

G-Regs™

Sweden – Consumer Agency Social Media



Full title of law or regulation	Guidelines on marketing in blogs and other social media
Title of section	All
Contents	<p>Introduction.....4 (1)</p> <p>1 A few summary points5 (2)</p> <p>2 The Swedish Marketing Practices Act and blogs6 (2)</p> <p>3 To whom does the Swedish Marketing Practices Act apply?.....6 (3)</p> <p>4 Ban on hidden marketing7 (3)</p> <p>5 Labelling posts as advertising..... 7 (3)</p> <p>6 Marketing to children and young people.....8 (4)</p> <p>7 Marketing may be prohibited 8 (4)</p> <p>8 Other information9 (4)</p> <p><i>(Page numbers in this translated version within brackets)</i></p>
Introduction	<p>These guidelines are intended for anyone marketing a company's operations or products in their blogs or on other social media such as Facebook, Instagram, Twitter, Snapchat or YouTube.</p> <p>Advertising for a company or its products and services against remuneration is regarded as marketing and is therefore subject to the provisions of the Swedish Marketing Practices Act.</p> <p>Under the Swedish Marketing Practices Act, all marketing must be designed so that it is clear that it is marketing and who is behind it. For a blogger, for example, it is therefore important to distinguish between marketing posts and other blog posts.</p> <p>Anyone who advertises their own or another party's goods and services is under an obligation to know the rules that apply. The same rules apply, regardless of the channel. If you do not follow the rules, you are failing to comply with the Swedish Marketing Practices Act.</p> <p>In the work to draw up these guidelines, bloggers and representatives of companies that work with bloggers have had the opportunity to comment on the guidelines.</p> <p>The guidelines use the terms 'should' and 'must'. The term 'should' refers to a recommendation and the term 'must' refers to a requirement under the Swedish Marketing Practices Act.</p>
Clause 1	<p>A few summary points</p> <ul style="list-style-type: none"> • All marketing is subject to the provisions of the Swedish Marketing Practices Act.

URL of source: <http://www.konsumentverket.se/globalassets/publikationer/produkter-och-tjanster/reklam-och-marknadsforing/vagledning-om-marknadsforing-i-bloggar-201511-konsumentverket.pdf>

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- A fundamental rule of the Swedish Marketing Practices Act is that the recipient of marketing must be able to identify it as marketing immediately without difficulty. It must also be clear who is behind the marketing, i.e. the company that is marketing or having its operations or products marketed.
 - If a person is paid, or remunerated in some other way, for highlighting a company's operations or products, the post must be clearly labelled as marketing. This is to ensure that it is not mistaken for other content.
 - Particular care must be paid to advertising directed at children. It is prohibited to encourage children to buy anything.
 - Marketing that fails to comply with the Act's requirements may be prohibited. If you fail to comply with such a prohibition, you may be sentenced by a court to pay a fine (a certain sum of money).
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Clause 2

The Swedish Marketing Practices Act and blogs

The Swedish Marketing Practices Act applies to all marketing, regardless of the media used. There is no prohibition on writing about a product you like and want to recommend to others or a company you have engaged and with which you are satisfied. However, if a blogger receives remuneration for writing about a company's operations or products, it is marketing and the rules of the Swedish Marketing Practices Act apply. It is irrelevant whether the company contacts the blogger or vice versa.

Remuneration from the company that wants the blogger to market the company's operations or products may consist of:

- Money
- A product, for example a garment
- A service, for example a haircut
- Some other compensation

About the Swedish Marketing Practices Act

The Swedish Marketing Practices Act protects people against misleading, aggressive and other prohibited marketing. Among other things, it requires that marketing must not affect a person's ability to make a well-founded purchasing decision. Marketing means all the activities a company performs to market its products or services.

Clause 3

To whom does the Swedish Marketing Practices Act apply?

It is not only the company that ultimately sells a product that is responsible for the marketing under the Swedish Marketing Practices Act. A blogger who markets a product on behalf of a company is also subject to the provisions of the Act, whether the blogger sells the product or not.

Persons responsible for marketing under the Swedish Marketing Practices Act are:

- A company that is behind the marketing
 - An employee of the company that is behind the marketing
 - Anyone else who markets a product on behalf of the company, for example a blogger
 - Others who have made a significant contribution to the marketing
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URL of source: <http://www.konsumentverket.se/globalassets/publikationer/produkter-och-tjanster/reklam-och-marknadsforing/vagledning-om-marknadsforing-i-blogger-201511-konsumentverket.pdf>

Clause 4

Ban on hidden marketing

A reader of a blog or other post in other social media must be able to identify whether the post is marketing immediately and without difficulty. The reader must not be misled into believing that a post containing marketing is a standard blog post. Consequently, it is not enough for the reader to suspect and gradually realise that a post or part of a post is marketing.

It is important for all marketing to be formulated and presented so that it is clear that it is marketing. It must also be clear who is behind the marketing, i.e. whether it is the blogger or another company that is selling the product.

Clause 5

Labelling posts as advertising

It is not possible to say exactly what labelling as advertising should look like. The important factor is that it is immediately apparent to the reader of the blog when a post represents marketing. As the reader must be able to realise immediately that it is marketing, even on a cursory reading, it is not enough to state at the end of the post that the post is actually marketing.

The post must also contain clear information to the effect that it is the company and not the blogger that is behind the marketing.

It is up to the person responsible for the marketing to ensure that it is as clear as possible that it is marketing.

Where a blogger is unsure whether a post represents marketing, the blogger should label the post as advertising.

Remember that clear labelling as advertising can also boost confidence in your blog.

Some suggestions for labelling:

- Label the post with '**Advertisement**' or '**Advertising**' at the beginning and end
- Make clear to the reader that it is marketing in the heading and at the start of the post
- Use a different **font** or a different colour, for example **background colour**, from other posts
- Add hashtags such as #Advertising or #Advertisement and #Company name to the post

Clause 6

Marketing to children and young people

Children and young people do not have the same ability as adults to read marketing critically. They are therefore exceptionally receptive and thus also exceptionally vulnerable. Consequently, it is important that bloggers think about the readers to which the blog is addressed and who may otherwise be assumed to follow the blog.

If marketing is directed at children, the marketing is assessed on the basis of how it is perceived by a child. Consequently, there are special requirements that it is clear to a child in particular that it is marketing.

Including in a blog post a direct exhortation to children to buy marketed products or persuade their parents or other adults to buy marketed products for them is strictly prohibited by law.

A blogger who has a circle of readers consisting fully or partially of children and young people should generally take into consideration the fact that children and young people are a particularly vulnerable group. The same applies when it is probable that a blog post containing marketing may arouse the interest of this target group.

Read more about marketing to children and young people:

<http://www.konsumentverket.se/globalassets/publikationer/produkter-och-tjanster/reklam-och-marknadsforing/vagledning-om-marknadsforing-riktad-till-barn-och-unga-konsumentverket.pdf> (SW)

Clause 7

Marketing may be prohibited

The Consumer Ombudsman and the Market Court may prohibit companies and individuals from continuing with marketing that fails to comply with the Act. If you fail to comply with such a prohibition, you may be sentenced by a court to pay a fine.

Other information

- ICC Consolidated Code of Advertising and Marketing Communication Practice: http://www.icc.se/reklam/svenska/marknadsforingskoden_swe_2011.pdf (SW) <https://cdn.iccwbo.org/content/uploads/sites/3/2011/08/ICC-Consolidated-Code-of-Advertising-and-Marketing-2011-English.pdf>
- The Nordic Consumer Ombudsman's position on marketing in social media: <http://www.konsumentverket.se/globalassets/publikationer/produkter-och-tjanster/reklam-och-marknadsforing/vagledning-standpunkt-marknadsforing-sociala-medier-121205-konsumentverket.pdf>
- Guidelines on marketing directed at children and young people: <http://www.konsumentverket.se/globalassets/publikationer/produkter-och-tjanster/reklam-och-marknadsforing/vagledning-om-marknadsforing-riktad-till-barn-och-unga-konsumentverket.pdf>
- The Association of Swedish Advertisers (*Sveriges Annonsörers*) Recommendation on working with bloggers: http://www.annons.se/system/files/bloggrekommendationen_2015_0.pdf

URL of source: <http://www.konsumentverket.se/globalassets/publikationer/produkter-och-tjanster/reklam-och-marknadsforing/vagledning-om-marknadsforing-i-bloggar-201511-konsumentverket.pdf>