

Guidelines for Interactive Marketing Communication & Social Media

1. Scope

- 1.1 This Appendix applies to advertising and marketing communication that use social media to promote goods and services or to influence consumer behaviour.
- 1.2 The Appendix sets the standards of ethical conduct that are to be adopted by all parties (e.g. marketers, advertising agencies or media) involved with advertising and marketing communication using social media. For the purpose of this chapter, marketers include all those who originate or curate social media marketing communication. Examples of such marketers include a brand's marketing personnel, endorsers, blog owners, advertising agencies and their clients.
- 1.3 Social media facilitates communication in a free, loosely-regulated context. In addition to the principles in the Code, marketers are advised to familiarise themselves with other relevant laws and guidelines that may regulate such communication.
- 1.4 For the avoidance of doubt, earned media is not included in the scope of these guidelines.

2. Definitions

- 2.1 For the purpose of this Chapter:
 - (a) "Commercial relationship" refers to a relationship where the originator of social media content is given an incentive or has an obligation to create social media content for a client.
 - (b) "Digital interactive media" refers to any media platform, service or application providing electronic communication, using the Internet, online services, and/or electronic and communication networks, including mobile phone, personal digital assistant and interactive game consoles, which allows the receiving party to interact with the platform, service or application or to create environments that may refer to or comment on marketers.
 - (c) "Digital marketing communication" refer to marketing communication that uses digital interactive media to deliver promotional marketing messages to consumers with the intention to promote products and services, or to influence consumer behaviour.

- (d) "Earned media" is media that is driven by consumers' sharing and engagement, and is not sponsored. While it may be the result of a marketer's owned and paid media efforts, it should not be considered a form of marketing communication as the consumer is not paid. Examples include "likes", "retweets", reviews and other forms of user-generated content and sharing that are not paid for.
- (e) "Individually addressed" refers to communication that is sent to an e-mail address, mobile telephone number (e.g. SMS) or other account linked to an individual who can be directly contacted personally through such address, mobile telephone number or account.
- (f) "Owned media" is media that is controlled by a marketer. Examples include social media channels, mobile applications and websites.
- (g) "Paid media" is media where a financial investment is made to place a marketing message. Examples include affiliate marketing, paid search, sponsored content (where sponsorship includes complimentary samples, trials, junkets, etc), paid endorsements and testimonials, and video seeding.
- (h) "Social media" refers to mobile, digital and online platforms that allow the creation and exchange of user-generated content by individuals, communities and corporations. Users create and propagate content and engage on such platforms.
- (i) "Social media marketing" is to be taken in its broadest sense to embrace any form of marketing communication that incorporates user interactions that the consumer agrees to display and be shared. It includes marketing that promotes the interest of any person, product or service for a commercial purpose and is paid media. Examples include affiliate marketing, social network advertisements, sponsored content, and video seeding.
- (j) "Sponsored content" refers to posts on social media that are paid in cash or in kind by the sponsor, who has a role in guiding the creation of the content.

3. Guidelines

3.1 Identification of commercial messages

- (a) The foremost principle is that all marketing communication must be identified as such and distinguished from editorial or personal opinions.

- (b) Marketing communication should be clearly distinguishable from personal opinions and editorial content, and should not be made to appear like them.
- (c) Where there exists a connection between the endorser and the marketer of the product or service that may materially affect the weight or credibility of the endorsement, such a connection must be fully disclosed. Examples of such connections include commercial relationships between the endorser and sponsor, complimentary samples, friendly favours and special invitations.
- (d) Social media content may reflect the genuine feeling of the originator for a product or service. However, if the content originator has a commercial relationship with the marketer in question, such a relationship should be indicated in the content.
- (e) Where a marketing communication is individually addressed to a consumer, the subject descriptor and context should not be misleading, and the commercial nature of the communication should not be concealed.
- (f) Marketing communication should not claim or imply that the product or service has been endorsed by any organisation or individual when it has not.
- (g) Marketing communication should not take the form of social media content that appears to originate from a credible and impartial source, but that is in fact created by a marketer for the purpose of promoting a product or service.
- (h) Marketers should take appropriate steps to ensure that the commercial nature of the social media content under their control or influence, or a sponsor's control or influence, is clearly indicated and that the rules and standards of acceptable commercial behaviour on the platform are respected.

3.2 Clarity of the offer and conditions

- (a) Marketers should indicate clearly to consumers whether they will be charged a fee for the use of the services. Marketers should not charge consumers unless such warning has been provided beforehand.
- (b) Software or other technical devices should not be used to conceal or obscure any material factor, e.g. price and other sales conditions, likely to influence consumers' decisions.

- (c) Consumers should always be informed beforehand of the steps leading to the placing of an order, a purchase, the concluding of a contract or any other commitment.
- (d) Marketers should give consumers adequate opportunity to check the accuracy of any data they input before making any commitment. Marketers should also provide consumers with a message of confirmation on completion of the commitment that allows them to review their commitment.

3.3 Respect for consumers, competitors, public groups and review sites

Marketers are encouraged to update their internal social media policies regularly to ensure that consumers are not subjected to marketing communication that is not endorsed by the brand, such as marketing myths and false campaigns.

3.4 Digital marketing communication and children¹

- (a) Digital marketing communication directed at children in a particular age group should be appropriate and suitable for such children.
- (b) Personal information about individuals known to be children that are identifiable should only be disclosed to third parties upon the consent of a parent or legal guardian where disclosure is authorised by law. Third parties do not include agents or others who provide support for operational purposes of the website and who do not use or disclose a child's personal information for any other purpose.

3.5 Disclosures

- (a) Disclosures in marketing communication should be simple and straightforward. Marketers should use clear language and syntax and avoid legalese or technical jargon.
- (b) Regardless of the platform used, the disclosures for sponsored content should be clear and prominent. The disclosures should:
 - (i) Be displayed as early as is reasonably possible so that they are noticeable to consumers with minimal scrolling or clicking;
 - (ii) Convey and clearly show that the content has been paid for;
 - (iii) Be in a colour that contrasts with the background to emphasise the text of the disclosure;

¹ Children are defined in the Code as persons who are 12 years old or younger.

- (iv) Be reasonably visible and readable on a variety of devices;
 - (v) Be easily read without referring the consumer elsewhere to obtain the information;
 - (vi) Not be communicated through a hyperlink if they are an integral part of the marketing content, but placed on the same page as the marketing content. All reasonableness should be taken to ensure that the disclosure can be viewed on the same page; and
 - (vii) Where it may not be possible to comply with the above, such as in the form of paid hyperlink text, there should be some indication on the hyperlink text, such as an emphasis, font or colour to distinguish it from editorial content.
- (c) Elements such as graphics, sound, text, links that lead to other screens or sites, or “add to cart” buttons should not distract consumers from the disclosures.
- (d) Disclosures should be discernible:
- (i) Audio disclosures should be used for sponsored content that is in the audio-only format. They should be in a volume and cadence sufficient for a reasonable consumer to hear and understand them.
 - (ii) Written disclosures should be used for written content.
 - (iii) Visual disclosures should be displayed for a sufficient duration and should appear for a duration that is sufficient for consumers to notice, read and understand them.

3.6 Use of social engagement tools

Social media uses tools to encourage, measure and trace user engagement. Marketers must not boost the user engagement of a website, a social media channel or their content through fraudulent means. Examples include the purchase of bulk “likes”, the creation of fake accounts and the use of programmes that generate page views.