

Digital Chart Regulations on the Recognizability of Marketing Communication distributed over the Internet

1) RECOGNIZABILITY

Marketing communication distributed over the Internet, in whatever form it may be, must clearly state its promotional nature through the adoption of suitable measures.

In the cases envisaged below, the recognizability requirement is deemed to have unequivocally been satisfied by adopting the measures indicated herein.

2) ENDORSEMENT

When a celebrity, influencer, blogger, or similar user of the Internet, whose actions might potentially influence the commercial choices of the public (hereinafter, collectively, "influencers") accredits a product or a brand within their own content, as a form of marketing communication, one of the following labels must be clearly inserted at the beginning of the post, or in another message posted online:

"Pubblicità/Advertising", or "Promosso da ... brand/Promoted by ... brand" or "Sponsorizzato da ... brand/Sponsored by ... brand", or "in collaborazione con ... brand/In partnership with ... brand";

and/or within the first three hashtags of a post, provided it is clear and prominent, one of the following labels should be inserted:

"#Pubblicità/#Advertising", or "#Sponsorizzato da ... brand/#Sponsored by ... brand", or "#ad" together with "#brand".

For contents available for "a limited time", for instance the stories, one of the above labels should be superimposed in a clear and legible manner for any promotional content.

Conversely, should the relationship between the influencer and advertiser not be underpinned by an existing agreement, but consist merely in the advertiser occasionally sending the influencer its products free of charge or for a modest consideration, rather than the notifications stated above, posts or other messages

distributed online in which the influencer mentions or represents these products must feature a disclaimer of the following type:

“product sent by... *brand*”, or equivalent.

As per the previous subsection, the advertiser must clearly and unequivocally inform the influencer when sending the product of the obligation to insert this disclaimer.

In such cases, the advertiser’s liability is circumscribed to informing the influencer of the obligation’s existence.

3) VIDEO

If a video produced and disseminated online are of a marketing communication nature, a prominent written disclosure must be inserted in the description of the video and in its opening scenes, that makes the promotional end-purpose of the video evident (by way of example: “brand presents...”, or “in partnership with... brand”).

In a live stream these warnings, even verbal, should be repeated periodically.

In particular, the public must be informed about the inclusion of an advertiser or the videomaker’s products/brands for promotional purposes through ad hoc disclaimers in the video’s opening and closing shot, or when the products/brand feature in shots.

Should on the other hand the relationship between the videomaker and advertiser not be underpinned by an existing agreement, but consist merely in the advertiser occasionally sending its products free of charge or for a modest consideration, and these products are mentioned, used or framed in the video, the videomaker must feature a written or verbal disclaimer of the following type: “this product was sent to me by...”, “product sent by...”.

As per the previous subsection, the advertiser must clearly and unequivocally inform the influencer when sending the product of the obligation to insert this disclaimer.

In such cases, the advertiser’s liability is circumscribed to informing the influencer of this obligation’s existence.

4) INVITATIONS TO EVENTS

Should the relationship between the influencer and advertiser not be underpinned by an existing agreement, but consist merely in the advertiser sending an invitation to take part in an event, posts and other messages produced by the influencer online that convey information about a product or brand in relation to the event must inform the audience that they are attending at the advertiser’s invitation.

The advertiser must clearly and unequivocally inform the influencer on delivery of this obligation to disclose such information.

In cases of this type, the advertiser's liability is circumscribed to informing the influencer of this obligation's existence.

5) USER-GENERATED CONTENT

User-generated content which takes the form of commercial marketing must clearly indicate this aspect, through the adoption of practices stated in the above sections.

6) IN-FEED UNITS

In-feed units that have the nature of a marketing communication must make this evident through the insertion of labels in such a position and form as is suited to ensuring they are clearly visible. Here are some examples:

"Pubblicità/Advertising", "Promosso da ... brand/Promoted by ... brand",
"Sponsorizzato da ... brand/Sponsored by ... brand", "Contenuto
Sponsorizzato/Sponsored content", "Post Sponsorizzato/Sponsored post",
"Presentato da ... brand/Presented by ... brand",

including in combination with specific graphic effects, such as for example the insertion of frames and/or drop-shadows and/or highlighting of the text or shading.

7) PAID SEARCH UNITS

Paid search units must clearly show their marketing nature through a graphic separation of content from so-called organic search-related content, along with a descriptor that explicitly informs users that the content is of a promotional nature (such as, for example, "Pubblicità/Advertising"), placed close to the sponsored search result, and in such a manner as to be visible and evident.

8) RECOMMENDATION WIDGETS

Promotional content disseminated as recommendation widgets must make its nature as marketing communication evident through the adoption of one of the following methods:

- an indication that the box contains sponsored content;
- an indication alongside individual items of content featuring the name or the logo of the advertiser and an indication of the content being sponsored.

If the content is developed by a "technology provider" (the party that developed the widget), as well as stating the above information, it is also necessary to state its origin and mention the supplier's name.

9) IN-APP ADVERTISING

Should the content of an App be wholly or partially of an advertising nature, users must be notified through the implementation of appropriate measures that the content has been sponsored by the advertiser.

10) ADVERGAME

The promotional nature of an advergaming must clearly be stated through the use of specific descriptors:

"Promoted by ... brand/Promosso da ... brand", or "Sponsored by ... brand/Sponsorizzato da ... brand".

These descriptors must be placed within boxes at both the beginning and end of the game.