[FR] Senate adopts bill to regulate influencer marketing and combat abuses by influencers on social networks

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Following its adoption by the National Assembly on 30 March, the Senate has adopted, with amendments, the bill to regulate influencer marketing and combat abuses by influencers on social networks. The bill aims to regulate influencer marketing on social networks and the status of influencers and influencer agents in order to combat the spread of misleading or fraudulent commercial practices on the Internet.

In an open session, the senators clarified the relevant legal framework in particular, pointing out that the existing rules governing advertising and promotion already apply to influencer marketing. They called for a more honest approach and supported the obligation to display an “Advertising” or “Commercial collaboration” label. The Senate also showed strong commitment to the protection of web users, consumers and young people. In addition to practices already prohibited by the National Assembly, such as the promotion of cosmetic surgery, it banned advertising of therapeutic abstention and nicotine pouches. It also prohibited the promotion of medical, drug or surgical treatment that endangers the protection of public health. The bill adopted by the Senate also bans influencers from interacting or being depicted on social networks with non-domestic animals. It also prohibits the promotion of subscription-based sports tips or sports forecasting services in order to protect consumers and investors. The maximum sanctions are two years’ imprisonment and a EUR 300 000 fine for breaches of the advertising rules or if an influencer conceals the true commercial purpose of a post, which must in future be clearly labelled as “Advertising”.

On 24 May, the joint committee of senators and MPs reached an agreement on the bill, which was adopted by the National Assembly on 31 May.

Proposition de loi visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux, Texte n° 105 (2022-2023) modifié par le Sénat le 9 mai 2023

https://www.senat.fr/leg/tas22-105.html

Bill to regulate influencer marketing and combat abuses by influencers on social networks, text no. 105 (2022-2023) amended by the Senate on 9 May 2023

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