National Media Council Issues Circular Regarding Social Media Advertising

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On 9 September 2020, the National Media Council issued a circular regarding social media advertisements which will impact companies, brands, influencers, and anyone who carries out social media advertising activities on a commercial basis; emphasizing the need to obtain prior approval from the Media Licensing Department.

As the influencer wave maintains its consistent growth, the circular addresses this by putting an emphasis on the manner in which products are to be advertised via social media. A recent study found that 84% of influencers in the UAE do not disclose paid partnerships on their social media posts and this has led to a mass confusion amongst their followers, as people are failing to grasp the authenticity of the influencer's posts – the circular aims to rid this issue. The circular states:

"*The advertisement must conform to conditions of advertisement, must be authentic and not exaggerated, must not lead to confusion with other names, products or activities, and must not include or contain any false or misleading claims and anything involving fraud and deceit.*"

Furthermore, the circular goes on to state:

"*The identity of the advertisement must be clearly defined and must incorporate the use of a clear and non-confusing language that is distinct from the other materials posted on the account. The advertisement must appear distinctive and independent from other materials, with time intervals in cases*

of broadcast."

The advertising material that is used on the social media post must be referred to and referenced in the following fashion:

- The use of a phrase or hashtag "advertising material", "advertisement" or "paid advertisement" clearly, without other hashtags that make it challenging for the advertisement to stand out;
    - The use of "thanks to… [advertising entity]" or "in collaboration with…" has been deemed, by the National Media Council, not sufficient enough to disclose whether the advertisement is commercial or not.
- The use of a clear and legible font and the avoidance of the small and illegible font or a font with a color similar to the advertisement background;
- The disclosure (the advertisement) must be placed where it is clearly visible to readers;
    - Generally, the disclosure has to be placed at the beginning of the content or description.
    - The disclosure cannot be placed where users are required to move to another page or content in order to see it.
- If the content is a video, the disclosure must be stated orally (in addition to being placed in the writing);
    - If the advertising is used in a Snapchat/Instagram/Facebook story or video posted on the account, the disclosure must be featured in the first or second story/video or at the beginning of a live broadcast.

The circular reiterates the much-needed restrictions on the advertising of health-related products, drugs, and other pharmaceuticals with prior approval for advertising required by the Ministry of Health.

Influencers should be diligent in the manner in which they

advertise and ensure that they obtain their license immediately. For example, paid influencers who are advertising without a license could potentially face a AED 5,000 fine from the National Media Council.

With the perpetual rise of social media marketing that has redefined how businesses can engage in the public’s day-to-day life, the UAE is taking steps to ensure that this form of marketing is nurtured and moderated.

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