

NOTE:

From the Social Media Advertising Code (SMAC) [EN](#) / [NL](#)

Advertiser's responsibility towards the Distributor and third parties

- The Advertiser must (Art. 6 (1a-d) SMAC):
 - a. Make the Distributor aware of and familiar with the contents of this Code
 - b. Require the assigned Distributor to comply with the relevant law and regulations, including the Dutch Advertising Code and this Code, for example by drawing up rules
 - c. if the Distributor is permitted to use third parties (for example, other vloggers/ bloggers), draw the Distributor's attention to the fact that such third parties must also comply with the obligations referred to in b
 - d. Make every effort to ensure that the Distributor complies with the obligations referred to in points b. and c. and to actively take measures against violations
- The Advertiser cannot excuse himself from the obligations referred to above based on the mere fact that the Distributor is not working to his instructions (Art. 6 (2) SMAC)
- If the Advertiser has fulfilled the above obligations, the Advertiser will have done as much as can be reasonably expected of him/ her to ensure that the Distributors comply with the rules (Art. 6 (3) SMAC)
- The Advertiser and Distributor each bear their own responsibility for compliance with Articles 3, 4 and 5 of this Code. When a complaint is acknowledged, the Advertising Code Committee and, on appeal, the Board of Appeal can designate the party to which non-compliance with this Code is attributable (Art. 6 (4) SMAC).

Compliance with the provisions of this Code will not affect the wider duty of compliance contained in the DAC, in particular the provisions of misleading advertising in Articles 7 and 8 [DAC](#) (Section A) and the recognisability of advertising from Article 11.1 DAC (Art. 7 SMAC)