



5 August 2020

Ms Maria Johnston
Project Manager
Advertising Standards Authority
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NEW ZEALAND

Email: communications@asa.co.nz

Dear Ms Johnston

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on *Influencers: making it clear that ads are ads – draft for consultation*.

Yours sincerely

Katherine Rich
Chief Executive



Influencers: making it clear that ads are ads – draft for consultation

Submission by the New Zealand Food & Grocery Council

5 August 2020

NEW ZEALAND FOOD & GROCERY COUNCIL

1. The New Zealand Food & Grocery Council (“NZFGC”) welcomes the opportunity to comment on the *Influencers: making it clear that ads are ads – draft for consultation*.
2. NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$40 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$34 billion in export revenue from exports to 195 countries – representing 65% of total good and services exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 45% of total manufacturing income. Our members directly or indirectly employ more than 493,000 people – one in five of the workforce.

COMMENTS

3. Overall, NZFGC is supportive of the work of the ASA and of this work relating to Influencers. We think it should be made clearer that the status of this advice is “Guidance” by inclusion of this in the title rather than as a comment for consultation or inclusion of the term in consultation questions which is where it appears at this time.
4. **What is “ad content” and what does this mean for influencers** – We are familiar with the definition of advertising and advertisements. We agree with its breadth but are concerned now at the possible capture of messaging from industry associations. We do not believe it should capture information or posts from associations that celebrate new members, support existing members or recognise new products.
5. In our view, these tend to be random selections by an association aimed to celebrate and support members and draw attention to their membership of the association. The intention is more one of member recognition than for any other purpose. Clarity around what ‘indirect control’ means in particular would be helpful in the event of the ASA needing to consider a complaint of an Association’s work. Similarly, it would be helpful to know what might constitute a person or association being a ‘brand ambassador’. As you are aware, the likes of NZFGC is supportive of all our members and their products. While we would not view ourselves as ‘an ambassador’, others might take a contrary view and further clarification would be of assistance.
6. In relation to the ‘spoke’ diagram of ‘Examples of influencer content that is advertiser controlled’, it is unclear whether all the elements are required or must be met before the influencer’s content meets the expectations of an advertisement. It is possible that one or more elements would suffice.
7. **Making sure “ad content” is clearly identified** – the first sentence in the second paragraph requires amendment for readability. Currently this reads: “To support compliance with the Advertising Standards Code, the ASA recommends using labels that it how it is, in a way that consumers understand.” We suggest:
“To support compliance with the Advertising Standards Code, the ASA recommends using labels that ~~it how it is~~ identify the content clearly, in a way that consumers understand.”
8. **Using labels to clearly identify ad content** – we agree with the sequence and content of the stepwise approach to the identification of influencer content as an advertisement.
9. **Advertisers and Influencers should test labels** – the examples of common mistakes are helpful guidance.

10. **Research** – This is a helpful inclusion. It would be enhanced if there was similar research reflecting the New Zealand environment.

Questions

Q1 Is this guidance likely to be easily understood by influencers, their agencies, advertisers and consumers?

11. NZFGC believes that with some additions the guidance should be easily understood.

Q2 Does the guidance make is clear that all parties to an ad are responsible for making sure influencer ad content is clearly identified?

12. NZFGC considers it is clear all parties to an ad are responsible for making sure influencer ad content is clearly identified. This should drive the advertiser to previewing Influencer posts before they are 'live' if this is not currently the case.

Q3 The ASA's definition of advertising and advertisement is broad to support a level playing field across all media platforms. Does the guidance make it clear that a wide range of influencer content and activity is likely to be considered advertising?

13. See NZFGC's response above in paragraphs 4 to 6.

Q4 In this guidance, the ASA has listed some acceptable hashtags to label ad content. Do you agree with this list? Are there any other hashtags that should be added to the List?

14. NZFGC has no comments on the Hashtags proposed or alternatives.