[ES] CNMC reminds Spanish influencers of their obligations regarding advertising on social media

IRIS 2026-6:1/13

Maria Bustamante
-

The National Commission for Markets and Competition (*Comisión Nacional de los Mercados y la Competencia* – CNMC), the authority responsible for ensuring that audiovisual media service providers comply with the obligations set out in the General Law on Audiovisual Communication (*Ley General de Comunicación Audiovisual*), has issued formal notices to five influencers for breaching the rules on the identification of commercial communications on social media.

The decisions relate to several posts shared on Instagram and TikTok by Sofia Suescun, Tamara Gorro, Peldanyos, Samy Spain and Lola Lolita, and follow complaints lodged by the Association of Communication Users (*Asociación de Usuarios de la Comunicación* – AUC).

The cases relate to videos promoting various products and services, including a bank card, food supplements, clothing, restaurants and audiovisual content, without a clear indication of their commercial nature. In several cases, the content creators had used labels such as "*ad*", referred to their role as brand ambassadors or resorted to the commercial tagging tools provided by the platforms. However, the CNMC considered that these methods did not provide a sufficiently clear identification when the label did not appear prominently within the video itself.

In this regard, the authority reiterated the position it set out in its agreement of 4 June 2025, according to which the identification of a commercial communication must be integrated directly into the video using explicit terms such as "*publicidad*" or "*publi*" so users can immediately recognise its commercial nature.

One of the decisions also clarifies the very concept of commercial communication. In the case concerning Lola Lolita, the influencer and brand in question had argued that the post did not constitute advertising, as no remuneration or contractual agreement had been involved. The CNMC nevertheless considered that the content had contributed to the promotion of the brand and should, for that reason, be classified as a commercial communication. Under the relevant Spanish and European case law, the existence of an advertising purpose did not necessarily depend on a financial payment.

The CNMC also took the opportunity during these proceedings to reiterate that influencers are subject to the sector-specific rules applicable to certain types of

© European Audiovisual Observatory (Council of Europe) 2026

advertising. In the case involving Sofia Suescun, the authority found that a post relating to a food supplement had contained health claims not authorised under European Union law. It also emphasised that the specific restrictions governing the advertising of health products also applied to content creators, in particular the ban on using testimonials from famous people to promote such products.

As the posts in question had been published before the June 2025 agreement had come into force, the CNMC chose not to initiate sanctioning procedures and merely ordered the influencers concerned to comply with their obligations in future.

These decisions reflect the Spanish regulator's growing focus on influencers' advertising practices and its commitment to ensuring that promotional content is clearly identified on digital platforms. They also confirm that content creators are required to comply not only with the general rules on advertising transparency, but also with the sector-specific regulations applicable to the products or services they promote.

La CNMC requiere a cinco influencers por no identificar correctamente la publicidad en sus vídeos

https://www.cnmc.es/index.php/prensa/requerimientos-influencer-20260603

CNMC issues formal notices to five influencers for failing to correctly label advertising in their videos

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026