

## 12.3 INFLUENCERS

Advertising Standards Authority define an influencer as:

**‘Anyone who has been paid by a brand to advertise a product on their own social media, because of their social media influence.’**

A social media user doesn’t need a particular number of followers or a particular occupation to count as an ‘influencer’– in practice, the ASA defines an influencer as anyone who has been paid by a brand to advertise a product on their own social media, because of their social media influence.

Payment means any form of monetary payment; commission; a free loan of a product/ service; a free product/service (whether requested or received out of the blue); or any other incentive.

Only the AR firm, as the regulated entity, is permitted by the network to make financial promotions communications, even when the content is to be distributed by a 3rd party such as an influencer or introducer. As such, the AR will ‘own’ the content and must therefore apply the same criteria as if posting the content via their own platform profiles. This includes :

- Clear identification of the AR firm (either by registered name or trading name)
- Contact point for the AR firm
- Link to AR website
- Any risk/balancing content determined by the promotional element of the communication.

The ASA state the following in respect of content posted by an ‘influencer’ in respect of an AR’s services and/or products:

**‘In contrast to the posts on a brand’s own social media page, when an influencer talks about a particular brand it isn’t self-evident whether they are expressing an independent opinion or whether they have been incentivised to do so by the brand.’**

*ASA ‘Recognising ads: Social Media and influencer marketing’ – 31 July 2020*

ASA requirements are that any ‘influencer’ content must be easily identifiable as a marketing communication, typically with the inclusion of a prominent ‘ad’ label up front/at the beginning or displayed with prominence within post imagery.

Each post must meet ‘standalone’ compliance requirements and therefore not rely on the content of previous posts, to make clear the nature of the AR: Influencer relationship or that each post is an advert.

Additionally, social media platforms may have their own terms and conditions in respect of such influencers and it is important that these are fully adhered to.

Under the definitions detailed at the start of this section, there is a commercial agreement between the influencer and the PRIMIS AR. As such, influencers are captured by the Network’s definition of an introducer and must be registered with the Network as such.

The Network recommends that ARs seek their own legal advice prior to entering into any contractual arrangements with social media influencers.

ARs are reminded that material posted by influencers are not covered by the Social Media Licence and require prior approval from Financial Promotions.

## 12.4 LIKING, SHARING, RE-TWEETING

As detailed in the content setting out the parameters of the Social Media Licence, only profiles which are under the control of the AR, and which make this ‘ownership’ explicitly clear to the average customer will be allowed for inclusion within the licence permissions. Personal profiles will not be included within the