

04 August 2020

Advertising Standards Authority
communications@asa.co.nz

Re: Feedback on the Advertising Standards Authority (ASA) consultation Influencers – Making it clear that ads are ads

Regional Public Health (RPH) is the public health unit for the greater Wellington region (Wairarapa, Hutt Valley and Capital & Coast District Health Boards). Our purpose is to improve and protect the health of the population in the greater Wellington region with a focus on achieving equity. We appreciate the opportunity to provide feedback on the ASA consultation on Influencers – making it clear that ads are ads.

Regional Public Health is concerned about advertising standards insofar as individuals or groups use advertising to make claims, promote or denigrate therapeutic and health related products, services or public health processes. For example, influencers may make health related claims regarding the efficacy of different health products or supplements, or of public health activities such as vaccination or fluoridation of water. Regional Public Health supports the clear identification of influencer contents as ads where they reflect an item that is being promoted to the public by an “influencer” and where the intent is to influence the choice, opinion or behaviour of the target audience¹. Clearly identifying these as ads means that the influencer can be held to the same standards as other advertisers.

Thank you for the opportunity to comment on the ASA consultation on the Influencers – making it clear ads are ads proposal.

The point of contact for this submission is:

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Ngā mihi

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¹ Therapeutic and Health Advertising Code. Available at: <http://www.asa.co.nz/wp-content/uploads/2019/10/THERAPEUTIC-AN-D-HEALTH-ADVERTISING-CODE.pdf>

Influencers- Making it clear ads are ads

RPH supports the proposal by ASA to make it clear that influencer ad content is clearly identified.

RPH believes that many Instagram posts or other social media posts by influencers meet the criteria for an advertisement under the code. They fulfil this criteria as the content is “controlled directly or indirectly” by the advertiser who chooses to display it under their Instagram or other social media handle and, is posted with “the intent to influence the choice, opinion or behaviour” of followers.¹

We support the ASA in this proposal as we believe it provides clarity in identifying influencer contents as ads and places responsibility on the influencer to do so. We support this being applied across all social media and other content produced by an influencer e.g. websites, Facebook, Instagram, Snapchat, Twitter or other media, where the intent is to influence consumers choice. Without clarifying that this responsibility lies with an influencer before posting, this advertising content may not be transparent and visible to consumers as what it is – an ad.

RPH endorses the ASA requirement specifying that advertising content be identified “upfront” in the first part of any accompanying text or video content so that this is not “buried” within a number of other hashtags and minimised or made less easily identifiable by the influencer.

RPH recommends that the ASA clarify in the guidance that posts or endorsements by influencers that meet the criteria for, and are identified as ads, are subject to the relevant advertising code. For example, for health products, advertisers would then be required to comply with the principles of social responsibility and truthful presentation.¹