

## ASA GUIDANCE NOTE ON SOCIAL MEDIA

October 2012

### Definition of advertisement

For the purposes of the ASA Codes of Practice, the word “advertisement” is to be taken in its broadest sense to embrace any form of advertising and includes advertising which promotes the interest of any person, product or service, imparts information, educates, or advocates an idea, belief, political viewpoint or opportunity.

### Requirement for Advertiser control

Social media platforms allow individuals and groups to create environments that may refer to or comment on advertiser brands. Unless the advertiser has a reasonable degree of control over the social media platform in use and is promoting a brand or service to the public, it is outside the jurisdiction of the ASA.

Examples outside ASA jurisdiction include:

- An individual posting a Brand’s TVC on YouTube with additional footage / comments
- An individual posting footage on YouTube using a brand or product but with no company involvement
- A tweet from a brand re-tweeted with added offensive content
- User-generated comments on brand social media platforms (moderated for harmful and offensive language and comments)
- User-generated comments to media platforms for use in editorial content

### User-generated content within ASA jurisdiction

It is possible that user-generated content (UGC) could fall within the jurisdiction of the ASA and the Codes of Practice. As with a number of other environments, where advertising and other content exist side-by-side, it would be considered on a case by case basis following a complaint. Context would be a key matter for consideration.

In establishing whether or not the UGC should be regarded as advertising, the preliminary areas of enquiry to be considered are:

- Did the Advertiser originally solicit the submission of the UGC from individuals and then adopt it and incorporate it within their own advertising?
- Did an individual provide the Advertiser, on an unsolicited basis, with material that the Advertiser subsequently adopted and incorporated within their own advertising?
- Did the Advertiser solicit UGC (for example via an invitation to enter a competition) that resulted in content being posted on the site?

If the answer to any of these questions is yes and if the content of the material and the form it is used constitute an advertisement, then the UGC will be regarded as advertising.

### Twitter

If using paid-for Twitter endorsements – the hashtag #ad is required.

Advertisers should be careful about re-tweeting customer tweets, as they could be liable for that content if misleading.

#### Additional information

- Advertisers are encouraged to develop their own social media policies. Make sure your terms of use for users posting UGC on the sites / pages in your control are clear.
- The degree to which a brand-owned social media page or site is moderated by, or on behalf of, the advertiser would likely be considered in the case of a complaint.
- Advertisers should also be aware that the Australian Competition and Consumer Commission has stated that it views any false or misleading comments on a brand's social media page, including Facebook, as part of its marketing communications, regardless of whether it's user-generated or brand-generated.
- Refer to the Marketing Association: Social Media Marketing Best Practice Guidelines: June 2012: ([http://www.marketing.org.nz/Category?Action=View&Category\\_id=2446](http://www.marketing.org.nz/Category?Action=View&Category_id=2446))
- Consider a disclaimer (Source: <http://timothynewman.posterous.com/social-media-disclaimer-ideal-for-facebook>)

#### [Social Media Disclaimer - Ideal for Facebook](http://timothynewman.posterous.com/social-media-disclaimer-ideal-for-facebook)

"This page is monitored daily by *Your Company / Organisation*.

We support the discussion of free speech and engagement with others, however we reserve the right to remove anything posted to this page that we deem to be offensive, including:

- violent, obscene, profane, hateful, suggestive or racist posts, links or images
- comments that threaten or defame any person or organisation
- solicitations, advertisements, or endorsements of any financial, commercial organisations
- off-topic posts by a single user
- repetitive posts copied and pasted or duplicated by single or multiple users.

Offensive users will also be blocked from our social network pages.

*Your Company / Organisation* is not responsible for the personal, political, organisational or religious beliefs of its friends, fans or followers across all social networks.

All contributors are asked to keep in mind *Your Company / Organisation* core values -including integrity, respect, and excellence - when communicating with or about us.

Please feel free to contact us *Your Company / Organisation email address*."

#### Terms of use references include:

<http://www.facebook.com/terms.php>, [http://www.facebook.com/ad\\_guidelines.php](http://www.facebook.com/ad_guidelines.php) and [http://www.facebook.com/promotions\\_guidelines.php](http://www.facebook.com/promotions_guidelines.php)

<http://support.twitter.com/articles/18311-the-twitter-rules>  
<http://pinterest.com/about/terms/>  
<http://www.youtube.com/static?gl=US&template=terms>