

Transcript of the Questions and the FTC's Responses During the Official Twitter Chat:

Q1: I've seen a lot of influencer guidance in blogs on this. What are FTC's official tips for #influencers?

A1: Check out the do's and don'ts for social media influencers, below:

The Do's and Don'ts for Social Media Influencers	
FTC RECOMMENDATIONS	PRACTICES TO AVOID
 <p>Clearly DISCLOSE when you have a financial or family relationship with a brand</p>	 <p>DON'T ASSUME followers know about all your brand relationships</p>
 <p>Ensure your sponsorship disclosure is HARD TO MISS</p>	 <p>Don't assume disclosures BUILT INTO social media platforms are sufficient</p>
 <p>Treat sponsored tags, including tags in pictures, LIKE ANY OTHER endorsement</p>	 <p>Don't use AMBIGUOUS DISCLOSURES like "Thanks," #collab, #sp, #spon, or #ambassador</p>
 <p>On image-only platforms like Snapchat, SUPERIMPOSE DISCLOSURES over the images</p>	 <p>Don't rely on disclosures that people will see only if they CLICK "MORE"</p>

Source: Federal Trade Commission

Q2: Do I need to list the details of everything I get from a company for reviewing a product?

A2: No. If you got \$100 or \$10,000 you could just say you were "paid."

Q3: As an #influencer, I often use #ad to disclose brand affiliation, is that sufficient?

A3: For Twitter #ad is sufficient as long as it's easily noticed. But if #ad is mixed in with links, handles or other hashtags, readers may naturally just skip over all that clutter w/ multiple links & hashtags, #ad may go unnoticed, best to make it visible in the beginning whenever possible.

Q4: How can I make a disclosure on Snapchat or in Instagram Stories?

A4: You can superimpose a disclosure over images on those platforms. It should be easy to notice & read in the time that your followers have to look at the images.

Q5: I'm an influencer. Whenever I mention/tag a product, do I have to say whether I got it for free or paid for it myself?

A5: No. If you mention a product you paid for yourself or just happen to like, there isn't an issue. The FTC is only concerned about endorsements made on behalf of a sponsoring advertiser. If an advertiser or someone working for an advertiser pays you or gives you something of value to mention a product.

Q6: What if I work for a brand but wasn't paid for a specific post?

A6: You should still disclose your connection to the brand.

Q7: I'm well-known as a spokesperson for a product. Do I have to disclose I'm being paid each time I tweet about it?

A7: If your followers know that you're paid to endorse that product, no disclosure is needed, but if a significant portion of your followers don't know that, the relationship should be disclosed. Determining whether followers are aware of a relationship could be tricky in many cases, so we recommend disclosure.

Q8: If a US influencer travels abroad for a US brand, which laws do influencer's posts need to follow - US, abroad or both?

A8: US law applies when it's reasonably foreseeable that posts will affect US consumers, which it would be. Foreign law might also apply.

Q9: In a series of short, disappearing posts like Snap or IG stories is disclosure necessary on all posts or just the 1st?

A9: When all photos will be seen, disclosure on first one could be good enough if it stands out & viewers have time to notice it.

Q10: If influencer is gifted tix to event, can they post personal POV content w/o brand msg or is disclosure required?

A10: If the POV relates to the brand/sponsor, make the disclosure. If not related to the brand, no disclosure is necessary.

Q11: How does the FTC view non-US influencers with a significant number of American followers?

A11: US law applies when it's reasonably foreseeable that posts will affect US consumers. So, if posting about products sold in US, they should disclose.

Q12: Re influencer-hosted giveaways funded by 3Ps: R there disclosure requirements or other considerations to be mindful of?

A12: Followers should be told that the giveaway is sponsored by 3rd party. They shouldn't think influencer is funding the giveaway or that influencer isn't getting anything for her/himself.

Q13: Can an image be used for disclosure rather than text as long as it appears before links/ads?

A13: Yes, if it stands out, followers can't avoid it, and they understand it.

Q14: How can we get FTC to certify our standards if the affiliate marketing industry self-regulates?

A14: There's no process for "certification" but staff is happy to give informal guidance.

Q15: Can you discuss the updated guidance on Facebook "likes" and under what circumstances disclosure is required?

A15: Our enforcement policy isn't changing. Likes are endorsements and we recognize some platforms don't permit disclosure. Before taking any action, we'd have to answer whether simple likes are material.

Q16: Re built-in disclosures: Is the "includes paid promotion" mark on YT videos insufficient? The "Paid" tag on FB?

A16: Don't assume that disclosures built into platforms are sufficient. It depends on whether the tool clearly and conspicuously discloses the connection. FTC staff doesn't think that the built-in YouTube and FB tools suffice. The same applies to built-in Instagram tool.

Q17: Can I affiliate promote something where I am displayed as a testimonial?

A17: As long as there is transparency/disclosure everywhere, there isn't any issue.

Q18: Affiliate and influencer marketing can overlap. At what point would the FTC look at an affiliate as an influencer?

A18: We advise disclosing affiliate relationships, like a review with an affiliate link. When an individual is posting content as an affiliate, he/she is usually an influencer. There are anonymous web sites set up by affiliates – then the affiliate is more like the advertiser.

Q19: If an employee brand ambassador using the corporate social media account ads #ambassador to the post is that an appropriate disclosure?

A19: #ambassador is an ambiguous disclosure, not good enough. Not sure why a post from official corp acct needs any disclosure.

Q20: If I post an affiliate link to webpage that has nothing for sale YET, do I have to disclose affiliate relationship?

A20: Yes, if something will be for sale later.

Q21: A company sends something for free. No demand to post & no pay. If you post bc you like it & use it, is that an #ad?

A21: Yes, it is an ad - if they send it to you because you're an influencer or for you to review it.

Q22: Do I need to disclose on my Facebook ad that my blog post has affiliate links? Or is disclosure on the blog enough?

A22: The blog itself is probably good enough.

Q23: Is #ad the preferred disclosure to follow @FTC guidelines & regulations?

A23: Using #ad is great IF it's placed where it's hard to miss.

Q24: If an influencer doesn't heed a brand's written advice regarding disclosure, how is FTC likely to react to the brand?

A24: Brand should also monitor & follow up. But if an influencer doesn't listen & is dismissed, then that's all brand can do.

Q25: Can't we just use the word ad without the hashtag?

A25: Yes, but must be visible and hard to miss.

Q26: On options outside of #ad /#paid, is there a definitive on whether # XX partner or similar suffices vs. "is stronger"?

A26: Yes, # XX partner should be good enough when XX is brand name.