

# Recognising ads: Blogs and vlogs

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Note: This advice is given by the CAP Executive about non-broadcast advertising. It does not constitute legal advice. It does not bind CAP, CAP advisory panels or the Advertising Standards Authority.

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The Scope of the Code states that it applies to advertorials and part III (subsection k.) defines this as “an advertisement feature, announcement or promotion, the content of which is controlled by the marketer, not the publisher, that is disseminated in exchange for a payment or other reciprocal arrangement”.

This definition applies to content on vlogs and blogs (and other online space, including **social media**) as much as it does to offline space like newspapers and magazines.

Further guidance on the two stage test that must be satisfied for content to be considered an advertorial can be found in our advice on **‘Recognising ads: Advertisement features’**.

Our advice on **‘Video blogs: Scenarios’** also gives further guidance on different types of scenarios where content creators and brands might work together, when this is likely to be considered advertising and potential approaches to making clear that the content is a marketing communication.

Please note that this guidance is not intended to apply to content on a marketer’s own website or social media (see **‘Remit: Own websites’** and **‘Remit: Social media’** for more information).

- **Make sure the content is obviously identifiable**
- **Be mindful that labelling needs to be timely.**

- **Ensure that labelling is clear**
- **Remember that the rest of the Code applies**

## Make sure the content is obviously identifiable

Most of the time, it's clear from where the ads appear and/or the overall nature of the material what they are. For example, viewers are likely to recognize that pre-roll ads on a Youtube video are separate to the video and that banners or pop-ups on a blog page are ads rather than editorial content.

When it comes to advertorial blogs and vlogs, because consumers have less experience with some forms of advertising hosted on social media, and advertorial content in particular is often difficult to distinguish from genuine user generated content, marketers (and vloggers/bloggers) should pay particular attention to ensuring that marketing communications are obviously identifiable as such.

Five advertorial YouTube videos from vloggers, all of which featured Oreo biscuits and the vloggers undertaking the "Oreo Lick Race Challenge" with references to other "Lick Race" videos available were ruled to breach the Code because they were not obviously identifiable as marketing communications and their commercial intent was not clear prior to consumer engagement. Although phrases like "Thanks to Oreo for making this video possible" were included verbally or in the description of the videos, the presentation of each ad was very much in keeping with the editorial content of the respective channels and the ASA considered that the fact that the videos were marketing communications was not immediately clear from the style alone (**Mondelez UK Ltd**, 26 November 2014).

Marketers (and vloggers/bloggers) therefore need to ensure the presentation of advertorial content makes it clear that it is an ad and if the style doesn't make the nature of the content clear, then it may need to be labelled with an identifier such as "Ad" or similar in order to make this clear.

## Be mindful that labelling needs to be timely

Viewers need to know they are selecting an ad to view before they watch it. This means making a distinction between ads and editorial content so viewers can make an informed choice. Finding out something is an ad after having selected it, at the end of a video or half way through will not be sufficient.

If it is not otherwise clear from the context, it's likely that the title of the vlog and/or the thumbnail will need to include an identifier such as 'Ad' so that it is clear to consumers before they click through to the content. Including an identifier or an explanation only in the video itself or in the 'description' is unlikely to be sufficient to make the content obviously identifiable prior to engagement.

## Ensure that labelling is clear

Although many ASA rulings make explicit reference to the use of "Ad" or "#ad", the ASA is not prescriptive and this is not the only identifier that could potentially be considered acceptable (though it is arguably the most obvious). Labels or disclosures don't necessarily have to be formal, they can match the vlogger's style, they just need to be clear.

Marketers should however be aware that "#sp", "spon" and similar, are unlikely to be considered sufficiently accurate for advertorial content because 'sponsored content' is different from advertorial content where an advertiser had editorial control (**Britvic Soft Drinks Ltd**, 18 November 2015).

Similarly, "In association with..." and "Thanks to [Brand] for making this video possible" might indicate that a brand was involved in the process but are unlikely to clearly indicate that an advertiser paid for and had editorial control over the content (**Michelin Tyre plc** and Telegraph Media Group Ltd, 30 December 2015; Mondelez UK Ltd, 26 November 2014).

## Remember that the rest of the Code applies

Because advertorial content falls within the scope of the CAP Code, all of the relevant rules will apply and it therefore should not, amongst other things, materially **mislead** consumers or cause serious or widespread **offence**.

See "**Recognising ads: Overview**", "**Recognising ads: General**", "**Video blogs: Scenarios**", "**Celebrities**", "**Affiliate Marketing**", "**Recognising ads: Advertisement features**", "**Recognising ads: Social media**" and "**Recognising ads: Contextually targeted branded content**".

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