Branded Content Governance:
investigating practices, policies, 'problems' and 'mitigations'

Branded Content Governance Project

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EDCOM Members' Meeting, University of the Arts London

25 April 2024

ual: london college of communication

UNIVERSITY of STIRLING

UNIVERSIDAD COMPLUTENSE MADRID

Branded Content Governance: investigating practices, problems and mitigations

For Advertising Education

- Branded content practices, policies, problems

- Mapping the media-marketing ecology - actors and processes

- Governance – integrating practice and policy

- *Collaborative and Comparative Research*

Branded Content

…content that is funded or produced by marketers

Three Main Types

1. **Brands own content** ('owned' media) self-published material posted on brands' own websites, YouTube, social media sites, etc.

2. **'Native' distribution of marketers' paid content** (advertising) ads integrated into webpages, apps and news feeds in social media.

3. **Publisher hosted** (advertising) brand material hosted by, or made by, publishers; 'sponsored content', influencer marketing.

In-Feed Native Ads

Branded Content Governance Project

International Research Project, 2022-2025

Examining the **regulation, policies, practices** and communications surrounding **brand-funded content,** including sponsored content, native advertising and influencer marketing.

Producing a comparative mapping of governance across the UK, all EU countries, the US, Canada and Australia.
- law, regulation, +
- key actors and agencies
- governance effectiveness

UK, Spain
- industry practitioners and trade bodies
- policy and stakeholders
- trade/public media
- practices (digital news; influencer marketing)

Teams
PI Prof. Jonathan Hardy (UAL)
Co-I Prof. Iain MacRury (Univ. of Stirling)
Co-I Prof Patricia Núñez Gómez (Univ. Complutense de Madrid)

Postdoctoral Research Fellows (UK, Spain)
90+ International Academic Advisers
Industry, legal, policy and civil society advisers and participants

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Online Advertising Regulation

Policy Briefing

Branded Content Governance Project
June 2023

Jonathan Hardy
Hanna Kubicka
Iain MacRury
Patricia Núñez Gómez
Celia Rangel Pérez

Don't make advertising the next sewage scandal:
accountability and oversight in UK online advertising regulation

February 2024

Jonathan Hardy

Branded Content Governance Project

The UK Branded Content Industry

Report and Survey

Branded Content Research Hub
June 2023

Jonathan Hardy
Ioanna Karagiorgou
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Raluca Moise
Zoetanya Sujon
Sevil Yesiloglu

Branded Content Governance Project *Newsletter*

Issue 1
June 2023

Welcome to the first issue of a newsletter that will report on the activities of the Branded Content Governance Project (BCG) and include other information we hope will be of interest to project participants and other readers.

Our first issue reports on the work undertaken in the first year of the project, which began in

Branded Content Governance Project *Newsletter*

Issue 2
November 2023

Branded Content Governance Project *Newsletter*

Issue 3
March 2024

https://figshare.arts.ac.uk/BCG_Project

Core Triad

Marketers

Marketing Agencies

Media

Hardy, J. (2023) 'Promotional Convergence and Political Economic Critique: Assessing Integrations Across Media and Advertising Industries' in E. West and M.McAllister (eds) *The Routledge Companion to Advertising and Promotional Culture*, (2nd ed) Routledge.
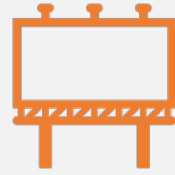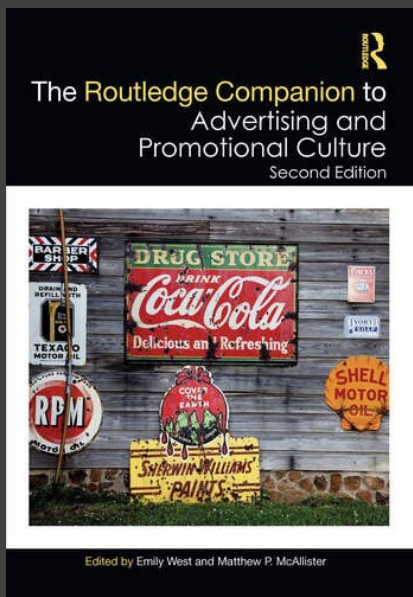
Emerging Sextet

- Marketers
- Marketing (+) agencies
- Media /ad-carrying vehicles
- Content creators (e.g influencers)
- Platforms (ad markets and services)
- Adtech

The Routledge Companion to Advertising and Promotional Culture
Second Edition

Edited by Emily West and Matthew P. McAllister

Critical Governance Analysis

Governance - rules/rulemaking processes, deliberations and discussions - from formal laws and regulations to practical-ethical reflection/action and including trade/general/institutional/networked and social communications.

Integrate studies of promotional industries production and policy
Combine and extend political economic, legal, policy and cultural analysis

Dialectical Network Analysis (Benson 1977, Jessop 2007), Neo-Gramscian (Davies 2011); New Institutionalism; Discursive Institutionalism (Schmidt 2008); Media Governance (Puppis 2010; 2012; Lunt and Livingstone 2012; Van den Bulck et al 2019); Networked Platform Governance (Caplan 2023).

Processes and connections across domains of governance
(Macro-Meso-Micro 'levels')

- State – capital – market

- Industrial organisation

- Automated processes

- Practices, discourses and reflexivity of actors: behaviour, attitudes, self-conceptions across producers and users

- Regulatory institutions and policy networks/stakeholders/extra-network

- Governance/'regulatory space' inc. trade and public media; social media.

Hardy in *Routledge Companion to Media Industries (2021)*; *Branded Content (2022)*
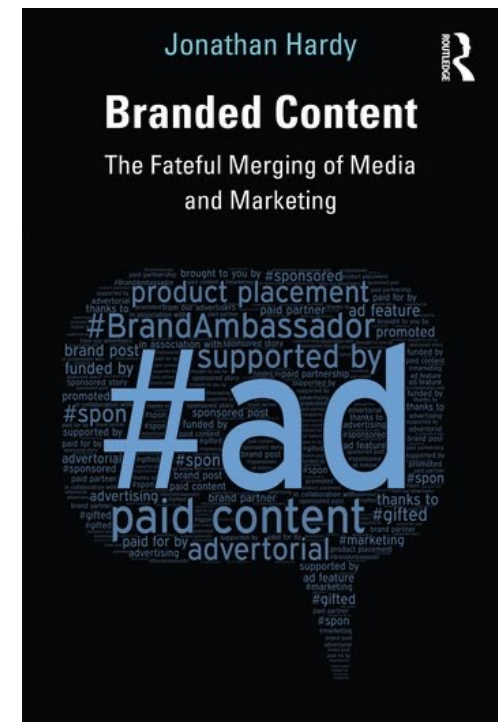
International Chamber of Commerce

International Code
of
Advertising Practice
(1966)

International Chamber of Co[...]
38 COURS ALBERT 1er · 75 PARIS VIII [...]

Identification of advertisements

9. Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used; when published in a medium also containing news and editorial opinion, an advertisement should be so presented that the consumer can readily distinguish it from the editorial matter.

Governance Trends (US, UK: 2015-2024)

Regulation

US Federal Trade Commission 2015 ***Enforcement Policy Statement Addressing "Native" Advertising and Deceptively Formatted Advertisements; Native Advertising: A Guide for Business***

UK CMA; CAP-ASA

- Extension of consumer protection to new media forms….but
- Rules limited; gaps and anomalies across media (de-convergent)
- Enforcement action limited

Media/marketing Industries (self-regulation)

- Promotion of responsible disclosure….yet
- Lobby for flexibility (FTC and ASA responsive - resisted demands for consistent labelling)
- Flak from companies (privileged, non-public communications)

Poor compliance

Advertising Standards Authority follow-up research on Instagram influencers (ASA 2021: 3) found 'a disappointing overall rate of compliance with the rules on making it sufficiently clear when they were being paid to promote a product or service'.

Overall - lack of effectiveness

- Poor levels of label/ad recognition 'some disclosure phrasings recommended by the FTC [Advertising; Sponsored; #ad] seem to be only minimally effective' (Campbell and Grimm 2019:111).
- Consumer demand for better regulation

Influencer Ad Disclosure on Social Media

A report into Influencers' rate of compliance of ad disclosure on Instagram

Legal, decent, honest and truthful

ASA

Branded content 'problems' in governance discourses

(principally Euro-America)

Consumer Awareness
Labelling, identification

Dominant

Integrity of media channels
editorial, creative independence

Residual

Marketers' 'share of voice'

External; Emergent?

Marketers' influence on content
and range of information, imagery
and ideas circulating.

**Diminished governance agency
capacity for cultural workers**

Emergent?

Branded Content Practices, Problems, Mitigations
Domains and Stages (2) Problems and Mitigations for industry practices

Problems – Industry Practices
P1: Consumer awareness   P2 Media quality
P3 Marketer's power   P4 Diminished Capacity

Problems

SYSTEM	STRATEGIC	OPERATIONAL	DISSEMINATION	SOCIETAL
Adtech/M&A Ecosystem, Infrastructure, Embedded decisions, institutions, cultures.	**Corporate decision-making/allocative control** (Commercial; PSM; Alt.)	**All actors/processes involved in 'realised' content production**	**Content presentation / realisation; Circulation, recirculation; reception, use, (co)creation**	**Consumer-civil action; civil society; democratic**
(Economic incentives for key actors across sextet) Adtech system	P1, P2, P3, P4 Inconsistent commitment to transparency/ disclosure	Conflicting pressures, antimonies, hierarchical control. Poor governance adherence cultures	Poor/inconsistent labelling and identification	Low user/civil society awareness/action (reducing pressure on governance)
Surveillance advertising Disinformation drivers	Marketers' power	Cultural production capacity diminished for professionals/ creators (precarity, perceived lack of agency, confidence, support)		Deterioration of trust in news brands/ communication services
State-market; capitalisms				

Mitigations

SYSTEM	STRATEGIC	OPERATIONAL	DISSEMINATION	SOCIETAL
Adtech/platform gov.	Strengthened industry codes (& monitoring, accountability)	As strategic but also informal (self) governance mechanisms; training and education; (whistleblowing).	Standardised labelling/ disclosure	Public education Public media
Accountability, transparency	Positive kitemarking	Professional capacity-building (inc. confidence, support, agency	Media literacy/education initiatives	
	Strengthened SRO/ statutory law/ regulation			

32 Country Report: mapping branded content governance

Media system

| Country Data | Media and Advertising Market | Communications (Legal and regulatory framework) |

Advertising framework

| Legal and regulatory framework | Self-regulation |

Branded Content

General legal and regulatory framework

| Publishing | Audiovisual | Audio | Digital media | Social media marketing | Outdoor | Experiential |

| Convergence | Analysis and evaluation |

27 June 2024 BCG Project Year 2 Event, London College of Communication, UAL

- In-person with some events online

- Launch of 32-country report on branded content regulation and our report *Mapping the Media-Marketing Ecology*

June 2025 BCG Project Conference University of the Arts London

bcgproject@arts.ac.uk

arts.ac.uk/branded-content-governance

For Advertising Education

- Branded content practices, policies, problems

- Mapping the media-marketing ecology- actors and processes

- Governance – integrating practice and policy

- *Collaborative and Comparative Research*

_____

- Researching/ writing items to include in a **manifesto for advertising reform**
        (resources include Conscious Ad Network; UN Unstereotype Alliance)

- Testing/discussing the **identification** of branded content/other content: sponsored editorial, native advertising, influencer marketing

- Consider the contents and promotion of a guide to **media literacy** on aspects of commercial communications

SPONSORED EDITORIAL CONTENT
IN DIGITAL JOURNALISM

Edited by
Jonathan Hardy

BCG Project activities

BCG Work Package	Task	Theory of Change contribution	Output
WP2	32-Country report on BC regulation (WP1 is methodological preparation)	Research; Academic/Legal adviser input/discussion	Reports (D1 report; D2-method) Events, exchange Media outputs
WP3	Mapping the media-marketing ecology	Research; input to policy recommendations	Report D3 Academic outputs
WP4	Practitioner governance research (UK-Spain)	Research; discussion problems/mitigations	Report D4 Events, exchange
WP5	Media reporting (UK-Spain)	Research; mediated discussion problems/ mitigations; assessing media/policy engagement	Report D5; Media outputs
WP6	Policy and stakeholder analysis (UK-Spain)	Research; analysis/assessment policy options and effectiveness (in contexts); discussion problems/mitigations	Report D6; Principles and recommendations for future governance D7; Media education resources; academic and media outputs
WP7	Dissemination of WP2-6 above		WP2-6 deliverables (D1-D8) Project website/self-published resources D8

Some trends

Convergence/de-convergence dynamics

➤ Industry critiques of 'legacy' arrangements

➤ Opportunistic de-convergence

➤ Policy Compartmentalisation

➤ Risk Management (order regulatory space; legitimate v 'rogue' actors)

Example: EU Disinformation policy

European Union Disinformation Policy

2018 Tackling online disinformation: a European Approach

Objectives included
–Significantly improve the scrutiny of advertisement placements...to reduce revenues for purveyors of disinformation, and restrict targeting options for political advertising;

–Ensure transparency about sponsored content, in particular political and issue-based advertising; this should be complemented by repositories where comprehensive information about sponsored content is provided, such as the actual sponsor identity, amounts spent and targeting criteria used. Similar mechanisms should be put in place so that users understand why they have been targeted by a given advertisement;
…
–Facilitate users' assessment of content through indicators of the trustworthiness of content sources, based on objective criteria and endorsed by news media associations, in line with journalistic principles and processes, transparency regarding media ownership and verified identity;

2018 – advertising industry signed up to code of practice on disinformation - but removed 'misleading advertising'

The notion of "Disinformation" does not include misleading advertising, reporting errors, satire and parody, or clearly identified partisan news and commentary, and is without prejudice to binding legal obligations, self-regulatory advertising codes, and standards regarding misleading advertising.

2022 'strengthened code'. Text above now footnote; reference to ICC Code (on ad identification) removed.

Branded Content Governance Project (BCG)

Theory of Change

'A theory of change is a method that explains how a given intervention, or set of interventions, is expected to lead to specific development change, drawing on a causal analysis based on available evidence'.
United Nations Sustainable Development Group

a comprehensive description and illustration of how and why a desired change is expected to happen in a particular context. *Center for Theory of Change*

1. Clarify what the BCG seeks to achieve as project

2. Through research and discussion with policy stakeholders identify 'problems' and 'mitigations' in the practices and governance of branded content

3. Make proposals for governance that arise from (2) and which contribute to BCG project achievement (1)

BRANDED CONTENT GOVERNANCE PROJECT Theory of Change Mapping

Stakeholders (policy actors and publics)

- **Industry trade bodies** (inc industry reg orgs); Industry leaders/firms/senior practitioners; Non-senior Industry practitioners (new/junior/mid) [subdivided marketers/agencies/media]
- **Key policy actors**: Politicians; stat regulators; SROs; legal practitioners;
- **Civil Society**: media trade unions; communications reform organisations; data/coms ethics org.
- **Education**: HEI academics; PG/PGR, UG. Media literacy (link civil society)
- **Funders**: ESRC, AHRC; prospective funders
- **Media**: general, trade, civil; social

Problems	Causes	Activity and Output	Outcomes (change)	Impact – improved governance
1. Consumer/users' lack of awareness of commercial intent 2. Detriment to media quality: editorial and aesthetic independence 3. Marketers' power and share of voice 4. Cultural production capacity diminished for professionals/creators (precarity, perceived lack of agency, confidence, support)	1. Economic incentives for key actors across sextet (marketers, agencies, media, platforms, creators, adtech) 2. Regulatory/ enforcement gaps/neglect 3. Low policy awareness 4. Low user/civil society awareness/action 5. Precarity in media-promotional industries	• 32-country comparative analysis of regulation; • industry analysis (media-marketing ecology) • policy recommendations and discussion • industry /adtech proposals for better practices • Academic outputs/ media outputs • Media education resources and networking	1. Detrimental effect of economic incentives mitigated by better regulation/governance 2. Commitments for better governance standards across industry/policy stakeholders 3. Higher profile for BC as policy issues 4. Support/use of media education initiatives 5. Support mechanisms for practitioners (e.g.training)	1. a) Clearer labelling/ identification b) Better awareness; tools for users and reg monitoring/ enforcement 2. Supported standards for media integrity 3. Restrictions on advertising inc. a) source/paid identification; b) separation of advertising-media; c) action to remove deception and disinformation in ad formats/placement 4. Professional capacity-building. Increased confidence, support, agency

Assumptions

1. Framework (risks) assumption that greater awareness leads to improved governance/self-governance but this downplays the institutionalised arrangements/incentives to support permissive environment for BC (political economy and policy analysis).
2. May underestimate means to marginalise BC policy arguments and initiatives; current lack of influence of BCG and limited capacity for influence (inc. demonstrating sufficient evidence of harm).
3. Assumes BC is and will remain a salient way to organise/understand the industrial-policy area examined and set out proposals for action.
4. Assumes levels of good will/good faith to collaborate and engage in discussion on problems/solutions amongst project participants and wider relevant parties and stakeholders.

Practices/production

SYSTEM	STRATEGIC	OPERATIONAL	DISSEMINATION	SOCIETAL
Adtech/Media- marketing Ecosystem, Infrastructure, Embedded decisions, institutions, cultures; codes, algorithms, AI/ automation	**Corporate decision-making/allocative control (Commercial; PSM; Alt.)**	**All actors/processes involved in 'realised' content production**	**Content presentation / realisation; circulation, recirculation; reception, use, (co)creation'; User/ market actions (e.g adblocking)**	**Consumer-civil action; civil society; democratic processes**
Political economic	Firms/org's executive.	Content production operations/processes (informed by strategic, and other stages/ domains)	Movement of content/ interaction with content/ experience	Knowledge and belief systems (persuasion knowledge; attitudes to media-marketing integration; sponsor influence)
Business/market	Strategic decision-making (in system-societal contexts)		Responsive to operational (influenced by range system-societal)	
Legal-regulatory				
Media systems/cultures			Individual/aggregated user market activity	Public media discourses
Transnational/ transcultural				

Governance

SYSTEM	STRATEGIC	OPERATIONAL	DISSEMINATION	SOCIETAL
Macro-governance arrangements; industry–reg/self-reg arrangements (macro level gov.)	Corporate (and trade body) lobbying, policy influence, positioning of firms/ industry interests; industry – self-reg interactions (macro gov)	Practitioner ethics, meso/ micro governance	Consumer action (indiv. complaints) Discussion:interpersonal/ intergroup/public media/ mediated; (micro gov)	Civil society organisation; policy actors/stakeholders (macro/meso/micro gov.)

Domains and Stages (2) Problems and Mitigations for industry practices

Problems – Industry Practices
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Surveillance advertising Disinformation drivers	Marketers' power	Cultural production capacity diminished for professionals/ creators (precarity, perceived lack of agency, confidence, support)		Deterioration of trust in news brands/ communication services
State-market; capitalisms				

Mitigations

SYSTEM	STRATEGIC	OPERATIONAL	DISSEMINATION	SOCIETAL
Adtech/plaform gov	Strengthened industry codes (& monitoring, accountility)	As strategic but also informal (self) gov mechanisms; training and education; (whistleblowing).	Standardised labelling/ disclosure;	Public education Public media
Accountability, transparency	Positive kitemarking	Professional capacity-building. Increased confidence, support, agency	Media education initiatives;	
	Strengthened SRO Statutory reg/legal			

Domains and Stages (3) Problems and Mitigations for policy/governance processes

SYSTEM Adtech/M&A Ecosystem, Infrastructure, Embedded decisions, institutions, cultures.	STRATEGIC Corporate decision-making/allocative control (Commercial; PSM; Alt.)	OPERATIONAL All actors/processes involved in 'realised' content production	DISSEMINATION Content presentation / realisation; Circulation, recirculation; reception, use, (co)creation	SOCIETAL Consumer-civil action; civil society; democratic
Outdated arrangements, values	Powerful industry lobbies and access	Standards/guidance from strategic to operational	Inaccessible consumer complaints mechanisms	Low policy awareness
(Regulatory gaps/neglect)	Policy risk management strategies	Lack prof training/educ.		Lack of mechanisms for public participation in policy process; lack of policy stakeholders (intermediaries for public to key policy actors/reg.)
Gov- Industry (and SRO) relationships; 'closed' policy-making		Lack of self-reflection/gov mechanisms (prof. media discussion etc.)		'Lack' of research indicating harm/justification for strengthened regulation

Mitigations

SYSTEM Adtech/plaform gov	STRATEGIC Strengthened industry codes (& monitoring, accountility)	OPERATIONAL As strategic but also informal (self) gov mechanisms; training and education; (whistleblowing). Professional capacity-building. Increased confidence, support, agency	DISSEMINATION Standardised labelling/ disclosure;	SOCIETAL Public education Public media
Accountability, transparency	Positive kitemarking		Media education initiatives;	
	Strengthened SRO Statutory reg/legal			

WP2: 32-Country Report on Branded Content Regulation

The project will produce a detailed, comparative mapping of the emerging rules and practices for branded content across 'similar' media systems (Hallin and Mancini 2004; Hardy 2012) including the UK, EU countries, the US, Mexico, Canada and Australia (WP2).

Challenges and opportunities

RQ1: What governance arrangements are in place and evolving within European and other 'similar' media systems?

- **Great volume of complex data:** legal texts and court judgements, governmental and parliamentary documentation, consultation responses; regulatory authority and self-regulatory agency codes of practice, rulings, guidance, official and other statements, academic publications, and more. A great compilation task, which will create a clear destination for those looking for a comprehensive picture of branded content governance.

- **Working across many languages:** the new AI capabilities allow us to work with original documents and benefit from nearly instant high-quality translations, overcoming many challenges, which could have held back similar research before.

- **Eastern European Countries:** challenges to data accessibility bring opportunities to create first, comprehensive accounts of branded content regulation, especially in post-communist countries.

- **Sustaining communications with advisers:** fostering international collaboration at a large scale allowed us to build a network which offers a localised understanding of relevant rules and issues.

- **Reaching the final analysis stage:** the project is on track to establish comparability across many dimensions and to draw informed conclusions leading to context-sensitive policy recommendations and a deep understanding of best practices in branded content regulation.

Governance in practice

Macro, Meso, and Micro governance for Branded Content

Perspective/retrospective:
Challenge, change, and disruption in the relationships between buyers and sellers often produces anxiety, reflection and response in the relevant spheres of **governance**

HISTORY: Unlike the shopkeeper, who sought a place at the center of the village community, the peddler represented the enticements and threats posed by the world beyond local boundaries. He was neither as familiar nor as accountable to his customers as the storekeeper was. (In this he resembled the national advertiser of later years.) ***The attenuated, unstable relationship between buyer and seller epitomized the most volatile aspects of market exchange.***

— *Fables Of Abundance: A Cultural History Of Advertising In America* (Lears 1994) (emphasis added)

NOW: This century it has been the national, media-based advertising system that has become de-centred, an old orthodoxy becoming unstable in the face of new volatilities, formats and redrawn 'promotional-advertising' boundaries – generating attendant anxieties and concerns,

SO: regulation and governance become more prominent/ back on the agenda…

- **Specifically, for us:** Hybrid forms / boundary-blurring of promotional-advertising communication such as branded content, influencer marketing and emergent digital formats pose a challenge for and new demands upon regulation and governance systems...and provoke regulatory innovation/ review.

- The specific regulatory formulations and., the institutional frameworks that uphold them, struggle to contain emergent communications formats and to decide on jurisdiction and responsibility in respect of formats which blur, cross or sidestep established definitions and lines of accountability.

BRANDED CONTENT

INFLUENCER
MARKETING
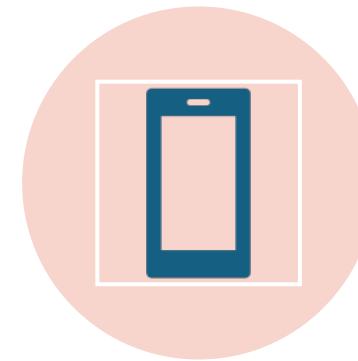
EMERGENT DIGITAL &
AD TECH FORMATS

A reprise of an Origin story primal scene:

- ….It is the primal scene in the drama of capitalist "modernization": the rootless representative of cosmopolitan values penetrates the pristine organic community, tempting it with glittering wares, disrupting its rhythms of life, and transfixing its credulous inhabitants with his hypnotic powers of "influence." *Fables Of Abundance: A Cultural History Of Advertising In America* (Lears 1994) (emphasis added)
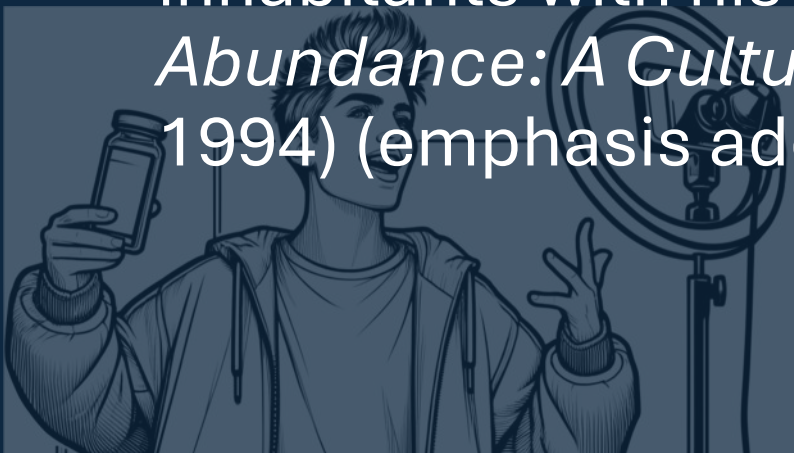
- Policy/ governance responses (macro) to emergent reformulations promotional communications/ channels, technologies and formats.
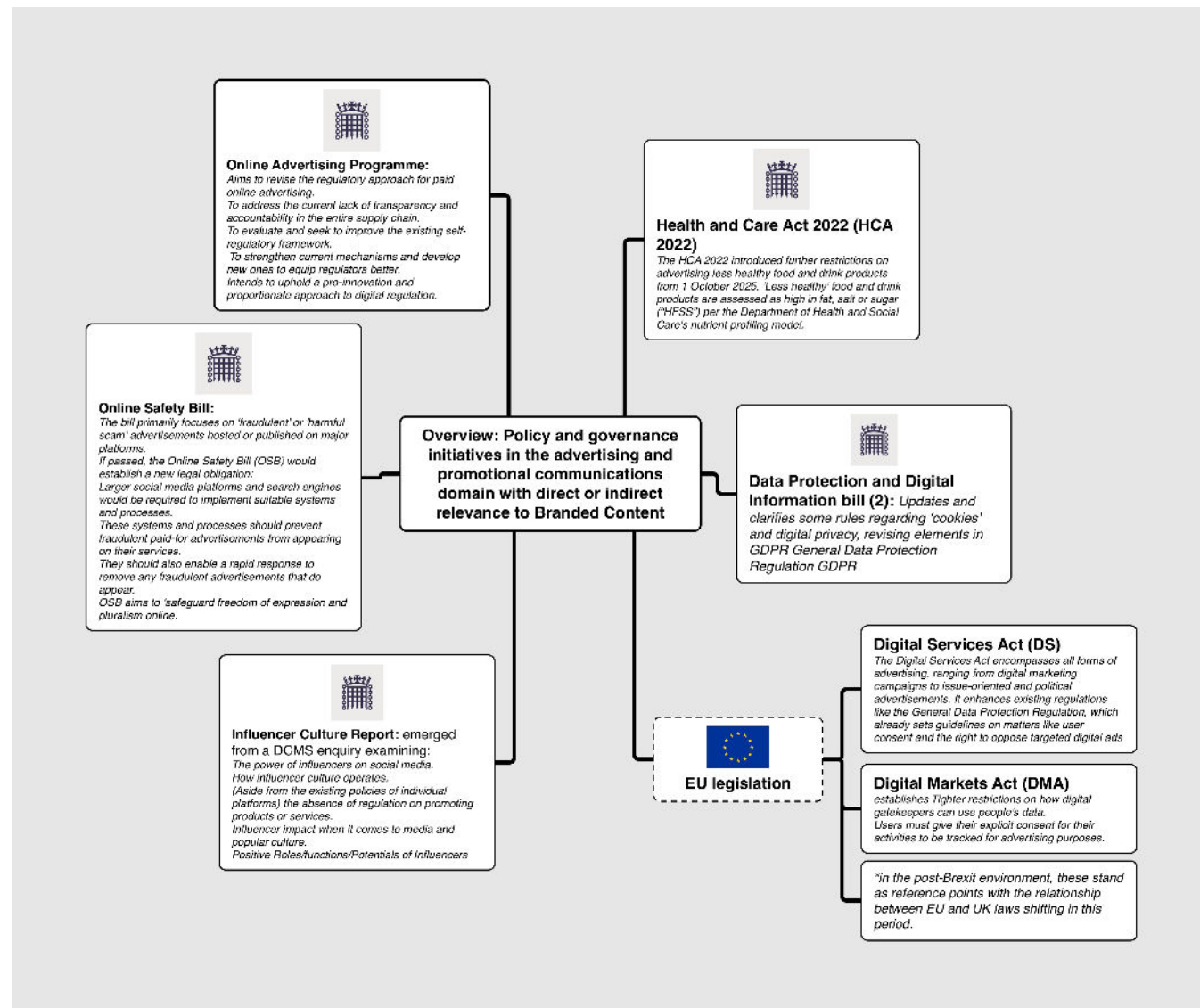
Multi-level governance: Connected *and disconnected law/*rule making, legislation, interpretation and action/practices

Macro-
- Government/ statutes
- Platform governance
- SROs

Meso-
- SROs
- Professional bodies/Industry bodies
- Agency holding companies

Micro-
- agencies
- practitioners/teams
- individual-professional reputation/reflexivity

Good and bad experiences of engaging with regulation

INT Was communicating changes for regulators ever difficult with the creative team? When you were 'the messenger' was it difficult?

RESP: most of the time, *probably the worst bit about the agency job*, because there's too much separation. Because they they never really understand. (Agency., Acct Manager)

I mean, if the agency will catch it until you then you continue, you're gonna have to feed that up to the client, and you're gonna have to further up the chain to the senior team, the senior team with the people that are less likely to be really aware of the ins and outs of it. And then that's like your job as a creative and marketing team..., sometimes if you would get a change in account management, for example, as an agency, you end up doing like you have to probably be a bit a bit more kind of on top of it, but when you've got a really good collaborative relationship where everyone's anticipating things, that's when it works the best anyway.

My boss, she'd worked agents for a really long time. Yeah, she'd been sort of on the ground doing all that she had a really good understanding of it. And as I said, agency, you can sort of account manager account executive level. They're the ones that will know about regulations, music licensing all that stuff that's really dull, but really, really important.

How did you learn about the rules?

I've never met anyone from there or had anyone come and do a presentation which really quite useful. Just doesn't necessarily mean it hasn't happened. But I just it's not something I've seen.

I think it's just really baked in. Because I think it's just to be honest, it's a part of the process, but it's not one that occupies a lot of headspace. But I mean, potentially it could if something is like if something goes wrong, yeah. But then I think there's lots of things like that where you're kind of you learn as you go..

Micro-managing information/dis-information – granular practices

UNDERWAY AND DEVELOPING 30-40 INTERVIEWS WITH PROMOTIONAL COMES / BRANDED CONTENT PRACTITIONERS

FOCUS ON UK AND SPAIN

SEMI STRUCTURED/ CONVERSATIONAL

PEOPLE WORKING IN TRADITIONAL ADVERTISING BRANDING AND DIGITAL AGENCIES. INFLUENCERS, AND INFLUENCER AGENCIES (MULTIPLE ROLES)
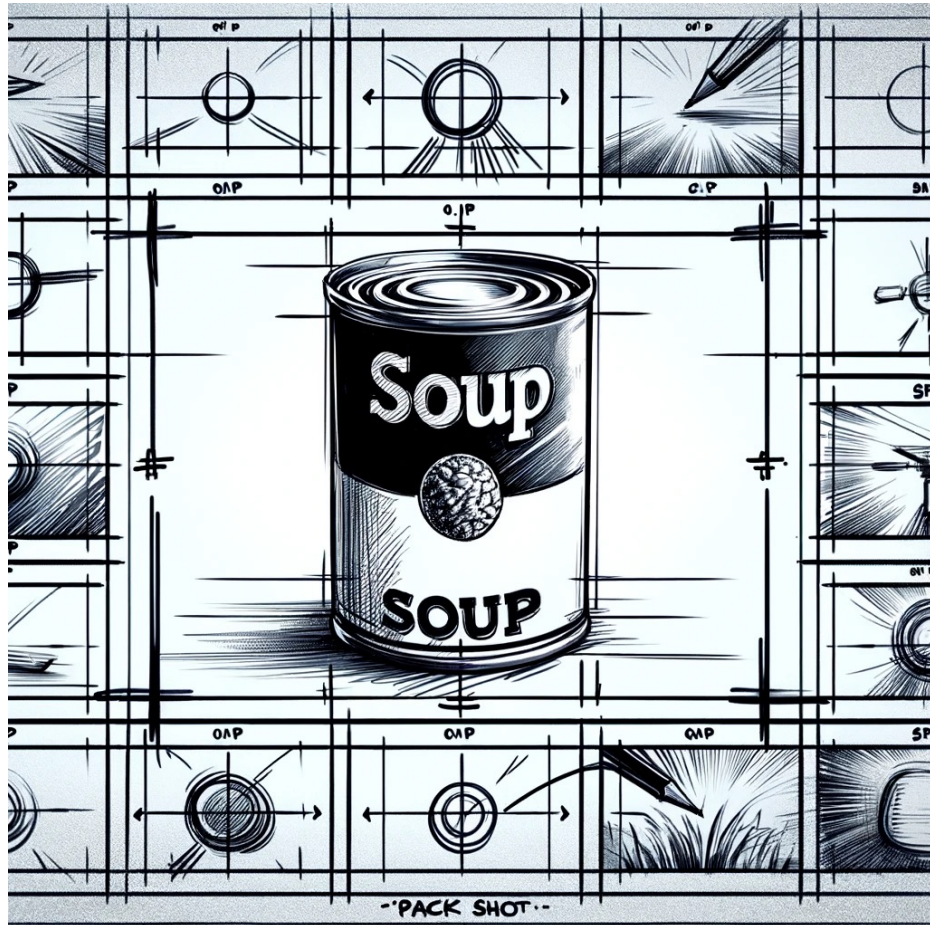
JOURNALISTS/PUBLISHERS PRODUCING MATERIAL FOR BRANDS

INDUSTRY BODIES/ REPRESENTATIVES

....we have an important client, and they were making a change to the next round [of the campaign] and it needed to be done. But the change that was that they wanted the ad to say that their soup was healthy, maybe "one of your five a day"? so it really was a small job... but it took ages to go through the relevant checks and you had to fill out the forms that I needed to fill out so that we could check the claim, and nobody could really understand why it was taking so long. I was SO busy. So, yes, I do get irritated because influencers are out there making claims about products all the time. But I don't think they check stuff like that.., **like we do**. Personal comm, Acct Director, Ad agency.

5 a day license administrator
Dietary Improvement Team
Diet, Obesity and Healthy Behaviours Directorate
Office for Health Improvement and Disparities
39 Victoria Street
London
SW1H 0EU

https://www.gov.uk/government/publications/government-5-a-day-logo/government-5-a-day-logo-licensing-guidelines

Made with Dalle

, they [Clearance] sometimes come back with things like if script outline says, for example, if you're saying like, Daily Mail is said, yeah, "brilliant". And actually, what they said is "it's not brilliant", but you just cut out the word. They always ask for like evidence. You have to show the original thing because it's quite tempting to edit things sometimes, so we keep cutting and links to reviews.. Accct Manager

WIP: emergent themes from practitioner interviews so-far coded to Nvivo 14 agency and brand side respondents

regulatory bodies

Radio centre

Clearcast

ASA

creativity

managing creatives & creativity

creatve resistance

workflow (process)

work flow (responsibilities)

views on regulators

training

time

tik tok

relationship to regulators

regulations (particular)

regulation importance

regualtors' role

product business sector

outdoor

digital

communicating t...

commons

internalised know how

influencers

career stage

Regulators and p...

digitalised

agency client relationship

Children, laws, Media literacy & Branded Content

London,16-19th.

Núñez, P, Complutense University

MEDIA INDUSTRIES

Issues

- Policymakers / new Generation: No dialogue, No participation ,adultocentrism point of view

- Risk and protection/ critical thinking, media literacy (prejuicios)

- Out of context studies

- Advertising literacy definition: complex

- European Laws/Spanish laws/Self regulation/different regions

- Disperse initiatives, private companies, NGO´s

- As a constructive agent of social life

- Childhood and adolescence aren't an homogeneous group.

- Not in only one aspect, secluded (influence of the NTs / prejudice)

- Abuse of scales/measures and psychological indicators

- Lack of legal definition of ML and no responsible institutions: identifying with digital skills.
- Focus mainly on digital and information literacies.
- Emergence of the private and civic sector to encourage MIL.

Livingstone, S (2018) *Global Kids online*

- In many contexts within the world, the discussions that are centred around the damages which are associated with the Internet are the main public debate and, at times, the main political debate. Therefore, it is vital for investigators to identify their own agenda and their own worries regarding the topic.

- Technological determinism. Techno-optimism along with techno-pesimism tend to put technological innovation in the foreground, as the main source of social change. The exposure to risk could or could not result in measurable damage, depending on the child and the context.

Spanish & EU regulations to protect minors from commercial communications on the Internet

| Digital services | Data protection | Consumer protection | Branded content |

General Advertising Law 34/1988

Information Society Services and Electronic Commerce Law 34/2002 (LSSI)

Protection of Personal Data and Guarantee of Digital Rights Law 3/2018 (LOPDGDD)

Comprehensive protection of children and adolescents from violence Law 8/2021 (LOPIVI)

Audiovisual Communications Law 13/2022 (GLAC)

The Challenges of MIL

- Hate speech
- Disinformation/fake news
- Digital content, advertising
- Privacy/data violation
- Artificial intelligence
- Lack of teacher training

POLICY IN MEDIA LITERACY

The notion that various public institutions (government ministries, media regulatory authorities, broadcasting organizations) are viewed as having obligations towards media literacy for which they are accountable is of relatively recent origin.

"Policymakers need to overcome the perceived risks that media education might threaten governmental power, national sovereignty and even the cultural identity of a country. In fact, it can lead to everybody's empowerment if set within a framework of good governance where the benefits of the new cognitive ways of learning are shared, people-centred and not simply machine-induced"

Divina Frau-Meigs, *Media Matters in the Cultural Contradictions of the "Information Society "*(2011)

FIVE LAWS
OF MEDIA AND INFORMATION LITERACY (MIL)

LAW 3
Information, knowledge, and messages are not always value neutral, or always independent of biases. Any conceptualization, use and application of MIL should make this truth transparent and understandable to all citizens.

LAW 2
Every citizen is a creator of information/knowledge and has a message. They must be empowered to access new information/knowledge and to express themselves. MIL is for all – women and men equally - and a nexus of human rights.

LAW 4
Every citizen wants to know and understand new information, knowledge and messages as well as to communicate, even if she/he is not aware, admits or expresses that he/she does. Her/his rights must however never be compromised.

LAW 1
Information, communication, libraries, media, technology, the Internet as well as other forms of information providers are for use in critical civic engagement and sustainable development. They are equal in stature and none is more relevant than the other or should be ever treated as such.

LAW 5
Media and information literacy is not acquired at once. It is a lived and dynamic experience and process. It is complete when it includes knowledge, skills and attitudes, when it covers access, evaluation/assessment, use, production and communication of information, media and technology content.

Alton Grizzle and Jagtar Singh

"Media Literacy is the skills, knowledge and understanding that allow consumers to use media effectively and safely"

Council and Parliament of the European Union, *Audiovisual Media Services Without Frontiers Directive* (2010)

Media and Information Literacy

Policy and Strategy Guidelines

Policy implications to achieving mil at the national level

- **Consensus:** it is important to propose a cross-cutting policy framework.

- **Tackling challenges:** encouraging stakeholders to develop consensus will rely on identifying the personal, social and economic benefits of MIL.

- **Resources and competencies:** from direct financial resources to fund MIL curriculum programmes to human resources/expertise to execute MIL programmes

- **Clear action plan:** if a MIL curriculum is to be developed, implemented and monitored, a detailed plan is needed at state level.

A better Internet for children

Edutext/AEVI

European Digital Media Observatory (EDMO

Ethical resarch involving children

- https://childfriendlygovernance.org

The Digital Services Act (DSA)
Measures to protect children and young people online

Digital future for children

A Tool for Transparency in Influencer Marketing

Policy guidance on AI for children

Branded Content project

- Joining initiatives and laws to propose solutions

- Be a dynamic reference in this field

- Improving methodology

- Taking all the agents and voices into account

- Ethical approach

Thank you!

Problems and mitigations for AI and Branded Content

Celia Rangel
Universidad Complutense de Madrid (Spain)

UNIVERSIDAD COMPLUTENSE MADRID

UNIVERSITY of STIRLING

ual: london college of communication
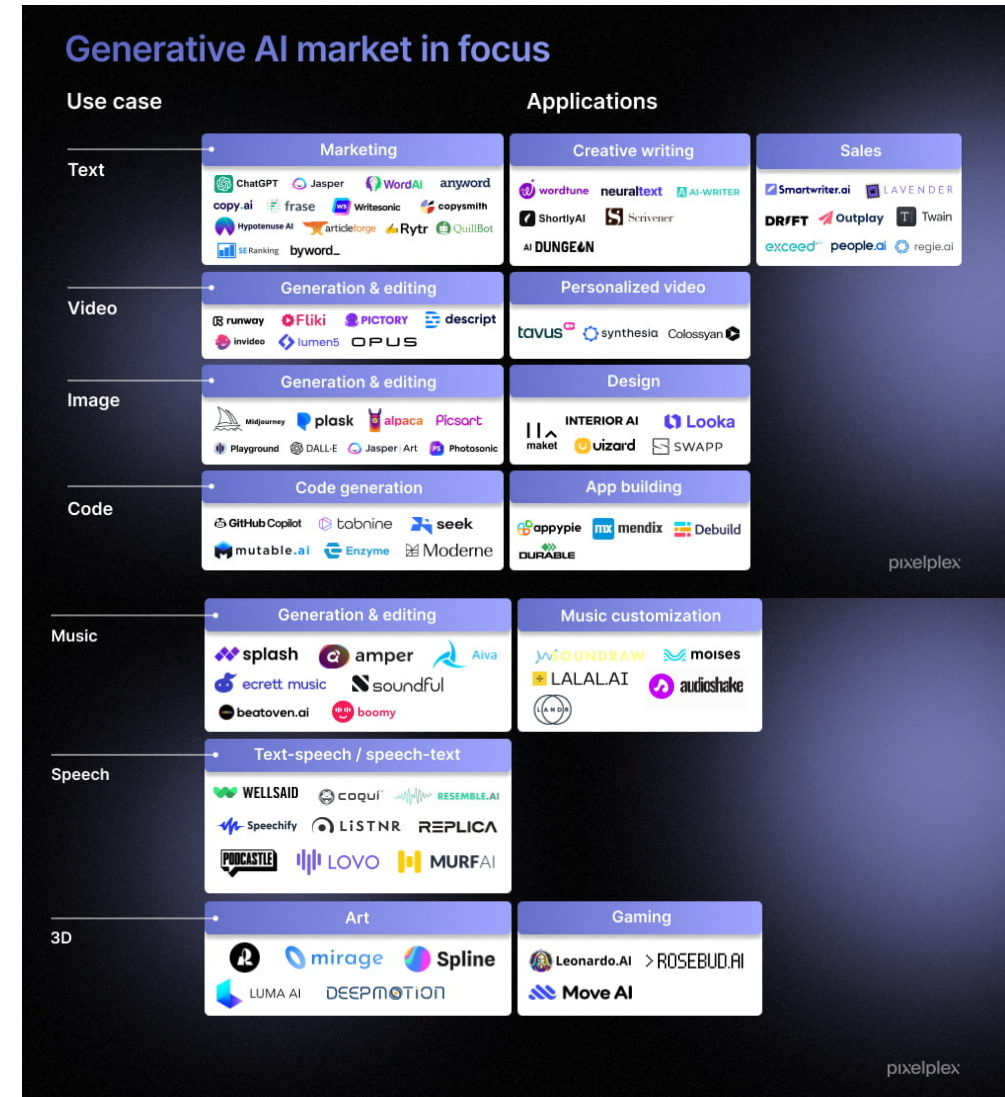
Generative Artificial Intelligence

Generative Artificial Intelligence (GAI) is transforming the world of marketing and communication

Generative AI and Branded Content

For branded content, Generative AI is also a milestone because it enables the creation of original and unique content (images, text, videos and music) from existing data
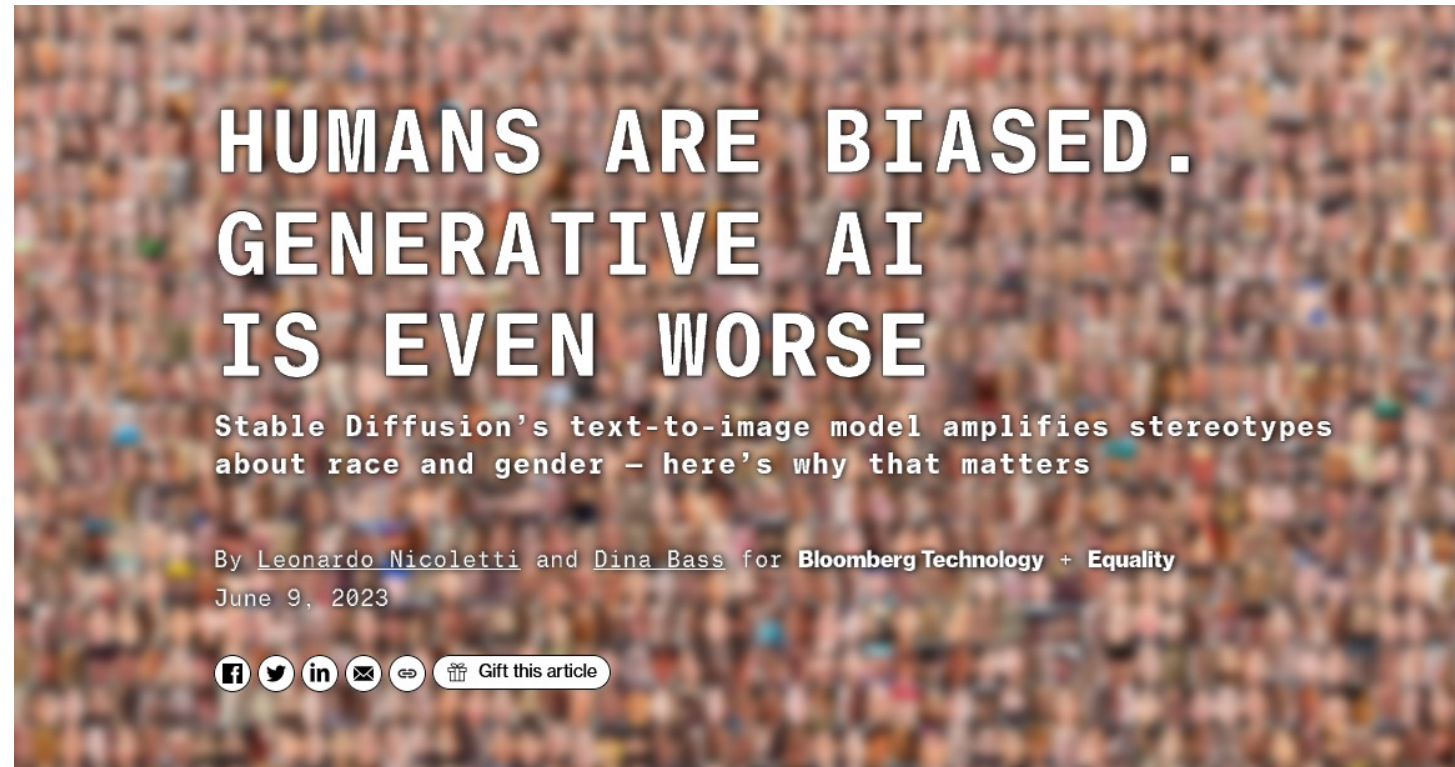
Generative AI and Branded Content

Generative AI applications are becoming increasingly intuitive and easy to use, which facilitates their adoption by branded content professionals

Generative AI and Branded Content

However… it is crucial to use Generative AI **ethically**

HUMANS ARE BIASED. GENERATIVE AI IS EVEN WORSE

Stable Diffusion's text-to-image model amplifies stereotypes about race and gender — here's why that matters

By Leonardo Nicoletti and Dina Bass for Bloomberg Technology + Equality
June 9, 2023

Gift this article

https://www.bloomberg.com/graphics/2023-generative-ai-bias/

Problems and mitigations for AI and Branded Content

Quality of the content and user experience

PROBLEM

The lack of authenticity can affect brand perception and audience trust.

MITIGATION

Brands must strike a balance between using GAI and creative authenticity by offering a unique user experience.

https://campaignsoftheworld.com/digital/heinz-a-i-ketchup/

Problems and mitigations for AI and Branded Content

Content Control

PROBLEM

It is necessary to ensure that the content generated is appropriate, safe and complies with current regulations

MITIGATION

In addition to compliance with the law, more AI self-regulatory codes should be created for content creators to adhere to upload content

https://lbbonline.com/news/could-advertising-soon-be-more-ai-than-human

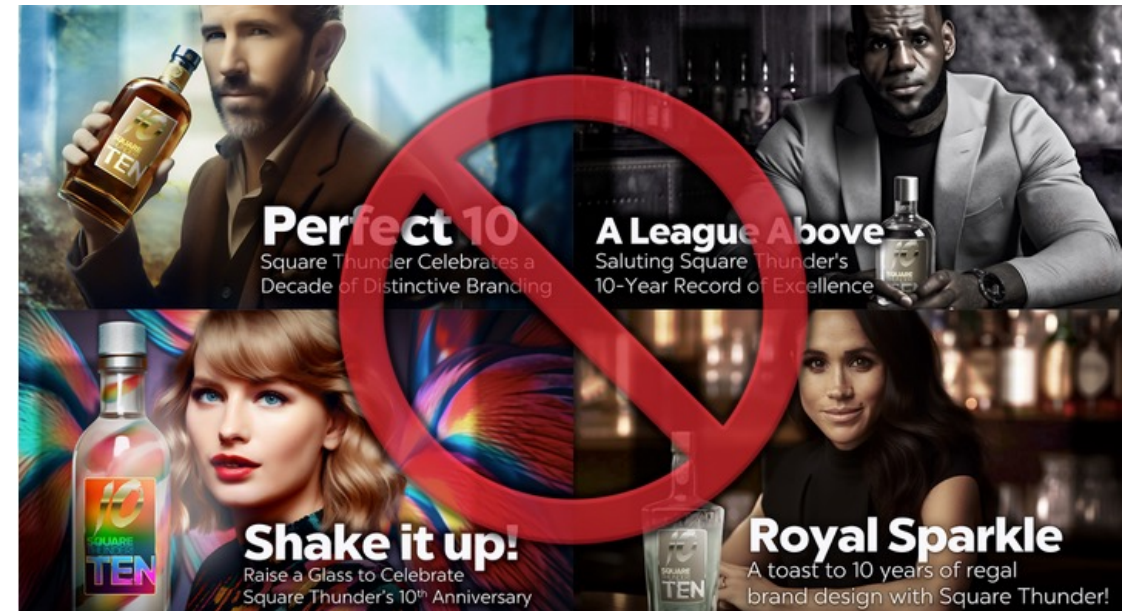# Problems and mitigations for AI and Branded Content

False information

PROBLEM

It is easy to disseminate false information without users knowing how to distinguish it

MITIGATION

Creation of verification systems that can be easily understood by the public to know the source, whether the content is truthful or that it is made with AI.

https://www.linkedin.com/pulse/ai-generated-celeb-lookalikes-marketing-strategy-too-good/

Problems and mitigations for AI and Branded Content

Data Biases

PROBLEM

Training data may contain biases, which can lead to inequality situations

MITIGATION

Making datasets public and continuous external audits of datasets to ensure that they comply with universal ethical principles and fundamental rights

https://www.linkedin.com/pulse/french-ad-campaign-centered-ai-bias-movement-correct-data-kate-kaye-plgkc/

Problems and mitigations for AI and Branded Content

Intelectual Property

PROBLEM

The **intellectual property rights of creators may be affected**, resulting in economic and employment losses

MITIGATION

Specify that the content were **created with AI**, create a **digital ID** to trace the origin and give credit to the authors, and create an **AI royalty** to pay the creators of the initial content
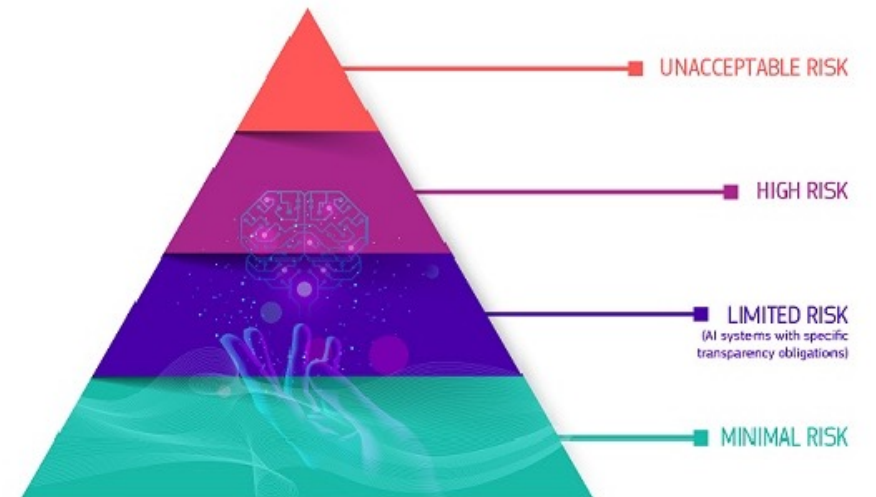
UNIVERSIDAD COMPLUTENSE MADRID

UNIVERSITY of STIRLING

ual: london college of communication

EU AI Act: the first-ever legal framework on AI

Aim: **to protect fundamental rights, democracy, the rule of law and environmental sustainability from AI**

- **Different risks** and prohibitions are established

- **Risk assessment and monitoring systems** are established.

- **Transparency requirements** for models and content are laid down.

- **Codes of good practice** should be implemented.

UNACCEPTABLE RISK

HIGH RISK

LIMITED RISK
(AI systems with specific transparency obligations)

MINIMAL RISK

https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai

Generative AI has great potential for the branded content industry, but its use must be careful and ethical so that it is a key to creativity and not the decline for the content creation industry

Thank you!

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Roundtable Discussion

1. Branded content practices & problems in the digital media ecosystem

2. Reviewing how problems are addressed in policy processes

3. Proposals for mitigating problems at each stage

Topics
Review
Wider issues

Branded Content Research Network

- JISC Mailing List

- Teams site: readings, resources

- Online 'Reading Group'

- Events

- Networking

BCGproject@arts.ac.uk

Macro
Political economic
Constraints and incentives on powerful economic agents

Governance
Contexts shaped by
Constraints and incentives on powerful political agents
Lobbying power and effectiveness
Relative autonomy

These inform and play out in manner in which policy and governance is developed, understood and enacted
 at meso and micro levels

Meso - sectoral

Micro – institutional (and extra-) actors; practices

Macro level - Arrangements and activities at the system level, including: political and economic arrangements and influences; analysis of advertising and media industries at transnational, national, and sub-national levels; economic, corporate and cultural relationships across advertising and media industries including marketer finance and influences on media; patterns in marketing communications business and institutional arrangements, including corporate ownership and market structures, employment trends, workforce profile; overall frameworks for policy and regulation.

Meso level – how all the above connect with arrangements, activities, and experiences at the level of institutions and institutional/networked relationships, including: institutional level analysis of the main actors, networks, and processes within advertising/promotional and media/communications industries/market sectors; and aggregated analyses of corporate strategic/allocative decisions, operational practices, discourses, and content, circulation, engagement , and use.

Micro level – how all the above connect with arrangements, activities, and experiences at the level of individuals and social relationships, including: practices, interrelationships, identities, and attitudes of those involved in advertising/promotional and media/communications processes; and specific instances of practices, discourses, outputs/content, and services.

Hardy J (2024) 'Political economy and critical studies of advertising and media' in J. Pedro-Carañana et al. (eds) Political Economy of Media and Communication, New York: Routledge.

Principles & Practices

Transparency of advertising content

Advertisers should clearly distinguish advertising, public relations and corporate communications from news and editorial content and entertainment, both online and offline.

Institute of Advertising Ethics Principle 3
https://www.iaethics.org/principles-and-practices