

Influencer Marketing Code of Conduct

Version 3: June 2023



**One
Voice**

Foreword

As the trade body representing brand advertisers, ISBA has always striven to be at the forefront of changes in our industry. We seek to take a lead in upholding standards, driving best practice, and enabling our members to meet the challenges they face through collaborative effort.

This Code of Conduct is very much in that tradition. The fruit of the hard work of our Influencer Marketing Working Group, it was born out of a desire on the part of our members to ensure regulatory compliance, demonstrate return on investment, and deliver transparency for their audiences.

However, the Code is not simply about brands' interests. We have all seen the reports of the struggles which influencers themselves are facing, as their self-employment often gives rise to mental health issues, financial uncertainty, and difficulty adapting to rapidly changing rules and norms. Meanwhile, talent agencies have expressed to us their wish to be a key partner in the delivery of influencer campaigns, ensuring that deliverables are hit and values aligned.



Scott Guthrie
Director General
IMTB

Influencer marketing plays a pivotal role in shaping consumer behaviour. The trust our sector enjoys is earned when brands, agencies, platforms and creators act responsibly, taking seriously their obligations to each other and to consumers.

Our Influencer Marketing Code of Conduct aims to standardise good practices and guidance with practitioners and creators. It covers areas including disclosure, transparency, pay parity, and effective representation.



Phil Smith
ISBA Director General

It is clear that good practice is in all marketing participants' interests. Hence this tripartite Code, with commitments from brands, agencies, and influencers themselves. We hope and believe that it will become an industry standard.

Our involvement in helping our members navigate the changing tides of influencer marketing dates back years, including in our work on template contracts (available on the ISBA website) and now this Code of Conduct. The Code will surely undergo further iterations as the influencer phenomenon evolves. We hope that it will make a positive contribution to that evolution in the time to come.

Influencer marketing continues to be a key growth priority for the advertising industry. Maintaining that growth rate depends on building ever more professionalism within the sector. Professionalism starts with accountability. Signing up to this Code demonstrates that commitment to accountability.

The Influencer Marketing Trade Body is dedicated to securing a sustainable, professional future for influencer marketing. ISBA has been a steadfast ally to the IMTB since its incorporation. We look forward to continuing to work closely with ISBA on future iterations of this important joint Code of Conduct.

Influencer marketing is a powerful tool. In a world where advertising has suffered from a loss in trust, and where consumers are more likely to believe in the words and recommendations of a peer or ‘someone like me’, influencer campaigns offer the opportunity for individuals, talent agencies and brands to work together – utilising new technology and platforms to reach audiences in engaging, multi-faceted ways.

At its best, influencer marketing allows for authentic, personalised advertising, delivered in a transparent way. However, if done incorrectly, it can cause reputational damage to, and erode confidence in, both the influencer and the brand. This could manifest itself in the form of regulatory repercussions for not properly disclosing that an ad is indeed an ad; or criticism around content which is inappropriate or at variance with a brand’s values.

Given this (and taking our cue from the well-established standard that advertising should be ‘legal, decent, honest, and truthful’), brands, talent agencies, and influencers themselves have come together to compose this Code of Conduct for Influencer Marketing. Our aims are as follows:

- to ensure compliance with the regulatory framework set out by the Advertising Standards Authority (ASA) and Competition and Markets Authority (CMA), as well as with the CAP/BCAP Codes;
- to raise standards of conduct in influencer marketing and advertising;
- to improve the relationship between brands, talent agencies and influencers, including promoting a genuine alignment of values between the influencer and the advertiser;
- to enable advertisers to employ authentic and effective influencer marketing; and
- to deliver the transparency that consumers expect and deserve.

The Code is split into three parts, detailing the undertakings which brands, talent agencies, and influencers themselves have each given. It deals with subjects from ad measurement to the issuing of appropriately detailed briefs; and from protecting children and vulnerable groups to fee transparency.

The Code may undergo further iterations as this area continually evolves. However, we hope that it can form a baseline for legal, decent, honest, and truthful influencer advertising in the time to come.



Influencer Marketing Guidance

ASA/CAP: [Influencers’ Guide to Making Clear that Ads are Ads](#)

CMA: [Social Media Endorsements: Guide for Influencers](#)

Influencer Marketing Code of Conduct

1. Advertisers and Brands

Before We Contract

- We pledge to provide clear guidance to influencers and talent agencies on our company's values and expectations, clearly setting out our approach to marketing and advertising.
- We will make our expectations of influencers' practices and behaviours clear to talent agencies seeking to match us with potential marketing partners.
- We will refrain from working with influencers who seek to artificially inflate their following or pay for engagements with content.
- We will be transparent about our commitment to diversity and inclusion – within our own business, in our campaigns, and in the partnerships we undertake. (See boxout section on page 7.)



Working with Influencers

- Without compromising influencers' independence and authenticity, we will work collaboratively with them and enable their understanding of our expectations and approach – particularly when it comes to 'always on' ongoing working relationships.
- We will give influencers a comprehensive briefing on our brand and the products/services we supply, giving them the right tools to be able to deliver their honest and authentic views.
- We will seek a co-creative process with influencers, coming to an agreed programme of work together up-front, which strives to guard against changes mid-delivery (with the possibility of reshoots and disputes around payment) insofar as is reasonably possible.
- We will be clear about our objectives, about the audience we intend to influence, and in setting Key Performance Indicators for success.
- We will be clear about disclosure requirements, including when and where we expect to see the #ad label.
- We will also be clear about how the content produced by influencers is to be used – including where it is to be posted, how often, and for how long.



Professionalism starts with accountability. Signing up to this code demonstrates that commitment to accountability. The Influencer Marketing Trade Body is dedicated to securing a sustainable, professional future for influencer marketing. We welcome ISBA's code and are pleased to have been part of its review process.

Scott Guthrie
Director General,
Influencer Marketing Trade Body

- We appreciate that the influencer is not to be prevented from delivering their honest opinion on a brand or product.
- We will respect the timescale of relationships which influencers may have or have had with competitors in our specific or related sectors, noting exclusivity requirements and commitments (to the extent that these have been disclosed to us by the influencer and/or talent agent).
- We will engage in up-front dialogue around sunset clauses, making clear our expectations around the length of time that contracted content should remain on the influencer's channels.
- We will be clear on the exact nature of the fees which will be paid and how they will be delivered to the influencer. We will offer information up-front on our payment processes – such as the use of online portals – and be transparent about related mechanisms and methods of invoicing.
- We will work to payment deadlines and make every effort not to let payment drift. We will also work with influencers to understand where there may be the necessity to cover certain aspects of projects – such as booking shoot locations or wardrobe – upfront.

Our Responsibilities

- We will carry out due diligence in our selection of influencers to help us protect vulnerable groups such as children and minors and meet the regulatory guidelines in this regard.
- We acknowledge our responsibility to identify anything that we think could subject influencers to unwelcome media or public attention, as a result of them stepping further into the public spotlight through their relationship with us. This includes

historic comments and material that could be perceived as being at odds with our values – as well as any issues we face as a business which could impact on an influencer’s reputation. We understand that these responsibilities and this transparency runs in both directions.

- If there is a potential reputational difficulty which will affect our ability to contract with an influencer, we will be clear about what it is and, where possible, work with the influencer to rectify any problem.



DIVERSITY, EQUITY AND INCLUSION

The promise of influencer marketing is effective and authentic advertising. When it comes to authenticity, and the attraction of influencer marketing being that products are being advertised by ‘someone like me’, then visibility and representation become even more important.

Among the many challenges that our industry faces is diversity in front of and behind the camera – and the treating of all people with equity, without discrimination on the basis of gender, class, race, gender identity, sexual orientation, or disability. Initiatives such as All In have begun the journey; but at all points and via all channels and methods of marketing, diversity must be a top priority. We must be truly representative of the public we seek to serve, and we must take action – not just pay lip service – to making that change happen.

Building on the first version of the Code of Conduct, where we considered issues such as the importance of co-designing campaigns and ensuring that influencers had clarity about their deliverables and financial expectations, members of the Influencer Marketing Working Group have discussed DEI with agency and influencer colleagues. We have renewed our commitment to delivering lasting change on diversity and representation.



OUR COMMITMENTS

Compensation

- Brands recommit to the principle of equal pay for equal work – and to be allies in addressing the unacceptable pay gaps in influencer marketing.
- This includes working with influencers to help them understand their role and responsibilities as part of the advertising industry, but also being honest with them about the fees that they are entitled to command.

Casting

- Brands will make all efforts to diversify the pool of influencer talent with which they work. We will ensure that our influencer marketing activity is truly representative of our audiences.
- This includes a commitment to upskilling staff on inclusive casting, and regularly auditing the diversity of the pool of talent with which the brand works. Where that diversity is low, we will look to set targets for improving representation, guided by census data.
- Part of this commitment includes recognising that diversity in our own brand marketing teams is essential, if we are to write the kind of briefs and create the kind of campaigns that are truly inclusive.

Creative

- When co-designing campaigns, brands will make every effort to draw on the perspective of the influencer, ensuring that their lived experience informs the campaign’s narrative and approach.
- We will also consider aspects of discrimination which have been less visible, such as colourism or texturism, and commit to a continual process of learning and evaluation around DEI issues.

As we move forward with our work, the Influencer Marketing Working Group will consider what practical guidance on implementation, driving change, and measuring progress we can provide to ISBA members – to ensure that we truly move the dial on diversity and representation.

2. Talent Agencies

Our Role

- We will be the gatekeeper of the agreement between the advertiser and the influencer, reflecting our important and distinct obligations from those of the influencer under the contract, which may include co-ordination of approvals, timing of services and receipt of payment.
- We recognise the responsibility which we also hold for the influencers with whom we work, and we pledge to safeguard their wellbeing in partnership with brands.
- We will work with influencers to ensure that they provide the contracted services and deliverables in accordance with the terms set out in the agreement.
- As the gatekeeper of the agreement, we will look at those deliverables with an eye to ensuring that they meet the brand's brief and meet, for example, legal and disclosure requirements.
- We will work closely with brands to understand their positioning, approach and values, so as to better help match them with appropriate influencer talent. We will avoid spamming brands with suggested partnerships where it is not clear that values align or there is a possible product/influencer synergy – while maintaining our key role of advocating for our talent where we believe that there is a good fit or opportunity for collaboration.



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Transparency

- We will work with influencers to promote understanding of the nature and demography of their followers and audience, to assist them to meet their obligations to protect children, minors, and vulnerable groups.
- We will work with brands to reinforce disclosure requirements on influencers, and with influencers to ensure that their unique voice is protected and maintained in their partnerships with advertisers.
- We will work to understand the commitments of our influencer clients, respect exclusivity arrangements so that conflicts within sectors are avoided and convey any such commitments or exclusivity arrangements to advertisers at the outset of the relationship.

3. Influencers

Trust and Integrity

- We will work collaboratively with brands to maintain trust and integrity in advertising, including not sharing views or engaging in behaviour (whether in our professional or personal lives) which could be interpreted as racism, anti-Semitism, homophobia, misogyny, religious intolerance, violence or extremism, bullying or aggressiveness towards others, pornography, or any criminal activity.
- We will immediately inform the brand of any content or behaviour involving us, whether current or historical, which contravenes any of the above instances, or does not align with the brand's values or which could be reputationally damaging to the brand.
- We will never artificially inflate our number of followers or engagements on our content, and we consent to the use of fraud technology to verify this.

Our Content

- We will constructively engage with brands on the brief for a project in order to deliver the best content that we can, while always maintaining our unique voice and an honest, authentic point of view.
- We will avoid making any unsubstantiated claims on the perceived benefits or faults of products and follow any guidance supplied by the brand in this regard.
- We will adhere to the brand's pre-approval process in relation to posting any content, including making any necessary amendments, accepting that such posts constitute advertising by the brand and therefore must be approved.
- We will work with brands and talent agencies on the need to balance authenticity with avoiding third-party materials such as images, brands, logos, music, symbols, etc. which may cause legal issues. We will aim to procure permission or a licence in writing from that third party to use any such materials in the content for the duration required.



Following the Rules

- We will stay informed about regulatory requirements, including in respect of new and emerging platforms and formats.
- We will follow the regulatory guidance on making clear when ads are ads, always using the easily comprehensible #ad, and avoiding less clear alternatives such as #spon.
- We will follow the regulatory guidance on the location of the disclosure in different formats, ensuring that #ad is immediately visible before a consumer engages in the content (for example, at the beginning of a post without the consumer having to click 'see more'), so that the consumer appreciates from the outset that they are being advertised to.
- We will not use photo filters or any photoshopping or editing techniques which give misleading impressions of product effects or benefits. We recognise that this has been forbidden by the ASA.
- We will work where we can, including with platforms, to try and ensure that our followers do not include bots.



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Audience

- We will be transparent about the demographic of our followers and audience, including the percentage of children and minors.
- We will feed back engagement results, metrics, comments and outcomes to the brand, in relation to all contracted activity, enabling them to assess return on investment and evaluate performance. We will consent to reasonable audit requests from the brand in this regard, so that they may verify such data.



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If you are a brand interested in joining ISBA please email emmas@isba.org.uk