[GB] ASA upholds complaint about Oreo biscuit ad in YouTube videos

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In a decision of 26 November 2014 (case no. A14-275018), the British Advertising Standards Authority (ASA) found that labelling obligations for advertisements contained in YouTube videos had been breached and ordered the food manufacturer Mondelez UK Ltd to ensure that future ads in this medium made their commercial intent clear prior to consumer engagement.

The case concerned so-called “Lick Race videos” on five YouTube channels owned by well-known private “vloggers”, which humorously portrayed a particular way of eating Oreo biscuits.

Following a complaint from a journalist, the Mondelez company admitted that these videos were part of a marketing project run in cooperation with the vloggers concerned. However, it said that it had insisted that the vloggers make clear to the audience that they were working together, which they had done. The Mondelez company argued that its requirement that the vloggers include an in-video acknowledgement of the collaboration had gone beyond YouTube’s standard practice, which only requires users to put an acknowledgement in the video description box in such cases.

The ASA classified the videos concerned as advertising and drew a comparison with sponsorship, where a provider retained editorial control over its content despite receiving financial support. In the cases at hand, however, the owners of the YouTube channels had given editorial control over the advertising videos to the advertiser.

In the ASA’s opinion, the references used (e.g. “Thanks to Oreo for making this video possible”) were not sufficient to make the commercial nature of the videos clear. Although some viewers had recognised that Oreo had been involved in the videos in some way, this did not demonstrate that they had clearly identified them as advertising.

In addition, the presentation of the individual videos had been very much in keeping with the editorial content of the respective channels, which was why the fact that the videos were marketing communications would not have been immediately clear from the style alone.

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Finally, the ASA was unhappy with the timing of the disclosure statements in some of the videos. Although the statement itself clearly indicated the commercial nature of the videos, it was not sufficient to place it at the end of the video or in the video description. By that stage, the viewer had already interacted with the video and the purpose of the rule, i.e. to protect the viewer, had been undermined.

Ruling of the ASA of 16 November 2014 (case A14-275018)

http://www.asa.org.uk/Rulings/Adjudications/2014/11/Mondelez-UK-Ltd/SHP_ADJ_275018.aspx#.VH3WJ8l_YYC

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