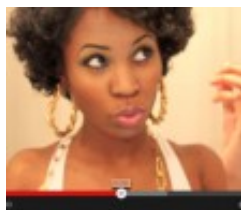


The knotty problem of regulating vloggers and brands

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Forget eyeballs, we all know [advertising](#) is increasingly about conversations and engaging with your target audience in an organic way. Latest figures suggest that over 2.2 billion now engage in **social** media activity. Vloggers are the new influencers and often a **brand's** best allies in the fight to reach a target audience.

Vloggers can have huge followings and with this comes unbelievable commercial opportunities. How many of us thought “I’m in the wrong job” when we read in the press a few weeks ago how a 23 year old had earned enough (from posting videos of himself playing *Minecraft*) [to buy a \\$4.5 million party pad in the Hollywood Hills](#)? And he was not even one of the biggest players, no pun intended, in the vlogging world.

Back in 2013, our regulator, [the ASA, published guidance around paid-for blogging](#). The key takeaways from this were:

1. If a blogger is paid to endorse a product, it amounts to an ad, and the commercial relationship must be disclosed;
2. Bloggers must not falsely present themselves as consumers if they are being paid.

Almost a year later the ASA extended its guidance to vlogs. Have you tried the Oreo Lick Race challenge? The guys behind the AmazingPhil **YouTube** channel (2 million subscribers) did so, but [failed to make it clear, in the eyes of the ASA, that they were being paid to take part](#).

The ASA cited the requirement that marcomms be ‘obviously identifiable’, stating that the commercial relationship should have been made clear before viewers engaged with the content. Both the ASA and its sister body, CAP, provided guidance on how this could be achieved, but not hard and fast rules.

In August this year, [CAP published further guidance for vloggers](#) to identify certain scenarios in which the **advertising** rules are likely to apply.

Where a vlogger is paid to promote a product, the advertiser, not the vlogger, will be accountable, so educating vloggers to ensure that they comply with the rules, is essential. This is a constant struggle when vloggers seek to maintain their integrity. A set of guidelines is

usually the answer, to gently encourage the vlogger towards compliance. But since the directions of the regulatory bodies are open to a fair amount of interpretation, boundaries will certainly be pushed.

Whilst the cookie may have crumbled for **Oreo**, it will be interesting to see how others rise to the challenge.

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