

NOTE

Extract from the 2020 [Cosmetics Europe Charter and Guiding Principles on Responsible Advertising and Marketing Communications](#). Influencer Recommendations (footnotes omitted)

Influencer Recommendations

Content created by social influencers is viewed and followed by many consumers and is often an integral part of daily life, and an important source of information. It is important to distinguish between genuine, unbiased opinions shared by influencers and the ones that are marketing. Detailed guidance can be found in EASA's Best Practice Recommendation on influencer marketing (2018).

Communication from an influencer should not be used by the marketer as a covert route to advertise a cosmetic product. Such a communication may indeed be considered as an advertisement under the marketer's responsibility, and subject to advertising rules if the marketer of the cosmetic product has:

- a) Paid the influencer or has some other reciprocal arrangement and/or
- b) Had some form of editorial 'control' over the content, which could merely be final approval and/or
- c) Has intentionally linked, endorsed, incorporated, distributed or promoted the free communication of the influencer for advertising purposes in its marketing communications.

In this case, the general requirements for an advertisement would apply, including:

- being obviously identifiable as an advertisement
- not misleading people (e.g. being supported with appropriate evidence).

1. A **payment/ reciprocal arrangement** or material connection is defined as where:

- The influencer is paid a specified amount of money to create and/or post a particular piece of content.
- There is any other sort of commercial relationship with the influencer including being paid to be an ambassador for the Brand.
- The influencer is provided the cosmetic product they endorse, free of charge
- The influencer is provided cosmetic products, gifts, services, etc. at no expense.
- The influencer has a business, family or other close relationship to seller that is known to the advertiser unless proved otherwise.

2. **Editorial control** is defined as where:

- The influencer with a payment or reciprocal arrangement is not completely free to do and say whatever she/he wants whenever she/he wants.
- This could include:
 - Telling the influencer to include particular words, phrases, themes or 'key messages', or to use a particular #hashtag.
 - Specifying what needs to be in an image/video, e.g. requiring the influencer to include a specific action in a video or specifying the type of content to create (e.g. 'unboxing' the featured product).
 - Requiring the influencer to post a certain number of times, on certain days and/or at specific times
 - Reserving the right to check/approve the content before it is posted.
 - Reserving the right to ask for a post to be changed before it is posted.

3. **To make an advert clearly identifiable and recognisable**

Recognisability of commercial communications is of paramount importance and a cornerstone of responsible cosmetic product advertising. Both the marketer and the influencer are responsible for ensuring dedicated disclosure that the content is clearly presented as a marketing communications, in a way that is adapted to the context (e.g. whether in traditional or digital media).

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