

## **CCCI Guidance Notes on Extension of ASAI DIGITAL Code – April 2013**

**The Managers of the CCCI have written these guidelines to provide our Clients with a broad overview and are not binding. Final determination of what is and is not in remit lies with the ASAI.**

### **DEFINITION OF A MARKETING COMMUNICATION**

**A marketing communication includes, but is not limited to, advertising as well as other techniques such as promotions, sponsorships and direct marketing.**

**It should be interpreted broadly to mean:**

*any form of communication produced directly by, or on behalf of, advertisers which is intended to promote products, to influence behaviour and/or to inform*

### **ASAI DIGITAL REMIT**

- Marketing communications advertising and promotions in e-mails and paid-for space online e.g. banner and pop-ups, paid-for search and commercial classified.
- Marketing communications on advertisers own websites.
- Marketing communications advertising on non paid-for space online under the advertiser's control.

### **What constitutes MARKETING COMMUNICATIONS**

- The remit of the code applies regardless of the platform, media or tool.
- A communication is deemed as MarComms when
  - The content relates to the brand or to the product  
**AND**
  - The brand has control over the 'space' in which the communication appears  
**AND**
  - The brand has control over the content

### SOCIAL MEDIA – what IS within remit

- Advertisers own posts
- Advertisers own Tweets
- Advertisers own uploads to video sharing platforms
- Advertisers own images uploaded to any social media / digital platform
- All MarComms created by a brand regardless of whether the principle objective of the communication is brand comms or not. For example, Recruitment advertising, Observational editorial, etc., will be considered in remit if brand iconography / product / straplines are used.

### SOCIAL MEDIA – what IS NOT in remit

- Blogs, images, content that is under the control\* of a **3<sup>rd</sup> Party Editor** (e.g. images that feature in magazines, including on-line etc)
- Content on consumers own Facebook pages and their other social media platforms
- Recruitment advertising which does not contain product or straplines from product advertising does not constitute product advertising and therefore can depict people under 25 years of age.

\*Control =where a 3<sup>rd</sup> party has control over both the content and control of the space in which the content is featured. Where the editor/journalist/blogger has final editorial rights and control & gets the final proof of an image/content before it gets uploaded.

## APPENDIX – SOCIAL MEDIA SPECIFIC ACTIVATIONS

### Media Platforms – FB, Twitter, Tumblr etc.

- All content, posts and images uploaded by or on behalf of the advertiser that relate to the brand or to the product are within remit and must comply with the ASAI code.

### Event Photography

- Photography taken at events falls within remit where the advertiser has control over their use.

### YouTube / Video Sharing Platforms

- All video content, including pre-rolls, virals, teasers etc. are within remit and must comply with the ASAI code.
- Thus any video content generated by or on behalf of the advertiser must adhere to the same codes as traditional TV advertising.

### Apps / Games

- All games/App's must be age gated at the point of download.

#### In Remit

- *Splash screens/Intro page/fixed pages* around the APP/GAME
- *Support materials* that promote the APP/GAME
- *Virtual Advertising* within APPS/GAMES :
  - virtual advertising within APPS/GAMES that features product or goes beyond brand name is within remit and must be submitted for approval as per any advertising.

#### Not in Remit

- The actual gaming content itself does not fall under remit of the code (with the caveat that there is no suggestion of consumption of alcohol or inappropriate behaviour within the game).
- Sports people/Players/Heros of the young may feature as part of the content of the game or where it is reflective of real activity, so long as there is NO suggestion of brand or product endorsement i.e. they are not being used as brand ambassadors.
- when only the brand name is featured, virtual advertising is permissible within a 'natural' setting.

### UGC

The default position is that UGC is **NOT** a marketing communication; it is only with adoption and incorporation into a marketing communications, that it becomes within remit.

## FAQ's

### Photography

*Where photographs are taken by a brand at an 18+ event and are subsequently featured on their social media sites, can such photographs contain people who may be/look less than 25 years old? Or if they are, by proof, over 25y/o and look younger, can they be featured?*

ASAI accept that there are practical difficulties in obtaining clearance for all such photographs as well as difficulties in obtaining proof of age (as opposed to coming to a view on appearance of age), but that best judgement should be made to ensure no-one looks under 25, and if they are deemed to look under 25 years by ASAI, then they must be taken down immediately.

### Apps

*Do Apps have to be age gated whenever they are opened?*

Once downloaded, it is down to parental responsibility to ensure that children do not use them.

### UGC

*What aspects of UGC are in remit?*

*\*Overall moderation of a social media page does not mean that all material is Marcomms material.*

#### **IN REMIT**

- UGC which responds to a brand planned communications e.g. brand invites consumer to enter a competition, send in a photo etc.
- UGC which makes a brand claim, which the advertiser responds to in a way that affirms it.
- Blogs and reviews written by private individuals, where a company has influenced the review either through direct payment or, for example, through the provision of free products. This material is then considered a marketing communication.
  - This is in line with the code requirement which states “an advertisement feature, announcement or promotion published or electronically broadcast in exchange for a payment or other reciprocal arrangement where the content is controlled by the advertiser should comply with the Code.
  - It should also be clearly identified and distinguished from editorial matter.” (Section 2.58). In addition, the Code requires that “A marketing communication should be designed and presented in such a way that it is clear that it is a marketing communication.” (Section 2.57).
  - Advertisers should ensure that if they have paid or offered an inducement (and influenced the content of a post, blog, review, tweet, etc,) that it is clear that they have done so, as if it is not clear, they could be found to be in breach of the Code.

#### **EXAMPLES OF UGC IN REMIT**

- An individual posts a comment on an advertiser's profile page and the advertiser responds or interacts with the post in a manner which adopts and incorporates the post. In such cases, the adoption and incorporation results in the user post becoming a marketing communication.

- An advertiser provides space for users to upload their own photographs, which the advertiser adopts and incorporates, for example, by sorting/organising into albums or galleries. In this instance, the advertiser is exercising control, and thus all images are within remit.
- An advertiser invites users to submit photographs for a particular purpose, e.g. a competition to find the best photograph.

#### **OUT OF REMIT**

- UGC content created by individuals would not generally be considered to be a marketing communication.
- User posts on their own social media pages
- User posts on advertisers' pages which are **NOT** subsequently adopted and incorporated by advertisers on the advertisers' page.
- Blogs and reviews written by private individuals, where the reviewer/ blogger has NOT been paid or otherwise induced to write a review (as this material is NOT considered MarComms)
- If the UGC has not been solicited by the brand and the brand does not interact with it in a meaningful way, then it is not marketing communication.

#### **EXAMPLES OF UGC OUT OF REMIT**

- An individual posts a comment on an advertiser's profile page and there is no response from the advertiser.
- An individual uploads a photograph to the advertiser's profile page that features people under 25, and the brand does nothing with it, or just LIKES it.
- An individual posts a Brand's TVC on a video sharing site (e.g. YouTube) with additional footage / comments
- An individual posts footage on video sharing site using a brand or product but with no advertiser involvement
- A tweet from a brand re-tweeted with added offensive content
- User-generated comments to media platforms for use in editorial content

#### **ADDITIONAL NOTES**

- It is up to the industry to exercise responsibility over their social media sites and profile pages. Where UGC is not deemed to be Marcomms, but demonstrates irresponsible behaviour, then it is the responsibility of the brand owner to moderate that content appropriately.