

#sponsored – The FAQ paper Are YouTubers breaking the law?

YouTube DE Suchen

What this is about



Hold and move forward to jump over small objects.

0:00 / 6:57

Shadow of Mordor - Gameplay - Part 1 (Gamescom Demo) ULTIMATE ORC SLAYING!

PewDiePie ✓

Abonnieren 48.510.266

3.834.441 Aufrufe

Hinzufügen Teilen Mehr

146.269 3.656

Titel Referent Datum

Seite 2 BLM

What this is about

- endorsements in (mostly) user-generated video content by
- a new group of media producers whose
- currency is credibility

BibisBeautyPalace
Abonnieren 3.770.447
1.584.074 Aufrufe
142.283 2.977

- young protagonists / teenagers presenting themselves
- topics: shopping, lifestyle and beauty, gaming, consumer advice, politics
- „inspiration“
- very popular: authenticity, „could be my friend“,
- audience trusts almost implicitly
- many subscribers
- products have always been a part of the videos
 - VVV
 - VV
 - V
- highly attractive for brands
- products may be supplied by companies
- „influencer marketing“
- brand ambassadors

What this is not about



The legal framework...

- European level - AVMS-D:

- Art. 9:

- audiovisual commercial communications shall be **readily recognisable**

- Art. 11:

- "viewers shall be **clearly informed** of the existence of product placement" (...)

- "Programmes containing product placement shall be **appropriately identified**"

- Not a legal vacuum
- Public policy objective = to avoid confusion on part of the viewer
- Consumer protection

... and our approach

- **new player, new markets, new rules?**
- **a regulator's dream: "Tell us how to do it", said the YouTube community**

- amateurs
- flag, label, signpost
- YouTube community includes independent artists and professional marketers
- reached out to us, dialogue

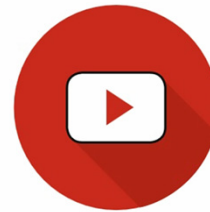
What we've come up with: The FAQ paper

die
medienanstalten 

FAQs

Advertising in social media:
questions and answers

This overview explains the
German advertising rules and
offers tips how to handle them.



Your feedback is welcome:
info@die-medienanstalten.de

Referenzen zu Produkten in Online-Videos:

■ Titel ■ Referent ■ Datum

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BLM

- based on legal grounds, but avoiding legal terminology
- colloquial language
- not abstract rules, (almost) no legal terms, but
- a list of realistic scenarios
 - Q: What do you have to disclose when you buy the product yourself? – A: Nothing.
 - Q: What do you have to disclose when you receive money to promote a product? – A: Make it recognisable (mark as “advertisement” / “product placement”).
 - Q: What if you set affiliate links? – A: Inform the viewers that you receive a share of the turnover.

What is the FAQ paper?

- **offering guidance**
- **promoting advertising literacy**
- **in itself not legally binding**
- **work in progress**

- paper is a guideline
- YouTubers themselves wanted to be more transparent – but didn't know **how**
- transparency
- consumer protection
- toolkit for new formats
- #sponsored #ad

FAQ on the FAQ paper

- **Does it work?**
- **What does the YouTube community think?**
- **What about Instagram, Twitter, etc.?**
- **What's next?**

- Paper is in place for over a year now
- We have seen improvement, i.e. YouTubers try to make advertising recognisable (examples ???)
- The YouTube community welcome the paper – but want everybody to implement the paper
- We reviewed the paper – and changed some of our case descriptions
 - widened the scope (to Instagram, Snapchat, Twitter)

How about you?

- **Are you in charge?**
- **What's your toolkit?**
- **Would you like to share your experiences?**

