

Your response

Question	Your response
<p>Question 1: We include labels, overlays, pop-ups, notifications, and resources as examples of on-platform interventions (additional information regarding this typology can be found in the Annex on page 3).</p> <p>(a) Do you agree with this categorisation of on-platform interventions?</p> <p>(b) If not, please explain.</p>	<p>The list is all relevant but additional interventions should be listed.</p> <p>The material of greatest interest for the Branded Content Governance Project are disclosure statements and other forms of identification that inform users that content is marketing communications, or is sponsored content, or is otherwise subject to payment or other economic consideration by the first-party (content creator) or by a third-party (sponsor, source).</p> <p>Such disclosure may be included in the existing taxonomy set out on P10 of the consultation, notably 'labels' and 'notifications'. However, while there is value in the broad definition of content for each of these types, there is also no explicit reference to the disclosure of commercial or sponsor interest in the existing text. We recommend that this is included. This might be achieved by adding an additional type of intervention, 'disclosure notice'. Alternatively, it could be achieved by including an explicit reference to disclosure in the description. The relevant title might be 'notification', which is a commonly used term in relation to such disclosure. However, in Ofcom's taxonomy notifications occur at the level of users' general settings and interaction with a platform not at the level of specific content served. So, it is most appropriate to include disclosure either in the description of 'labels', or as an additional type of intervention ('disclosure notice').</p> <p>It is also important that disclosure is not restricted to notices attached to specific content only, but forms a range of required, or best practice, measures taken at different levels, from specific content, to app/service level, to owner/'corporate' level. For instance, platforms, publishers and other content providers should be encouraged, and above certain resource levels required, to carry statements on how commercial/sponsored content is managed on the service overall, and include short, accessible</p>

guides to the labelling and identification of content.

There is also an important role to extend the use of kitemarking or other signage that will provide more consistent and readily understood identifiers for commercial (and other) content policies. Some news publishers already use such kitemarking to indicate how they deal with sources and fact-checking. In future, this might be developed to demonstrate agreed standards towards the identification, and separation, of media content and advertising. Ofcom oversees the requirements for disclosure of product placement in domestic broadcasting by means of a consistent 'P' sign. There is currently no such equivalent for branded content across any other media forms/platforms. As these media forms continue to converge and co-develop, such anomalies need to be discussed and addressed as part of the core agenda for media literacy and the policy/governance actions to support the widest range of communication users.

The YouGov user research commissioned by Ofcom for this consultation makes clear the importance of the disclosure and identification of paid posts and commercial communications for research participants. 'Labels about paid promotions were also considered useful by those who saw them on social media, because they offered transparency and helped participants make informed decisions knowing that the information presented was not impartial' (YouGov 2023: 15). Such disclosure labels were considered the second most useful form of intervention by platforms amongst those surveyed.

It is important to add commercial/sponsor disclosure for the reasons outlined above and for the following key reasons.

1. For users, the degree to which commercial/sponsored content can be readily identified and properly understood are vital, core issues for digital media literacy.
2. For policymaking, it is valuable, and we argue essential, that there is greater coherence and integration across the governance of branded content. Ensuring that the disclosure of marketing communications and sponsored content is included will connect Ofcom's media

literacy efforts with existing governance arrangements for advertising/adtech, media and platforms as well as related policy areas including dis/misinformation.

3. The research evidence (see below) shows that there remain poor levels of recognition and understanding of commercial/sponsored content amongst both adults and among children and young people across the range of platforms that carry such branded content, from publishing and audiovisual to social media.

4. Research shows that an idiosyncratic array of descriptions and other means of identification are used by publishers, platforms, content creators, marketers and intermediaries. Whether by accident or design this results in continuing confusion for users, and helps marketing that seeks to be 'native', succeed in blending into the communication environment in which it is placed.

5. The existing governance arrangements (notably the CMA, CAP-ASA, Ofcom) do have well-developed rules and disclosure requirements, including relative standardisation on many platforms around #ad/advertisement labelling. However, the ASA's own monitoring and research reveal high levels of non-compliance and continuing evasion of disclosure requirements. See the ASA's *Influencer monitoring report* (March 2021), available at <https://www.asa.org.uk/resource/influencer-monitoring-report-march-2021.html>

This makes the inclusion of commercial/sponsor disclosure in media literacy design an essential task.

Future research will need to assess the effectiveness of disclosure notifications. The well-documented forms of invisibility, 'banner blindness', or evasion, that can affect brand messages also apply to the labels disclosing such brand communications. This means that assessing how well disclosures are identified, understood, valued and effective across a complex, rapidly-evolving media-marketing ecosystem makes this an essential and on-going area for attention in media literacy research and programme design.

	<p>A list of research sources is available on p78 of the BCG Project publication <i>Online Advertising Regulation Policy Briefing</i> (June 2023), available at https://www.arts.ac.uk/colleges/london-college-of-communication/research-at-lcc/branded-content-research-hub/branded-content-governance-project</p> <p>Selected sources:</p> <p>De Veirman, M. and Hudders, L. (2020) 'Disclosing sponsored Instagram posts: the role of material connection with the brand and message-sidedness when disclosing covert advertising', <i>International Journal of Advertising</i>, 39:1, 94-130</p> <p>Eisend, M. van Reijmersdal, E., Boerman, S. and Tarrahi, F. (2020) 'A Meta-Analysis of the Effects of Disclosing Sponsored Content', <i>Journal of Advertising</i>, 49: 344– 366</p> <p>Hardy, J. (2022) <i>Branded Content: The Fateful Merging of Media and Marketing</i>, Abingdon, Oxon.: Routledge.</p> <p>Van Reijmersdal, E. and van Dam, S. (2020) 'How Age and Disclosures of Sponsored Influencer Videos Affect Adolescents' Knowledge of Persuasion and Persuasion', <i>Journal of Youth and Adolescence</i> (2020) 49:1531–1544</p> <p>Wojdyski, B.W and & Evans, N.J (2020) 'The Covert Advertising Recognition and Effects (CARE) model: Processes of persuasion in native advertising and other masked formats', <i>International Journal of Advertising</i>, 39:1, 4-31.</p>
<p>Question 2: Do you have any feedback on the summary of themes we identified from online services? Are there any omissions or other items you think important to add?</p>	<p>The themes identified from discussions with online service providers are informative about the priorities and values that shape how they respond to media literacy but also to broader governance and accountability agendas. The responses of platforms/providers indicate the legacy of exceptionalism that has served as a protective layer and explanation/justification for acting outside of existing governance frameworks. An example of the latter is the International Chamber of Commerce, whose (voluntary) code on advertising, first created in 1937, sets a readily available standard for commercial and other actors (ICC 2018). The 1966 version of the Code introduced for the first time a rule on identification which has since</p>

	<p>informed advertising self-regulatory codes around the world. Rule 9 states:</p> <p>‘Advertisement 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 editorial matter’ (ICC 1966). The language of the 1966 Codes is instructive as it is suitable for the range of range of digital forms that contemporary governance, and media literacy, seek to address. It also highlights the standards to which all those participating in commercial communications should meet and be held accountable.</p> <p>ICC (International Chamber of Commerce) (1966) <i>International Code of Advertising Practice</i>, Paris: ICC.</p> <p>ICC (2018) <i>Advertising and Marketing Communications Code</i>, Paris: ICC.</p> <p>https://iccwbo.org/publication/icc-advertising-and-marketing-communications-code/</p>
<p>Question 3: Are we missing anything with the three headings used to structure the best practice principles for media literacy by design?</p>	<p>The issues of identification and understanding of commercial/sponsored content (including ‘hidden’ advertising and ‘embedded persuasion’) can be addressed within the three headings put forward in the consultation.</p>
<p>Question 4: Which aspects of the proposed best practice principles for media literacy by design work well, and why? Which aspects don’t work so well, and why? Do you have any comments on the specific principles (please specify if providing feedback on individual principles)?</p>	<p>We are an international research project but not a direct provider of media literacy training and so we do not have responses to question 4 or questions 6-9 below.</p>
<p>Question 5: Do you have any further guidance/feedback to offer on how platforms can enact best practice media literacy by design?</p>	<p>It is necessary for each platform to set out its terms for self-governance, but relying on these alone creates barriers for media literacy as well as problems for effective governance and accountability. Platforms could be required to set out a summary statement on how they deal with common issues (including privacy, data management, commercial/sponsored content and other issues). That should set out in a format that is standardised, so that it aids user comprehension. It should also be suitably</p>

	<p>comparable in form so that it is open and accessible for independent scrutiny and auditing purposes.</p> <p>Platforms should also be required, or encouraged, to indicate which industry and regulatory codes of practice they agree to adhere to, such as the ICC Code discussed above. Together, such measures would provide a more suitable and user-accessible means to assess the standards of service to which the platform commits and may be judged.</p> <p>There are risks if users are unclear about the appropriate bodies to which they can complain about breaches of standards. Where possible there should be ‘first port of call’ sources of help. These may be regulatory authorities that apply their own rules but also take account of platform’s adherence to other code/standards to which they have formally agreed. Such regulatory agencies may also be required to assist in guiding users to other appropriate (self) regulatory bodies to address their concerns/complaints, where appropriate.</p>
<p>Question 6: Can you submit any case studies or examples of different services enacting any of these best principles for media literacy by design? Can you provide any other examples of best practice media literacy by design that may not be covered by this document?</p>	<p>We are an international research project but not a direct provider of media literacy training and so we do not have responses to questions 6-9.</p>
<p>Question 7: How do you expect in-scope services to demonstrate that they have adopted the principles? What would this look like?</p>	
<p>Question 8: What more can be done to encourage services to promote media literacy by design?</p>	

Question 9: How do you envisage the proposed services in scope of this work, and in particular their design elements as they relate to the promotion of media literacy, changing and evolving within the next 5-10 years?