

NITTY GRITTY UPDATE

The Australian social media landscape has once again changed, this time in the form of a new clause from The Australian Association of National Advertisers (AANA). Clause 2.7 was recently inserted into the current AANA Code of Ethics.

From now on, all “advertising or marketing communication must be clearly distinguishable as such to the relevant audience”.

The key to ensuring your brand complies with the new legislation is to ensure all marketing and advertising content is clearly distinguishable as such. Content marked with #advert or #sponsored hashtag won't appear disingenuous if your collaboration is authentic, well aligned and valuable.

Although each content should be assessed individually, keep the following in mind;

- **Editorial content created by an Influencer in collaboration with a brand must be marked as an advertisement. If the brand reposts this content through their own social media presence, it is likely to be distinguishable as marketing communication to their audience, and does not need to be explicitly noted as such.**
- **If an Influencer posts content to their feed within parameters defined by the brand, it is considered marketing communication. For an influencer to comply with the new legislation, content must be accompanied by a hashtag to communicate this i.e. #ad or #sponsoredpost**
- **If a brand gifts an Influencer product without any agreed upon provisions, and the Influencer posts on their own accord, it is not considered advertising as the brand has no control over any content the Influencer may produce.**
- **Gifting a product and including a list of features for the Influencer to include in their social media posts is considered a marketing communication and will need to be distinguished as such.**
- **Content created in collaboration with an Influencer (such as in interview or photoshoot) which will appear on the brands established channel may not need to be marked as an advert.**
- ***Breaching the ACL (Australian Consumer Law) carries a maximum fine of \$220,000 per post for an influencer, and \$1.1m for a brand.***

Find out more via AANA's Best Practice Guideline [here](#).

Let us know if you have any questions, we are happy to talk through how these changes may affect your brand and practices.

