressed.

Firstly, we note that behind the glamour that often colours perceptions of influencers, this is a challenging career beset by diversity issues, pay disparities, and a pervasive lack of employment support and protection. Despite the significant returns that influencer culture brings to the UK economy, the industry has not yet been afforded serious consideration by Government.

Secondly, we have observed that as the leaders of often small, niche and trusting communities, influencers can offer targeted and effective marketing services. Influencer marketing is therefore offering a lucrative opportunity for brands and advertisers as well as influencers. However, the rapid expansion of this marketplace, both in scale and in technical innovation, has outpaced the capabilities of UK advertising regulation. Updates to the enforcement powers of the Competition and Markets Authority and Advertising Standards Authority are urgently needed to prevent further damage to consumer trust.

Finally, it is with serious concern that we note the lack of protection for children taking part in this new industry, both as consumers of influencer content and as influencers themselves. Influencer content is popular among children, but advertisement regulations do not appropriately consider their developing digital literacy. Additionally, child labour protections do not encompass user generated content and, as such, child influencers may be at risk of exploitation. It is vital that the Government address these regulatory gaps with tailored legislation to ensure that the online environment and the opportunities it presents remain safe and accessible for children.

1 Introduction

Definitions

1. For the purposes of this report, we define Influencer Culture as: the social phenomenon of individual internet users developing an online community over which they exert commercial and non-commercial influence. In the broadest sense, “influencer culture” is not a new phenomenon. For centuries, people of influence such as actors, politicians or intellectuals have had the power to affect the opinions, decisions, and actions of others. In recent years the advent of social media platforms has democratised media access and rapidly increased the accessibility and reach of these individuals. Not only can anyone with internet connection access the basic tools to become an influencer, but social media platforms enable content to be targeted towards specific groups online and disseminated at unprecedented speed and scale. As a result, in recent years both the number of influencers and the power of their influence has increased substantially.

2. Defining the term “influencer” in this landscape has been notably challenging. There is no established basis in law and little consensus among industry stakeholders, with the terms “content creator” or platform specific “YouTuber” “TikToker” being used interchangeably.¹ This has been reflected by the wide variety of definitions we received in oral and written evidence. Common descriptive components have included influencers’ primary use of social media,² their cultivation of large numbers of followers³ and their ability to play an active role in shaping the opinions and decisions of those followers.⁴ Several submissions also suggested a task-based occupational definition based on the activities the influencer engages in, for example, creating regular content about a niche topic area or their daily lives, endorsing goods and services, and offering advice.⁵ Yet the primary focus of most definitions was the commercial element of influencing. Consumerism and advertising are often linked to influencing, since most influencers provide their content free to platform users and must therefore find ways to generate revenue from their work.⁶ An influencer can generate revenue from their work through brand advertising and sponsorship, platform revenue sharing models, fan subscriptions and the sale of their own merchandise.

3. Despite these complexities, defining what constitutes an influencer is a necessary precursor to effective policy. We have developed the following definition for the purposes of this report: an “influencer” is an individual content creator who builds trusting relationships with audiences and creates both commercial and non-commercial social media content across topics and genres.

Influencer marketing

4. Influencing is a rapidly expanding and professionalising industry.⁷ A significant contributing factor to this increase is the success of “influencer marketing”. Influencer

1 Dr Christine Riefa; Dr Catalina Goanta ([INF0021](#))

2 Christine Riefa; Dr Catalina Goanta ([INF0021](#))

3 Billion Dollar Boy Limited ([INF0030](#))

4 Advertising Association ([INF0006](#))

5 Dr Christine Riefa; Dr Catalina Goanta ([INF0021](#))

6 Competition and Markets Authority ([INF0027](#))

7 Q207 [Dr Catalina Goanta]

marketing can be defined as “the strategy of promoting brands, products, or services with selected individuals who are judged most likely to exercise a significant influence on purchase decisions within a particular target market”.⁸ Marketing through influencers offers brands the opportunity to target niche online communities or “tribes” based on specific interests related to their product or service, and also benefit from the personal aspects of influencers’ word of mouth endorsement.⁹ According to the Influencer Marketing Hub, 75% of brands surveyed dedicate a budget to influencer marketing in 2022.¹⁰

5. As demand for this form of advertising has risen, so have the number of influencers and agencies choosing to enter the market. According to Vuelio’s UK Influencer Survey 2020, the percentage of influencers with channels that provide income has risen from 34% in 2016 to 49% in 2020.¹¹ The Influencer Marketing Hub found that the global number of influencer marketing related companies grew by 26% in 2021 alone, to reach 18,900 firms specialising in influencer marketing services.¹² Estimates from Markets and Markets suggest that the global influencer marketing sector is expected to grow from \$6.0 billion in 2020 to \$24.1 billion by 2025 at a compound annual growth rate of 32%.¹³ This growth represents a significant opportunity for many UK creatives, as well as the producers, talent agencies, marketing firms, brands, and platforms that facilitate influencing work.

Regulatory gaps

6. However, the fast pace of growth in the influencer industry has exposed a number of regulatory gaps, particularly around advertising disclosure and protections for children. The vast quantity of influencer content disseminated online, some of which classifies as advertising, makes monitoring and enforcing compliance with UK advertising regulations challenging.¹⁴ For example, as of February 2020, more than 500 hours of video were uploaded to YouTube every minute.¹⁵ Additionally, the industry’s rapid expansion and low barrier to entry have attracted many new entrants, many of whom may be unaware of the ways in which influencing is regulated.¹⁶ The Competition and Markets Authority told us that influencer advertising compliance rates are still “unacceptably low.”¹⁷

7. We have also identified that UK child performance regulations, which bring performing children under the oversight of their Local Authority and regulate the hours and conditions of their work, do not apply to user generated content. This means that children who appear or perform in influencer content are not offered the standard protections of children working elsewhere in the entertainment industry. Ed Magee from

8 Oxford Reference, ‘[Influencer marketing](#)’, accessed 4 April 2022

9 Dr Stephanie Alice Baker (INF0004); Advertising Standards Authority (INF0023); Investopedia defines word of mouth (WOM) marketing as the process of a consumer talking about a company’s product or service to their friends, family, and to others with whom they have close relationships. Investopedia note that WOM marketing is one of the most powerful forms of advertising as 92% of consumers trust their friends over traditional media (Investopedia, ‘[Word-of-Mouth Marketing \(WOM Marketing\)](#)’, accessed 4 April 2022)

10 Influencer Marketing Hub, [The State of Influencer Marketing 2022: Benchmark Report](#), (2 March 2022), p 34

11 Vuelio, [UK Influencer Survey 2020](#), (13 May 2020), p 7

12 Influencer Marketing Hub, [The State of Influencer Marketing 2022: Benchmark Report](#), (2 March 2022), p 12

13 Market and Markets, [Influencer Marketing Platform Market](#), accessed 4 April 2022

14 Q404 [Advertising Standards Authority]

15 Statista, ‘[Hours of video uploaded to YouTube every minute as of February 2020](#)’, accessed 4 April 2022

16 Dr Hayleigh Boshier (INF0013)

17 Competition and Markets Authority ([INF0027](#))

the National Network of Children in Employment and Entertainment expressed his concern that, as influencing has increased in popularity, they still have no oversight of the children involved.¹⁸

Our inquiry

8. We launched our inquiry in March 2021 to explore the impact that social media influencers are having on UK culture, and how the industry operates. In the process, we have also investigated key regulatory gaps exposed by the industry's rapid growth, especially around influencer marketing. We have received over forty pieces of written evidence, conducted a survey of 511 British school children, and held six oral evidence sessions. During these sessions we heard from influencers, talent agencies, marketing organisations, trade associations, academics, regulators, government ministers and the four major social media platforms, Meta, YouTube, TikTok and Twitter. We would like to thank everyone who contributed and gave evidence to this inquiry. In particular, we would like to thank Dr Sophie Bishop, specialist advisor to this inquiry, for her work on this inquiry.

2 Behind the camera

The Job

Influencing as a career

9. Social media influencing is becoming a popular career choice.¹⁹ Of the 511 British school children we surveyed as part of this inquiry, over 32% said that they would consider becoming an influencer.²⁰ BBC Newsround’s survey of 3,000 children aged 8 to 12 in the UK, United States and China found that children are three times more likely to want to be a YouTuber (29%) than an Astronaut (11%).²¹ Despite this rise, it is notable that no witness or written evidence submission was able to provide us with more than estimated data about the number of influencers in the UK, their reach, monetisation strategies, or the composition of the community. Amy Bryant-Jeffries from Gleam Futures, one of the UK’s largest talent agencies, for example, estimates that there are 15 million influencers globally.²²

10. However, we have heard in this inquiry that despite the industry’s rapid rise in popularity, earning a living from influencing remains challenging. Aspiring influencers must demonstrate to advertisers and brands that they can provide valuable marketing services. This requires cultivating an online community or “tribe” with a sufficiently large number of followers²³ and, importantly, creating content that receives a high level of engagement.²⁴ There are two main routes to developing this community: the celebrity route and the organic route.²⁵ Celebrity influencers gain followers by achieving fame in other industries, such as music, acting and reality TV. Influencer and former Love Island contestant, Amy Hart, told us about the “life-changing” experience moving from 3,000 followers to 1.1 million after appearing on the show.²⁶ Organic influencers cultivate their community gradually gaining recognition for their content, personality, and style.²⁷ This process can take years. Influencer Em Sheldon told us that while she started her blog in 2012, she didn’t start to make money until 2015.²⁸

11. Influencing is often perceived as glamorous, superficial, and not a “real job”: Amy Hart told us that most people think all influencers do is go on holiday.²⁹ She challenged this perception by describing influencing as a new form of professional advertising.³⁰ This is corroborated by written evidence we received that called influencer marketing a new

19 Q25 [Alex Davies-Jones]

20 The results of this survey can be seen in Appendix 1

21 BBC, ‘[YouTuber or astronaut: Which job would you rather have?](#)’, accessed 4 April 2022

22 Q161 [Amy Bryant-Jeffries]

23 Follower thresholds for monetisation vary across brands, agencies, and platforms. For example, the YouTube Partner Programme requires members to have over 1,000 subscribers, but TikTok’s Creator Fund requires over 10,000 followers (YouTube, [YouTube Partner Program overview & eligibility](#), accessed 4 April 2022; TikTok, [‘TikTok Creator Fund: Your questions answered’](#), accessed 4 April 2022)

24 Q70 [Keith Weed]

25 The Creator Union ([INF0017](#))

26 Q81 [Amy Hart]

27 The Creator Union ([INF0017](#))

28 Q5 [Em Sheldon]

29 Q82 [Amy Hart]; Q156 [Amy Hart]

30 Q82 [Amy Hart]

form of word of mouth advertising,³¹ which is, as a 2019 Nielsen report called *Global Trust in Advertising* suggests, the most credible form of advertising.³² Influencers succeed in word-of-mouth advertising by developing a trusting and authentic relationship with followers, which gives power to their endorsements.³³ Dr Crystal Abidin, an academic from Curtin University who specialises in internet cultures, said that “being ordinary people, we tend to trust the word of influencers so much more [...] we believe they speak from the grassroots as opposed to a paid celebrity.”³⁴ As a result, interest in influencer advertising is increasing rapidly, presenting lucrative new opportunities for influencers, as well as brands and advertisers.

Challenges

12. Although the industry is growing and there remains a low barrier to entry, there are considerable challenges to success for new entrants; particularly “organic influencers”. The influencers and academics we heard from detailed the time-consuming and intensive work necessary to develop and maintain a profile, which includes engaging with brands, agents and followers as well as producing content.³⁵ Talent agencies also told us that influencers need passion and creative talent, as well as dedication, to succeed.³⁶ It is indicative of these demands that many influencers hire support teams or enter contracts with talent agencies as their reputation grows.³⁷ Dr Crystal Abidin has delineated four income-based tiers that influencers could be categorised into:

- aspirants, who often work in influencer-parallel or incubator industries, such as models, artists or actors, and aim to become full-time influencers;
- micro- and meso-influencers who generate some income but not enough to live on;
- full-time influencers; and,
- top-tier influencers who “are themselves a brand” and “have teams of people working around them”.³⁸

Dr Abidin estimated, based on her research in the Asia-Pacific region, that approximately eight out of ten influencers considered themselves professionals, even if they were only generating enough income to pay bills and rent, based on the time they invested in their craft.³⁹ By contrast, only two or three in ten could be classified as “full-time influencers” based on income alone.⁴⁰

13. A significant barrier is the lack of available support tailored to the unique demands of online influencing from platforms, regulators, and trade bodies. Some of the issues influencers face include hacking, impersonation, algorithmic unpredictability, community

31 Dr Sevil Yesiloglu; Dr Joyce Costello ([INF0010](#)); Advertising Association ([INF0006](#)); Northbank Talent Management ([INF0008](#))

32 Nielsen, *Global Trust in Advertising: winning strategies for an evolving media landscape*, (25 May 2015), p 4

33 ‘Why Is Influencer Marketing Such A Big Deal Right Now?’, *Forbes*, 2 July 2020

34 Q3 [Dr Crystal Abidin]

35 Q4 [Dr Crystal Abidin]; Q6 [Em Sheldon]

36 Influencer ([INF0015](#)); Gleam Futures ([INF0022](#))

37 Q4 [Dr Crystal Abidin]; Q36 [Em Sheldon]

38 Q4 [Dr Crystal Abidin]

39 Ibid.

40 Ibid.

management requirements, mental health issues from their constant online presence, and copyright infringement.⁴¹ Copyright infringement, in this case, often involves the fraudulent misuse of influencer content and images by traders to sell products or services. We also heard that influencers, especially new entrants, are vulnerable to being coerced into unfair contracts with brands and talent agencies, as there are no guidelines or transparency standards, and they may not be able to afford legal advice.⁴² Another challenge that influencers face is their high level of dependency on the platforms that they post on. Small algorithmic changes can make or break a career,⁴³ and influencers have reported that advertisements get lower engagement from platform algorithms. As brands assess engagement rates for such content, this practice may mean that influencers experience more difficulties securing monetisation deals with brands.⁴⁴

14. Maintaining a successful influencer profile also comes with personal challenges. There is pressure to produce new content constantly out of fear of being “left behind” and losing followers.⁴⁵ According to Dr Joyce Costello from Quadriga University and Dr Sevil Yesiloglu from University of the Arts London, who both specialise in digital advertising and influencers, social media platforms also have algorithmic systems that penalise influencers for not sharing and producing content continually.⁴⁶ This makes it difficult to take time off for holiday or significant life events⁴⁷ and means that burn-out is a common issue.⁴⁸ Ronan Costello from Twitter told us that there is anecdotal evidence of a culture change around leave-taking whereby more established influencers are “signing-off” for a period of time.⁴⁹ Yet the often intimate nature of influencer content can itself create pressure. Sara McCorquodale from CORQ told us that many people leave social media because “they cannot bear the pressure of having to share these very intimate moments of their life, but that is what the audience wants.”⁵⁰

15. Influencing is a growing sector at the intersection of the advertising and creative industries. However, we recognise that behind the camera, influencing is a challenging career, made more challenging by the lack of developed support from the surrounding ecosystem of platforms, regulators, talent agencies and brands.

Harassment

16. Many of the influencers we have spoken to say they face significant online abuse and trolling.⁵¹ Amy Hart told us that “it comes with the territory” as influencers put themselves forward into the public eye.⁵² Influencers with large communities may also be classified as “public figures” by major social media platforms such as Facebook and Twitter and therefore receive fewer protections from public commentary.⁵³ Abuse may also be

41 Miss Beckii Flint ([INF0002](#)); Q88 [Nicole Ocran]

42 Dr Hayleigh Boshier ([INF0013](#)); Advertising Association ([INF0006](#)); Q127–131 [Amy Hart]

43 *‘TikTok made him famous. Now he’s imagining a world without it’*, MIT Technology Review, 14 August 2020

44 The Creator Union ([INF0017](#)); Q100 [Amy Hart]; Q279 [Helen Wills]

45 Q35 [Em Sheldon]

46 Dr Sevil Yesiloglu; Dr Joyce Costello ([INF0010](#))

47 Q25 [Em Sheldon]

48 Miss Beckii Flint ([INF0002](#))

49 Q379 [Ronan Costello]

50 Q343 [Sara McCorquodale]

51 Q21 [Em Sheldon]; Q256 [Sergei Urban]; Q93 [Amy Hart]

52 Q96 [Amy Hart]

53 Meta, *‘Facebook Community Standards’*, accessed 4 April 2022; Twitter, *‘About public-interest exceptions on Twitter’*, accessed 4 April 2022

exacerbated by the negative perception of influencers and influencing as a career.⁵⁴ Such abuse can be “relentless” and result in mental health issues for influencers: Em Sheldon expressed her worry that there will be more cases of suicide and depression among the influencer community.⁵⁵ Dr Crystal Abidin told us that the most significant problem facing influencers in her research areas of China, Japan and Korea is suicide as a result of online bullying.⁵⁶

17. We heard that physical appearance is a common topic of abusive messages,⁵⁷ as well as the use of advertising to monetise content and make a living: Em Sheldon said, “they all say the same thing, ‘I liked her’, but they don’t like that people are making money.”⁵⁸ Influencers do not receive abuse equally.⁵⁹ For example, female influencers attract a higher level of abuse than male influencers.⁶⁰ It is notable that Sergei Urban, the only male influencer we spoke to, said that he does not receive a significant amount of abuse.⁶¹

18. Most influencers operate on the main, large social media platforms, making these platforms a focus for our discussion of online abuse and harassment. Meta (Facebook, Instagram), TikTok, Twitter, and YouTube have developed safety tools to protect influencers from online abuse. These tools mainly focus on limiting the quantity of abuse that influencers receive and read, for example, restricting which users can comment, filtering abusive words out of comments, and blocking accounts.⁶² The influencers we spoke to have found them useful. Amy Hart reported that she uses comment filters to block words like “fat” and “ugly” from her inbox.⁶³ Em Sheldon also shared her appreciation of a tool from Instagram that allows users to block multiple accounts from the same “troll”.⁶⁴ A recent report by the House of Commons Petitions Committee on the topic of ‘Tackling Online Abuse’ notes that there have been improvements in the amount of abusive content that platforms are able to detect and remove proactively using technology.⁶⁵ Theo Bertram from TikTok stated that 94% of content removed by TikTok was now removed before being reported by a user.⁶⁶ However, despite these improvements, we have heard that the level of abuse that influencers receive remains considerable.

19. The major social media platforms also have bullying and harassment policies in place that allow users to self-report content that contravenes their community standards.⁶⁷

54 Q82 [Amy Hart]

55 Q7 [Em Sheldon]

56 Q25 [Dr Crystal Abidin]

57 Q144 [Amy Hart]; Q256 [Sergei Urban]

58 Q9 [Em Sheldon]

59 Although we didn’t receive specific evidence from harassment faced by other minority groups and identities, it is likely that these groups do experience increased online harassment. This assumption is in line with evidence explored in an inquiry into ‘Tackling Online Abuse’ by the Petitions Committee. Petitions Committee, Second Report of Session 2021–22, [Tackling Online Abuse](#), HC 766, para 39

60 Q13 [Em Sheldon]

61 Q256 [Sergei Urban]

62 YouTube, ‘[Staying safe on YouTube](#)’; TikTok, ‘[Community Controls](#)’; Instagram, ‘[Keeping Instagram a safe and supportive place](#)’; Facebook, ‘[Tools](#)’; Twitter, ‘[How we’re making Twitter safer](#)’; all accessed 4 April 2022

63 Q85 [Amy Hart]

64 Q23 [Em Sheldon]

65 Petitions Committee, Second Report of Session 2021–22, [Tackling Online Abuse](#), HC 766, para 24

66 Ibid.

67 For example, Facebook’s community standards cover behaviours including Violence and incitement, Bullying and harassment, and Hate speech (Meta, ‘[Facebook Community Standards](#)’, accessed 4 April 2022); Twitter’s rules include policies on Violent threats, Abusive behaviour, and Hateful conduct; while TikTok’s community guidelines include policies on Violent extremism, Harassment and bullying, and Hateful behaviour (Twitter, ‘[The Twitter Rules](#)’, accessed 4 April 2022)

However, several influencers told us that platform reporting mechanisms do not work. Amy Hart said she has stopped reporting as “there is no point”.⁶⁸ Parenting influencer Helen Wills told us that she and other influencers have failed to get sites that feature underage girls in provocative clothing, which they call “porn for eight-year-olds”, taken down. Again, they hear that these do not violate community guidelines.⁶⁹ Professor Sonia Livingstone from the London School of Economics, who specialises in children and child internet safety, has also found that children do not feel that platform reporting mechanisms are effective as “nothing happens” when they report.⁷⁰ When questioned on this issue, Tom Gault from Instagram told us that “we listen to our community and the feedback that they give us” and explained that they have recently tightened their policies around preventing attacks against public figures.⁷¹

20. As Chris Philp, Minister for Tech and the Digital Economy, noted, while the platforms do have policies that notionally protect platform users, they are not applied in practice.⁷² The Minister went on to say that this would be addressed in the Government’s Online Safety Bill (OSB).⁷³ The Online Safety Bill imposes a duty of care on providers of user-to-user services and requires them to follow steps outlined in codes of practice for relevant duties⁷⁴ including for reporting and complaints duties.⁷⁵ These codes of practice will be developed and, importantly, enforced by Ofcom.⁷⁶

21. Giving Ofcom oversight over and enforcement powers for new codes of practice is a positive step towards tackling online harassment. However, it is important that new codes of practice do not simply reflect the status quo of platform reporting mechanisms. Ofcom must raise the standards set by platforms or risk missing a key opportunity to tackle online harassment. Specifically, reporting mechanisms must be tailored to the nuances of various types of harm. For example, mechanisms for victims of harassment and stalking, as many influencers are, require a more careful approach as reactionary steps might encourage further harassment.

22. *We recommend that the Government add to clauses 17 and 18 of the Online Safety Bill a requirement that reporting and complaints mechanisms, as outlined in new codes of practice created by Ofcom, must be tailored to the specific nature of various types of harms.*

Diversity

23. Social media has democratised access to media creation and dissemination and given many more communities the opportunity to showcase their voices and talents. However, we have heard that the process of developing a career in influencing is significantly more challenging for influencers from minority backgrounds. Nicole Ocran, co-founder of The Creator Union, said that “black and brown, LGBTQIA, disabled creators are the ones who lose out the most when it comes to working in this space, like in most industries that

68 Q85 [Amy Hart]

69 Q296 [Helen Wills]

70 Q296 [Professor Sonia Livingstone]

71 Q388 [Tom Gault]

72 Q497 [Chris Philp]

73 Ibid.

74 [Online Safety Bill](#), clause 5 (1) [Bill 285 (2021–22)]

75 [Online Safety Bill](#), clauses 17 and 18 [Bill 285 (2021–22)]

76 [Online Safety Bill](#), clause 37 [Bill 285 (2021–22)]

exist.”⁷⁷ She told us that many members of the LGBTQIA community only get approached during times like Pride every year, and some of the disabled influencers she knows find it extremely hard to find work.⁷⁸

24. Professor Brooke Duffy from Cornell University, who specialises in gender studies and digital industries, also told us that “women creators of colour and the LGBTQ [sic] community have a hard time securing the same level of brand sponsorships and brand deals, and when they do they are very much from products that fetishize particular consumer groups”.⁷⁹ Signing with an influencer talent agency is a career milestone for many influencers. It is indicative of the struggles of minority influencers that Gleam Futures, one of the UK’s largest influencer talent agencies, told us that 14% of their talent roster was from “under-represented communities” which we hear includes minority ethnic groups and LGBTQIA influencers.⁸⁰ They have no influencers with disabilities.⁸¹

25. A 2020 study from MSL Group, a global Public Relations firm, found a racial pay gap of 35% in influencer marketing, compared with 8% in Education, 16% in business and financial services, and 16% in media, sports and entertainment.⁸² According to their Digital Strategist D’Anthony Jackson, this “vastly overshadows the gaps in any other industry”.⁸³ The report found that 77% of black influencers fall into the nano- and micro-influencer tiers (under 50K followers) versus 59% of white influencers. This suggests that black influencers have greater difficulties scaling their online communities and thereby increasing the rates that they can charge for commercial content.⁸⁴

26. Professor Brooke Duffy spoke about how the democratisation of creative labour through the internet has not erased long-standing inequalities and stereotypes in society. In consequence, there is a “risk” involved in partnering with minority communities, despite their significant audiences and engagement.⁸⁵ Platform recommendation and content moderation practices could be contributing to this problem by reducing the visibility of content from these groups. Gleam futures claim that representation rates are low because “a lot of talent within under-represented groups are not profiled enough on social media” meaning that they must work harder to find creators from those communities.⁸⁶ Dr Stephanie Baker from City University London, who specialises in online communities and influencer, told us that platform community guidelines are not enforced fairly or consistently.⁸⁷

27. There is anecdotal evidence of this practice from influencers and some independent investigations have taken place. For example, in 2017, YouTube was accused of discrimination by high-profile LGBT influencers on the platform, who reported that their videos were hidden.⁸⁸ A group of influencers has also attempted to sue YouTube in 2020

77 Q107 [Nicole Orcan]

78 Q143 [Nicole Orcan]

79 Q165 [Professor Brooke Duffy]

80 Q168 [Amy Bryant-Jeffries]

81 Q169 [Amy Bryant-Jeffries]

82 MSL, [Time to Face the Influencer Pay Gap](#), (12 June 2021)

83 MSL, [‘MSL Study Reveals Racial Pay Gap in Influencer Marketing’](#), accessed 4 April 2022

84 Issues around pay and content monetisation are discussed in Chapter 2

85 Q175 [Professor Brooke Duffy]

86 Q171 [Amy Bryant-Jeffries]

87 Q132 [Dr Stephanie Alice Baker]

88 *‘LGBT community anger over YouTube restrictions which make their videos invisible’*, The Guardian, 20 March 2017

for unfair moderation and demonetisation practices.⁸⁹ The Markup investigated Google Ads on YouTube and discovered an Ad blacklist that hides “Black Lives Matter” YouTube videos from advertisers.⁹⁰ The Intercept reported that internal documents from TikTok showed that moderators were instructed to suppress posts created by users deemed “too ugly, poor, or disabled for the platform.”⁹¹ This list is not comprehensive.

28. The platforms we have spoken to disagree. Elizabeth Kanter from TikTok said that there is “nothing in our community guidelines for moderation standards that would discriminate against any group”.⁹² Ronan Costello from Twitter told us that “absolutely nothing in Twitter’s community guidelines or in our advertising policies that would impact the remuneration of creators on the platform based on factors such as race, gender”.⁹³ Tom Gault from Instagram said that they do not take action against particular groups to reduce their reach.⁹⁴ Iain Bundred from YouTube said that they “work very hard to make sure that our systems are not designed to be biased against content belonging to individuals or groups based on either their viewpoints or their diverse backgrounds”.⁹⁵ Instagram and Twitter also told us that they have teams working to ensure fair outcomes in their machine learning and AI systems.⁹⁶

Lack of research

29. It is notable that we have been unable to enumerate how many people are working in this field, and therefore how many people are affected by the issues we have identified around employment challenges and diversity. Traditional creative industries are subject to research from Government, non-profits, unions, and policy research centres. However, despite the rapid growth of the industry there is still a lack of holistic research into the UK’s influencer community, including from the Department for Digital, Culture, Media and Sport (DCMS). Influencers are not even listed as an independent category in the Department’s classification of creative occupations in the UK.⁹⁷ A study into online advertising commissioned by DCMS in 2019 explicitly excluded influencer marketing from their data gathering and noted that there is limited data in the area.⁹⁸ Marketing agencies do conduct research, but this often focuses on the value of influencer marketing rather than exploring employment features and challenges in the wider industry.⁹⁹ The

89 One prominent example of this is a case brought by a group of influencers against Google LLC in relation to their YouTube platform in 2020. Their complaint said that the company’s filtering and review tools profile racial identity and place restrictions on content creators by blocking access to their videos in restricted mode, even if those videos don’t meet the platform’s criteria for inappropriate content. They allege that the company also demonetizes certain accounts by preventing advertising from running on those flagged videos, and “shadow ban” videos and channels by excluding them from lists of trending videos. The complaint was dismissed by the U.S. District Court for the Northern District of California (*‘Google Beats YouTube Users’ Suit Alleging Racial Discrimination*’, Bloomberg Law, 25 June 2021)

90 *‘In Response to The Markup’s Reporting, Some YouTubers Are Ditching the Platform’*, The Markup, 20 April 2021

91 *‘Invisible Censorship: TikTok Told Moderators to Suppress Posts by the “Ugly” and Poor’*, The Intercept, 16 March 2020

92 Q383 [Elizabeth Kanter]

93 Q383 [Ronan Costello]

94 Q384 [Tom Gault]

95 Q385 [Iain Bundred]

96 Q385 [Tom Gault]; Q385 [Ronan Costello]

97 Department of Digital, Culture, Media and Sport, [Creative Industries Economic Estimates Methodology](#), (10 February 2016)

98 Plum Consulting, [Online advertising in the UK](#), (12 February 2019), p 36

99 For example, Influencer Marketing Hub’s report, [The State of Influencer Marketing 2021: Benchmark Report](#), (2 March 2022)

Creator Union will be ratifying and taking members from this year but will be unlikely to have the resources to conduct the research needed to understand the complexities and problems of the influencer ecosystem.¹⁰⁰

30. Research into influencer culture is challenging for several reasons, including the variety of definitions across countries, genres, and platforms, and the grey area between influencers and Small and Medium Enterprises (SME) who create content for their business but may not identify as such. Social media platforms should be best placed to understand the influencer ecosystem. However, Twitter, Instagram and TikTok could not point to any research into the numbers, demographics, and revenue streams of the influencers on their platform.¹⁰¹ In the US, YouTube profiles influencers using a self-ID system, but in the UK the platform only collects data on platform usage and the number of creators earning more than five figures.¹⁰² We noted the Minister's concern when he spoke to us about suggestions that AI algorithms, while not designed to be biased, may develop bias,¹⁰³ and welcome his assertion that the Department explore whether they and their partners in industry can fill this gap in understanding.¹⁰⁴

31. Without a comprehensive study into the UK's influencer ecosystem, it will be challenging for the Government to regulate this industry as it grows. We recommend that the Government conducts or commissions a market review into the influencer ecosystem, covering the scope of influencing work, the composition of the community, employment challenges and revenue streams. Particular attention should be given to diversity issues and how this affects pay disparities (discussed in chapter 3). For this purpose, we recommend that the Government secure data sharing arrangements with the major social media platforms.

100 Twitter, '[The Creator Union](#)', accessed 4 April 2022

101 Q367 [Ronan Costello]; Q369 [Tom Gault]; Q370 [Elizabeth Kanter]

102 Q364 [Iain Bundred]

103 Q491 [Chris Philp]

104 Q490 [Chris Philp]

3 Pay and employment

The influencer marketing ecosystem

Brands

32. Influencer marketing, whereby a brand or advertiser collaborates with an influencer to market a product or service, is the most common method by which influencers making a living from their online profile. We have identified that there are three main business models under which influencers operate in collaboration with brands. These are often referred to collectively as “paid partnership” deals:¹⁰⁵

- Endorsement: traditional, paid for, adverts. Messaging is controlled by the brand or advertiser and disseminated by the influencer in exchange for a payment. These are most often embedded within an influencer’s editorial content to form an ‘advertorial’.¹⁰⁶
- Affiliate: a type of endorsement deal where the influencer’s post on social media includes URL links for intermediary organisations which broker a commission for influencers. Influencers are paid on a cost per click and/or cost per purchase arrangement.
- Gifting: brands send free or loaned products or services to an influencer in the expectation that they will post a review or endorsement. This expectation may or may not be formalised.
- Collaborations between influencers and brands can be one-off transactions or take the form of long-term brand ambassador arrangements that last a year or more. According to Ben Jeffries from the influencer marketing agency Influencer.com, the influencer industry is moving towards the latter.¹⁰⁷

33. Influencer marketing offers benefits for brands and consumers as well as influencers. Through influencers, brands are able to access a targeted and personalised form of advertising, which also brings the trust and authenticity benefits of word-of-mouth recommendation.¹⁰⁸ Keith Weed, President of the Advertising Association, told us that influencer marketing has also enabled more brands to enter the advertising market by

105 Advertising Association ([INF0006](#)); Dr Rebecca Mardon; Professor Kate Daunt; Dr Hayley Cocker ([INF0005](#)); Advertising Standards Authority ([INF0023](#))

106 Investopedia defines ‘Advertorial’ as an article, website page, or video programming that is designed to look and read like objective journalistic content but is, in fact, a paid advertisement. (Investopedia, [‘Advertorial’](#), accessed 2 April 2022)

107 Q187 [Ben Jeffries]; Long term ambassadorship deals can create a grey area for influencer advertising disclosure as it can be unclear what posts count as advertising. For example, influencer Molly Mae has an ambassadorship deal with the clothing brand Pretty Little Thing and had an ASA complaint upheld against her for posting pictures wearing outfits from the brand even though the posts were not paid for. The ASA said her ongoing ambassadorship mean that she should label all outfits from Pretty Little Thing as advertising. (Advertising Standards Authority, [‘ASA Ruling on Prettylittlething\[dot\]com Ltd’](#), accessed 4 April 2022); (The CMA considers that any commercial relationship in the past year is likely to be relevant to consumers. (Competition and Markets Authority ([INF0027](#)))

108 Competition and Markets Authority ([INF0027](#)); see paragraphs 4 and 11 for discussion of word-of-mouth advertising

offering a lower entry price than traditional formats through television and magazines¹⁰⁹ According to the Competition and Markets Authority, influencer reviews and endorsements can also be useful to consumers when making purchasing decisions.¹¹⁰

34. Brands and advertisers give a higher level of editorial control to influencers as publishers than in traditional advertising. This is important because the value of influencer marketing is partly derived from the perceived authenticity of the influencer's endorsement,¹¹¹ for which it is necessary that the endorsement is consistent with their values and integrated into their online profile. The Influencer Marketing Trade Body (IMTB) says that the most effective influencer campaigns tend to be co-created between advertiser and influencer rather than advertisers being overly prescriptive in shaping the messages that are circulated on their behalf.¹¹² However, higher levels of editorial control can create PR risks for the brand if, for example, the influencer decides to write a negative endorsement¹¹³ or becomes embroiled in a scandal that sees them rapidly lose favour with their audience.¹¹⁴

35. Another issue highlighted by Professor Jonathan Hardy from University of the Arts London, who specialises in media and advertising, is that advertising contracts designed to protect brands from this risk in turn can exercise a "chilling effect" on the influencer's freedom of expression and shape what messages circulate in ways that can damage the communication rights of recipients and the wider public interest.¹¹⁵ We have heard that influencers are particularly vulnerable to coercive contracts as many lack experience in the sector and do not yet have the means to secure legal advice.¹¹⁶ This issue points to Professor Hardy's wider concern, which is that power relations between brands and influencers are balanced more firmly towards the brand.

36. Another way that brands are looking to reduce reputational risk is by engaging virtual influencers. These influencers are branded as robots or artificial intelligence, but at the time of writing are Computer Generated Image (CGI) characters designed, written and produced by a team of people. These influencers will not be embroiled in scandals unless they are designed to do so. Clients or creators also have full control of their activities and opinions and do not have to contend with human limitations such as working hours and sleep. They are gaining mainstream popularity with big brands. For example, the World Health Organisation worked with a virtual influencer called Knox Frost to help spread safe COVID-19 practices and solicit donations. Frost is supposed to personify a 21-year-old male from Atlanta and currently has over 650,000 followers on Instagram.¹¹⁷

109 Q47 [Keith Weed]

110 Competition and Markets Authority ([INF0027](#))

111 Q160 [Professor Brooke Duffy]

112 Influencer Marketing Trade Body ([INF0011](#))

113 India has recently seen a high-profile case reach the Bombay High Court on this matter: "Marico Limited vs Abhijeet Bhansali." Marico Limited (the "Plaintiff") instituted legal proceedings against Abhijeet Bhansali (the "Defendant"), a video blogger who runs a channel titled "Bearded Chokra" on YouTube and posted a negative review of Parachute Coconut Oil ('*Social Media Influencers, Freedom Of Speech And Trademark Disparagement*', Mondaq, 21 January 2020)

114 Afluencer, '[Social Media Influencer Fails: Worst Social Media Posts and Marketing Scandals](#)', accessed 2 April 2022

115 Professor Jonathan Hardy ([INF0014](#))

116 Dr Hayleigh Boshier ([INF0013](#)); Advertising Association ([INF0006](#)); Q127-131 [Amy Hart]

117 '[An Influencer Who Is Actually A Bot Is Working With The WHO To Teach The Youths About Coronavirus](#)', BuzzFeed News, 3 April 2020

37. Often, viewers do not know that the influencer is virtual. Famous influencer Lil Miquela was active for two years before disclosing that she was not a human being.¹¹⁸ Internet users may be deceived into believing that they represent a real human with real opinions. Additionally, the teams behind artificial influencers are less likely to suffer reputation damage from the “naming and shaming” sanctions that the Advertising Standards Authority (ASA) relies upon (see paragraph 73). Even if responsibility falls on the design team behind the character, they are better able to hide behind that character.¹¹⁹

38. The IMTB noted in written evidence that there are advocates within the industry who believe virtual humans should be watermarked. This watermark would designate that the influencer is virtual, include details of the owner, and outline the motivations behind creating the content.¹²⁰ This would also ensure that the content is traceable to the creator and that they can be held accountable for any breaches in UK advertising regulations.

39. ***We recommend that the Advertising Standards Authority introduce a requirement to the UK Code of Non-broadcast Advertising (CAP Code) for virtual influencers to be watermarked.***

Intermediaries

40. The value of influencer marketing can be seen in the rapid growth of the surrounding ecosystem of influencer marketing services. According to the Influencer Marketing Hub’s 2022 benchmark report, service offerings grew 26% in 2021, with 18,900 firms now offering or specializing in Influencer Marketing services.¹²¹ Professor Jonathan Hardy outlined the key actors in the ecosystem aside from social media companies and brands:

- Advertising, marketing, and communications agencies, which are third-party actors that work on behalf of brands to market and promote their products and services
- PR agencies, talent management organisations and industry marketplaces, which are third-party actors that work on behalf of influencers to boost their profile and secure monetisation deals
- Professional trade associations and trade unions, which are third-party actors that represent the collective interests of the other actors.¹²²

41. The rapid expansion of the influencer agency market has led to disparities in the quality of service offered to influencers. Dr Sophie Bishop, specialist advisor to this inquiry, told us in written evidence that top tier talent management such as Gleam Futures, M&C Saatchi Social Talent and Margaravine talent, follow standard norms and practices within creative talent management industries.¹²³ However, she added, smaller emerging talent agencies “often have unclear or exploitative fees and commissions and may offer patchy or inconsistent support to talent.”¹²⁴ One example is StyleHaul, an influencer talent agency

118 ‘Instagram star isn’t what she seems, but brands are buying in’, CNN, 25 June 2018

119 Ibid.

120 Influencer Marketing Trade Body (INF0037)

121 Influencer Marketing Hub, [The State of Influencer Marketing 2022: Benchmark Report](#), (2 March 2022), p 12

122 Professor Jonathan Hardy (INF0014)

123 Dr Sophie Bishop (INF0045)

124 Ibid.

that was shut down 2019. Many influencers have since reported that few of the promised brand connection opportunities materialised, despite StyleHaul taking nearly a third of their income for a significant contracted time.¹²⁵

Code of practice

42. The Incorporated Society of British Advertisers (ISBA), the UK trade body representing advertisers, has been working to clarify the relationship between influencers and advertisers. In 2016, it developed template contracts for brands seeking to work with influencers and, in 2018, updated this offering to include templates for working with talent agencies and micro influencers.¹²⁶ ISBA has also worked with talent agencies and influencers to develop the Influencer Marketing Code of Conduct, which outlines commitments from advertisers and brands, talent agencies, and influencers to support open and transparent influencer marketing.¹²⁷ The strengths and weaknesses of this code are explored in more detail in Appendix 2.

43. When asked whether an industry code outlining best practice would be effective in ensuring duty of care provisions were in place, Ben Jeffries from Influencer.com replied that this was a “really interesting idea”.¹²⁸ Guy Parker from the Advertising Standards Authority also expressed general support for codes of practice that include compliance requirements for UK advertising regulations being obligatory in contracts between brands and influencers, and said that this speaks to the “multi-pronged approach” that is necessary in regulating the industry.¹²⁹ George Lusty from the Competition and Markets Authority also said that if contracts between influencers and brands were routinely including terms and conditions requiring the appropriate labelling and disclosures, this would make “a very big difference” to compliance with UK advertising regulations.¹³⁰

44. *We recommend that the Government commission an industry partner to develop a code of conduct for influencer marketing alongside relevant stakeholders. The Government should then promote this code as an example of best practice for deals between influencers and brands or talent agencies. The Influencer Marketing Code of Conduct, created by the ISBA, could provide a useful starting point, although it would require amendments to ensure all relevant stakeholders were represented.*

Pay rates

Brand deals

45. Like many other professions in the creative industries, most influencers classify as self-employed. As such, they experience issues of uneven revenue streams and a lack of the employment protections that come with permanent employment.¹³¹ An additional problem facing influencers as the industry develops is the lack of understanding and consensus about the standards for determining pay rates in marketing arrangements with

125 ‘Inside StyleHaul, the Largest Fashion Network on YouTube You’ve Never Heard Of’, The Daily Beast, 14 April 2017; YouTube, ‘YouTube Partnerships with StyleHaul | TheSarahSalvini’, accessed 4 April 2022

126 ISBA (INF0025)

127 ISBA, [Influencer Marketing Code of Conduct](#), (14 September 2021)

128 Q184 [Chair, Ben Jeffries]

129 Q438–439 [Kevin Brennan, Guy Parker]

130 Q440 [George Lusty]

131 Advertising Association ([INF0006](#))

brands. Em Sheldon said that there were some industry standards but that the industry is “making it up as they go along”.¹³² At the centre of this issue is the challenge of placing a value on an influencer profile. Influencer Amy Hart and Nicole Ocran from the Creator Union spoke about how the price of a post varies based on the type of advertisement, the influencer’s number of followers, community engagement with each post, but also their personality and public presence.¹³³ Amy Bryant-Jeffries from the talent agency Gleam Futures outlined the different considerations agencies have:

We cost talent base rates based on their following and on their engagement as a baseline matrix, but then also on the profile that they have online, in the media and publicly. We also base it on their potency, so how good they are at converting. A lot of brands are targeted on conversion and sales and clicks when it comes to influencer marketing, but not all talent are able to drive sales. Some of them are good at driving brand awareness and their association with a campaign is more valuable than the clicks that they drive.¹³⁴

46. However, while agencies can give budget indications, it is the influencers that ultimately set their own fees as self-employed workers.¹³⁵ More established influencers will develop personal rate cards and seek advice from talent agencies,¹³⁶ but less established influencers and new entrants are often left struggling to assess their own value and do not know how much they should be charging.¹³⁷ There is little publicly available advice on industry pay standards and, additionally, we heard that the influencer community does not have a culture of pay transparency. Amy Hart said that she would “never, ever discuss how much you get paid for a job because everyone is different”¹³⁸ and Nicole Ocran said that she understood why influencers reaching a celebrity level would not want transparency.¹³⁹ Without proper guidance, we heard that less established influencers charge too low, or do unpaid work, and new celebrity influencers often undercut established players in the market as they do not know their value.¹⁴⁰ This is a recognised problem in the community. In MSL’s study into the influencer pay gap, 92% of all influencer responses said that the single factor that could eliminate the racial pay gap was pay transparency.¹⁴¹

47. The often glamorous aesthetic of influencer content belies the pay inequalities that many influencers face. We heard from the Creator Union that there are a small number of influencers who are paid a lot but most are not paid fairly or consistently.¹⁴² Smaller and organic influencers often do unpaid work for brands to attract attention to their profile.¹⁴³ However, as their co-founder Nicole Ocran pointed out, “product as payment does not mean that you are going to be able to pay your rent, your bills or your mortgage with

132 Q41 [Giles Watling, Em Sheldon]

133 Q112 [Nicole Ocran]; Q134 [Amy Hart]

134 Q164 [Amy Bryant-Jeffries]

135 Q187 [Ben Jeffries]; Q165 [Keith Weed]

136 Q133 [Amy Hart]

137 Q133 [Amy Hart]

138 Q133 [Amy Hart]

139 Q133 [Nicole Ocran]

140 Q41 [Em Sheldon]

141 MSL, [Time to Face the Influencer Pay Gap](#), (12 June 2021); also discussed in paragraph 25

142 Q121 [Nicole Ocran]

143 The Creator Union ([INF0017](#))

it”.¹⁴⁴ The Advertising Association told us that “the distribution of influencers resembles a Pareto power-law distribution, the 80–20 effect, whereby a small minority command the highest fees and have an outsized impact on the rest of the influencer population”¹⁴⁵

48. There is anecdotal evidence that influencer pay at all levels also varies wildly based on demographic factors that go beyond follower numbers, audience, and location.¹⁴⁶ A report by UK influencer marketing agency SevenSix found that 57% of influencers thought that ethnicity plays a role in their prices. They also found significant variation within the follower count categories that they identified, with figures for influencers with 100,000 followers ranging from £250 to £30,000 for one post.¹⁴⁷ There are community-based initiatives trying to change this culture, including a new Instagram page titled “Influencer Pay Gap” where influencers post their highest paid engagements anonymously.¹⁴⁸

49. Talent agencies say that developing a rate card system to simplify these complexities is very difficult,¹⁴⁹ but several influencers we spoke to support the initiative. Nicole Ocran was “definitely an advocate of a base level of charging for a space” from which influencers can develop their own rates,¹⁵⁰ and Amy Hart thought that there should be a “price guideline, especially to support smaller creators.”¹⁵¹ Supporting newer creators, who do not have the support of management in advocating for better pay, is a core goal of the Creator Union, which is in the process of registering in the UK.¹⁵² However, the Creator Union told us that the only evidence they have of pay rates is anecdotal and on a case-by-case basis as there is no available information on pay rates or pay gaps in the UK market.¹⁵³

Platform revenue sharing

50. Another avenue for content monetisation available to influencers is through mechanisms provided directly by the social media platforms. Influencers are key to the success of the social media platforms that they operate on. As the Creator Union told us in written evidence: “as lovely as an update from your uncle is, it is not the key factor driving people to log on and keep using social media”, but rather, it is often the influencers who create innovative and engaging content.¹⁵⁴ The platforms that we spoke to are in the process of developing various direct payment mechanisms for influencers to reward their efforts. For example, Instagram says they think influencers should be “rewarded for their efforts in growing their audiences, and fairly compensated for the value they create for their communities”.¹⁵⁵

51. The YouTube Partner Program offers eligible influencers a 55% share of third-party revenue from advertisements shared alongside or in the middle of their videos.¹⁵⁶ YouTube

144 Q89 [Nicole Ocran]

145 Advertising Association ([INF0006](#))

146 ‘Are Black Creators Really on ‘Strike’ From TikTok?’, New York Times, 25 June 2021; ‘Inside the influencer pay gap: Why are Black women being paid less for their posts?’, Cosmopolitan, 11 March 2021

147 SevenSix Agency, [Lifting the Lid: The Influencer Pricing Report](#), (3 March 2021), p 4

148 Instagram, ‘[@InfluencerPayGap](#)’, accessed 4 April 2022

149 Q165 [Ben Jeffries]

150 Q133 [Nicole Ocran]

151 Q133 [Amy Hart]

152 Q88–89 [Nicole Ocran]

153 Q135 [Nicole Ocran]

154 The Creator Union ([INF0017](#))

155 Instagram ([INF0042](#))

156 YouTube, ‘[YouTube Partner Program overview & eligibility](#)’, accessed 4 April 2022; Influencer Marketing Hub, ‘[YouTube Money Calculator - See How Much Money You Can Make](#)’, accessed 4 April 2022

has been praised for kickstarting the influencer phenomenon with this model in 2007, and it remains one of the most lucrative platforms for influencers.¹⁵⁷ For example, through this model YouTube contributed £1.4 billion to the UK economy in 2019.¹⁵⁸ However, due to the linkage between advertisements and influencer content, YouTube must take some responsibility for the content alongside which the platform-managed advertisements appear. This has led to a series of mass advertiser boycotts, termed “apocalypses”, after brand advertisements appeared alongside contentious influencers.¹⁵⁹

52. Platforms who are earlier in their influencer monetisation process, such as TikTok, Twitter, Facebook, and Instagram, have chosen to develop different direct payment models that reward creators for hitting growth milestones and distance their liability for the influencers’ content. Instagram has recently introduced a monthly “Reels Play Bonus Programme” that offers bonus deals for successful content on their reels feature.¹⁶⁰ However, Instagram’s lack of transparency about the factors that lead to bonus offers is challenging for influencers trying to earn a living on the platform and TechCrunch reports that bonus payouts can vary hugely between influencers irrespective of follower count.¹⁶¹ Limited creator funds, such as that launched by TikTok US in March 2021, do not allow influencers to share in the platform’s success: as more influencers join the platform, there is less money to go around.¹⁶² Despite TikTok’s parent company, ByteDance, earning an estimated \$58 billion in 2021, they paid out only \$200 million to creators.¹⁶³ Influencer Hank Green notes that “when TikTok makes more, creators make less”.¹⁶⁴ These programmes do not appropriately compensate influencers for the value that they bring to the platforms. Given the widespread concerns among influencers about bias in recommendation and moderation algorithms, the opacity of revenue distribution methods is also concerning.

53. In written evidence, the platforms have chosen to focus on the tools that they provide to help influencers earn income from their followers, rather than direct payment and compensation mechanisms (e.g., the Partner Programme). Platforms seem to offer several of these mechanisms. For example, most offer features that allow fans to pay influencers directly during live or recorded content: TikTok has “LIVE Gift” and “Video Gift”¹⁶⁵ features, Instagram offers paid “Badges in live” and a “Subscriptions” feature,¹⁶⁶ and Twitter offers a “Tip Jar”¹⁶⁷ and gives followers the option to become a “super follower”.¹⁶⁸ These tools are currently free. However, Instagram plans to collect revenue from their “Subscriptions” features later in 2023.¹⁶⁹ This raises the broader question of whether platforms will seek to profit from influencer success through their offering of monetisation tools and opportunities. A team of academics said:

157 ‘How creator funds fall short for creators’, Platformer, 26 January 2022

158 Q363 [Iain Bundred]

159 Wikitubia, ‘YouTube Adpocalypse’, accessed 4 April 2022

160 Instagram, ‘About bonuses on Instagram’, accessed 4 April 2022

161 ‘Instagram is offering huge bonuses for posting on Reels, its TikTok clone’, TechCrunch, 11 November 2021

162 The Creator Fund is a pool of money set aside to be distributed to creators proportionally based on engagement, and influencers with at least 10,000 authentic followers and 100,000 authentic views from the last 30 days will be eligible to join (TikTok, ‘Creator Fund’; TikTok, ‘Introducing the \$200M TikTok Creator Fund’, both accessed 4 April 2022)

163 ‘TikTok owner ByteDance’s 2021 sales growth 70%, slows yrlr -sources’, Reuters, 20 January 2022

164 ‘How creator funds fall short for creators’, Platformer, 26 January 2022

165 TikTok, ‘LIVE Gifting’, accessed 4 April 2022

166 Instagram (INF0042)

167 Twitter, ‘About Tips and tipping’, accessed 4 April 2022

168 Twitter, ‘About Super Follows’, accessed 4 April 2022

169 Instagram (INF0042)

As the influencer market becomes bigger, social media platforms' upstream market power should raise concerns. Platforms are likely to encourage influencers and brands to monetize and advertise through the platforms directly. YouTube's ban on Patreon links is one example. The increased prominence of platform-provided advertising (as opposed to ads in influencers' feeds) is another.¹⁷⁰

54. Another feature of concern is platform-run creator marketplaces that connect brands and creators on the platform, which are currently being offered by TikTok,¹⁷¹ with Instagram in the process of developing something similar.¹⁷² The Influencer Marketing Trade Body raised concerns about platform involvement in arrangements between users and advertisers.¹⁷³ The Creator Union also wrote that there are "valid concerns" that platform run marketplaces will "lead to pricing being depressed by the platform" and "relationships being taken away from the individual creators".¹⁷⁴

55. Despite their involvement in influencer's monetisation arrangements, the social media platforms that we spoke to are emphatic that influencers do not legally classify as employees of the platforms on which they operate.¹⁷⁵ As a result, they are not entitled to any employment protections such as maternity or sick leave. However, the decisions that platforms make about how influencer content is compensated does have direct impact on influencers' ability to fund necessary periods of absence such as sick leave, maternity pay and annual leave.

56. Although direct platform compensation is just one revenue stream for influencers, it is important to understand whether these initiatives and schemes are proportionate and fair, given the benefit to platforms from influencer activity. As the influencer ecosystem develops, it will be important to continue questioning the employment relationship between influencers and the platforms on which they operate.

57. Mark Griffin, Deputy Director of Creative Economy from the Department of Digital Culture Media and Sport, said that the Department has not investigated pay gap issues for influencers and is unaware of any UK based research into the issue. He committed to work with DCMS' stakeholders to ensure that this evidence gap is filled.¹⁷⁶ While conducting this research may be challenging, we understand that country-wide pay benchmarking is both possible and helpful. Dr Crystal Abidin told us that this already occurring in the Asia Pacific region and means that "you know what your peers are being paid, so that when there are new forms of stars coming off reality TV you do not get that undercutting".¹⁷⁷

58. Influencers attract users to social media platforms by creating engaging content. Platforms drive significant benefit from these influencers as a result. While the platforms we spoke to understand the value of influencing for their business model, they are not appropriately and consistently rewarding influencers for their work.

170 Dr Christine Riefa; Dr Catalina Goanta ([INF0021](#))

171 TikTok, '[Creator Marketplace](#)', accessed 4 April 2022

172 '[Instagram to Create Marketplace for Influencers' Brand Deals](#)', Bloomberg News, 27 April 2021

173 Influencer Marketing Trade Body ([INF0011](#))

174 The Creator Union ([INF0017](#))

175 Q377 [Elizabeth Kanter]

176 Q457 [Mark Griffin]

177 Q42 [Dr Crystal Abidin]

59. *As part of the market review recommended in paragraph 31, the Government should investigate pay standards and practice in the influencer marketplace. This should encompass the various revenue streams available to influencers, including deals between influencers and third parties as well as revenue sharing mechanisms from the major social media platforms.*

4 Advertising

UK advertising regulation and enforcement

Competition and Markets Authority

60. Influencer marketing is regulated by the Consumer Protection from Unfair Trading Regulations 2008 (CPRs), which implemented, in the UK, the EU Unfair Commercial Practices Directive.¹⁷⁸ The CPRs are administered by the Competition and Markets Authority (CMA). The CMA considers that influencers constitute “traders”¹⁷⁹ under the CPRs both when they accept instructions to endorse a product and when they are paid, incentivised or in any way rewarded to endorse or review something in their posts.¹⁸⁰ The CMA also considers that platforms, brands, and social media agencies can constitute traders under the CPRs and, therefore, have obligations to take reasonable and proportionate steps to tackle illegal incentivised endorsements.

61. When any parties in the influencer marketing ecosystem act as traders, they must comply with the CPRs which specifically prohibit:

- the use of editorial content in the media to promote goods and services without making clear in the content that the promotion has been paid for by a business;¹⁸¹
- creating the false impression that content has been authored by a consumer.¹⁸²

The CPRs also require traders to disclose “material information” and not to mislead consumers.¹⁸³ Material information is likely to include clear signposting that a post is an advert meaning that, if influencers fail to disclose the commercial nature of an incentivised endorsement clearly and prominently, they are likely to be in breach of the CPRs.¹⁸⁴

62. The CMA has both civil and criminal powers to enforce the CPRs. A breach of the CPRs is, for the most part, a criminal offence but the CMA will generally use its civil enforcement powers unless doing so is unlikely to be effective or the breach is serious enough that the conviction and punishment of offenders ought to be pursued.¹⁸⁵ The CMA’s civil enforcement powers are set out in Part 8 of the Enterprise Act 2002 (Part 8)¹⁸⁶ under which the CMA can approach a trader when it identifies possible concerns about compliance with the CPRs. It then has the power to bring court proceedings to

178 [Unfair Commercial Practices Directive](#), Directive (EU) 2019/2161, November 2019

179 “Traders” are defined under the CPRs as “any person who in relation to a commercial practice is acting for purposes relating to his business, and anyone acting in the name of or on behalf of a trader” (The Consumer Protection from Unfair Trading Regulations 2008, part 1, clause 2(1), ([SI 2008/1277](#)))

180 Incentivisation includes not only where an influencer is paid or contracted to endorse a product, but also where they have received a free gift or loan of a product within a reasonable time before posting about a brand or specific product, and where they have any form of commercial relationship with a brand. The CMA considers that where an influencer receives a gift or loan, they should continue to declare their relationship with the brand whose product they received for a year (Competition and Markets Authority ([INF0027](#)))

181 The Consumer Protection from Unfair Trading Regulations 2008, schedule 1, paragraph 11, ([SI 2008/1277](#))

182 The Consumer Protection from Unfair Trading Regulations 2008, schedule 1, paragraph 22, ([SI 2008/1277](#))

183 The Consumer Protection from Unfair Trading Regulations 2008, part 2, clause 6, ([SI 2008/1277](#))

184 Competition and Markets Authority ([INF0027](#))

185 Competition and Markets Authority, [Consumer protection: enforcement guidance](#), (17 August 2016), p 23

186 The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003, Part 8, ([S.I. 2003/1592](#))

the company and impose various information requirements.¹⁸⁷ Court enforcement action may be concluded, or not opened in the first place, if a business gives and adheres to a satisfactory statement or undertakings in relation to the conduct giving rise to concern¹⁸⁸

63. The CMA has used its powers to enforce influencer and platform compliance issues raised in its investigation into the disclosure of paid for endorsements on social media platforms.¹⁸⁹ In January 2019, the CMA obtained formal commitments from sixteen influencers, including Ellie Goulding and Rita Ora, to ensure they would properly disclose their endorsements.¹⁹⁰ In October 2020, the CMA also secured undertakings from Facebook (now Meta) relating to its Instagram platform, which will be discussed in paragraphs 95–97.¹⁹¹

64. The CMA told us that the court-based, civil enforcement process set out in Part 8 is insufficient for effective enforcement of UK consumer protection regulations, including the CPRs.¹⁹² The process of bringing action through the courts is both lengthy and expensive; often taking years. There is, therefore, an incentive for both the CMA and the firms to reach undertakings in lieu of court action but this relies on the willingness of the firm to implement the terms of the undertakings.¹⁹³ There is no clear mechanism to hold firms accountable for breaches of undertakings. Even when a case does reach court, the court can order firms that have or are likely to break the law to stop their practices and pay compensation but, because currently there are no civil fines for breaches, instances of consumer exploitation can go unpunished, thereby undermining trust in the system.¹⁹⁴

Advertising Standards Authority

65. The Advertising Standards Authority (ASA) is the UK's independent advertising regulator.¹⁹⁵ Its remit includes investigating and acting on complaints about advertisements, as well as proactively monitoring and acting against misleading, harmful, or offensive advertisements, sales promotions, and direct marketing.¹⁹⁶ The ASA is considered the established means for keeping advertisers in line with the CPRs.¹⁹⁷ To do this, the ASA administers two Advertising Codes: the non-broadcast Advertising Code (CAP code) and

187 Ibid.

188 Competition and Markets Authority, [Consumer protection: enforcement guidance](#), (17 August 2016), p 16

189 Competition and Markets Authority, ' [Social Media Endorsements](#) ', accessed 4 April 2022

190 ' [Celebrities pledge to clean up their act on social media](#) ', Competition and Markets Authority press release, 23 January 2019

191 Competition and Markets Authority, [Undertakings to the Competition and Markets Authority \(pursuant to Section 219 of the Enterprise Act 2002 \(EA02\)\) relating to the Consumer Protection from Unfair Trading Regulations 2008](#), (10 October 2020)

192 Q407 [George Lusty]

193 Q407–412 [George Lusty]

194 Department of Business, Energy and Industrial Strategy, [Reforming Competition and Consumer Policy](#), (20 July 2021), p 103

195 The ASA are funded by advertisers through a voluntary arms-length levy on the cost of advertising space, such as billboards, posters, or online space (0.1% on the cost of buying advertising space and 0.2% on some direct mail). They also receive income by charging for seminars and premium industry services. This is collected at on behalf of the ASA by two bodies: the Advertising Standards Board of Finance and the Broadcast Advertising Standards Board of Finance (Advertising Standards Authority, ' [Our Funding](#) ', accessed 4 April 2022)

196 Advertising Standards Authority, [Memorandum of Understanding between the Competition and Markets Authority and ASA on working arrangements in relation to their specific roles in the consumer protections landscape](#), (21 June 2017)

197 Office of Fair Trading, [Consumer Protection from Unfair Trading: Guidance](#), (1 August 2008), p 52; This guidance was originally published by the [Office of Fair Trading \(OFT\)](#) and has been adopted by the CMA Board

the broadcast Advertising Code (BCAP).¹⁹⁸ Both are administered by an industry body.¹⁹⁹ The ASA has universal coverage over the advertising industry and compliance with the appropriate Code is mandatory.

66. The CAP Code takes a principles-based approach to advertising standards, which means that it is media neutral and applies to influencers regardless of the type, and potentially platform-specific format, of the advert.²⁰⁰ Guy Parker from the ASA mentioned this as a strength of the Code, which has adapted to changes in the influencer marketing ecosystem over the past ten years without requiring any changes. The ASA can therefore respond to new advertising formats quickly with updated guidance, without changing the core principles of the code.²⁰¹ The CAP Code largely mirrors the CPRs but goes beyond the CPR requirements to prohibit harmful, offensive, and socially irresponsible advertisements to indicate the industry's commitment to responsible advertising.²⁰² Under the CAP Code, marketing communications must be obviously identifiable as such.²⁰³ The CMA and ASA advise using textual labels to meet this standard and outline what labels are, and are not, 'acceptable'.²⁰⁴

67. The CAP Code contains clear and comprehensive requirements for advertisers. Content counts as an advert if the brand "(1) 'paid' the influencer in some way (even through gifted products); and (2) had some form of editorial 'control' over the content. It's not an 'either/or', there has to be both 'payment' and 'control'".²⁰⁵ However, the CMA does not require "control." It told us that the CPRs only apply where there is (1) "payment" (any form of monetary payment, a loan, any incentive and/or commission, or a gift); and (2) any form of commercial relationship between an influencer and a brand.

68. *The CMA considers that the ASA's requirement that a brand exerts 'control' over a post to determine whether a post is an advertisement may create a "loophole" for some influencer content. For example, reviews of "gifted" items, where there was no prior agreement that the influencer would post about the product or service, would not be included in this definition. The CMA recommended that the remit of the ASA be extended to cover such adverts.*²⁰⁶

69. *We recommend that the remit of the CAP code be extended by removing the requirement for editorial 'control' to determine whether content constitutes an advertisement.*

70. In non-broadcast advertising the ASA operates a form self-regulation system in which it refers to a "collective regulation". This system is neither statutory nor purely self-regulatory and involves the participation of a range of legal backstops and partner

198 Advertising Standards Authority ([INF0023](#))

199 The Committee of Advertising Practice (CAP) is responsible for the non-broadcast advertising code, and the Broadcast Committee of Advertising Practice (BCAP) is responsible for the code that covers broadcast advertising (Advertising Standards Authority, '[CAP Committees, Panels and Executive](#)', accessed 4 April 2022)

200 Advertising Standards Authority, '[About the ASA and CAP](#)', accessed 4 April 2022

201 Q417 [Guy Parker]

202 Advertising Standards Authority ([INF0023](#))

203 Advertising Standards Authority, '[02 Recognition of marketing communications](#)', rule 2.1, accessed 4 April 2022

204 Joint guidance from the CMA, ASA and CAP specifies that the labels ad/advert/advertisement/advertisement feature are acceptable. They caution against other labels that are unclear or unlikely to be understood by consumer, such as supported by / in association with / thanks to [brand] / affiliate / spon / just @ [brand] (Advertising Standards Authority, '[Influencers' guide to making clear that ads are ads](#)', (6 February 2020))

205 Advertising Standards Authority, '[Influencers' guide to making clear that ads are ads](#)', (6 February 2020)

206 Competition and Markets Authority ([INF0046](#))

organisations.²⁰⁷ Guy Parker from the ASA describes this process as a “constant dialogue” with the relevant partners.²⁰⁸ The ASA notes that the ownership of the rules by the ad industry through this system is important as “businesses have a direct stake and an enlightened self-interest in adhering to the standards they set”.²⁰⁹ The Internet Advertising Bureau (IAB) also told us that self-regulatory system “holds a track record of keeping pace with and applying the advertising Codes to new advertising formats”.²¹⁰ However, evidence to this inquiry suggests that this is not the case with influencer marketing.²¹¹

71. For the ASA, Trading Standards acts as its legal backstop for non-broadcast advertising. When advertisers are unwilling or unable to follow the rules, and other self-regulatory sanctions have not brought them into line, the ASA may refer them to Trading Standards which can apply sanctions up to and including legal action. According to the ASA, this approach keeps most cases of non-compliance out of the courts and escalation is rarely used.²¹²

72. However, Trading Standards can only enforce in respect of breaches to the CAP Code to the extent there is a corresponding breach of the CPRs. The CAP Code defines with a greater level of specificity what constitutes acceptable disclosure, the CPRs are principles-based and therefore broader and more high level. According to the CMA, this creates uncertainty, and can undermine the effectiveness of the statutory backstop.²¹³ A related issue is that Trading Standards can only intervene in respect of economically harmful advertising such as unlabelled or misleading advertising, as prohibited by the CPRs. They cannot intervene in other forms of advertisements prohibited in the CAP code, such as harmful or discriminatory adverts. This means that influencers can continue to publish harmful advertising without the meaningful risk of enforcement action from a statutory backstop.²¹⁴

73. As the ASA has no statutory enforcement or information gathering powers of their own, they have limited tools to enforce compliance with their Code. If an influencer is found to have breached the Code, the CAP Compliance team will seek assurance of compliance in the future. For repeated breaches the ASA will publish the influencer’s name on their website and conduct monitoring spot checks on their profile.²¹⁵ As of January 2022, fifteen influencers have been named on this page so far, of which ten have been removed after their behaviour improved.²¹⁶ In January 2022, the ASA also introduced On-Platform Targeted Ads on Instagram to notify users who follow six influencers from this list who had still failed to comply.²¹⁷ Guy Parker from the ASA defended the efficacy of sanctions in oral evidence “we know that naming and shaming works in this space”,²¹⁸ and George

207 Advertising Standards Authority ([INF0023](#)); The ASA system is funded by advertisers through a voluntary arms-length levy on the cost of advertising space, such as billboards, posters, or online space (0.1% on the cost of buying advertising space and 0.2% on some direct mail). They also receive income by charging for seminars and premium industry services (Advertising Standards Authority, ‘[Our funding](#)’, accessed 4 April 2022)

208 Q414 [Guy Parker]

209 Advertising Standards Authority ([INF0023](#))

210 IAB UK ([INF0026](#))

211 Discussed in paragraphs 74–86

212 Advertising Standards Authority, ‘[Trading Standards](#)’, accessed 4 April 2022

213 Competition and Markets Authority ([INF0046](#))

214 Competition and Markets Authority ([INF0046](#))

215 Advertising Standards Authority, ‘[Non-compliant social media influencers](#)’, accessed 4 April 2022

216 Advertising Standards Authority ([INF0041](#))

217 Advertising Standards Authority, ‘[ASA escalates sanctions against influencers who repeatedly break the rules](#)’, accessed 4 April 2022

218 Q441 [Guy Parker]

Lusty from the CMA agreed that it was “a powerful thing to do and drove compliance”.²¹⁹ However, as the influencers who were named in this way had already been contacted by the ASA due to their non-compliance, it is not clear how effective these measures are in encouraging compliance from the wider influencer community.

The state of influencer compliance

74. The CMA say that “reviews and endorsements by influencers can be useful for consumers when making purchasing decisions, but only where they are truthful, where negative reviews are not suppressed, and it is made clear where the reviewer or endorser has received an incentive to promote the product”. However, many influencer posts do not meet these conditions. The CMA told us that influencer compliance rates with UK advertising regulations are still unacceptably low.²²⁰

75. In September 2020, the ASA undertook a three-week monitoring exercise to review the Instagram accounts of 122 UK-based influencers to assess whether advertising content was being properly disclosed. The influencers chosen had previously been contacted, by ASA, about non-disclosure of advertising. The ASA found that while nearly one in four stories of the 24,000 posts surveyed were classified as marketing, only 35% of them were clearly labelled as ads.²²¹ When content is not clearly labelled consumers will likely be unaware that content contains advertisements and may be unfairly encouraged to make purchasing decisions. Research for the BBC, in 2019, found that 82% of respondents thought it was not always clear when an influencer had been paid to promote an ad.²²² We also heard from parenting influencer Helen Wills, that the “vast majority” of influencers she knows and respects will “hide their advertising disclosure somewhere within their text or forget to put it there at all”.²²³

76. There appears to be a significant difference in the approach of new and more established parties in the marketplace. Sergei Urban, parenting influencer, told us that the large brands he works with have come to the arrangement with “a long list of restrictions” as “they know their industry”. The problem comes, he said, “when small brands come to small influencers” as neither side has the necessary expertise.²²⁴ Dr Catalina Goanta, law professor from Maastricht University who specialises in social media influencer regulation, also said that “the more established the brand or the influencer, the more likely it is that they know about their CAP obligations.”²²⁵ This is partly due to the low barrier to entry in the influencer marketing ecosystem meaning that a large number of new entrants lack professional help and experience in advertising.

77. Guy Parker from the ASA told us that ignorance is a defence for newer entrants to the market but not for more established influencers.²²⁶ The ASA takes an “education-first” approach when they encounter problems with compliance²²⁷ and told us that it provides

219 Q442 [George Lusty]

220 Competition and Markets Authority ([INF0027](#))

221 Advertising Standards Authority, [Influencer Monitoring Report](#), (18 March 2021)

222 ‘Most shoppers mistrust influencers, says survey’, BBC, 27 December 2018

223 Q289 [Helen Wills]

224 Q252 [Sergei Urban]

225 Q253 [Dr Catalina Goanta]

226 Q445 [Guy Parker]

227 Ibid.

platform-specific guidance, training events and “cheat sheets” for influencers.²²⁸ We understand that one such training event has taken place.²²⁹ CMA, ASA and CAP also collaborated to produce guidance for influencers, brands and agencies on ad labelling and disclosure.²³⁰ Amy Bryant-Jeffries from the talent agency Gleam Futures said that the ASA had done a “good job” in creating clear guidelines for influencers to follow.²³¹

78. Despite their efforts, there remains a high degree of variability in how influencers disclose ads.²³² Current disclosure requirements are complex and practiced with a high degree of variation. This makes it hard for influencers, but also consumers, to determine the commercial relationships behind content. Additionally, academics from Cardiff and Lancaster Universities told us that national regulations are themselves problematic as consumers regularly access social media content from across the globe, each bound in distinct local regulations.²³³ Professor Brooke Duffy raised concerns that both platform disclosure tools²³⁴ and textual labels still do not give clarity on the many possible commercial structures behind influencer posts due to the “inconsistency of the language used”. She says that what is needed is a “narrowing” of the language and a “level of consistency that is not just on the creator side but on the platform and finally the advertiser brand side”.²³⁵

79. Even if influencers are aware of and understand the regulations, there are strong incentives for them not to disclose endorsement deals. Central to the influencer industry is the ideal of “authenticity”.²³⁶ Influencers present themselves as real, ordinary people who make a career out of their interests and promoting products that they love. As such, their followers trust their opinions and recommendations more than those presented through traditional media and advertising.²³⁷ This makes influencer advertisements more effective.

80. Yet the Advertising Association told us that it can be damaging for influencers to “overcommercialise” as this will lower perceptions of authenticity.²³⁸ IAB also told us that influencers represent an entirely opt-in medium, where consumers hold power to follow or view their content.²³⁹ If the community feels that the influencer is not being authentic in the content produced, they will “call out” that influencer and potentially unfollow them.²⁴⁰ This may make an influencer wary about disclosing endorsement deals. Additionally, platform recommendation algorithms might be driving this behaviour. Influencer Amy

228 The ASA have collaborated with ITV to produce “cheat sheets” on advertising regulation for Love Island’ contestants who were likely to be offered advertising contracts upon leaving the show” (Q423 [Guy Parker]). The ASA says that also produces platform-specific guidance and guidance for marketing at children. (Advertising Standards Authority ([INF0023](#))).

229 In October 2019 they hosted one influencer training event titled “Influencing Responsibly” (Advertising Standards Authority, ‘[Influencing Responsibly: An influencer training event](#)’, accessed 4 April 2022)

230 Advertising Standards Authority ([INF0023](#)); ISBA ([INF0025](#)); IAB UK ([INF0026](#))

231 Q161 [Amy Bryant-Jeffries]

232 Dr Stephanie Alice Baker ([INF0004](#))

233 Dr Rebecca Mardon; Professor Kate Daunt; Dr Hayley Cocker ([INF0005](#))

234 For example, Instagram has branded content tools that add the label “Paid Partnership with ...” to a sponsored post (Instagram ([INF0042](#)))

235 Q164 [Professor Brooke Duffy]

236 Q160 [Professor Brooke Duffy]

237 Q3 [Dr Crystal Abidin]

238 Advertising Association ([INF0006](#))

239 IAB UK ([INF0026](#))

240 Influencer Marketing Trade Body ([INF0037](#))

Hart told us that adding #ad to her posts results in lower engagement as “straightaway Instagram won’t show it to as many people”.²⁴¹ Parenting influencer Helen Wills reported the same, telling us that she gets “much lower engagement rates on advertising content”.²⁴²

81. According to the CMA, the multitude of individuals involved in commercial arrangements with advertisers creates additional complications when pursuing enforcement activities against influencers, compared with traditional advertising media.²⁴³ The CMA considers that everyone in the chain: the influencer, the brands, the intermediaries (e.g. talent management), and the platforms, has responsibilities as all are classified as traders for the purposes of the CPRs.²⁴⁴ However, there is often a lack of clear editorial responsibility for specific adverts, meaning that directing enforcement measures is challenging.

82. Some witnesses said that the primary cause of low influencer compliance rates is the lack of effective regulatory enforcement. Ben Jeffries from Influencer.com believes that “the UK is leading the way with regards to disclosure, it is just the difficulty of enforcing it.” For example, the ASA goes beyond the US market, which advises textual labels, to require hashtags (ad/advert/advertisement) as well as platform disclosure tools.²⁴⁵ Influencer Helen Wills told us that influencer disclosure is low “because the repercussions have not been that great yet”.²⁴⁶ This reflects evidence from Ben Jeffries, who told us that the lack of fines for breaches of advertising regulations leads to problems with enforcement.²⁴⁷ Amy Hart also pointed to the importance of fines to strengthen the ASA’s enforcement regime.²⁴⁸ Professor Jonathan Hardy noted that influencer marketing is poorly captured within existing marketing regulations. In his written submission, he asserted that:

While the principal attraction for marketers is the relationship of influencers with their audiences, this industry has also developed to take advantage of features that continue to render this a much less regulated space than traditional media and advertising.²⁴⁹

83. Updates to the enforcement powers of the CMA and ASA are needed to encourage active influencer compliance. Regarding the CMA, the Department of Business, Energy and Industrial Strategy (BEIS) ran a consultation between July and October 2021 on “Reforming competition and consumer policy” which sought views on reforming the CMA’s civil enforcement powers under Part 8.²⁵⁰ The CMA has indicated that they would be better able to respond to breaches in consumer law if they had the power to make decisions directly through an “administrative model”, without the need to go to court. They also suggested that strong powers to respond to breaches, including turnover-based fines, would make them more effective. The BEIS consultation proposes a significant upgrade to the CMA’s enforcement capability across both those routes.²⁵¹ According to

241 Q100 [Amy Hart]

242 Q279 [Helen Wills]

243 Competition and Markets Authority ([INF0027](#))

244 Q407 [George Lusty]

245 Q161 [Ben Jeffries]; Federal Trade Commission, [Disclosures 101 for Social Media Influencers](#), (11 November 2019)

246 Q289 [Helen Wills]

247 Q161 [Ben Jeffries]

248 Q158 [Amy Hart]

249 Professor Jonathan Hardy ([INF0014](#))

250 Department for Business, Energy and Industrial Strategy, [Reforming competition and consumer policy](#), (20 July 2021), p 106

251 Competition and Markets Authority ([INF0046](#))

George Lusty, the CMA is awaiting the consultation response but understands that the Government is open to meeting its requests.²⁵² Mr Lusty told us that civil fines would be an important addition to the arsenal of regulators.²⁵³

84. Regarding the ASA, we believe that the CAP Code will improve the state of influencer compliance if properly enforced. The ASA does not yet have this power. We understand that the Government is considering changes to the ASA's regulatory set up in its consultation on Online Advertising.²⁵⁴ Mark Griffin, Deputy Director of Creative Economy from the Department of Digital Culture Media and Sport, told us that the Department was considering whether the ASA has the right powers and tools to go as far as it needs to,²⁵⁵ and noted that some of the proposals the Department will consult on as part of the Online Advertising Programme will require statutory changes to implement.²⁵⁶

85. We support the request of the Competition and Markets Authority for greater powers to enforce consumer protection law. This includes the ability to make decisions directly without the need to go to court, and the stronger powers to enforce compliance, including turnover-based fines for frustrating enforcement procedures of breaking the law.

86. *We recommend that the ASA be given statutory powers to enforce the CAP Code. These powers should be considered as part of the Government's upcoming Online Advertising Programme. Appropriate funding arrangements should also be considered to ensure that the ASA is able to act effectively on these enforcement powers.*

Monitoring

87. When consulting on changes to the CMA and ASA's enforcement powers it will be important for the Government to consider the elements of influencer content that make it uniquely difficult to police. The ASA told us that the scale of influencer content, and therefore influencer advertisements, means that "it would be impossible to check every one of them before they appear".²⁵⁷ Additionally, some of the more popular advertisement formats for influencers, such as Instagram stories, are now ephemeral and disappear after 24 hours. This presents additional difficulties for the ASA to find and capture evidence.²⁵⁸ Another significant feature is that influencer advertisements are often well integrated into non-commercial editorial content in their profile in a form of "advertorial". This makes it particularly difficult for regulators to identify non-compliant content and for consumers to distinguish between adverts and non-commercial content.²⁵⁹

88. The ASA is responsible for proactively monitoring media, while the CMA conducts market studies and market investigations where there may be competition and consumer

252 Q434 [George Lusty]

253 Q435 [George Lusty]

254 Department for Digital, Culture, Media and Sport, [Online Advertising Programme](#), (18 March 2020)

255 Q456 [Mark Griffin]

256 Q461 [Mark Griffin]

257 Advertising Standards Authority ([INF0023](#))

258 Q404 [Guy Parker]

259 Competition and Markets Authority ([INF0027](#))

problems.²⁶⁰ Primarily the ASA rely on user self-reporting, which is unlikely to be capturing a sufficient proportion of non-compliant advertisements. The ASA report that 2020 saw a 55% increase on 2019 in complaints about influencers, from 1,979 to 3,144. 61% of those complaints were about advertisement disclosure on Instagram, which seems low compared to the volume of influencer content and low compliance rates.²⁶¹ We have also heard that self-reporting mechanisms can be used to harass influencers.²⁶² Some consumers of influencer content also feel that insufficient action is taken in response to their complaints, resulting in limited long-term impact on influencer disclosure.²⁶³

89. The ASA conducted a three-week monitoring exercise to assess influencer compliance in 2020.²⁶⁴ Despite the state of influencer compliance rates, this study has not been repeated. The ASA were not able to provide us data of overall influencer compliance rates. Currently the ASA can monitor the use of #ad and can state that global usage has increased “by 600% or 700%” which it considers is a bigger rate of growth than the influencer market.²⁶⁵ It can also monitor when influencers who have appeared on their sanctions page become compliant. This does not present the holistic picture of compliance rates that will be necessary to monitor the effectiveness of forthcoming policy and regulatory changes.

90. The influencer marketing ecosystem is rapidly changing and presents unique problems in monitoring compliance with UK advertising regulations. We have heard that new sanctions and undertakings are an important and positive step but have not seen evidence to this effect. We therefore recommend that ASA conducts yearly monitoring exercises to better understand how compliance rates change over time and in response to policy and technological developments.

91. Both the CMA and ASA have been developing their own monitoring technology to assist their work. In its 2020 Annual Report, the ASA claims to be “delivering a step change” though its use of “innovative technology”.²⁶⁶ This technology uses a suite of machine learning algorithms to identify non-compliant influencer ads, which helps them scan large volumes of content and capture breaches in more ephemeral formats like Instagram stories.²⁶⁷ The CMA is also developing “experimental tools to run checks on platforms and to scrape large amounts of information and analyse it at speed.”²⁶⁸ The ASA says monitoring technology is crucial for meeting the scale challenge of regulated influencer and a lot of other advertising online.²⁶⁹

260 Advertising Standards Authority, [Memorandum of Understanding between the Competition and Markets Authority and ASA on working arrangements in relation to their specific roles in the consumer protections landscape](#), (21 June 2017); A list of the Competition and Markets Authority’s previous investigations into social media endorsements can be found in their written evidence (Competition and Markets Authority ([INF0027](#)))

261 Advertising Standards Authority ([INF0023](#))

262 Q26 [Em Sheldon]

263 Dr Rebecca Mardon; Professor Kate Daunt; Dr Hayley Cocker ([INF0005](#))

264 Advertising Standards Authority, [Influencer Ad Disclosure on Social Media](#), (18 March 2021)

265 Q445 [Guy Parker]

266 Advertising Standards Authority and Committees of Advertising Practice, [Annual Report 2020: Protecting young and vulnerable people online](#), (29 April 2021)

267 Q425 [Guy Parker]; Written evidence from the ASA says that these algorithms are “currently targeted at Stories produced by influencers who have either already been sanctioned by the ASA for non-compliance with the rules or are of interest to our compliance team because of recent complaints. Every Story they produce is captured and ‘scored’ by our tools to determine the likelihood of non-compliance. This allows the team to be quickly alerted to problematic content while spending less time manually monitoring influencers.” (Advertising Standards Authority ([INF0041](#)))

268 Q409 [George Lusty]

269 Q425 [Guy Parker]

92. We have received no evidence of the effectiveness of the ASA and CMA technology, or other ASA policies, in increasing influencer compliance. Nor have we had evidence of the safety structures that are in place to mitigate the risks of bias that come with use of machine learning technology. We welcome the Minister's assertion that making sure that the ASA has resources and the technical capability to monitor this expanding industry will be addressed by the upcoming Online Advertising Programme.²⁷⁰ However, the benefits and risks of this new technology must be properly explored before further development.

93. *There are risks as well as benefits in the use of machine learning technology. We recommend that the ASA and CMA report yearly to Government outlining the scope, capabilities, and risk management protocol for their monitoring technology as it develops.*

Platforms

94. The CMA is of the view that the social media platforms can do the most to tackle low influencer compliance rates: "they have the tools at their disposal to allow them to detect what is likely to be an unlabelled endorsement, to create prompts that then trigger a contact with brands."²⁷¹ The CMA classifies these platforms as traders, meaning that they are subject to the CPRs²⁷² and may be in breach where they facilitate the posting of their clients' content without ensuring appropriate disclosures by influencers are in place. The CMA say that the platforms should take appropriate proactive steps to encourage and enable compliance, monitor compliance, and tackle non-compliance. However, they are failing to meet these responsibilities.²⁷³

95. Enforcement action against the platforms for such breaches is challenging. As outlined above, bringing court action is lengthy and expensive. There is also additional uncertainty in outcome due to a lack of legal clarity as to how far platforms may be required to proactively monitor content being posted on their websites.²⁷⁴ However, the CMA is still focusing on the platforms since they represent the point in the value chain where interventions can have most effect.²⁷⁵ The CMA has been investigating the disclosure of paid for endorsements on social media platforms.²⁷⁶ Following an investigation into Instagram, the CMA obtained undertakings from Facebook Ireland Ltd in relation to

270 Q454 [Chris Philp]

271 Q407 [George Lusty]

272 The platforms are 'traders' under the CPRs, since they engage in business to consumer commercial practices. While users are not required to provide financial remuneration for access to these platforms, they do provide an exchange of value by granting licences to use their data, which in turn generates advertising revenues for platforms. Platforms which do not take specific proactive steps to effectively prevent illegal endorsements may therefore contravene Regulation 3(3) of the CPRs, which prohibits commercial practices which contravene the requirements of professional diligence and materially distort the economic behaviour of the average consumer. Competition and Markets Authority ([INF0027](#))

273 Competition and Markets Authority ([INF0027](#))

274 The legal position on platform liability in the UK currently still reflects the generality of the EU e-Commerce Directive, including providing for a form of defence against liability for illegal content they host when providing a 'mere hosting' service. The Directive also contains a 'general monitoring prohibition', which prevents EU Member States from placing general content monitoring obligations on platforms when acting as 'hosts'. Competition and Markets Authority ([INF0027](#))

275 Q435 [George Lusty]

276 Competition and Markets Authority, '[Social Media Endorsements](#)', accessed 4 April 2022

its Instagram platform in October 2020, which were required to be implemented by June 2021.²⁷⁷ It is particularly significant that these undertakings secured a commitment to implement proactive monitoring technology.²⁷⁸

96. George Lusty, from the CMA, told us that these undertakings have already “shifted the dial” in platform compliance.²⁷⁹ They are now “considering the compliance of other platforms.”²⁸⁰ However, as undertakings are a precursor to court action, the process is still time consuming and costly. It is, therefore, questionable how effective this mechanism can be in the rapidly changing environment of influencer culture. It should also be noted that the CMA does not have a clear mechanism to enforce compliance with undertakings, a deficit which could usefully be considered by the ‘Reforming competition and consumer policy consultation’ discussed in paragraph 83.²⁸¹ While we understand that undertakings have value in securing industry support for UK regulation, it is important to note that the impact of the mechanisms implemented by Instagram has not yet been measured.²⁸² If undertakings will continue to form a core part of the CMA’s toolkit it is necessary for a considered analysis of their costs and benefits to take place.

97. We recommend that the CMA report to our Committee on the progress, costs, and results of their 2020 Facebook Ireland Ltd. undertakings. In doing so they should also provide updates on their progress securing undertakings from other social media platforms.

277 Competition and Markets Authority, [Undertakings to the Competition and Markets Authority \(pursuant to Section 219 of the Enterprise Act 2002 \(EA02\)\) relating to the Consumer Protection from Unfair Trading Regulations 2008](#), (10 October 2020)

278 Ibid., undertaking 17

279 Q408 [George Lusty]

280 Competition and Markets Authority ([INF0027](#))

281 Department for Business, Energy and Industrial Strategy, [Reforming competition and consumer policy](#), (20 July 2021)

282 Competition and Markets Authority ([INF0027](#))

5 Children

Children as viewers

Benefits and risks

98. UNICEF now estimates that, globally, one in three internet users are children.²⁸³ Ofcom's 2020–21 report on "Children and parents: media use and attitudes" also noted that children were almost twice as likely to watch TV programmes on video-on-demand (96%) than live TV (56%).²⁸⁴ This demonstrates a shift towards active and on-demand consumption of media from personal devices, often through social media. Alongside this shift, influencer content on social media is becoming an increasingly popular media genre for children, particularly that on YouTube. Ofcom found that, in 2021, up to half of children said they watched vloggers or YouTube influencers; this was more likely among 8–11s (47%) and 12–15s (49%) than among younger children aged 5–7 (34%).²⁸⁵ CHILDWISE found that 58% of children aged 5–16 watch YouTube daily for, on average, almost two and a half hours.²⁸⁶

99. However, children are uniquely vulnerable to online and offline harms, and their changing access to, and participation in, online activities has raised concerns among parents, advocates, and policy makers. We have been conducting ongoing scrutiny into the Government's attempts to bring forward legislative protections for children online through the Online Safety Bill.²⁸⁷ Influencer content represents a growing facet of children's online media experience and must therefore be considered carefully in discussions about how best to protect children online. This Chapter will, therefore, consider the specific benefits and risks to children from influencer culture to assess what provisions are necessary.

100. Influencer culture can offer benefits to children by giving a platform to diverse voices and communities. The Advertising Association mentioned that influencers have helped promote diverse content creation, build communities, and create new conversations around social issues such as the environment, body positivity and sexual assault.²⁸⁸ Facebook also highlighted certain influencers who have had a positive impact by campaigning for social causes, discussing climate change, and tackling negative body image or social stigma around disability.²⁸⁹ Having access to a wide variety of voices, arguably wider than traditional media, provides children with an opportunity to engage with diverse conversations and forge connections with peers in their media exploration and education. This can have a positive impact on a child's mental and physical health.²⁹⁰

101. However, a particular area of concern for children's consumption of influencer content is the close relationship that can develop between the influencer and a child. Dr

283 UNICEF, 'Child rights in the digital age', accessed 4 April 2022

284 OFCOM, [Children and parents: media use and attitudes report 2020/21](#), (28 April 2021), p 18

285 Ibid., p 14

286 London School of Economics, [#SponsoredAds: Monitoring influencer marketing to young audiences](#), (7 February 2022), p 10

287 UK Parliament, ['Digital, Culture, Media and Sport Committee: Online safety and online harms'](#), accessed 4 April 2022

288 Advertising Association ([INF0006](#))

289 Facebook ([INF0035](#))

290 Karim, Fazida et al., 'Social Media Use and Its Connection to Mental Health: A Systematic Review', *Cureus*, vol. 12:6 (2020)

Rebecca Mardon from Cardiff University, who specialises in consumer behaviour in digital contexts, wrote that influencers gain influence by serving as a “guru” within a particular online community, but also fulfil a “friend” role, which occurs when viewers develop a “parasocial relationship” with influencers.²⁹¹ A parasocial relationship is a one-sided and symbolic relationship between a viewer and a celebrity, which develops when regular viewers come to feel that they know the celebrity as a friend.²⁹² The particularly intimate and trusting relationships that influencers seek with their followers, and their perceived relatability, suggests that this phenomenon may be particularly prevalent in influencer culture. As academics Rachel Berryman and Professor Misha Kavka, who specialise in media cultures, identified, “the combination of commodification and intimacy” in influencer content “can make it difficult for children to realize that the person on-screen is not their ‘friend’, and the video is not a playdate”.²⁹³

102. As influencer Beckii Flint observed, parasocial relationships can create a power imbalance between influencer and audience.²⁹⁴ As a “friend,” the word of influencers becomes much more influential. Influencer Helen Wills noted that relationships between a viewer and an influencer is “potentially more dangerous and more influencing”.²⁹⁵ Professor Sonia Livingstone elaborated on her concern about the effect of these relationships on children:

What seems interesting and new, and indeed sometimes worrying, about influencers is that they offer a relationship with the child, at least as the child sees it. From the child’s point of view, it might be a very intense and seemingly personal interaction that they have with that influencer that offers them an identity and offers them a sense of a community that they can belong to... [This quality] can be used to inspire or to offer positive messages, but the influencer is pretty much at liberty to say what they want, whether it is disinformation or inappropriate sexualisation or advertising and marketing.²⁹⁶

103. As Professor Livingstone notes, close connections of this kind with influencers can be beneficial for children when the messages conveyed are positive.²⁹⁷ Research from Ofcom, in 2020, found that children that follow influencers who are particularly relatable and inspirational, connect with their hobbies and interests.²⁹⁸ The Incorporated Society of British Advertisers (ISBA) also notes influencers have a positive role to play in reinforcing positive messages.²⁹⁹ As a result, influencers are increasingly recognized by popular media and public health organizations as a potentially influential source of health information. For example, the UK Government paid several social media influencers to combat misinformation and promote the NHS test and trace service.³⁰⁰

291 Dr Rebecca Mardon; Professor Kate Daunt; Dr Hayley Cocker ([INF0005](#))

292 Oxford Reference, ‘[Parasocial interaction](#)’, accessed 4 April 2022

293 Rachel Berryman and Misha Kavka, ‘[I Guess A Lot of People See Me as a Big Sister or a Friend’: the role of intimacy in the celebration of beauty vloggers](#)’, *Journal of Gender Studies*, volume 26:3 (2017), pp 307–320

294 Miss Beckii Flint ([INF0002](#))

295 Q268 [Helen Wills]

296 Q268 [Professor Sonia Livingstone]

297 London School of Economics, ‘[Sponsored Ads: Monitoring influencer marketing to young audiences](#)’, (7 February 2022), p 10

298 OFCOM, [Children and parents: media use and attitudes report 2020/21](#), (28 April 2021), p 15

299 ISBA ([INF0025](#))

300 ‘[Why the UK government is paying social media influencers to post about coronavirus](#)’, *The Conversation*, 9 September 2020

104. However, just as influencers can powerfully convey positive messages, they can also become conduits for harmful messages. We have heard that there can be financial incentives for influencers to share extreme content, including misinformation and disinformation. Incentives can be direct, such as what Dr Giovanni de Gregorio from Oxford University, who specialises in media law and policy, called “disinformation for hire” whereby influencers are paid to promote a false narrative.³⁰¹ They can also be indirect. We heard from several witnesses that the centrality of advertising to the social media platforms means that influencers are rewarded for producing content that attracts viewers to the platform.³⁰² Therefore, many social media interfaces are designed to favour the spread of content triggering quick, emotionally intense responses.³⁰³ This can, in turn, drive extreme content creation behaviour among influencers that may, according to the Advertising Association, unduly affect vulnerable groups.³⁰⁴ Children, as a particularly vulnerable group, may be more susceptible to harms arising from this type of influencer content.

105. Promotion of an idealised body image by fashion and lifestyle influencers was flagged to us as a particular issue, especially on Instagram.³⁰⁵ Dr Ysabel Gerrard from the University of Sheffield, who specialises in digital media and society, said “the whole point of Instagram is to look picture perfect. It is a highly aesthetic platform”.³⁰⁶ It is common for influencers to edit, airbrush or apply beauty filters to their photos in pursuit of this aesthetic. The Girl Guides told us that their 2020 Girls’ Attitudes survey shows how influencer promotion of unattainable lifestyles and unrealistic beauty ideals makes girls and young women feel pressured to be perfect.³⁰⁷ Influencer Amy Hart told us that she had even received messages on Instagram asking for “diet tips for 13-year-olds”.³⁰⁸

106. This pressure can lead to mental health issues such as depression, anxiety, body dysmorphia and eating disorders, particularly among teenage girls. In an evidence session for the Health and Social Care Committee’s inquiry into the impact of body image on mental and physical health, Dr Stuart Flint from the University of Leeds reported that “children from the age of three” are reporting “body image concerns” as well as “stigmatising attitudes” towards body weight, which are impacting children’s physical and mental health.³⁰⁹ Professor Sonia Livingstone mentioned the “huge levels of concern” in clinical circles about the mental health crisis faced by girls and women, but also men and boys. She noted that the quantity of time young people spend engaging with influencers that share a consistent message that “what you look like matters” is likely to be a contributing factor in this crisis.³¹⁰

301 Q300 [Dr Giovanni de Gregorio]; During the COVID-19 pandemic, for example, French and German YouTubers, bloggers and influencers were approached by a supposedly UK-based PR agency with Russian connections to falsely tell their followers the Pfizer/BioNTech vaccine is responsible for hundreds of deaths. *‘Influencers say Russia-linked PR agency asked them to disparage Pfizer vaccine’*, The Guardian, 25 May 2021

302 Q316 [Dr Giovanni de Gregorio]; Q303 [Abbie Richards]

303 *‘The Emotional Combinations That Make Stories Go Viral’*, Harvard Business Review, 23 May 2016

304 Advertising Association ([INF0006](#))

305 Q294 [Dr Ysabel Gerrard]; Q296 [Helen Wills]; Q283 [Professor Sonia Livingstone]

306 Q294 [Dr Ysabel Gerrard]

307 Girlguiding ([INF0007](#))

308 Q153 [Amy Hart]

309 Oral evidence taken before the Health and Social Care Committee on 8 March 2022, HC (2021–22), [Q36](#) [Dr Stuart Flint]

310 Q298 [Professor Sonia Livingstone]

107. The 2017 #StatusOfMind survey, published by the UK's Royal Society for Public Health, found that Instagram was a social media platform with poorer outcomes for mental health and wellbeing, as opposed to YouTube, which had a net positive impact.³¹¹ Wall Street Journal coverage of leaked internal Facebook documents (termed the Facebook Files) suggest that Facebook is aware of the negative impact that Instagram has on mental health, particularly for teenage girls.³¹² One leaked document was a slide presentation from March 2020 posted to Facebook's internal message board that read "thirty-two percent of teen girls said that when they felt bad about their bodies, Instagram made them feel worse." One presentation also showed that, among teens who reported suicidal thoughts, 13% of British users, and 6% of American, traced the desire to kill themselves to Instagram.³¹³

108. While the problems explored above could affect all social media users, the potential for harm against children is far greater. However, regulating to protect children from these ephemeral harms is challenging. Community guidelines and standards from social media platforms are consistent in prohibiting violent, dangerous, misleading or explicit content.³¹⁴ However, influencers still have a high level of discretion around posting content that falls between these lines but may damage mental and physical wellbeing, such as diet products and cosmetic surgery.³¹⁵ For example, Amy Hart told us that she turned down offers to promote diet products as many of her followers are children, and she "[owed] it to the mums and the dads."³¹⁶ Many influencers do not exercise the same duty of care for their followers. Even if this were to change, identifying messages are problematic is very challenging³¹⁷ and triggering content can vary by person.³¹⁸

Media literacy

109. Children are becoming more aware of these harms. Ofcom found that 54% of 12–15 year-olds understand that "online images and videos can make life look more interesting than it is".³¹⁹ Responses from social media users have also focused on building such awareness, such as the hashtag #NoFilter trend on social media that draws attention to the distorting effects of filters. However, there is no mandatory media literacy education in schools. In 2018, the UK Council for Internet Safety produced the "Education for a Connected World Framework" which provides a guide for educators outlining the digital knowledge and skills for different ages and stages. It contains learning outcomes that address influencing and online advertising.³²⁰ The framework is mentioned in statutory guidance for the Relationships Education curriculums, which became mandatory in September 2020, but use of the framework itself is not mandatory.³²¹

311 Royal Society for Public Health, [#StatusOfMind: Social media and young people's mental health and wellbeing](#), (17 May 2017), p 18

312 'the facebook files: A Wall Street Journal investigation', Wall Street Journal, 1 October 2021

313 'Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show', Wall Street Journal, 14 September 2021

314 Instagram, ['Instagram Community Guidelines FAQs'](#); Meta, ['Facebook Community Standards'](#), both accessed 4 April 2022

315 Dr Sevil Yesiloglu; Dr Joyce Costello ([INF0010](#))

316 Q133 [Amy Hart]

317 Q283 [Professor Sonia Livingstone]

318 Q284 [Dr Ysabel Gerrard]

319 OFCOM, [Children and parents: media use and attitudes report 2020/21](#), (28 April 2021), p 9

320 UK Council for Internet Safety, [Education for a Connected World](#), (30 June 2020)

321 Department for Education, [Relationships Education, Relationships and Sex Education and Health Education guidance](#), (25 June 2019), p 47

110. Under the Communications Act 2003 Ofcom has a duty to promote media literacy.³²² A 2019 article from the Journal of Cultural Policy noted that Ofcom fulfils this responsibility primarily through market research for stakeholders and called this responsibility “one of the zombies of cultural policy”.³²³ The Minister told us that Ofcom would receive “commensurately substantially increased resources” as part of the Online Safety Bill to reflect their new duties.³²⁴ He also said that “we would expect some of that at least to make sure that the media literacy duties are being fully discharged”.³²⁵ In oral evidence the Department did not provide any assurances that media literacy was a priority for Ofcom.³²⁶ DCMS released an Online Media Literacy Strategy in July 2021 but this does not contain provisions to address the issues of parasocial relationships, integrated marketing and persuasive messaging that could arise from influencer culture.³²⁷

111. Media literacy is an important skill for children as they grow and develop alongside digital technology. However, children, parents and educational institutions have not been adequately supported in developing this skill. We support the Government’s intention to address this deficit in their Online Media Literacy Strategy and recommend that it ensures Ofcom also lives up to its responsibilities in delivery on its statutory obligation to deliver this objective.

Advertising literacy

112. Historically, children have been a key target group for marketers on account of their influence on parents’ buying decisions and their potential as future adult consumers.³²⁸ As more children move to consuming their media online, brands are increasingly targeting children through social media platforms. In 2021, global spend on advertisements to children amounted to \$4.6 billion worldwide, of which a 1.7 billion stem from digital advertising formats.³²⁹ Advertisements are now pervasive in social media content aimed at children. A 2020 report by Common Sense Media found that 95% of YouTube videos targeted to under-5s contained advertisements.³³⁰

113. Children begin to develop the ability to recognise marketing at a very young age and have reasonably well-developed levels of critical understanding from the age of 8 years.³³¹ However, these skills are not fully developed³³² Research on how influencer marketing affects young children is still limited but there is evidence that children are more vulnerable to native or embedded advertising as they find this particularly difficult to distinguish and identify.³³³ Professor Sonia Livingstone and Dr Miriam Rahali, academics

322 Communications Act 2003, [Section 11](#)

323 Richard Wallis and David Buckingham, ‘[Media literacy: the UK’s undead cultural policy](#)’, International Journal of Cultural Policy, vol 25 (2019), pp 188–203

324 Q468 [Chris Philp]

325 Q468 [Chris Philp]

326 Q468–469 [Chris Philp, Sarah Connolly]

327 Department of Digital, Culture, Media and Sport, [Online Media Literacy Strategy](#), (14 July 2021)

328 London School of Economics, [#SponsoredAds: Monitoring influencer marketing to young audiences](#), (7 February 2022), p 4

329 Statista, ‘[Spending on advertising to children worldwide from 2012 to 2021, by format](#)’, accessed 4 April 2022

330 Common Sense Media, [2020 Young Kids YouTube Report: How ads, toys and games dominate viewing](#), (17 November 2020), p 3

331 ‘*Children’s commercial media literacy: new evidence relevant to UK policy decisions regarding the GDPR*’, London School of Economics, 26 January 2017

332 Liselot Hudders et al, ‘Shedding new light on how advertising literacy can affect children’s processing of embedded advertising formats: a future research agenda’, Journal of Advertising, vol 46:2 (2017)

333 Guidance on the implementation/application of Directive on unfair commercial practices [2005/29/EC](#), section 2.6

from the London School of Economics, noted that “for embedded content, such as content promoted by influencers, knowledge of persuasive intent develops at a slower pace than knowledge of selling intent”. This means that even if children recognise advertising, they are often not able to resist the persuasive intent.³³⁴ Additionally, the effect of parasocial relationships means that children are less likely to critically evaluate advertisements by social media influencers as they can often appear trustworthy and honest.³³⁵

114. To address this vulnerability children therefore require enhanced advertising disclosure that meets their specific needs. This requirement is not being sufficiently addressed by UK advertising regulations.³³⁶ The CAP code contains provisions to prevent children from being exploited, harmed or unduly influenced by marketing communications.³³⁷³³⁸ However, the ASA recommends written disclosure, which is harder for children to identify.³³⁹ Disclosure guidance for influencers issued by the CMA and ASA contains no mention of children.³⁴⁰

115. Guy Parker, from the ASA, told us that they had developed enhanced disclosure requirements for in-game purchases in recognition of children’s vulnerability.³⁴¹ The Committee of Advertising Practice (CAP) has also developed enhanced disclosure guidance for children.³⁴² However, the recommendations made in these documents are not mandatory. Mr Parker said that the ASA was “open” to updating the CAP code to include enhanced disclosure requirements for children, but “would want to see the arguments and evidence”.³⁴³

116. *We strongly recommend that the Advertising Standards Authority update the CAP Code to include mandatory enhanced disclosure standards for advertisements targeted to children or an audience composed predominantly of children. Any updates should be supported by robust research into children’s particular information processing requirements and ensure that children are able to critically evaluate, as well as identify, advertisements.*

334 Professor Sonia Livingstone; Dr Miriam Rahali (INF0039)

335 London School of Economics, [#SponsoredAds: Monitoring influencer marketing to young audiences](#), (7 February 2022), p 4

336 Dr Rebecca Mardon; Professor Kate Daunt; Dr Hayley Cocker (INF0005)

337 The CAP code restricts advertisements to children: (under-16s) for products such as food or soft drinks high in fat, salt or sugar (rule 15.18) and lotteries (rule 17.14); (under-18s) for products such as gambling (rule 16.3.13), alcohol, (rule 18.15) and electronic-cigarettes (rule 22.11) (Advertising Standards Authority, [Age-restricted ads online: Advertising Guidance \(non-broadcast\)](#), (6 June 2017))

338 The Code also includes additional requirements for advertisements directed at or featuring children, for example, specifying that these “must not exploit their credulity, loyalty, vulnerability or lack of experience.” (Advertising Standards Authority, [‘05 Children’](#), accessed 4 April 2022)

339 Dr Rebecca Mardon; Professor Kate Daunt; Dr Hayley Cocker (INF0005)

340 Advertising Standards Authority, [Influencers’ guide to making clear that ads are ads](#), (6 February 2020)

341 Q449 [Guy Parker]; Advertising Standards Authority, [Guidance on advertising in-game purchases: Advertising Guidance \(broadcast and non-broadcast\)](#), (20 September 2021), p 8

342 Advertising Standards Authority, [Recognition of advertising: online marketing to children under 12](#), (28 April 2017)

343 Q451 [Guy Parker]

Children as influencers

A booming market

117. Child influencers (sometimes called kidfluencers) are children who feature in online content across social media platforms, often earning an income through sponsorship and partnerships with brands. They mostly post content aimed at other children. As most social media platforms such as Instagram and Facebook require users to be at least 13 years old to create accounts on their websites, many such accounts are managed by their parents.³⁴⁴ Given the scale and value of online marketing to children, child influencers present a particularly attractive opportunity for companies as they can gain the trust and interest of other children.³⁴⁵ Professor Brooke Duffy told us that the term “kidfluencer” is “booming”, and that there are “camps” in the US where families send their children to become influencers.³⁴⁶

118. As a result, child influencers are some of the most successful influencers in the influencer economy. For example, Ryan’s World is a YouTube channel launched in 2015 that features, now eleven-year-old, Ryan Kaji.³⁴⁷ Mr Kaji earned \$29.5 million in 2020 and was YouTube’s highest earner in 2018.³⁴⁸ As of March 2022, he has 32 million YouTube subscribers worldwide, his own line of toys, a Nintendo game, and a forthcoming Amazon+ animated series.³⁴⁹ There are also multiple speciality agencies who work primarily with child influencers for child audiences, such as SuperAwesome.³⁵⁰ Influencer Matchmaker, for example, advertises child influencers as “the next generation of social media stars whose out-of-school hobby is Instagramming and vlogging”.³⁵¹

119. Children are also involved in family or parent influencing profiles, where parent influencers post content about their family life and share parenting or pregnancy tips across social media platforms, blogs and websites.³⁵² Influencer agencies see family influencers as some of the most in-demand social media stars: Intellifluence advertises family influencers as “the cornerstone of influencer marketing” because they appeal to both children and parents.³⁵³ Although no systematic review exists on the number of active parenting influencers, Tots100, a UK parents blog site, has around 10,000 active parent influencers listed in their community.³⁵⁴ Dr Crystal Abidin told us that the UK was notable for its prevalence of child influencers.³⁵⁵

120. We have heard concerns from witnesses that some children in the influencer economy are being used by parents and family members seeking to capitalise on the lucrative child

344 Marina Masterson, ‘[When Play Becomes Work: Child Labor Laws in the Era of ‘Kidfluencers’](#)’, University of Pennsylvania Law Review, forthcoming, (11 May 2020), p 14

345 Simone van der Hof et al, ‘[The Child’s Right to Protection against Economic Exploitation in the Digital World](#)’, International Journal of Children’s Rights, vol 28 (2020), pp 833–859

346 Q189 [Professor Brooke Duffy]

347 YouTube, ‘[Ryan’s World](#)’, accessed 4 April 2022

348 YouTube, ‘[Ryan ToysReview Is YouTube’s Top Earner of 2018](#)’, accessed 4 April 2022

349 ‘[Ryan Kaji, 9, earns \\$29.5m as this year’s highest-paid YouTuber](#)’, The Guardian, 18 December 2020

350 SuperAwesome, ‘[SuperAwesome Creators: Brand-safe influencer marketing and content creation for youth and family audiences](#)’, accessed 4 April 2022

351 Influencer Matchmaker, ‘[Kid Influencers – Meet the Next Generation of Social Media Stars](#)’, accessed 4 April 2022

352 Influencer Matchmaker, ‘[Top Mummy Bloggers to Follow in The UK](#)’, accessed 4 April 2022

353 Intellifluence, ‘[Connect with Family Influencers](#)’, accessed 4 April 2022

354 Tots 100, ‘[Top 20 UK Parent Bloggers 2021](#)’, accessed 4 April 2022

355 Q25 [Dr Crystal Abidin]

and family influencing market.³⁵⁶ As with other influencers, monetising successful child and family influencer profiles can be the primary source of income for a family. Professor Brooke Duffy outlined, “children don’t understand the implications of selling products” but, despite this, one family blogger she interviewed said “this is how our family gets paid.”³⁵⁷ Influencer Amy Hart explained her concerns with the phenomenon by mentioning an influencing family from the US with a large number of children:

Their household income is their YouTube channel, and they film their kids when they go to A&E when they fall over; they film their kids when their kids are crying; they do videos about how their kids are being bullied at school. It does not sit well with me. People do use their children to sell things and use their children to make money.³⁵⁸

We contacted eleven family influencers to speak with us and only one accepted: Sergei Urban, influencer and founder of The Dad Lab, an educational channel that features his children.³⁵⁹ Mr Urban told us that this was likely because the topic is “a bit controversial”.³⁶⁰

Harm to children

121. Posting content about children online can affect their privacy, which brings security risks. For example, checking-in to venues on social media posts or posting images of the child’s home could expose their location. Some child influencers, like child stars, have amassed a significant fan base, which could expose them to additional attention when they travel or run fan meet-and-greets.³⁶¹ Amy Hart warned that there was a risk of children being subject to kidnap threats, meaning that many parents have chosen to block out their children’s faces from online content.³⁶² Sergei Urban told us that he does not block out his children’s faces but takes precautions by sharing the location of their trips the day after or giving a general location and does not share details about their school.³⁶³ We do not know how widely this practice is followed by other influencers.

122. Additionally, children are likely to be more vulnerable to the psychological harms that come with maintaining an influencer profile, as explored in Chapter 2. Children may experience additional online harassment due to their public profile even though most large profiles are managed by parents.³⁶⁴ Additionally, the process of producing influencer content can be time-consuming and intensive and it is likely that this creates pressure on some children, especially when there is a financial incentive for the parents.³⁶⁵ There is also the added pressure of the home being the place of work, which may cause blurred boundaries. Amy Hart elaborated:

356 Q150 [Amy Hart]; Q189 [Professor Brooke Duffy]

357 Q189 [Professor Brooke Duffy]

358 Q150 [Amy Hart]

359 YouTube, ‘[TheDadLab](#)’, accessed 4 April 2022

360 Q193 [Sergei Urban]

361 Tiana Wilson, a famous UK child influencer with a channel called ‘Toys and Me’, organises events in shops where she meets fans and sells merchandise, for example: YouTube, ‘[Tiana Wilson Meet and Greet at The Broadway Bradford](#)’, accessed 4 April 2022

362 Q152 [Amy Hart]

363 Q211 [Sergei Urban]

364 Marina Masterson, ‘[When Play Becomes Work: Child Labor Laws in the Era of ‘Kidfluencers’](#)’, University of Pennsylvania Law Review, forthcoming, (11 May 2020), p 17

365 Q205 [Ed Magee]

It is a psychological thing as well. When I was a kid, I would come home from school, sit on the sofa, watch TV and then go to ballet. I can't imagine doing a whole day at school, coming home and my mum saying, "Right, it is time to film and if you don't want to film we can't pay our mortgage and we can't buy food".³⁶⁶

123. It is well understood that fame at a young age can have damaging effects on a child's development. The precise effect of social media fame, which can be constant and far more personal, has not yet been explored. However, there is evidence that social media fame can have serious mental consequences.³⁶⁷ One example of the potential effect was outlined by Dr Catalina Goanta, who described a 20-year-old US influencer who has been a child influencer and has grown up in this industry that "monetises every single minute of her presence online," recently sold photos of her new-born child.³⁶⁸ As influencer content is mostly filmed in a family environment without official production partners, it is unclear if children receive the support necessary to mitigate against the negative consequence of fame.

Child influencers as advertisers

124. We have also heard concerns around children's participation in influencer marketing. Ed Magee, Chair of the National Network of Children in Employment and Entertainment (NNCEE), told us that social media agencies who work with child influencers are not required to undergo legal or background checks because they do not have unsupervised activity with the child.³⁶⁹ They still engage in an interaction with the parent and the child with the intent to sell advertising and there is no oversight to ensure that this interaction does not become more damaging.³⁷⁰

125. Children's participation in influencer marketing is also problematic for child viewers: Professor Sonia Livingstone and Dr Miriam Rahali have told us that parasocial relationships between child influencers and child viewers are problematic when combined with commodification. Children are more likely to be trusting of children their own age, meaning that exposure to advertising cues could influence their own relationships with toys, games, food and beverages.³⁷¹ It is particularly concerning that child influencers have a high frequency of product placement for unhealthy food products. This is prohibited under the CAP Code guidance on advertising to children or an audience of which 25% is children.³⁷² Analysis of the five most-watched child influencers (ages 3–14) on YouTube found that they generate millions of impressions for unhealthy food and drink brands through product placement.³⁷³ For example, child influencer Tiana Wilson's account

366 Q152 [Amy Hart]

367 Marina Masterson, '[When Play Becomes Work: Child Labor Laws in the Era of 'Kidfluencers'](#)', University of Pennsylvania Law Review, forthcoming, (11 May 2020), p 18

368 Q208 [Dr Catalina Goanta]

369 Q247 [Ed Magee]

370 Q248 [Julian Knight]

371 London School of Economics, '[#SponsoredAds: Monitoring influencer marketing to young audiences](#)', (7 February 2022), p 9

372 The CAP code restricts advertisements to children: (under-16s) for products such as food or soft drinks high in fat, salt or sugar ([rule 15.18](#)) and lotteries ([rule 17.14v](#)); (under-18s) for products such as gambling ([rule 16.3.13](#)), alcohol, ([rule 18.15](#)) and electronic-cigarettes ([rule 22.11](#)).

373 Armaal Alruwaily et al, '[Child Social Media Influencers and Unhealthy Food Product Placement](#)', *Pediatrics*, vol 146:5 (2020)

posts multiple videos of MacDonald's Drive Thru pranks and challenges.³⁷⁴ Children who have higher online engagement with food brands and content, particularly through online video, are more likely to consume unhealthy foods and drinks.³⁷⁵

126. In 2012, CAP conducted a review of the use of under-16s as brand ambassadors and in peer-to-peer marketing. Instead of banning the use of under-16s as brand ambassadors or peer-to-peer marketing they concluded that the focus should be on issuing guidance for marketers ensuring the responsible use of advertising techniques for children.³⁷⁶ However, the 2012 review referred to an advertising industry pledge, signed by major brands including CocaCola, Microsoft, Virgin Media and Vodafone, that says:

Young people under the age of 16 should not be employed and directly or indirectly paid or paid-in-kind to actively promote brands, products, goods, services, causes or ideas to their peers, associates or friends.³⁷⁷

The exception is where children under 16 may be employed to appear in advertisements with local authority permission. The Pledge is voluntary but many trade associations have incorporated the Pledge into their own codes of conduct.

127. The online advertising environment has changed significantly since 2012 when CAP conducted their review of the use of under-16s as brand ambassadors and in peer-to-peer marketing. During this time, the market for child influencers has expanded and there are considerable safeguarding concerns from industry experts. We, therefore, recommend that CAP conducts another review of the use of under-16s in marketing, ensuring that special focus is given to the use and impact of child influencers. This review should take place before the end of 2022.

Legislative gap

128. Children spend long hours producing financially lucrative content at the direction of their parents and guardians but are not protected under the UK's child labour laws. Child employment in England is covered by the Children and Young Person Act 1933, which also allows Local Authorities to set byelaws in their jurisdiction.³⁷⁸ Section 18 (1) of the 1933 Act forbids children under the age of fourteen from being employed in any capacity by any person, including parents or guardians, but exceptions may be granted under local byelaws.³⁷⁹ This section also prescribes the working hours permitted to children above fourteen but under compulsory school age, for example, that children are not allowed

374 YouTube, 'McDonalds Drive Thru Prank!! Power Wheels Ride On Car Pretend Play', accessed 4 April 2022

375 Heather J Baldwin, Becky Freeman, and Bridget Kelly, 'Like and share: associations between social media engagement and dietary choices in children', Public Health Nutrition, vol 21:17 (2018), pp 3210-3215

376 Advertising Standards Authority, [Review of the use of children as brand ambassadors and in peer-to-peer marketing](#), (20 November 2012), p 4

377 Advertising Association, 'Best practice principle on the use of under-16s in brand ambassador and peer-to-peer marketing', accessed 4 April 2022

378 Children and Young Persons Act 1933 as amended by Children (Protection at Work) Regulations 1998 ([SI 1998/276](#)), Children (Protection at Work) Regulations 2000 ([SI 2000/1333](#)) and the Children (Protection at Work) (No 2) Regulations 2000 ([SI 2000/2548](#)), [section 18\(1\)](#), 2A

379 In 1998, the Department of Health published a list of model byelaws for exceptions to the prohibition on children under 14 working. These are followed by most Local Authorities (House of Commons Library, [Employment of Children](#), 12 March 2009, p 6)

to work before 7 a.m. or after 7 p.m. on any day.³⁸⁰ Section 25(1) of the 1933 Act makes it an offence to allow or cause a child to go abroad for the purpose of “singing, playing, performing, or being exhibited, for profit” without a police magistrates’ licence.³⁸¹

129. Child participation in performances is covered by the Children and Young Persons Act 1933³⁸² and Children and Young Persons Act 1963 (CYPA 1963). Section 37(1) of the CYPA 1963 prohibits children taking part in certain types of performance, paid sport or work as a model when they are being paid without a performance licence granted by the Local Authority in whose area they reside.³⁸³ Under section 40(1) it is a criminal offence for a parent or guardian to allow a child to take part in specified types of performance without a licence, or for any person to cause or procure a child to do.³⁸⁴ The list of prohibited performances includes:

- (a) any performance in connection with which a charge is made (whether for admission or otherwise);
- (b) any performance in licenced premises;
- (c) any broadcasting performance;
- (d) any performance not falling within paragraph (c) above but included in a programme service;
- (e) any performance recorded (by whatever means) with a view to its use in a broadcast or such service or in a film intended for public exhibition.³⁸⁵

However, the Department for Education notes that this does not extend to user-generated content, where young people or a family record themselves and share it on a website or social media.³⁸⁶

130. The Children (Performances & Activities)(England) Regulations 2014 which came into force in 2015, place a further duty of care on local authorities.³⁸⁷ There is a person or department responsible for child entertainment in each local authority. They are responsible for issuing child performance licences, Body of Person Approval Certificate for multiple performances involving children, chaperone approvals and also ensuring that the conditions of these licenses are met and adhered to. Regarding the child’s earnings, the 2014 Regulations allow the licensing authority to include “a condition in the licence that any or all of the sums earned by the child for taking part in the performance or activity be dealt with in a particular manner by the licence holder”.³⁸⁸ A standard performance license form from the National Network of Children in Employment and Entertainment

380 UK Government, ‘[School leaving age](#)’, accessed 4 April 2022

381 Children and Young Persons Act 1933, [section 25\(1\)](#)

382 Children and Young Persons Act 1933, [ss 23–26](#) as amended by [EA 1989, Sch 3 Part III](#) and [SI 2000/1333](#)

383 Children and Young Persons Act 1963, [section 37](#)

384 Children and Young Persons Act 1963, [section 40](#)

385 Children and Young Persons Act 1963, [section 37\(1\)](#)

386 Department for Education, [Child performance and activities licensing legislation in England](#), (6 February 2015), p 7

387 The Children (Performances and Activities) (England) Regulations 2014, [\(SI 2014/3309\)](#)

388 The Children (Performances and Activities) (England) Regulations 2014, clause 14 [\(SI 2014/3309\)](#)

(NNCEE) asks for the amount to be earned, and who shall receive these funds, so it is not clear how often this authority is exercised.³⁸⁹ However, again, this legislation does not apply to user-generated content.³⁹⁰

131. The fact that user generated content is excluded from all UK regulation that safeguards children means that child influencers represent a grey area in the law. They can therefore be at risk of exploitation because they lack the legal right to the earnings they generate, or recourse to demand safe working conditions and protections via labour laws. Ed Magee, Chair of the NNCEE, also a Local Authority entertainment licensor, told us that this gap gives his Local Authority “real concern,” particularly due to the rapid rise in the prevalence of child influencers over recent years. Unlike other children performing in traditional media, he said, “we do not know what they are doing, we do not know how often they are performing, and we do not know the impact it has on them as a child”.³⁹¹

132. Some children in this space may be subject to labour arrangements in the production of influencer content that would be illegal in other industries. Ed Magee told us that while most children producing self-generated content are spending a small amount of time doing so, for some children who have a very big media following “it is effectively their full-time job”.³⁹² He notes that “there are certainly children whose lives may be broadcast 24 hours a day, seven days a week.”³⁹³ Many more children are likely to be working less than this, but still on hours that are illegal for children working in other industries, including performers in traditional media.³⁹⁴

133. Additionally, children have no legal right to their earnings and there is no mechanism to oversee what use the parents make of the often considerable income.³⁹⁵ Top UK child influencers are estimated to be earning six figure salaries every month.³⁹⁶ The mother of 3-year-old “fashion influencer” Elsie Prior told Metro that she had put her daughter’s earnings, which amount to enough for a house deposit, into a savings account for her.³⁹⁷ However, she and other parents are under no obligation to do so. As Ed Magee commented, earning at this level “becomes different to just putting something up on social media. That is now a social enterprise and a job for that child, and that child needs to be protected with some form of legislation”.³⁹⁸

134. Child influencers may also be exempt from child protections under the General Data Protection Regulations (GDPR).³⁹⁹ The UK GRPR includes the right to be forgotten. This right is not absolute but can be exercised if the personal data was collected “in relation

389 NNCEE, ‘[Performance Licence Standard Application Form \(v3 May 2015\)](#)’, accessed 4 April 2022

390 Q198 [Ed Magee]

391 Q198 [Ed Magee]

392 Q204–5 [Ed Magee]

393 Q228 [Ed Magee]

394 Q205 [Ed Magee]

395 One high profile case of this going wrong in the United States is the story of Jackie Coogan, the nation’s very first child movie star. Coogan became famous after starring in Charlie Chaplin’s movie ‘The Kid’ but did not get access to his earnings when he came of age as the money legally belonged to his parents. Coogan sued his mother and former manager for his earnings. Following this, California passed the California Child Actor’s Bill, or ‘Coogan Bill’, which required parents to set aside a percentage of a child performer’s earnings in a blocked trust for when they reach adulthood (SAG-AFTRA, ‘[Coogan Law](#)’, accessed 4 April 2022)

396 ‘*YouTube: Who is the top earning young influencer?*’, Metro News, 14 April 2021

397 ‘*Three-year-old influencer is set to earn enough for a house deposit*’, Metro News, 24 August 2021

398 Q210 [Ed Magee]

399 UK GDPR following the exit of the UK from the European Union, see Data Protection Act 2018

to the offer of information society services directly to a child”.⁴⁰⁰ However, section 18 states this right does not apply to the processing of personal data “in the course of a purely personal or household activity and thus with no connection to a professional or commercial activity”. Personal or household activities could include “correspondence and the holding of addresses, or social networking and online activity undertaken within the context of such activities”.⁴⁰¹ A lot of influencer content including children is filmed in this context.

Filling the legislative gap

135. We have heard that there is appetite for more regulation in this area from industry stakeholders. Ben Jeffries from Influencer.com said that “the power currently lies with the parents, but we should make much tighter regulation”.⁴⁰² Ed Magee explained that agencies in traditional areas such as entertainment, film and TV are careful about the roles they put children up for. However, talent agencies who work with user-generated content that contains children are likely unsure where they fit in current legislation as the guidance is unclear.⁴⁰³ They are “slowly feeling their way through to figure out what they need to do” but “need to be held more accountable”.⁴⁰⁴ However, Dr Catalina Goanta mentioned that the widespread controversy around child and family influencers has likely created some degree of resistance to new regulation or even more visibility to this type of activity.⁴⁰⁵

136. Ed Magee recommended expanding existing UK child performance regulations to include user generated content.⁴⁰⁶ This would ensure the same safeguards for child influencers as in traditional media industries, including local authority oversight of working conditions and the potential for the authority to apply provisions to the child’s earnings. Allowing local authorities to issue licenses for child influencers would also enable better data collection to quantify the scale of the child influencer market and explore the impact on child wellbeing, through for example cross comparison with school attendance rates. Mr Magee also said that the local authorities would support something similar to the more tailored and comprehensive regulation recently passed in France. Legal academic Marina Masterson notes that certain common child actor regulations are difficult, if not impossible, to impose on child influencers. As a result, she concludes, “tailored legislation is needed”.⁴⁰⁷

137. On 19 October 2020 France introduced new child labour laws under the “Studer Bill” that protects young social media stars. In a similar manner to UK child labour legislation, parents and companies will be required to seek permission from local authorities for child performances, but this right extends to a child engaging in online video activities that can be considered as being within a labour relation. However, the law also regulates the hours

400 GDPR Toolkit, ‘[Right to Erasure](#)’, accessed 4 April 2022

401 Regulation of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), chapter 1(18) [\(EU\) 2016/679](#)

402 Q192 [Ben Jeffries]

403 Q244 [Ed Magee]

404 Q258 [Ed Magee]

405 Q236 [Dr Catalina Goanta]

406 Q218 [Ed Magee]

407 Marina Masterson, ‘[When Play Becomes Work: Child Labor Laws in the Era of ‘Kidfluencers’](#)’, University of Pennsylvania Law Review, forthcoming, 11 May 2020, p 1

under-16s can work online and ensures that any earnings they make will be safeguarded in a bank account that they can access when they turn 16. This serves the dual purpose of ensuring children are not exploited financially and deterring parents and guardians away from the activity if they are less likely to reap financial rewards.⁴⁰⁸ The law also enshrines the right to erasure for child influencers due to the gap in GDPR provision explained above. As part of the authorisation process, the child's parents will receive information on the rights of their child and on the potential consequences of the release of images of their child on the internet.⁴⁰⁹

138. The new rules will apply to situations where the child is in a labour relation. Given the lack of consensus about the value of influencer marketing and the variability in standards of content production, determining the threshold of a labour relationship will be complex. The Studer Bill determined that such a labour relation exists if, for example, the child receives orders or directions from the video producer, who may be the parent. The new rules will also apply to what the National Assembly's committee report on the bill called a "grey zone", where the child is not in a labour relation, but nevertheless spends a significant amount of time making videos or derives a significant level of income from them.⁴¹⁰ This appears to be a comprehensive solution.

139. The French broadcasting authority (ARCOM) is consulting with online platforms to determine their obligations under the new legislation. YouTube⁴¹¹ and TikTok⁴¹² expressed their willingness to engage with the regulators in this process, and Instagram said that they welcomed the legislation.⁴¹³ Twitter noted that the legislation applies only to video sharing platforms and hence is not applicable to Twitter.⁴¹⁴

140. When asked for his opinion on the evidence we presented about children working longer hours than permitted in UK child labour regulations to produce influencer content for their parents, the Minister agreed that it was "fundamentally wrong".⁴¹⁵ The Minister was surprised that children in influencer settings are not covered by UK child labour and performance regulations.⁴¹⁶ He acknowledged that we had discovered a gap in UK regulations and said twice that this was an issue that should be addressed by the Government, either by DCMS or the Department of Business, Energy and Industrial Strategy (BEIS).⁴¹⁷ The Minister later wrote to us confirming that children being broadcast on the internet by their parents "are not covered by labour regulations as there is no labour relationship in these cases," and that Section 37 of the Children and Young Persons Act 1963 excludes user-generated content from its remit. Despite his earlier acknowledgement that the Government needed to address the situation he stated in the letter that "this is kept under review, but we have no plans to change this at this time".⁴¹⁸

408 *"Kidfluencers" and Social Media: The Evolution of Child Exploitation in the Digital Age*, Humanium, 23 February 2021

409 *'France: Parliament Adopts Law to Protect Child "Influencers" on Social Media'*, Library of Congress, 30 October 2020

410 *'France: Parliament Adopts Law to Protect Child "Influencers" on Social Media'*, Library of Congress, 30 October 2020

411 YouTube ([INF0044](#))

412 TikTok ([INF0043](#))

413 Instagram ([INF0042](#))

414 Twitter ([INF0047](#))

415 Q477 [Chris Philp]

416 Q477–481 [Chris Philp, Chair and Julie Elliott]

417 Q480 [Chris Philp]; Q481 [Chris Philp]

418 [Letter from Chris Philp MP](#), to Julian Knight, relating to Influencers oral evidence on 1 February, 28 February 2022

141. *We are deeply concerned that a lack of action in the booming influencer market will lead to even more children in the industry being exploited, with potentially lifelong consequences. We recommend that the Government urgently addresses the gap in UK child labour and performance regulation that is leaving child influencers without protection. We recommend that this be achieved through comprehensive new legislation in order to adequately address the complexities of the influencer industry. This should include provisions on working hours and conditions, mandate the protection of the child's earnings, ensure the child's right to erasure, and bring the child's labour arrangements under the oversight of local authorities.*

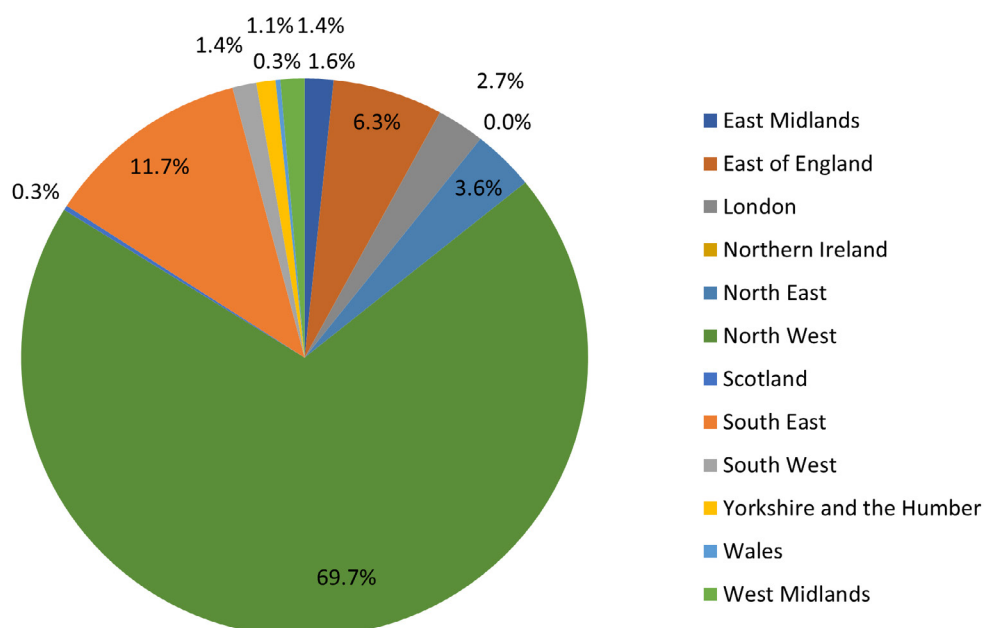
Appendix 1: Influencer Culture survey

As part of the House of Commons Digital, Culture, Media and Sport Committee's inquiry into Influencer Culture, Parliament's Education and Engagement Service conducted a survey of 511 British school children to understand their views on influencers and influencer culture. The results are listed below.

Question 1

Which region are you from?

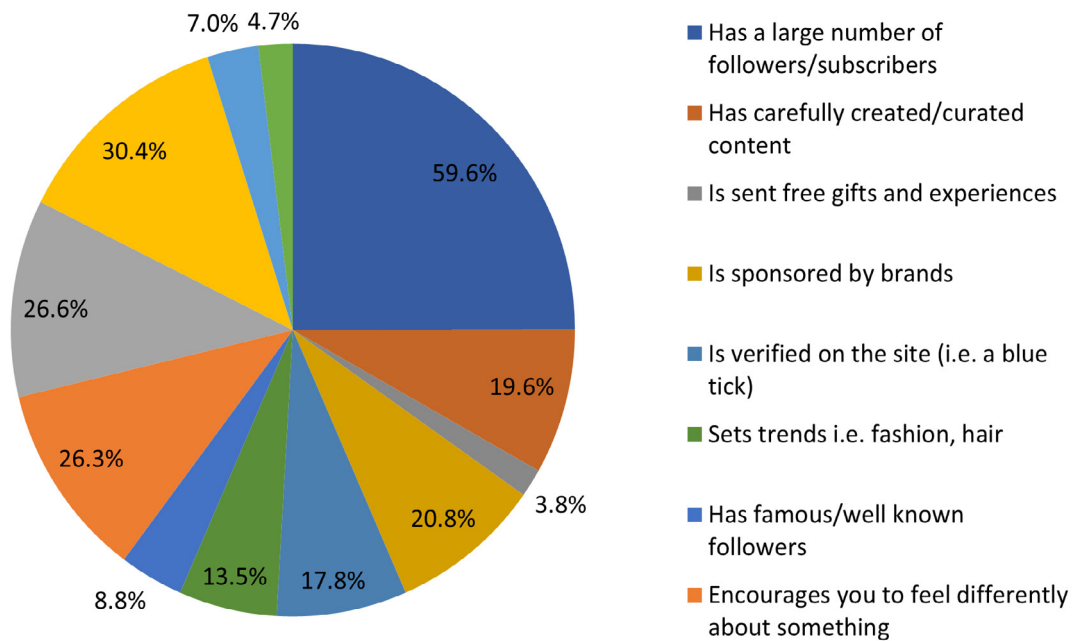
Answer Choice		Response Percent	Response Total
1	East Midlands	3.7%	19
2	East of England	10.2%	52
3	London	4.5%	23
4	Northern Ireland	0.0%	0
5	North East	6.8%	35
6	North West	51.3%	262
7	Scotland	2.9%	15
8	South East	10.0%	51
9	South West	1.0%	5
10	Yorkshire and the Humber	3.5%	18
11	Wales	0.2%	1
12	West Midlands	5.9%	30
Answered			511
Skipped			0



Question 2

"I would define an influencer as someone who ... " (Select up to three options)

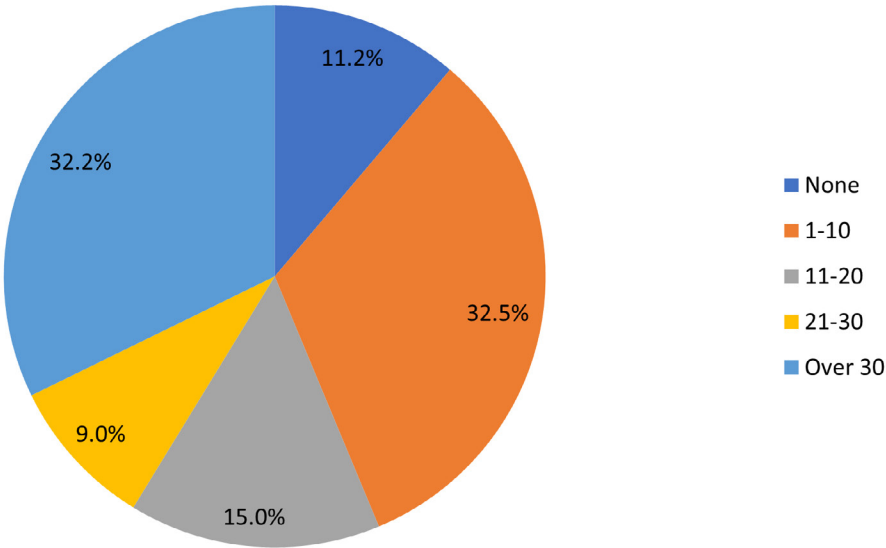
Answer Choice		Response Percent	Response Total
1	Has a large number of followers/subscribers	62.6%	305
2	Has carefully created/curated content	18.5%	90
3	Is sent free gifts and experiences	4.9%	24
4	Is sponsored by brands	20.7%	101
5	Is verified on the site (i.e. a blue tick)	15.8%	77
6	Sets trends i.e. fashion, hair	14.8%	72
7	Has famous/well known followers	7.8%	38
8	Encourages you to feel differently about something	26.7%	130
9	Makes money from their online presence	30.4%	148
10	Raises awareness for social issues	29.0%	141
11	Has a profile outside of social media	6.0%	29
12	Don't know	3.9%	19
Answered			487
Skipped			24



Question 3

How many influencers do you follow on social media?

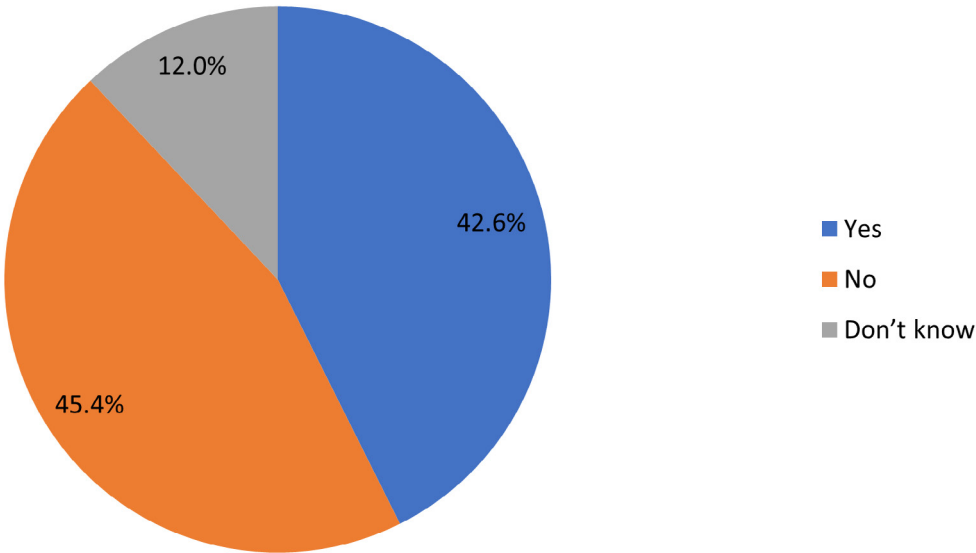
Answer Choice		Response Percent	Response Total
1	None	9.8%	50
2	1–10	33.1%	169
3	11–20	15.9%	81
4	21–30	8.6%	44
5	Over 30	32.7%	167
Answered			511
Skipped			0



Question 4

Have you ever bought a product/service after seeing it promoted by someone on social media?

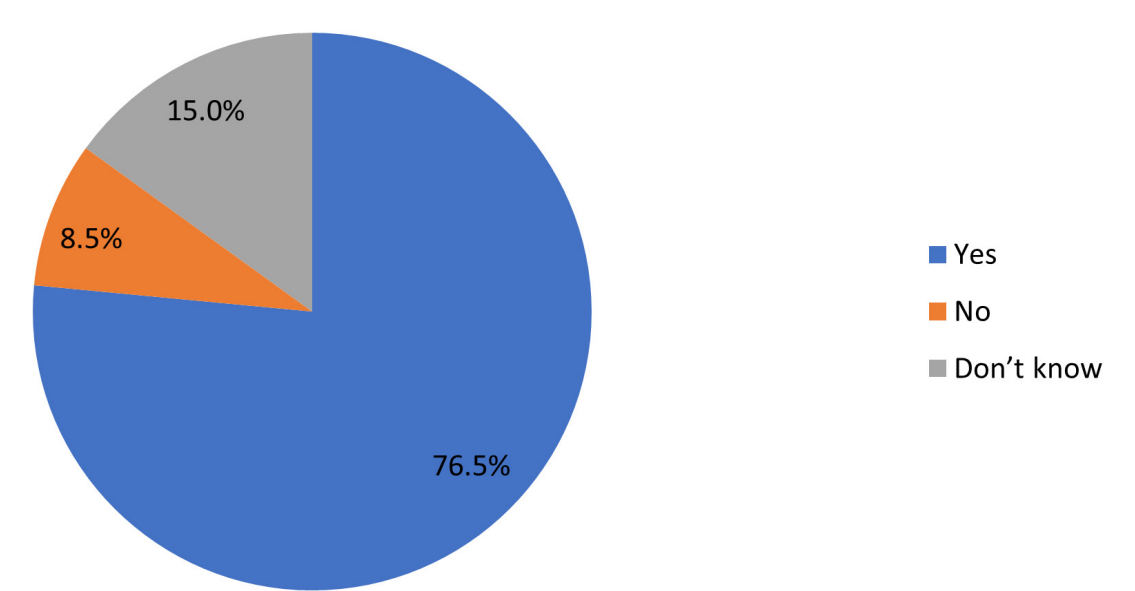
Answer Choice		Response Percent	Response Total
1	Yes	44.0%	225
2	No	44.8%	229
3	Don't know	11.2%	57
Answered			511
Skipped			0



Question 5

Do you think that influencers should be open and clear when they are promoting products/services online? i.e. making #AD more prominent

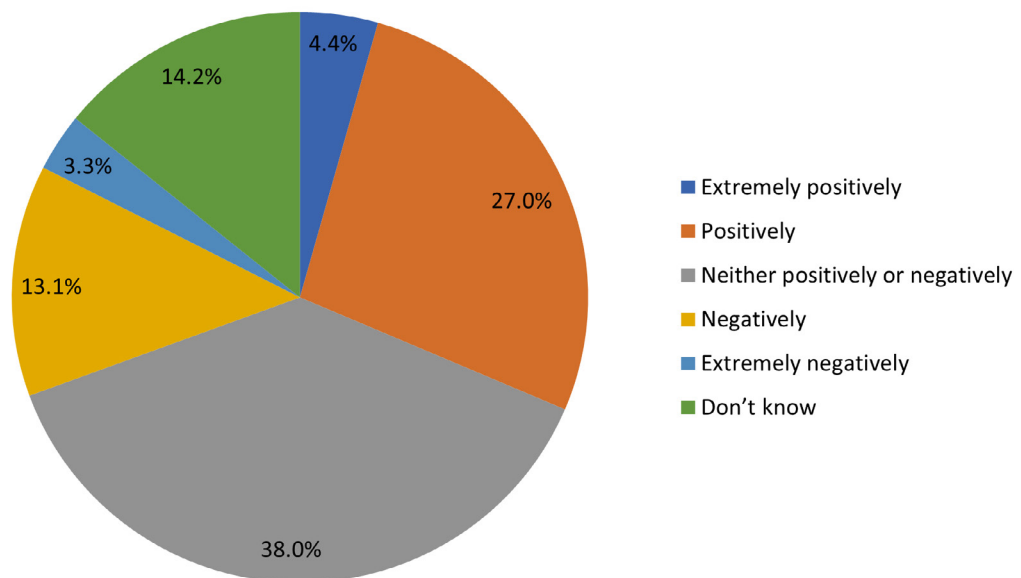
Answer Choice		Response Percent	Response Total
1	Yes	81.2%	415
2	No	7.2%	37
3	Don't know	11.5%	59
Answered			511
Skipped			0



Question 6

How do you view influencer culture?

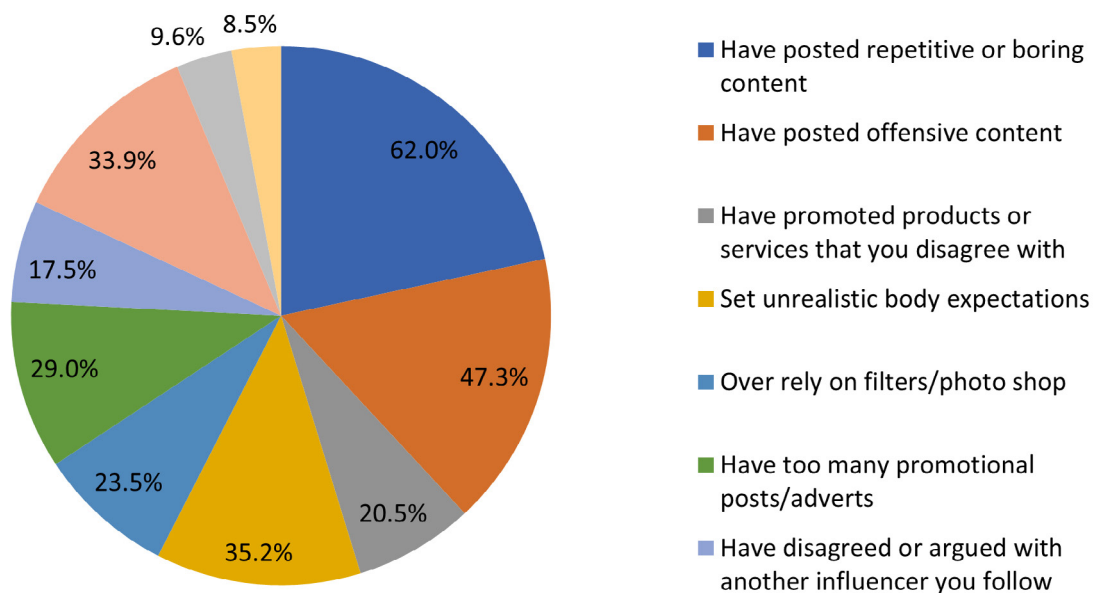
Answer Choice		Response Percent	Response Total
1	Extremely positively	3.5%	18
2	Positively	23.3%	119
3	Neither positively or negatively	41.5%	212
4	Negatively	17.6%	90
5	Extremely negatively	3.1%	16
6	Don't know	11.0%	56
Answered			511
Skipped			0



Question 7

Have you ever unfollowed someone on social media/online platforms because they: (Select all that apply)

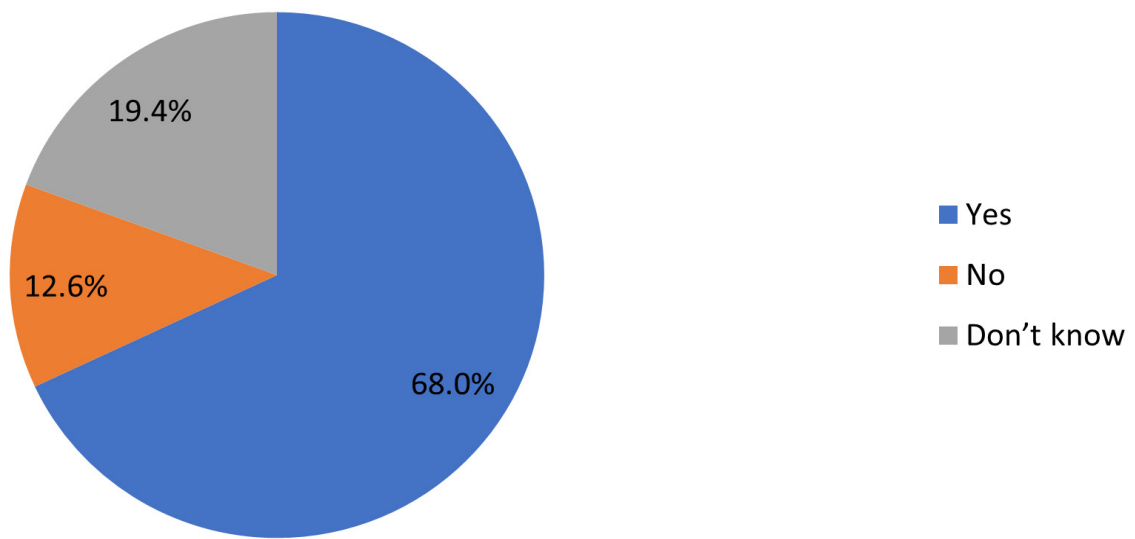
Answer Choice		Response Percent	Response Total
1	Have posted repetitive or boring content	62.6%	320
2	Have posted offensive content	51.7%	264
3	Have promoted products or services that you disagree with	23.7%	121
4	Set unrealistic body expectations	39.1%	200
5	Over rely on filters/photo shop	28.2%	144
6	Have too many promotional posts/adverts	33.5%	171
7	Have disagreed or argued with another influencer you follow	17.2%	88
8	Have broken laws i.e. lockdown laws	36.4%	186
9	I have never unfollowed someone on social media	8.4%	43
10	Other	6.7%	34
Answered			511
Skipped			0



Question 8

Can people who are already celebrities be seen as ‘influencers’ or do you have to be an influencer in your own right? For example, could actors and sports people who endorse products online be considered influencers?

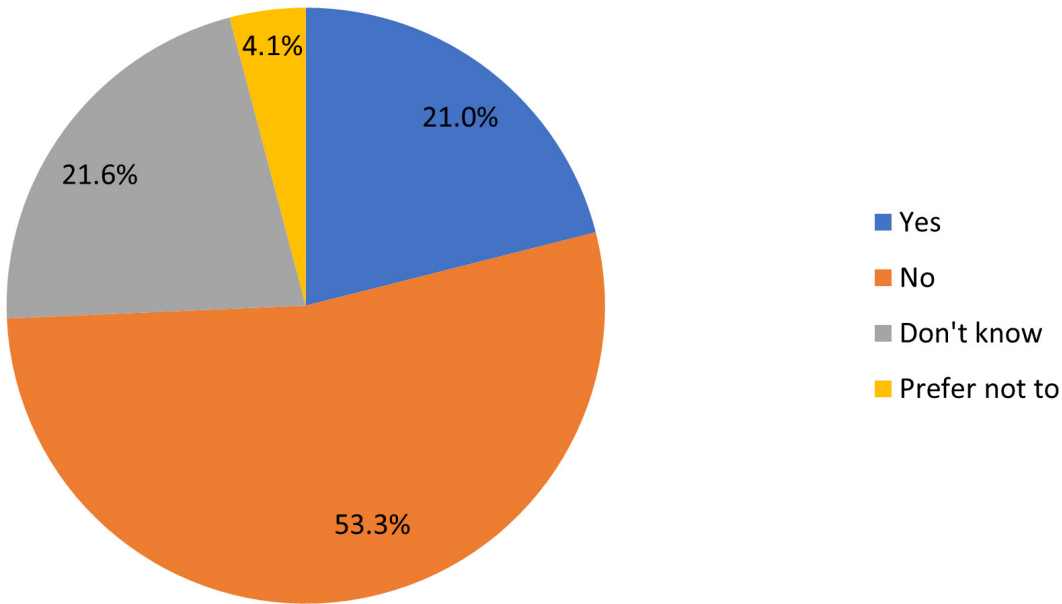
Answer Choice		Response Percent	Response Total
1	Yes	68.1%	348
2	No	14.3%	73
3	Don't know	17.6%	90
Answered			511
Skipped			0



Question 9

Has someone you follow online influenced the way that you post, or make content, for your own social media channels?

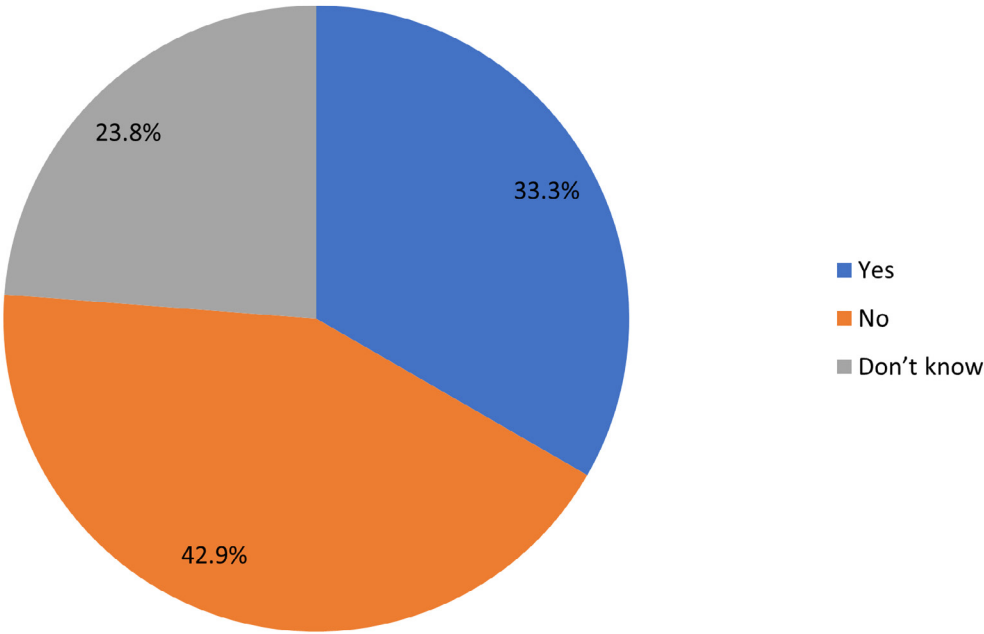
Answer Choice		Response Percent	Response Total
1	Yes	22.5%	115
2	No	53.2%	272
3	Don't know	20.5%	105
4	Prefer not to say	3.7%	19
Answered			511
Skipped			0



Question 10

Would you consider becoming an influencer?

Answer Choice		Response Percent	Response Total
1	Yes	32.1%	164
2	No	43.1%	220
3	Don't know	24.9%	127
Answered			511
Skipped			0



Appendix 2: ISBA Influencer Marketing Code of Conduct

1) The ISBA Influencer Marketing Code of Conduct⁴¹⁹ is useful as an example of industry best practice. It is encouraging that industry guidelines are being developed and distributed. The purpose of this Appendix is to examine the strengths and weaknesses of this code.

2) This Appendix is written by myself, Dr Sophie Bishop, specialist advisor to the Committee for this inquiry. I recognize the strengths of the Code of Conduct - which include the consideration of the distinct needs of different stakeholders in influencer culture—including brands, talent agents and influencers. I will focus here on how sections related to Brands and Talent Agents should be improved, particularly to include commitments related to influencer pay and working conditions.

Brands

3) It is encouraging that the ISBA is advocating for a commitment to diversity and inclusion in influencer culture. It is pertinent that the Code of Conduct is advocating for clarity around contracts, including content ownership, timescales, and payment processes. I also appreciate the ISBA's recognition of the responsibilities of advertisers in ensuring advertorial labelling is compliant with CAP guidelines (including for vulnerable groups) and commitments for brands to protect influencers against harassment.

4) However, this Code of Contract falls short as there is no consideration of minimum pay rates, pay gaps or pay inequalities. Both written and oral evidence in the inquiry has pointed to a lack of fair and proportionate compensation within influencer marketing. Many influencers are expected to work for free (for 'exposure') or are compensated with gifted products for significant labour. Therefore, any code of conduct should include a commitment from brands to pay a living wage to influencers who they are working with.

5) There is also no consideration of pay inequality or pay gaps in this section of the Code of Conduct. There is widespread evidence of influencer pay gaps, particularly along the lines of race. A Code of Conduct for brands should include a commitment to ensure that they are paying influencers equally and fairly, proportionately to the work that they are being contracted to undertake. A Code of Conduct should also recognize the right to collective trade representation for influencers, such as guilds and unions, and include a commitment to work with these groups regarding relevant issues in influencer culture.

Talent Agencies

6) Under the Code of Conduct, talent agents commit to safeguard influencer wellbeing, ensure they meet brand values and deliverables and support influencers in meeting CAP disclosure requirements. However, I believe that the Code of Conduct focuses disproportionately on the relationship between talent agents and brands, and does not discuss key concerns regarding in talent agent/influencer relationships.

419 ISBA, [Influencer Marketing Code of Conduct](#), (14 September 2021)

7) Any code of conduct that meets the needs of talent agents and influencers should include:

- guidance on standard, fair contracts between talent agents and contracted talent, including standard contract length and exit clauses;
- a commitment to clear and flexible contracts to meet the needs of vulnerable groups, such as children;
- a commitment to charge fair commission that is representative of industry standards;
- a commitment to ensure influencers are paid a living wage;
- a commitment to fairly distribute brand payment to influencers, without withholding unreasonable fees;
- a commitment to work with diverse talent that are representative of marginalized groups in society, and to ensure they are paid equally;
- commitments to support influencers following the dissolution or closure of talent agencies, including commitments to compensate outstanding influencer fees and payments in this event; and,
- a commitment to working with influencer unions, to identify timely issues related to influencer wellbeing.

Formal minute

Tuesday 26 April

Members present:

Julian Knight, in the Chair

Kevin Brennan

Steve Brine

Clive Efford

Julie Elliott

Rt Hon Damian Green

Dr Rupa Huq

Simon Jupp

John Nicolson

Giles Watling

Draft Report (*Influencer culture: Lights, camera, inaction?*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 141 read and agreed to.

Summary agreed to.

Appendices agreed to.

Resolved, That the Report be the Twelfth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

Adjournment

Adjourned till Tuesday 17 May 2022 at 9.30 am.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 13 July 2021

Dr Crystal Abidin, Associate Professor and Principal Research Fellow, Curtin University; **Em Sheldon**, Content creator and influencer; **Dr Francesca Sobande**, Lecturer, School of Journalism, Media and Culture, Cardiff University [Q1–46](#)

Sarah Brin, Senior Outreach Producer, Media Molecule; **Keith Weed**, President, Advertising Association [Q47–80](#)

Tuesday 14 September 2021

Amy Hart, content creator, activist and former Love Island contestant; **Nicole Ocran**, Co-Founder, The Creator Union [Q81–158](#)

Amy Bryant-Jeffries, Business Director, Talent and Partnerships, Gleam Futures; **Professor Brooke Erin Duffy**, Associate Professor, Cornell University; **Ben Jeffries**, Chief Executive and Co-Founder, Influencer.com [Q159–192](#)

Tuesday 02 November 2021

Dr Catalina Goanta, Assistant Professor in Private Law, Maastricht University; **Ed Magee**, Chair, National Network for Children in Employment and Entertainment; **Sergei Urban**, founder, The Dad Lab [Q193–263](#)

Dr Ysabel Gerrard, Lecturer in Digital Media and Society, University of Sheffield; **Professor Sonia Livingstone**, Department of Media and Communications, London School of Economics; **Helen Wills**, founder, Actually Mummy [Q264–298](#)

Thursday 25 November 2021

Dr Stephanie Alice Baker, Senior Lecturer in Sociology, City University of London; **Dr Giovanni De Gregorio**, postdoctoral researcher at the Centre for Socio-Legal Studies, University of Oxford; **Abbie Richards**, Science communicator [Q299–339](#)

Dr Robyn Caplan, Senior Researcher at Data and Society Research Institute; **Becca Lewis**, Graduate fellow and PhD candidate at Stanford University; **Sara McCorquodale**, Chief Executive and founder of CORQ [Q340–362](#)

Tuesday 18 January 2022

Iain Bundred, Head of Public Policy UK&I, YouTube; **Ronan Costello**, Senior Public Policy Manager EMEA, Twitter; **Tom Gault**, UK and Northern Europe Public Policy Lead, Instagram; **Elizabeth Kanter**, Director of Government Relations and Public Policy, TikTok [Q363–403](#)

Thursday 27 January 2022

Guy Parker, Chief Executive, Advertising Standards Authority; **George Lusty**, Senior Director for Consumer Protection, Competition and Markets Authority [Q404–452](#)

Tuesday 01 February 2022

Chris Philp MP, Minister for Tech and the Digital Economy, Department for Digital, Culture, Media and Sport; **Sarah Connolly**, Director, Security and Online Harms, Department for Digital, Culture, Media and Sport; **Mark Griffin**, Deputy Director, Creative Economy, Department for Digital, Culture, Media and Sport

[Q453–499](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

INF numbers are generated by the evidence processing system and so may not be complete.

- 1 Advertising Association ([INF0006](#))
- 2 Advertising Standards Authority ([INF0041](#))
- 3 Advertising Standards Authority ([INF0023](#))
- 4 Baker, Dr Stephanie Alice ([INF0040](#))
- 5 Baker, Dr Stephanie Alice ([INF0004](#))
- 6 Billion Dollar Boy Limited ([INF0030](#))
- 7 Bishop, Dr Sophie ([INF0045](#))
- 8 Bosher, Dr Hayleigh ([INF0013](#))
- 9 Competition and Markets Authority ([INF0046](#))
- 10 Competition and Markets Authority ([INF0027](#))
- 11 Department for Digital, Culture, Media and Sport ([INF0019](#))
- 12 Facebook ([INF0035](#))
- 13 Flint, Miss Beckii ([INF0002](#))
- 14 Girlguiding ([INF0007](#))
- 15 Gleam Futures ([INF0022](#))
- 16 Hardy, Professor Jonathan ([INF0014](#))
- 17 Hashtag Ad Consulting Limited ([INF0016](#))
- 18 IAB UK ([INF0026](#))
- 19 ISBA ([INF0025](#))
- 20 Influencer ([INF0015](#))
- 21 Influencer Marketing Trade Body ([INF0036](#))
- 22 Influencer Marketing Trade Body ([INF0037](#))
- 23 Influencer Marketing Trade Body ([INF0011](#))
- 24 Instagram ([INF0042](#))
- 25 LGB Alliance ([INF0033](#))
- 26 Livingstone, Professor Sonia; and Dr Miriam Rahali ([INF0039](#))
- 27 Mardon, Professor Kate Daunt; and Dr Hayley Cocker ([INF0005](#))
- 28 McSweeney, Dr Terence ([INF0003](#))
- 29 Mobile UK ([INF0032](#))
- 30 Northbank Talent Management ([INF0008](#))
- 31 Riefa, Dr Christine; and Dr Catalina Goanta ([INF0021](#))
- 32 Rocket Sports Internet Limited ([INF0012](#))
- 33 Safe Schools Alliance UK ([INF0029](#))

- 34 The Creator Union ([INF0017](#))
- 35 The Institute of Practitioners in Advertising ([INF0028](#))
- 36 TikTok ([INF0043](#))
- 37 Twitter ([INF0047](#))
- 38 UEA Centre for Competition Policy ([INF0024](#))
- 39 UK Interactive Entertainment ([INF0020](#))
- 40 VoiceBox ([INF0009](#))
- 41 Wills, Helen ([INF0038](#))
- 42 Yesiloglu, Dr Sevil; and Dr Joyce Costello ([INF0010](#))
- 43 YouTube ([INF0044](#))
- 44 YouTube ([INF0031](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2019–21

Number	Title	Reference
1st	The Covid-19 crisis and charities	HC 281
2nd	Misinformation in the COVID-19 Infodemic	HC 234
3rd	Impact of COVID-19 on DCMS sectors: First Report	HC 291
4th	Broadband and the road to 5G	HC 153
5th	Pre-appointment hearing for Chair of the BBC	HC 1119
6th	The future of public service broadcasting	HC 156

Session 2021–22

Number	Title	Reference
1st	The future of UK music festivals	HC 49
2nd	Economics of music streaming	HC 50
3rd	Concussion in sport	HC 46
4th	Sport in our communities	HC 45
5th	Pre-appointment hearing for Information Commissioner	HC 260
6th	Pre-appointment hearing for Chair of the Charity Commission	HC 261
7th	Racism in cricket	HC 1001
8th	The Draft Online Safety Bill and the legal but harmful debate	HC 1039
9th	Major cultural and sporting events	HC 259
10th	Another pre-appointment hearing for Chair of the Charity Commission	HC 1200
11th	Pre-appointment hearing for Chair of Ofcom	HC 48