

Response by the Influencer Marketing Trade Body to written evidence submitted by the Department for Digital, Culture, Media & Sport

Submission to the Digital, Culture, Media & Sport Select Committee inquiry into INFLUENCER CULTURE

13 August 2021

1. Paragraph 12 of the written evidence provided by the Department for Digital, Culture, Media & Sport (“DCMS”) to the Select Committee inquiry into Influencer Culture refers to increased numbers of complaints made to the Advertising Standards Authority (“ASA”) in relation to influencers: "The ASA has recently published a report on Influencer Advertising which highlights steadily rising complaints about whether influencer adverts are appropriately disclosed on social media." The name of the report is not provided in the evidence. However, the ASA Annual Report - 2020<sup>1</sup> (published 29 April 2021) notes that "complaints about influencer posts decreased by 8%" and the number of resulting claims from those complaints decreased by 9% compared with the previous year (2019), (page 22).
2. The intention of the Influencer Marketing Trade Body (“IMTB”) is to help realise a robust and sustainable future for the influencer marketing industry. Consumer protection is a vital component of our industry’s long-term success. This is true from a regulatory and governance point of view but also from broader ethical, moral, and commercial considerations. It would be helpful:
  - a. to either understand which figures the DCMS is referring to in showing increased numbers of complaints in relation to influencers; or
  - b. for this section of DCMS’ evidence to be corrected to reflect that ASA data shows both the number of influencer-related complaints and claims fell last year compared with the previous year.
3. Paragraph 12 of the DCMS written evidence continues: "In 2020, the ASA has analysed over 24,000 individual pieces of content on Instagram across 122 UK-based influencers.  
1 Annual Report 2020 - Protecting young and vulnerable people (Full Version) (2021, April 29) Retrieved 11 August 2021 from <https://www.asa.org.uk/resource/annual-report-2020-full-version.html>

The results highlighted a disappointing overall rate of compliance with existing advertising rules on making sufficiently clear when they were being paid to promote a product or service." This section may leave the reader with the incorrect understanding that the sample-set of influencers was randomised and anonymised; a representative sample set of the influencer landscape in the UK. This is not the case. The ASA explains within its annual report: "We monitored the Stories of 122 UK-based influencers on Instagram over 21 consecutive days, capturing over 24,000 Stories. The influencers we monitored had already been given ad labelling advice, either directly as part of the ASA resolving a complaint, or as part of our proactive advice work." <sup>2</sup>These influencers analysed by the ASA were repeat offenders. They had already benefitted from ad labelling advice by the ASA. These influencers had presumably taken a commercial decision not to abide by the ASA guidelines.

4. It is the position of the IMTB that current compliance and disclosure rules are sufficient and fit-for-purpose. Furthermore, it is our position that awareness of current compliance and disclosure rules and regulations are sufficiently well understood by consumers. However, sanctions at the disposal of the regulators and the process for triggering those sanctions may need to be revisited by those regulators.
5. It may be noteworthy to comment further on the 122 UK-based influencers. The ASA analysis is based on the total number of posts published by this group of influencers. The report does not disclose how many of the 122 influencers failed to meet disclosure regulations. Without a breakdown we are unable to ascertain whether all the 122 influencers continued to break disclosure rules or whether it was a minority of offenders producing large quantities of content.
6. Methodology detailing how the 24,000 pieces of content were analysed is not provided by the ASA. The March 2021 ASA<sup>3</sup> report explains that 24% of this content was deemed to be advertising material. Absent sight of the data, it is possible that some of the content categorised as advertising did contain tags to brand profiles but was not part of a commercial arrangement between influencer and brand – i.e. the influencer

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<sup>2</sup> *ASA Annual Report - 2020* (published 29 April 2021). Page 17. Subsection: 'Enforcing the ad labelling rules on social media'

<sup>3</sup> *Influencer Ad Disclosure on Social Media*. (2021, March 18). Advertising Standards Authority. Retrieved April 21, 2021, from <https://www.asa.org.uk/uploads/assets/dd740667-6fe0-4fa7-80de3e4598417912/Influencer-Monitoring-Report-March2021.pdf>

mentioned a brand purely because s/he had an affinity with that brand rather than a commercial incentive to post.

7. The Influencer Marketing Trade Body is a newly-formed professional membership organisation for influencer marketing agencies and influencer marketing platforms. We are dedicated to building a robust, sustainable future for the influencer marketing industry. More information, including our code of conduct, may be found at <https://imtb.org.uk/>