

INFLUENCER MARKETING TIPS N TRICKS

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Influencers can help to drive sales as well as strengthen brand reputation. Generally this sort of content will be considered to be advertising by the brand and the brand will be responsible for the influencer's comments. So it's important that any sponsored post complies with sections 18 and 29 of the Australian Consumer Law (the **ACL**). Guidelines issued by industry associations such as the AANA can also be relevant to consider.



Each post should be clearly distinguishable as an ad to the relevant audience.

The influencer can do this by including a reference in the caption of the post or include hashtags on each individual post such as #ad or #sponsored.

A blanket #ad or #sponsored on an influencer's social media page may not be sufficient.

Market research, private blogs or independent reviews by third parties which are sponsored by a brand must also be clearly labelled as an advertisement.



Fake reviews or testimonials are a contravention of the ACL. Confirm the influencer's genuine support for the brand's products or services before you engage the influencer.

The influencer must provide their genuine review or opinion of the product or service based on their *actual* experience.



Have a contract in place with the influencer setting out the brand's expectations (e.g. how the brand would like its branding to be used). You might also deal with ownership of any IP created by the influencer.

In the absence of a contract with the influencer, there is a risk of brand damage or loss of IP which may have a negative impact on the campaign. Having a contract in place allows for recourse and protection.



If the brand gives an influencer product samples, consider whether the brand would allow the influencer to run giveaway promotions. If so, make sure this is dealt with in the contract with the influencer and require that any product giveaways must comply with regulatory requirements (e.g. trade promotion lottery regulations).



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