# [SE] New guidelines on marketing and social media

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The relationship between the Swedish Marketing Practices Act (MPA) and posts in blogs and social media has been a subject of discussion in Sweden during the last year. In order to provide further guidance to bloggers and companies promoting their products on blogs and social media the Swedish Consumer Agency has recently published guidelines for marketing through blogs and social media (the Guidelines).

The Guidelines confirm that there is no general prohibition against recommendations or posts about companies, products or services on blogs or in social media. If there is no link between a company and a blogger who writes about that company's product or services, then the MPA will not apply since the post will fall under the protected scope of freedom of expression.

However, if there is a link - whether formalised in an oral or written agreement, or even implied (e.g. a blogger receives compensation for writing about a company or a company's products or services), then the MPA will apply in full.

The principles of the Guidelines can be summarised as follows: First, all marketing, including marketing through blogs and social media, is covered by the rules of the MPA. According to the Guidelines, it does not matter if the compensation is pecuniary, free goods or services or any other type of compensation. The mere fact that the blogger is compensated means that a message constitutes marketing.

Second, the recipients of marketing must be able to immediately, and with ease, identify the communication as marketing. It should also be made clear who is behind the marketing, i.e. advertiser. Third, if a blogger is paid, or otherwise compensated for giving exposure to a company's business or products, posts must clearly be identified as marketing in order to avoid confusion of the marketing with other content. For instance, the Guidelines provide that the marketing can be disclosed by marking posts with "#advertising", "#ad", "advertising", or "ad" using different colours, fonts etc. at the beginning and end of posts as well as stating the advertiser's name.

Fourth, precaution should be taken when marketing to children. It is forbidden to exhort or invite children to buy products or services. Finally, marketing that does not comply with legal requirements can be prohibited. By violating that

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prohibition both the blogger and the advertiser can be subject to injunctions or fines.

***Konsumentverket, Vägledning om marknadsföring i bloggar och andra sociala medier***

http://www.konsumentverket.se/Global/Konsumentverket.se/Best%c3%a4lla%20och%20ladda%20ner/V%c3%a4gledningar/Dokument/Vagledning_om_marknadsforing_i_bloggar-201511-tillganglig-KOV.pdf

*Swedish Consumer Agency, Guidelines on marketing in blogging and other social media*

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