What's really behind the ad label? The dark arts influencers are using to get your likes

July 26 2024

Credit: Unsplash/CC0 Public Domain

Rogue social media influencers are relying on gender stereotypes, bogus claims and deceptive editing to monetize their content and increase their following, a new study has found.

Influencers using these questionable tactics, which would otherwise be impermissible under UK marketing rules, are seemingly able to hide in

plain sight thanks to the existing focus on ad labeling within the influencer industry.

In the absence of a legal definition and comprehensive guidelines on influencers, some are able to operate in regulatory blind-spots, with the only real requirement that sinks its teeth is for them to be transparent about what type of content they are producing (e.g., advertising) rather than the substance of their messaging.

New research by the University of Essex's media law expert, Dr. Alexandros Antoniou, has unearthed some of the dark arts being used by rogue influencers. He identified four questionable strategies which were recurring themes during his analysis of more than 140 rulings from ASA between 2017 and 2024.

The rulings related to advertising and promotional content, which had been referred to the watchdog amid concerns it broke marketing regulations.

Dr. Antoniou, of Essex Law School, said, "Even though influencers are seen as trustworthy figures in online brand communities, my findings expose long-standing issues of non-compliance with established marketing rules.

"The current heavy emphasis on ad labeling is misguided as site users are already aware of potential paid endorsements by influencers."

The four recurring themes and breaches identified by Dr. Antoniou were:

- Promo-masquerade—exaggerating products through visual enhancements, mishandled give-away campaigns and prize mismanagement that leaves deserving participants empty-handed

or confused about terms of engagement. Example: The ASA found an influencer failed to deliver a £250 voucher from a fast-fashion retailer without justification and lacked evidence to show they had distributed three out of four prizes as part of a competition they were running.

- Risk-fluence—making impermissible and baseless health and nutrition claims, showcasing prohibited products, and the irresponsible promotion of age-restricted goods. Example: An influencer was found in breach of marketing rules by ASA after they promoted an alcoholic product which used playful words to suggest the drink was low in calories.
- Mone-trapment—encouraging followers to part with money through questionable "get-rich quick" schemes and high-risk investments. Example: The ASA ruled an influencer broke marketing rules when they promoted betting and gambling as a good way to achieve financial security.
- Stereo-scripting—using stereotypical images of masculinity and femininity as the basis for promotions, reinforcing harmful gender norms. Example—The ASA found an influencer used cheerful visuals and energetic soundbites to recount her experience of breast augmentation surgery, which merely reinforced societal norms tying a woman's worth to physical appearance, thereby perpetuating superficial ideals and unrealistic beauty standards.

Dr. Antoniou is calling for a new regulatory framework to be established to ensure there are clear expectations and boundaries in which influencers can operate in.

He has also suggested a new certification scheme, backed by the ASA, could be used in the influencer sphere to give the industry a more professional outlook.

Dr. Antoniou hopes these measures will make influencers more responsible for their content and help the influencer sector evolve into a mature industry.

"The existing approach to regulating social media influencers is not working as it's reactive, and seeks to apportion blame after bad ads have already had their impact on followers," he said.

"Instead, the aim should be to establish a clear baseline of expectations; a 'floor' through which influencers cannot fall."

Dr. Antoniou added, "There is currently no evidence that influencers' malpractice stems from willful disregard as opposed to mere ignorance and it is the lack of specific guidance that impedes their ability to learn from mistakes."

The study is published in the *Journal of Media Law*.

 More information: Alexandros Antoniou, When likes go rogue: advertising standards and the malpractice of unruly social media influencers, *Journal of Media Law* (2024). DOI: 10.1080/17577632.2024.2361517

Provided by University of Essex