

ASA clampdown on influencers will de-monetise those who fall foul

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Six public figures – including Jodie Marsh and former Love Island contestants – are being targeted by the ASA's new strategy, which law firm Lewis Silkin says will damage both the reputations and incomes of transgressors.

ASA: will be using targeted ads to call out non-complying influencers (Getty Images)

The Advertising Standards Authority is exposing influencers who consistently ignore the rules requiring them to disclose ads on social media by releasing its own targeted ads.

Geraint Lloyd-Taylor, partner in the advertising and marketing team at law firm Lewis Silkin, described the watchdog's latest strategy as "more effective than it might seem".

He continued: "Not only does the ASA's approach tarnish an influencer's reputation and risk damaging trust in them from the point of view of their fan base, it can affect an influencer's ability to monetise their content."

The ASA started to crack down on those influencers disregarding regulations in June 2021 by naming and shaming them on its website. Now it intends to get an even wider reach by the release of ads on Instagram, which will alert followers to rule breaking.

Rules stipulate that it must be obvious to consumers when an influencer is promoting something paid for by the brand before followers interact with the post. The use of "#ad" in the caption is most commonly used to signpost this form of advertising.

Lloyd-Taylor continued: "When their name appears on this publicly available list of influencers that have consistently failed to comply with advertising standards, brands and prospective partners looking to team up with influencers will be able to easily 'blacklist' influencers who have repeatedly fallen foul of the ASA."

Model and media personality Jodie Marsh and *Love Island* contestants Francesca Allen and Anna Vakili are among the six public figures being called out by the ads.

The ASA intends to stop the ads once it sees the influencers complying but if they continue to ignore the rules, enforcement will continue to take place.

Further ASA regulation will also affect influencers on the back of the growing popularity of cryptocurrency in the UK. Ads promoting crypto will require various warnings in order to ensure consumers are not being taken advantage of due to their inexperience with this form of investment.

Lloyd-Taylor explained: “Stricter rules are around the corner when it comes to influencers and others promoting crypto in the UK, as the Treasury announced that it will bring crypto ads within the scope of existing legislation that covers financial promotions, which means they will be regulated by the Financial Conduct Authority.

“The FCA has significantly greater powers than the ASA to sanction those who breach the rules in this area.”