

Summary of undertakings

Undertaking to the Competition and Markets Authority (pursuant to Section 219 of the Enterprise Act 2002 (EA02)) relating to: the Consumer Protection from Unfair Trading Regulations 2008 (CPRs)

The parties listed in the annex have fully co-operated and constructively engaged with the Competition and Markets Authority (CMA) and have voluntarily provided the undertaking below, pursuant to section 219 EA02, to the CMA to address concerns raised under the CPRs in connection with the CMA's investigation into Social Media Endorsements.

The parties listed in the annex make no admissions, express or implied, to any breaches of the law in giving the undertakings.

The Undertaking:

Definitions - For the purposes of this Undertaking:

'Clear manner' means

- i. intelligible, transparent, unambiguous, non-misleading, timely and prominent; and
- ii. without the need for the consumer to click for more information, irrespective of the type of device used to view the post.

'Payment' includes any form of monetary payment, a gift of a product, a loan of a product, any incentive and/or commission. For the avoidance of doubt, a gift or loan of a product includes circumstances where there is no existing commercial relationship between the parties.

'Post' means any communication published on Instagram and/or other social media platforms, and includes video content.

'Product' includes goods, services and digital content.

'Promote' includes the use of hyperlinks, promotional codes and tagging.

The parties mentioned in the annex undertake that:

1. Each post made by them, or on their behalf, which promotes, endorses or reviews a product will identify in a clear manner if:
 - (a) The post is one for which they have received or been promised payment from the relevant brand or business;
 - (b) They have, within the past year before the date of the publication of the post, received or been promised any payment from the relevant brand or business.

2. Each post made by them, or on their behalf, which promotes, endorses or reviews a product, and for which they have received or been promised payment from the relevant brand or business, will not:
 - (a) Falsely claim or create the impression that they are acting for purposes outside their trade, business, craft or profession or represent themselves as a consumer.
 - (b) Claim that use of the product can achieve particular results in circumstances where they have not personally used the product and achieved those particular results.

3. The parties listed in the annex will comply with the UK Code of Non-Broadcasting Advertising, Sales Promotion and Direct Marketing, in particular, section 2 on the Recognition of Marketing Communications and section 3 on Misleading Advertising¹, (including as from time to time amended, modified or re-enacted), and have due regard to the Advertising Standards Authority's associated guidelines.

¹ <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html#.VmqlIGcrjIU>

Annex

The relevant parties referred to in the undertakings include:

Alexa Chung,

Mario Falcone,

Alexandra Felstead ('Binky' Felstead),

Ellie Goulding,

Holly Hagan,

Rosie Huntington-Whiteley,

Michelle Keegan and Rosia Promotions Limited,

Iskra Lawrence,

Camilla Mackintosh ('Millie' Mackintosh),

Megan McKenna and M McKenna Limited,

Rita Ora,

Chloe Sims,

Zoe Sugg,

Louise Thompson and Louise Thompson Associates Limited,

Dina Torkia.

Undertaking to the Competition and Markets Authority (pursuant to Section 219 of the Enterprise Act 2002 (EA02)) relating to: the Consumer Protection from Unfair Trading Regulations 2008 (CPRs)

James Chapman and Jim Chapman Limited have fully co-operated and constructively engaged with the Competition and Markets Authority (CMA) and have voluntarily provided the undertaking below, pursuant to section 219 EA02 to the CMA to address concerns raised under the CPRs in connection with the CMA's investigation into Social Media Endorsements.

The parties make no admissions, express or implied, to any breaches of the law in giving the undertakings.

The Undertaking

Definitions - For the purposes of this Undertaking:

'Clear manner' means

- i. intelligible, transparent, unambiguous, non-misleading, timely and prominent; and
- ii. without the need for the consumer to click for more information, irrespective of the type of device used to view the post.

'Payment' includes any form of monetary payment, a gift of a product, a loan of a product, any incentive and/or commission. For the avoidance of doubt, a gift or loan of a product includes circumstances where there is no existing commercial relationship between the parties.

'Post' means any communication published on Instagram and/or other social media platforms, and includes video content.

'Product' includes goods, services and digital content.

'Promote' includes the use of hyperlinks, promotional codes and tagging.

James Chapman and Jim Chapman Limited undertake that:

1. Each post made by them, or on their behalf, which promotes, endorses or reviews a product will identify in a clear manner if:

- (a) The post is one for which they have received or been promised payment from the relevant brand or business;
 - (b) They have, within the past year before the date of the publication of the post, received or been promised any payment from the relevant brand or business.
- 2. Each post made by them, or on their behalf, which promotes, endorses or reviews a product, and for which they have received or been promised payment from the relevant brand or business, will not falsely claim or create the impression that they are acting for purposes outside their trade, business, craft or profession or represent themselves as a consumer.
- 3. James Chapman and Jim Chapman Limited will comply with the UK Code of Non-Broadcasting Advertising, Sales Promotion and Direct Marketing, in particular, section 2 on the Recognition of Marketing Communications and section 3 on Misleading Advertising², (including as from time to time amended, modified or re-enacted), and have due regard to the Advertising Standards Authority's associated guidelines.

² <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcast-code.html#.VmqlIGcrjIU>