

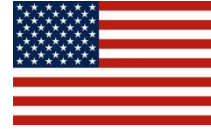


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INFLUENCER COMPLIANCE GUIDELINE

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As an influencer working with **collAble** , it is essential to follow these guidelines to stay compliant with legal requirements and maintain the trust of your audience.

This guide will help you understand the do's and don'ts, legal obligations, and best practices regarding online promotion in the United States of America.

WHERE TO FIND RULES & REGULATIONS FOR ONLINE PROMOTION

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The Federal Trade Commission (FTC)

Independent agency of the United States government whose principal mission is the enforcement of civil **antitrust law** and the promotion of **consumer protection**.



Platform Guidelines and Terms of Service

Community guidelines are **rules** that explain to users **how they should behave** while engaging in your community. Guidelines also clarify **what isn't allowed** and state the consequences if the rules are broken.



Contractual Obligations

Contractual obligations are the terms that **all parties commit to** when they sign a contract.

(The most common types of contractual obligations include delivery, timelines, payment terms, performance obligations, penalties, termination terms, non-compete and non-disclosure obligations).



FTC GUIDELINES: DISCLOSURE OF MATERIAL CONNECTIONS

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- 1) **Importance of Disclosure**: Influencers must always disclose any material connections (like receiving payment or free products) with brands they promote.
- 2) **Clear and Conspicuous Disclosure**: Disclosures must be clear and easy to understand. Avoid burying disclosures in hashtags or at the end of long posts.

Example:

- ✓ **Do**: "This post is sponsored by [Brand]."
- x **Don't**: "#sp Thanks [Brand]!"

- 3) **Visibility and Language**: Place disclosures where viewers are likely to see them. Use simple language.

Example:

- ✓ **Do**: Place "Sponsored by [Brand]" at the beginning of your post or video.
- x **Don't**: Hide the disclosure at the bottom of a long caption.



FTC GUIDELINES: DISCLOSURE OF MATERIAL CONNECTIONS

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4) **Placement Recommendations**: For Video Content, Make verbal disclosures at the start of the video. Text Content: Place text disclosures prominently at the top of captions.

Example:

✓ **Do:** "This video is sponsored by [Brand]."

✗ **Don't:** "Thanks to all my fans for supporting me! (Five minutes into the video) By the way, this video is sponsored by [Brand]."

5) **Examples of Acceptable and Unacceptable Hashtags:**

✓ **Acceptable:** #Ad (Short and clear) #Sponsored (Clearly indicates sponsorship) #PaidPartnership (Explicitly states a paid partnership)

✗ **Unacceptable:** #sp (Ambiguous) #collab (Doesn't clearly indicate compensation)



FTC GUIDELINES: TRUTHFUL ADVERTISING

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1) **Truthfulness and Evidence**: All claims must be truthful and not misleading. Influencers must have evidence for any claims they make.

Example:

- ✓ **Do:** "This moisturizer reduced my skin dryness in a week."
- ✗ **Don't:** "This moisturizer will cure all skin problems instantly!"

2) **Honest Opinions and Usage**: Reflect your genuine opinions and actual experience.

Example:

- ✓ **Do:** Share your real experience using the product.
- ✗ **Don't:** Pretend to use a product you have never tried.



FTC GUIDELINES: DISCLOSURE 101 FOR SOCIAL MEDIA INFLUENCERS

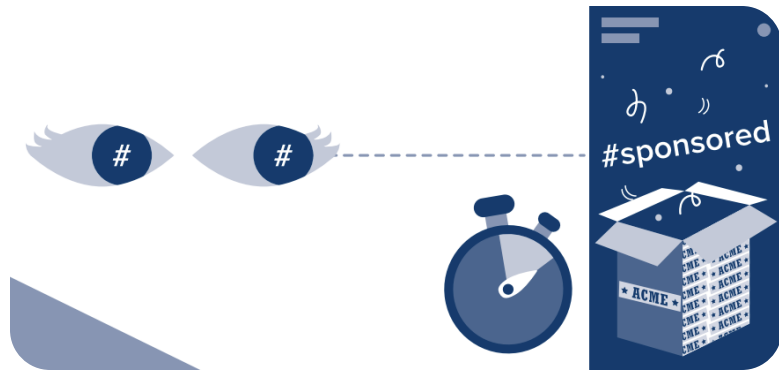
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How to Disclose

Make sure people will **see and understand** the disclosure.

Place it so it's **hard to miss**.

- The disclosure should be placed with the endorsement message itself.
- Disclosures are likely to be missed if they appear only on an ABOUT ME or profile page, at the end of posts or videos, or anywhere that requires a person to click MORE!



- If your endorsement is in a picture on a platform like Snapchat and Instagram Stories, superimpose the disclosure over the picture and make sure viewers have enough time to notice and read it.



- If making an endorsement in a video, the disclosure should be in the video and not just in the description uploaded with the video. Viewers are more likely to notice disclosures made in both audio and video. Some viewers may watch without sound and others may not notice superimposed words.



- If making an endorsement in a live stream, the disclosure should be repeated periodically so viewers who only see part of the stream will get the disclosure.

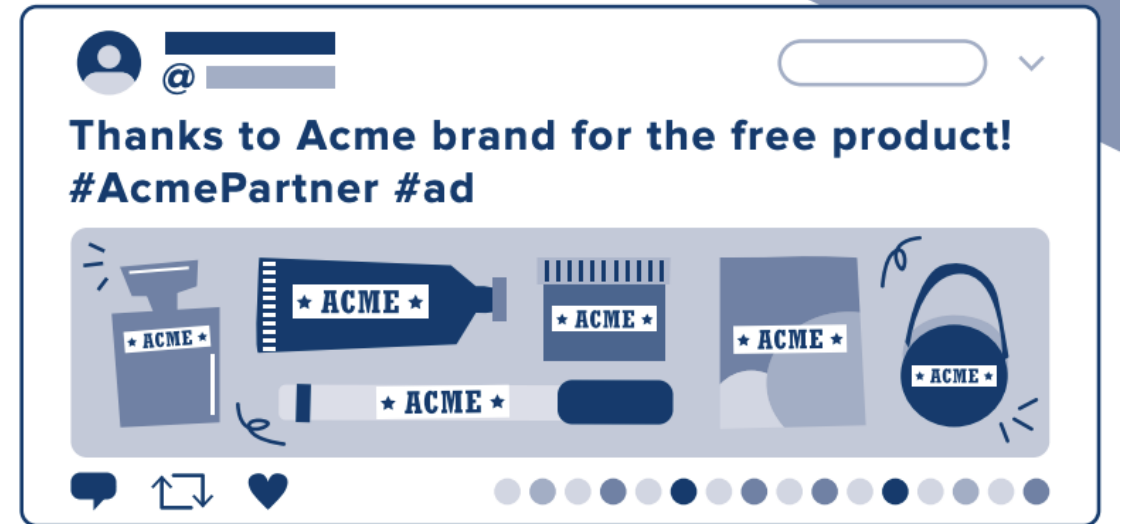


FTC GUIDELINES: DISCLOSURE 101 FOR SOCIAL MEDIA INFLUENCERS

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Use simple and clear language.

- Simple explanations like "Thanks to Acme brand for the free product" are often enough if placed in a way that is hard to miss.
 - So are terms like "advertisement," "ad," and "sponsored."
 - On a space-limited platform like Twitter, the terms "AcmePartner" or "Acme Ambassador" (where Acme is the brand name) are also options.
 - It's fine (but not necessary) to include a hashtag with the disclosure, such as #ad or #sponsored.
 - Don't use vague or confusing terms like "sp," "spon," or "collab," or stand-alone terms like "thanks" or "ambassador," and stay away from other abbreviations and shorthand when possible.
- The disclosure should be in the same language as the endorsement itself.
 - Don't assume that a platform's disclosure tool is good enough, but consider using it in addition to your own, good disclosure.





FTC GUIDELINES: MORE INFORMATION

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Make sure to refer to the following links should you need more information or detailed instructions and examples regarding promotion on social media:

- FTC's Endorsement Guides: What People Are Asking:

<https://www.ftc.gov/business-guidance/resources/ftcs-endorsement-guides-what-people-are-asking>

- Disclosures 101 for Social Media Influencers:

<https://www.ftc.gov/business-guidance/resources/disclosures-101-social-media-influencers>

- Code of Federal Regulations, Title 16, Chapter I, Subchapter B, Part 255:

<https://www.ecfr.gov/current/title-16/chapter-I/subchapter-B/part-255>



SOCIAL MEDIA: COMMUNITY GUIDELINES AND TERMS OF SERVICE

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1) **Accuracy and Honesty:** Ensure your content is accurate and not misleading. Avoid false claims or deceptive practices.



Example:

✓ **Do:** Accurately describe how a product works.

x **Don't:** Exaggerate the benefits beyond what you've experienced.



2) **Authenticity:** Content should reflect your genuine use and experience of the product.



Example:

✓ **Do:** Show yourself using the product in a realistic setting.

x **Don't:** Stage unrealistic scenarios just to promote the product.



SOCIAL MEDIA: COMMUNITY GUIDELINES AND TERMS OF SERVICE

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3) **Compliance with Advertising Standards**: Adhere to advertising standards and avoid deceiving the audience. Use clear and conspicuous disclosures when content is sponsored.

Example:

- ✓ **Do:** Clearly state if a post is an ad. (Including "#ad" or "#sponsored" at the beginning of your caption is an example of acceptable disclosure but is not mandatory).
- x **Don't:** Mislead your audience about the nature of the promotion. (Hiding the sponsorship disclosure at the end of a long caption where it can be easily overlooked).

4) **Branded Content Disclosure Tools**: Branded Content Toggle: Social media platforms have implemented specific features for influencers to promote branded content.

Instagram: Requires the use of the "Paid Partnership" label for posts that are part of a commercial relationship. This label can be added when an influencer tags a brand or business in the post.

TikTok: Requires the use of the "Paid Partnership" label as well for sponsored content, and it encourages the use of branded content tools to ensure that audiences are aware of paid relationships.





SOCIAL MEDIA: COMMUNITY GUIDELINES AND TERMS OF SERVICE

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Instagram and TikTok: Best Practices for Influencers



- **Use the Platform's Branded Content Tools:** Use the “Paid Partnership” tag on Instagram and “branded content toggle” on TikTok.
- **In-Post Disclosures:** Include clear and conspicuous disclosures within the post content itself, such as in the caption or within the video/image.
- **Prominence:** Ensure that disclosures are easy to see and understand. They should not be buried in a long list of hashtags or hidden in a way that makes them easy to miss.



SOCIAL MEDIA: COMMUNITY GUIDELINES AND TERMS OF SERVICE

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YouTube: Best Practices for Influencers



- **In-Video Disclosure:**

- **Verbal Disclosure:** Creators should verbally mention that the video includes sponsored content or affiliate links. This should be done at the beginning of the video to ensure viewers are aware from the start.
- **Visual Disclosure:** Including a text overlay or a visual disclaimer within the video stating that the content is sponsored or contains affiliate links. This can appear at the beginning and periodically throughout the video for long content.

- **Description Box Disclosure:**

- Clearly state in the video description that the content includes sponsored segments or affiliate links.
- YouTube's Paid Promotion Disclosure: Use YouTube's built-in "Paid Promotion" feature. When uploading a video, creators can check the box indicating that the video contains paid promotions. This will display a message to viewers at the beginning of the video, informing them of the sponsorship.



SOCIAL MEDIA: COMMUNITY GUIDELINES AND TERMS OF SERVICE

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<https://help.instagram.com/1695974997209192>



<https://www.tiktok.com/legal/page/eea/terms-of-service/en>

<https://www.tiktok.com/legal/page/global/bc-policy/en>



<https://www.youtube.com/creators/how-things-work/policies-guidelines/>



ADDITIONAL LEGAL CONSIDERATIONS: CONTRACTUAL OBLIGATIONS

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➤ Review and Comply with Specific Requirements Outlined in Contracts:

- **Thorough Contract Review:**

- Influencers should carefully review all aspects of their contracts with brands before creating content.
- Understanding the legal terms, obligations, and expectations is crucial to avoid breaches and potential legal disputes.

- **Compliance with Terms:**

- Influencers must adhere to all terms and conditions specified in the contract.
- This includes meeting deadlines, maintaining the agreed-upon quality of content, and fulfilling all promotional activities as described.



ADDITIONAL LEGAL CONSIDERATIONS: CONTRACTUAL OBLIGATIONS

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- **Disclosure Requirements:**

- Contracts often specify how and where disclosures must be made in influencer content.
- Influencers might be required to use specific phrases, hashtags, or tools (e.g., branded content tags) to disclose the partnership.
- Ensuring compliance with these requirements is critical to both FTC and brand-specific guidelines.

- **Content Creation Guidelines:**

- Brand Messaging: Influencers must align their content with the brand's messaging, tone, and style as outlined in the contract.
- Creative Specifications: Contracts may include specific instructions regarding visuals, themes, or key messages that need to be incorporated.
- Approval Processes: Many contracts require influencers to submit content for approval before posting to ensure it meets the brand's standards and legal requirements.



ADDITIONAL LEGAL CONSIDERATIONS: CONTRACTUAL OBLIGATIONS

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- **Exclusivity Clauses:**

Some contracts may include exclusivity clauses preventing influencers from promoting competing brands during the campaign period. Influencers must carefully navigate these clauses to avoid conflicts of interest and contractual breaches.

- **Non-Disclosure Agreements (NDAs):**

Influencers may be required to sign NDAs to protect confidential information shared by the brand. Compliance with NDAs ensures that sensitive information, such as campaign strategies or upcoming product launches, is not disclosed prematurely or to unauthorized parties.

- **Termination Clauses:**

Contracts typically outline conditions under which the agreement can be terminated by either party. Understanding these clauses is essential, as they dictate the consequences of contract termination, including potential penalties or requirements to return any compensation received.



NON-GUARANTEED PAYMENT AND PERFORMANCE BASED COMPENSATIONS

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Even if an influencer is working on a cost-per-acquisition (CPA) or cost-per-sale (CPS) basis, where they only get paid based on performance, they are still required to disclose their material connection with the brand or agency.

The FTC and social media platforms mandate disclosure of any relationship that could affect the credibility or bias of the content, regardless of the payment structure.

CPA/CPS Arrangements:

- Material Connection: Definition: A material connection includes any relationship that could affect the weight or credibility of the endorsement, **including potential or conditional compensation**.
- Performance-Based Compensation: Even if the influencer is **paid only for specific actions** (like sales or leads), **this relationship must be disclosed**.

A faded, grayscale background image of the Eiffel Tower, showing its intricate lattice structure and multiple levels. The tower is centered and occupies most of the frame.

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THANK YOU