

# Disguised digital advertising

## - The Swedish Consumer Agency's experience

IMCO Public Hearing 17 February 2020

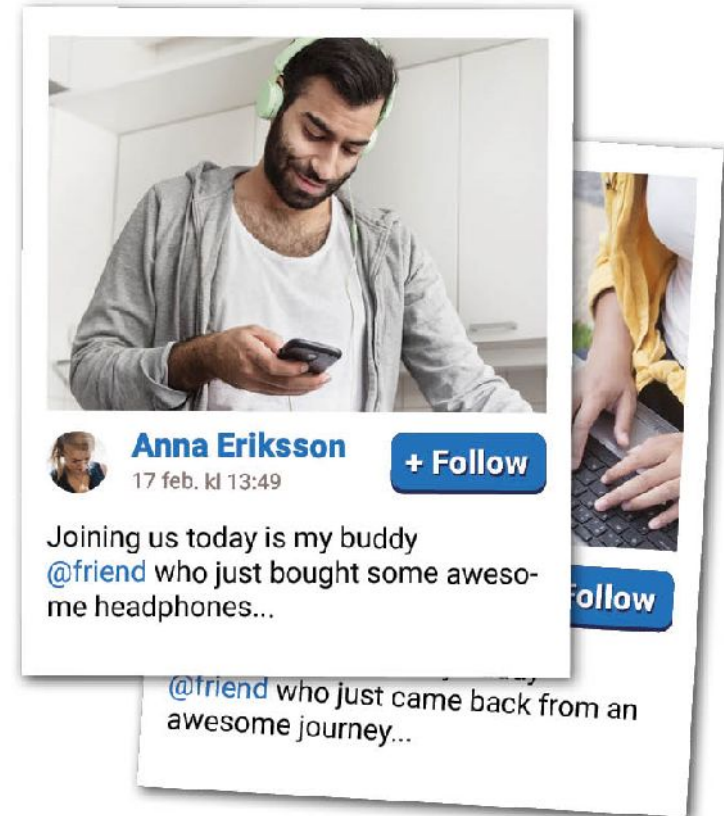
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# Influencer marketing

- Common and valuable way for traders to market their products and services
- Not uncommon that influencers mix commercial content with non-commercial content
- Mixed messages demand clear labelling of marketing, especially in the digital environment.



## Judgement from the Swedish Patent and Market Court of Appeal in December 2019

- Labelling must be clear
- It must be clear that it concerns a paid post
- The influencer was responsible for the marketing



**Anna Eriksson**

17 feb. kl 13:49

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In collaboration with [@company](#).  
Today I'm testing the brand new  
services from...

## Judgement from the Swedish Patent and Market Court in January 2020

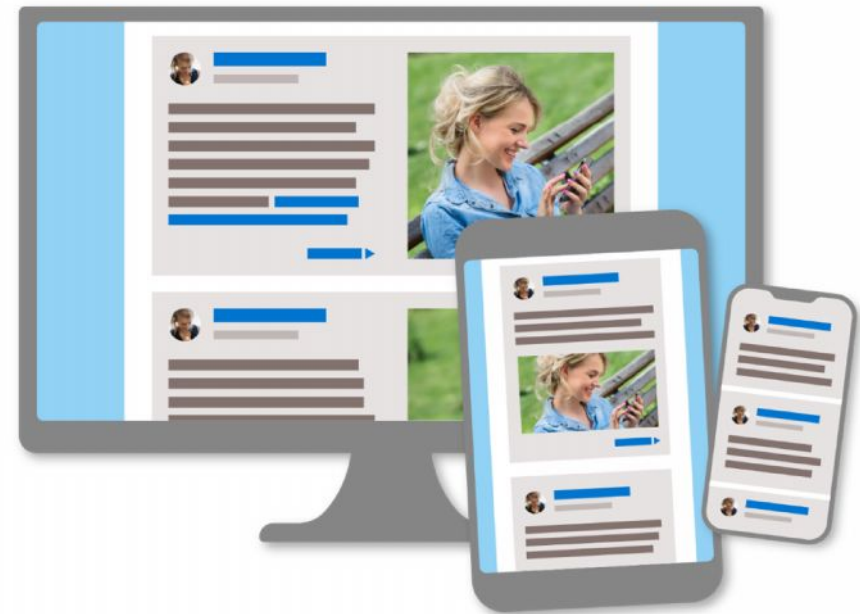
- Difference between marketing and personal views
- Some posts labelled as marketing and some not
- The contract is important
- Labelling must be clear and prominent





## Remarks

- Commercial intent is core when assessing if content is marketing
- Clear identification of marketing is important, especially in social media



## Challenges for enforcers

- Commercial intent
- Personalised marketing
- Digital tools
- Vulnerable consumers

