

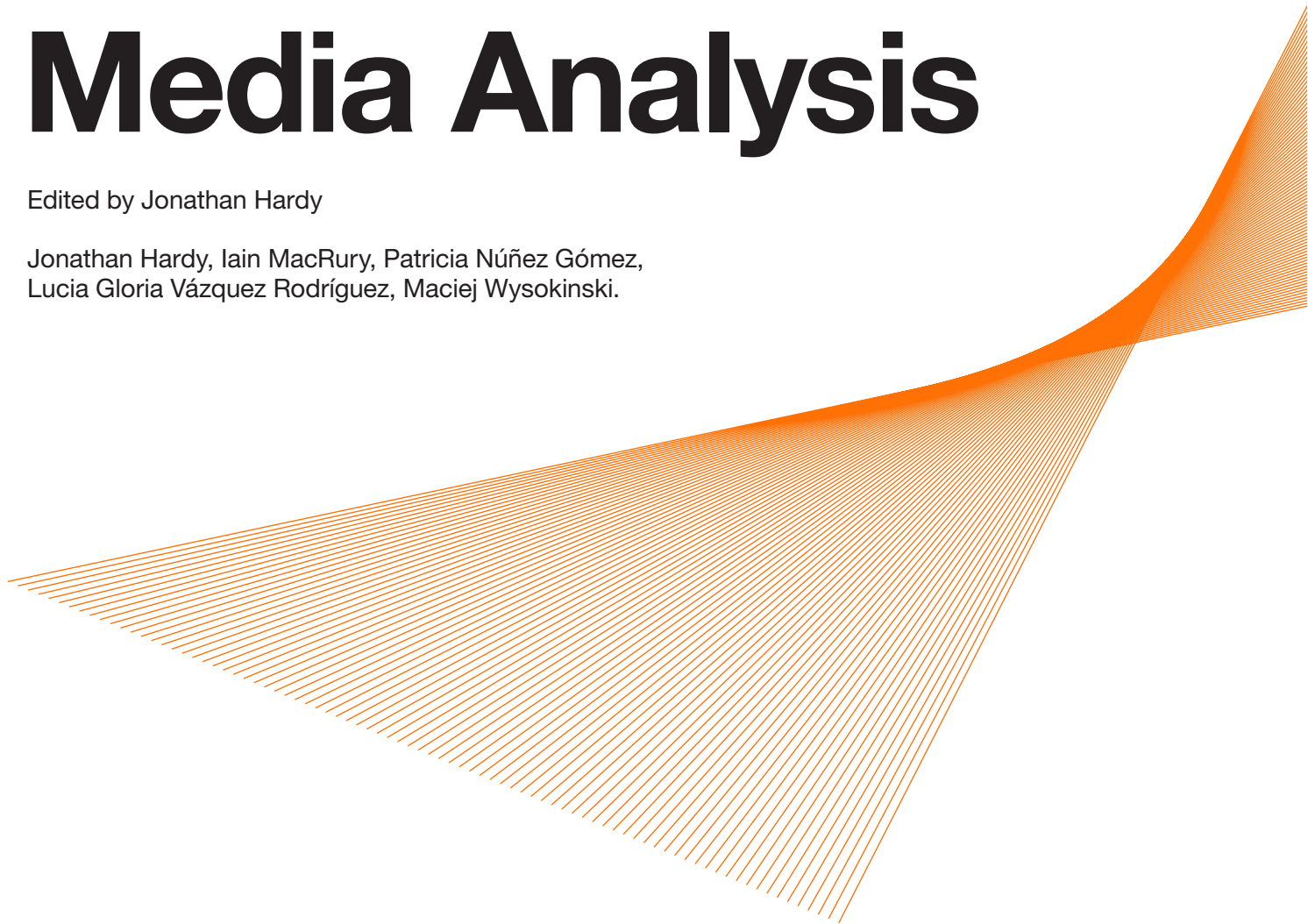
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The Branded Content Governance Project

Media Analysis

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Project Partners



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1. Introduction

1.1 About the Report

This report examines coverage of issues related to branded content governance in selected UK and Spanish media publications. We examine coverage in ‘trade media’, publications aimed at those working in media-marketing, and in ‘general’ news publications, aimed at nationwide readerships.

The Branded Content Governance Project (BCGP) argues that the processes by which rules are produced, negotiated and put into practice include important roles for media. General news media can inform and guide readers and can sometimes help to mobilise interest groups. These public media can also relay concerns and influence agendas for policy actors and stakeholders. Professional trade media can do likewise but also provide spaces where the suitability and effectiveness of rules and rulemaking is debated and where deliberation on what activities are suitable, acceptable and effective takes place to influence individuals and enterprises. In this way, trade media constitutes part of the processes we call ‘governance-in-practice’. We define ‘governance-in-practice’ as the processes by which governance is managed and negotiated, within and across enterprises, supply chains and networks, by those producing marketing and media content and services. General media can also inform how industry practitioners identify and assess rules, but they tend to play a greater role in presenting, and ordering, the perspectives of a broader range of policy stakeholders.

1.2 The Branded Content Governance Project

As media and marketing merge and new forms of marketing communications proliferate, are regulations, guidance, and best practice keeping pace? That is the focus of the Branded Content Governance Project (BCGP) 2022–2025.

The project investigates how branded content is treated in regulation and across all forms of governance, including how issues are reported, discussed and acted on. We seek to develop recommendations for governance out of our collaborative research and do so in a way that is context sensitive. What kinds of ‘problems’ arise in branded content practices and in how these are addressed in current governance? What kinds of actions (‘mitigations’) can be identified that could guide effective responses in different media systems and contexts?

The BCGP is led by the University of the Arts London (Branded Content Research Hub), University of Stirling, and Complutense University of Madrid, supported by a 90+ international academic network, and industry, legal, policy and civil society partners. Our reports include *Branded Content Governance: 32-Country Comparative Analysis* (Hardy et al. 2025a) which accompanies our 32 individual country reports on the laws and regulation affecting branded content across North America, the UK, all EU countries and Australia. Other publications include *Mapping the Media-Marketing Ecology* (Hardy et al. 2024), with an interim version published in 2024 and the final version to be published as an open access book

by Routledge in 2026. The project also examines practices, policy networks and trade/general media discussions in more detail in the UK and Spain, with research publications on these topics. These include *Governance-in-Practice* which draws on interviews with practitioners and our *Policy Analysis* report, which examines and compares the law and regulations affecting branded content in the UK and Spain and examines relevant policy processes and actors including through interviews, roundtables and other research activities. Other published reports examine advertising policy and regulation in the UK (Hardy et al 2023; Hardy 2024) as well as submissions to consultations, event presentations and the BCGP newsletter. All publications can be accessed at https://figshare.arts.ac.uk/BCG_Project.

1.3 Acknowledgements

This report has been produced by the lead researchers for the Branded Content Governance Project with support from the project team researchers. The Branded Content Governance (BCG) project is led by academics at three Universities. Prof. Jonathan Hardy, University of the Arts London is Principal Investigator, working with two Co- Investigators, Prof. Iain MacRury, University of Stirling, and Prof. Patricia Núñez Gómez, Complutense University of Madrid. Our project research team comprises Dr. Celia Rangel, Complutense University, Dr Beatriz Carmen Martínez Isidoro, Complutense University, Dr. Maria Establés, University of Castilla-La Mancha, Dr. Lucia Gloria Vázquez Rodríguez, University College London and the work of postdoctoral research fellows Dr Hanna Kubicka, University of the Arts London, and Dr Maciej Wysokinski, Complutense University. This report has been co-written by Jonathan Hardy and Maciej Wysokinski, with additional research by Lucia Gloria Vázquez Rodríguez.

We wish to thank everyone who have contributed to the BCGP. In particular, we wish to thank all those who have acted as advisers for our 32 country reports (see our report, *Branded Content Governance: 32-Country Comparative Analysis*). The BCGP is jointly funded by two research councils within UK Research and Innovation, the Economic and Social Research Council (ESRC) and the Arts and Humanities Research Council (AHRC), (ES/W007991/1). We gratefully acknowledge their support without which this project, and all the wider collaboration achieved, would not have been possible. We also wish to give a special thanks to our project partners who have supported this project from its initial planning to completion. They are the Branded Content Marketing Association, the Content Marketing Association and the law firm Lewis Silkin.

2. Methods and Data

This report provides a content analysis of trade and general media reporting over the full year 2024. For this analysis we collected data using a variety of publisher databases, ProQuest and Nexis databases. We carried out quantitative content analysis using coding frames to classify search results for coverage of ‘advertising and regulation’ and carried out more detailed coding and qualitative content analysis for articles that provided substantive discussion of ‘branded content’ governance issues or advertising governance arrangements.

In addition to our 2024 analysis, this report also draws on wider examination of trade and general media coverage over the period 2019-2024 and includes selective commentary on media reporting across this period in the UK and Spain.

2.1 Aims and Research Questions

This research was conducted as part of the Branded Content Governance Project, 2022-2025. It is identified as Work Package 5 (WP5): Research on media reporting and public-mediated communications (UK-Spain). This forms part of linked work that examines and compares branded content governance in the UK and Spain. Work Package 4 examines the perspectives of practitioners and that work is presented in our *Governance-in-Practice* report. For Work Package 6, we examined the law, regulation, policy actors and processes in the UK and Spain in our *Policy Analysis* report.

For our media analysis (WP5) the relevant project objective is as follows:

O4: Report on media coverage and public mediated discussion of branded content governance in selected general and specialist (‘trade’) media and online communications, and assess the implications for stakeholder and public understanding. [WP5]

This research also addresses Research Question 3 for the BCGP: What are the perceptions and attitudes of media and marketing practitioners and policy stakeholders towards governance arrangements and processes?

Trade media are a valuable but relatively neglected source for research. The value of examining trade media for media industries research is explored by Corrigan (2018) and for media-marketing industries analysis by Hardy (2024b).

2.2 Research Design and Methods

The focus of this study is on communications that combine discussion of any aspect of governance with any aspect of identified branded content. In addition, we examine general discussions of advertising regulation where these concern either of the following a) matters of ‘direct’ relevance to the regulation of branded content (even where these are not articulated/developed) b) discussion of the arrangements for advertising regulation overall (such as new or proposed advertising legislation, the balance of statutory and self-regulation, or the overall performance of the self-regulation).

We initially planned to use innovative methods for large-scale text data analysis such as computational data analysis. However, we scaled this back to carry out principally manual rather than computer-aided data analysis. There were two main reasons for this. First, the scope of the BCGP and in particular the extensive work involved for Work Package 2, our 32-country analysis of law and regulation relevant to branded content, reduced the time and team resources available for the Media Analysis. The second main reason was that the search data obtained was better suited to the mix of quantitative and qualitative content analysis this report presents. A more extensive multi-year study would benefit from the use of CDA and the full capabilities of NVivo.

2.3 Data Sources and Data Collection

The research team has drawn upon a wide range of sources to examine media reporting over the 2019-2024 period and a more select range of these sources for our 2024 analysis. The broader range of source include online resource collections accessed by the BCGP research team and including ABI/Inform, EBSCO, Euromonitor, JSTOR, Nexis, Project Muse, ProQuest, ScienceDirect, UK Parliamentary Papers, World Advertising Research Centre (WARC), academic publisher and journal sites and databases, legal and other databases.

Our analysis in this report examines selected trade publications and general media coverage in 2024, from 1 January to 31 December. Initially, we planned to examine a five-year period from 2019-2024, however this would have greatly expanded both the quantity of articles and the contextual range and scope of material to examine. So, while the focus on media coverage in one year is a pragmatic choice, there are also merits for analysis.

For our 2024 analysis we principally used ProQuest, Nexis and publishers own archives. Some of these, such as *The Drum*, required subscription payments to access. Others were available via institutional subscriptions to database collections, or publications, at UAL, Stirling or Complutense Universities.

In the case of UK trade media there is some access to articles without subscription but a paid subscription is required to access the full range of material examined in this report.

For the analysis of Spanish trade and general media, Nexis and ProQuest were used by supplemented by searching the online database of each specific media outlet. In contrast to the UK, there were no paywall/ subscription barriers to accessing the relevant material for analysis.

2.4 Search Terms and Strategy

The focus of this study is on communications that combine discussion of any aspect of governance with any aspect of identified branded content. In addition, we examine general discussions of advertising regulation where these concern either of the following a) matters of ‘direct’ relevance to the regulation of branded content (even where these are not articulated/developed) b) discussion of the arrangements for advertising regulation overall (such as new or proposed advertising legislation, the balance of statutory and self-regulation, or the overall performance of the self-regulation).

We searched for the term “branded content” and closest equivalents in Spanish. It is important to identify when and how ‘branded content’ was referenced. However, we recognised for early searches in the period 2019-2024 that the term was relatively seldom used in general media. In addition, in discussions of content that we would classify under the term branded content, such as influencer marketing, sponsored content or product placement there was often no use of the term branded content.

We did conduct searches for terms including (UK):

- Content Marketing
- Sponsored Content
- Influencer Marketing
- Native Advertising

However, for our UK content analysis we have focused our systematic analysis on ‘branded content’ and ‘advertising and regulation’. The branded content search is valuable in identifying how the term is used. For general media, in particular, it is valuable to assess the associations and evaluation made by the journalist, or sources, as well as indicating the journalists expectations of audience knowledge, and affinity, with the article content.

The search on advertising and regulation provided a means to identify articles on regulation and then search within results to select those that addressed branded content governance issues. This relied on the capacity of databases and publisher sites to tag relevant articles, including those in which variant terms concerning advertising and regulation were used. As noted, many of the relevant articles discussed specific practices (notably influencer marketing) but made no direct reference to ‘branded content’. The advertising and regulation search results also included articles addressing AI regulation, including disclosure issues.

The equivalent Spanish term for ‘branded content’ is not in widespread use, as early research confirmed. So, we searched using this term but also other keywords such as ‘regulacion’ (regulation); ‘ley’ (law); and ‘influencers’. Combined searches for ‘ley’ and ‘influencers’ produced suitably targeted and relevant results.

We use the term governance for the full range of rulemaking/shaping practices, from formal law to governance-in-practice. The term governance is used in specialised policy and academic discourses. It may be used in some elite news publications (such as the *Financial Times*, or *El Economista*) and in occasional trade articles but it is not in general use in general media or trade media. Instead, the more common term encountered in relevant articles is 'regulation'.

Our initial research using all search terms, indicates that the combined search for 'advertising' and 'regulation' succeeds in identifying articles relevant to our study that address governance of branded content. These can then be identified within the search results to create a subset of articles to examine.

The main issues to address were 1) how to deal with the large volume of material from searches of 'advertising' and 'regulation'. 2) how to select relevant articles for our analysis in a suitably rigorous and systematic manner. 3) How to select from the larger search data material that is relevant to our analysis of perspectives on advertising governance in general, without selecting all issues of advertising regulation.

Our search strategy provided a suitable means to assess content that addressed branded content governance. The combination of searches for 'branded content' practices and for discussion of 'advertising' and 'regulation' provides a suitable way to identify content relevant to their intersection: branded content governance. However, the search strategy is imperfect and could be refined further. A larger study would have examined all content for the range of terms listed and checked to see how well all relevant material published was identified by these terms or needed additional search terms. Both the UK and Spanish research was experimental and tested different terms to identify relevant articles and to check that our search strategy was effective. Any future student would need to make similar allowance for the terms in use in different linguistic, geo-cultural and media system contexts. A further study might provide a more systematic and standardised search strategy to allow more extensive, and more precise comparison than this study allows. Overall, we consider our search strategy to be suitable in identifying the coverage of branded content governance.

2.5 Coding Design

We developed two coding frames. The first frame was to organise the relevant results of searches on advertising and regulation to identify the range of topics covered. The frame was also designed to identify the articles selected for more extensive analysis using our second coding frame. The criteria for that second (full) analysis were twofold.

- a) articles relevant to branded content (all included in our full analysis)
- b) articles that have substantive discussion of the suitability of advertising regulation arrangements in general or any initiative (law, stat, SRO, IRO,

best practice) that would have either general relevance for advertising governance or relevance for branded content. This selection would be included in full analysis.

The intention was to distinguish articles for ‘full analysis’ of regulation, as described in b) above from articles that refer to advertising regulation in relation to a specific topic (not directly relevant to branded content) and which may report on a Stat/SRO ruling, court decision or existing/planning law (these are included in our quick summary of topics but not included in our full analysis). For those articles selected for ‘full analysis’ our coding frame aimed to collect more detailed information on each source quoted or otherwise referenced in the article. For this report the relatively low number of articles selected for full analysis meant that we have used qualitative description and evaluation in place of quantitative analysis. So, we have made only limited use of the full analysis coding frame but have made extensive use of the first, advertising and regulation coding frame as shown in the table data in this report.

2.6 Media Selection

Spain

El Publicista, *IPMARK*, and *Puro Marketing* were selected. These are all top-ranking trade publications in advertising and marketing. According to Mediagenia (2017) these were ranked as follows *Puro* (1), *IPMARK* (3), *El Publicista* (4). The second ranked journal MarketingDirecto.com has a more marketing technology focus and was not included. The selected journals are described in more detail in the Spain analysis section below.

For general media, we originally selected *El País* and *El Mundo* for comparison. After *Marca* (sports news publication), these two publications are the most read newspapers in Spain. *El País* is a liberal, centrist which has historical associations with the centre left, while *El Mundo* has a more free-market, right wing stance that is critical of the left and regional nationalisms. However, for this report only full analysis of *El País* is included.

UK

We examined coverage in three leading UK marketing trade publications: *The Drum*, *Campaign* and *Marketing Week*. This was supplemented by analysis of articles from the World Advertising Research Centre (WARC) and selected additional ‘trade’ media coverage from news media searches in ProQuest and Nexis.

For general media, our analysis is based on searches in the ProQuest European newsstream database to identify UK national newspaper reporting containing search terms. We also carried out a full analysis of two news publishers, the Telegraph group (*Daily Telegraph*, *Sunday Telegraph*) and the Mirror Group (*Daily Mirror*, *Sunday Mirror*). This analysis excluded articles published in the Republic of Ireland (Eire) editions only.

3. Media Reporting

3.1 Spanish Media Report: Trade Publications

El Publicista

El Publicista is a Spanish leading platform dedicated to professionals in the advertising and marketing industry that launched in 1999. Its relevance lies in offering comprehensive coverage, in both its print and digital editions, of the national and international advertising landscape. It describes itself as ‘an information platform for the world of advertising, marketing and communication’, offering an essential resource for keeping up to date with the latest strategies, trends and innovations in the sector (El Publicista, n.d.).

The analysis of *El Publicista* is based on a total sample of 29 articles published online and searched by keywords ‘branded content’, ‘advertising law’, ‘advertising regulation’ and ‘marketing influencer’. Amongst the search results that were ‘non relevant’ for analysis, several discussed market trends, investment metrics (ROI) or marketing strategy. It is important to note that some ‘non relevant’ articles, excluded from analysis, did address ethics and social responsibility (including corporate social responsibility (CSR) and sustainability), but did so from a perspective of social impact or consumer trends, and did not contain substantive references to governance or to advertising regulation as such. The final number of articles that did specifically deal with issues of regulation and governance was 15, which indicates a notable interest of the publication in these topics. Below, a quantitative breakdown of the identified topics is presented:

El Publicista articles

- Total number of articles: 45
- Number of articles addressing advertising regulation: 15

Table 1: EI Publicista

Topic No.	Topic	
1	Adtec (inc. Data and Privacy)	2
2	Ad regulation (general)	13
3	Ad Regulation (BCGP full analysis)	
4	Artificial Intelligence	4
5	Branded Content (for 'full' analysis)	1
6	Children	2
7	Disinformation	
8	Economy/ consumer market (general)	
9	Environment/Sustainability	2
10	Financial products and services	2
11	Food, drink and supplements	1
12	Gambling	
13	Hate speech	
14	Harm	
15	Health and wellbeing	
16	Home and Garden	
17	Influencer Marketing	14
18	International Ad reg	2
19	International (ad) regulation	
20	Medicines and medical	
21	Misleading	
22	Offence	
23	Political advertising/marketing	1
24	Property sales and lettings	
25	Other	Brand safety (1)

El Publicista coverage reveals a predominant focus on the influencer marketing ecosystem, which is becoming increasingly prominent in the Spanish advertising market (El Publicista 2024f). The discussion is not limited to its effectiveness, but extends to emerging challenges in governance, professionalisation and regulation. In addition, as indicated in the article entitled 'The digital world consolidates itself as the most flexible in the field of advertising' (El Publicista 2024c), the professionalisation of the online content creation sector should be examined regarding the presence related to branded content practices. This article refers to the data provided by IAB Spain and adjinn, a global company that tracks brand advertising online, showing the digital environment is currently consolidated as the most popular and, at the same time, the most flexible in advertising terms. The reporter states that taking into account the growing 'use of conversational artificial intelligence in advertising with the aim of generating greater engagement', the report authors 'warn of the dangers that a tool like this may entail' and state that 'strong regulation of branded content in the social media environment is expected' as part of the implementation of Spain's 2024 law that regulates the activity of influencers (Royal Decree 444/2024).

A central and recurring theme in coverage is the drive towards greater transparency and regulation in the sector, evidencing a systemic problem of non-compliance in the sector. Several articles address the need for stricter regulatory alignment in the legal framework, reflecting an industry in a process of maturation (Soroa, 2024). In the article 'El poder del marketing de influencers para conectar con audiencias' (El Publicista 2024d), the implementation of the Royal Decree 444/2024 to regulate the activity of influencers is highlighted as a key tipping point for the advertising sector in Spain. The article underscores the importance of this new regulation to guarantee greater transparency and professionalisation in the sector, protecting audiences and ensuring responsible advertising practices. It also addresses central issues such as the need to measure the return on investment (ROI) in influencer marketing campaigns adequately, the adaptation of advertising messages to the language of each social network, and the relevance of creativity and authenticity in connecting with the public. The experts consulted emphasise that the success of influencer marketing lies in honesty and genuine creativity, and note the rapid evolution and growing professionalisation of the sector in the current regulatory landscape. An article 'Influencer marketing: Menos likes y más brand safety' (El Publicista 2024g) reflects an evolution in the industry's priorities, with a clear shift in the influencer marketing sector from the pursuit of 'likes' or direct sales towards more strategically complex concerns that evolve from 'brand safety' towards a broader concept of social and ethical responsibility. Consequently, the selection of influencers who convey the brand's promotional message is increasingly careful, seeking profiles that guarantee affinity with its values. This management of reputational risk, closely linked to advertising regulation, now extends beyond traditional 'brand safety'. As reported in article 'Responsabilidad social y retos del marketing de influencers' (El Publicista 2024i), influencers

are expected to 'disseminate truthful, professional and ethical content' and are encouraged to use their reach to support causes such as "gender equality, environmental sustainability and social justice", reinforcing both credibility and positive societal impact.

However, as other articles highlight, this regulatory advance contrasts with a reality of ongoing deficiencies in regulatory adherence and in enforcement. An example can be found in an article that discusses a key report provided by the Asociación de Usuarios de la Comunicación (AUC 2024). This article, 'Los influencers españoles siguen emitiendo publicidad encubierta' (El Publicista 2024i), concludes that the problem is systemic, since 'almost 80% of the posts analysed present some type of incorrectness from the legal or ethical point of view; where covert or poorly identified advertising is the main illicit behaviour] detected'. The article states that one of the common, controversial practices in influencer marketing is 'the promotion of goods and services whose experience of use and consumption seems to depend on the free decision of the influencer, on his or her personal tastes, when in reality it is part of an advertising agreement'. The article writer reports that the AUC sent a letter to the Spanish Government requesting that the filters relating to the category of 'usuario de especial relevancia' be strengthened within the development of the Ley General de la Comunicación Audiovisual. In this context, self-regulation also plays a fundamental role, as demonstrated by the work of AUTOCONTROL, which managed a growing number of complaints about influencers for the lack of identification of advertising content, even though the total number of complaints turned out in 2024 to be lower with respect to the previous year (Campo 2024).

The head of the Legal and Institutional Relations Department of IAB Spain, Miguel Herranz (2024), in his article 'Hacia una industria cada vez más transparente con el usuario' published in *El Publicista*, argues that the digital advertising industry in Spain is more transparent than ever before, governed by national and Community regulations, which constantly implement the feedback received from the supervisory authorities such as the Data Protection Agencies, the Competition Authorities and others. Likewise, the large advertising agencies, he argues, are very aware of market regulations, especially now that influencer marketing is receiving special attention from the regulatory bodies, with the normative objectives focused on the protection of minors. The concern for the clarity in the identification and disclosure of new forms of advertising content present on social networks, and posted by influencers, is shared by Patricia Soroa in her article entitled *Influencer, no me engañes más* (2024). Soroa points out that the distinction between organic and advertising content has become blurred, demanding greater legal responsibility on the part of marketers and other actors across the industry.

The discussion of advertising regulation is developed in a number of articles analysed in *El Publicista* to address new frontiers of risk and sectoral regulation. A critical dimension that emerges strongly is the protection

of minors, with organisations such as UTECA (Unión de Televisiones Comerciales en Abierto) demanding stricter compliance with existing law and making a specific proposal to amend the Royal Decree 444/2024 to lower the requirements of the legal threshold so that ‘all those who have at least 10,000 followers and who invoice 100,000 euros are considered ‘usuarios de especial relevancia’ and therefore are obliged to comply with the child protection law” (El Publicista 2024h). The article points out that current threshold of 2 million followers and 500,000 euros in income excludes a large number of relevant content creators (El Publicista 2024e). This concern is reiterated in the educative initiative by Newlink Spain, which in its “industry decalogue” [‘Decálogo de la influencia responsable’] setting out 10 rules for achieving a responsible influence environment, grouped into four key categories (ethics, transparency, professionalism, and regulation). This explicitly demands that those involved in influencer marketing ‘comply with legal requirements and self-regulation regarding the protection of vulnerable groups and especially minors’ (El Publicista 2024b). Likewise, in several of the other selected articles the discussion focuses on the need to regulate advertising in sensitive sectors. Another of the specific figures to which particular attention should be paid are “finfluencers”, focused on the promotion of financial products (García 2024), since in this case the Comisión Nacional del Mercado de Valores (CNMV) demands absolute transparency. Another focus is the advertising of aesthetic treatments, products with nicotine or alcoholic beverages (El Publicista 2024). There is also discussion of environmentally misleading advertising, among others the practices related to greenwashing, with Spanish consumers’ interest in issues related to sustainability reported as being one of the five trends that mark the year 2025, according to the report prepared by the consultancy Hotwire (El Publicista 2024a).

Another of the topics related to advertising regulation, treated especially over the last three years in *El Publicista*, is the governance of new technologies, with a focus directed towards data management and AI. In the article ‘Cinco claves para triunfar en el 2024’ (El Publicista, 2024j), where the use of Artificial Intelligence is identified as a key macrotrend. In addition, it is pointed out that Europe is a leader in its regulation, although the lack of knowledge of the potential of tools based on AI architectural models can considerably hinder the effective implementation of the related laws. As for the regulation of personal data processing, it is addressed on a recurrent basis.

El Publicista’s coverage in 2024 places special attention on influencer marketing as the axis of debate in Spanish advertising, reflecting an industry under pressure, situated between increasing regulatory attention following the Royal Decree (Real Decreto 444/2024) and evidence of the ongoing, for critics systemic, breaches of transparency rules. In the articles analysed, the evolution of the sector’s priorities is also examined, with increasing framing of governance issues around brand safety and social responsibility (including the protection of minors), and, at the same time,

discussion of the urgent need to strengthen law enforcement and self-regulation to consolidate the professionalisation of the digital environment.

IPMARK

IPMARK is a leading magazine for marketing and advertising professionals in Spain. It launched in 1968. IP, Información de Publicidad, founded by Miguel de Haro in 1962 ran until 1990 when it became *IPMARK: Información de Publicidad y Marketing*. It continues to publish in print and digital formats and organises prestigious sector events such as the Best Awards. Its credibility lies in having been a pioneer in training and informing sector executives, connecting the industry since its beginnings (IPMARK n.d.).

The online search for articles related to advertising regulation in *IPMARK* using the combination of keywords ‘regulación publicitaria’, ‘publicidad encubierta’, ‘ley influencers’ and names of regulatory institutions such as AUTOCONTROL, resulted in a total of 17 articles. Seven of these articles were ‘non relevant’, dealing with general market trends, investment figures, marketing strategy advice (e.g. Black Friday, AI to connect with the consumer) or the analysis of new technologies (e.g. virtual influencers) without containing substantive references to advertising regulation or sector governance. The final selection of articles that specifically discussed advertising regulation issues was 10. Below, a quantitative breakdown of the identified topics is presented.

Table 2: IPMARK

Topic No.	Topic	
1	Adtec (inc. Data and Privacy)	
2	Ad regulation (general)	10
3	Ad Regulation (BCG Full analysis)	
4	Artificial Intelligence	
5	Branded Content (for 'full' analysis)	
6	Children	6
7	Disinformation	
8	Economy/ consumer market (general)	
9	Environment/Sustainability	
10	Financial products and services	
11	Food, drink and supplements	3
12	Gambling	3
13	Hate speech	
14	Harm	
15	Health and wellbeing	
16	Home and Garden	
17	Influencer Marketing	5
18	International Ad reg	
19	International (ad) regulation	
20	Medicines and medical	
21	Misleading	
22	Offence	
23	Political advertising/marketing	1
24	Property sales and lettings	
25	Other	1 (comparative advertising)

The analysis of the articles selected as a representative sample of *IPMARK*'s reporting on advertising regulation reveals a strong focus on legislative and regulatory current affairs, especially regarding influencers, but also covering regulation of specific sectors and the application of regulations. One article discusses the important role of self-regulation within the national advertising landscape, although the work of the self-regulatory organisation (SRO) AUTOCONTROL is also mentioned briefly in other articles.

The most recurrent theme deals with the regulation of influencers in Spain, being a news topic due to recent legislative changes. Pilar Chacón's (2024b) article titled 'El Gobierno escucha a la CNMC y baja el umbral para considerar influencers' is a key piece, as it reports on the Government's revisions to the draft Royal Decree that defines "usuarios de especial relevancia" (UER). Following requests from the CNMC, AUC and UTECA, the initial thresholds were reduced, although the piece notes that the final proposal (more than €300,000 in income and one million followers) remains high, missing some actors (micro-influencers) with a still significant following and profile. The article details the obligations that this UER classification imposes under the Ley General de Comunicación Audiovisual, placing emphasis on the need to clearly differentiate advertising content from editorial content. The reporter states that 'in advertising matters, commercial communications launched by influencers must be clearly differentiated from editorial content by optical, acoustic or spatial mechanisms, and may not have a sound level higher than the rest of the content'. In addition, the journalist describes specific prohibitions on advertising tobacco, alcohol to minors, medicines, or time restrictions for betting, and underlines the obligation to protect minors.

A later dated article, titled 'Influencers y streamers, con nuevos requisitos en materia de publicidad', by the same reporter (Chacón 2024d), complements the earlier one and reports on the approval of this Royal Decree is confirmed and the thresholds and resulting obligations are reiterated, such as registration in the *Registro Estatal de Prestadores Audiovisuales* and compliance with regulations on advertising and the protection of minors, including the express labelling of commercial content. Chacón reports that UTECA's request referred to even lower thresholds (100,000 followers and €100,000) to prevent 'the bulk of influencers from being exempt from compliance with the Ley General de Comunicación Audiovisual which, among other issues, prohibits and sanctions the dissemination of hate and violence content, in addition to the dissemination of harmful and unlabelled advertising', especially in relation to harmful advertising and child protection (Chacón 2024a).

In another informative article on the promulgation of the new Royal Decree, aligned with the *Ley General de Comunicación Audiovisual of 2022*, Patricia Fernández (2024d) underlines the importance of this legislation as a specific framework for digital marketing in Spain and the opportunities for brands entailed by this categorical diversity in the influencer market, especially

when considering the potential of collaboration with micro- and nano-influencers instead of focusing exclusively on the number of followers.

In her series of articles on the regulation of influencers, Chacón points out that concern about advertising transparency and disclosure goes beyond the Spanish national level, and reports on the 2024 sweep carried out by the Economic Inspection of the Belgian Directorate General on behalf of the European Commission which detected massive non-compliance (77%) in the signalling of commercial content by influencers in Europe (European Commission 2024). That study examined online content creators from 22 Member States, including Spain, including both micro profiles (with a minimum of 5,000 followers) and macro (with more than one million followers). In its results, 97% of the publications analysed contained commercial content, but only 20% reported the advertising communication. Chacón connects the problem of poor disclosure with the imminent entry into force of the Ley de Servicios Digitales (DSA) at European level on 17 February 2024, imposing ‘the need to inform when a publication contains commercial content’.

With regard to the regulation of influencer marketing, Patricia Fernández highlights the need to develop specific legislation to protect child influencers. In her article ‘Uno de cada tres niños en España quiere convertirse en influencer’ (2024c) she reports on the growing professional aspirations of minors in this field, and points out that current legislation does not include them explicitly and, although it may be a leisure activity that is simply shown to followers, if it generates income it should be conceived as a work activity, which entails a series of substantial risks in relation to their mental health.

Another recurring theme in the *IPMARK* search result articles is discussion of regulation in specific sectors. As specified in the article ‘Los cambios que se prevén en la nueva Ley de Publicidad Institucional’ (Chacón 2024f), the upcoming reform of the Institutional Advertising Law in Spain pursues alignment with the measures on state/public advertising spending and media subsidies laid out in the new European Media Freedom Act, entering into force in August 2025. The article emphasizes that the Spanish government is aligning institutional advertising procedures with European requirements of transparency, proportionality, and non-discrimination regarding the allocation of public advertising investment among media outlets. The reform also introduces new annual public reporting obligations for all public administrations, special support measures for media in co-official languages, and explicit limits on the use of state/public funds to avoid politically dependent media. Additionally, stricter audience measurement standards, based on transparency and impartiality, will be enforced, alongside other protective and accountability mechanisms mandated both at European and national level.

With regard to the online gambling sector, in the article ‘Cómo afectará la prohibición de la publicidad al marketing del juego online’ (2024a),

Patricia Fernández analyses the impact of the recent ruling by the Spanish Supreme Court which has invalidated various restrictions of the Royal Decree 958/2020 on commercial communications for gambling activities. The Supreme Court rescinded parts of the Decree on the grounds that they lacked justification in primary legislation and did not meet the required principles of proportionality. Fernández discusses the potential impact of the Court's action, including the possibility of marketers' once again carrying out specific promotions targeting new customers, using celebrities in advertising, as well as the implications of relaxing the time limits for campaigns, which may generate greater competition and pressure in the sector. Fernández (2024a) discusses the advertising industry's adaptation to the use of new technologies, such as AI, underlining the necessary focus on 'social responsibility and consumer protection'.

In another article, on the toy advertising sector, the journalist provides data that she argues demonstrates a high degree of regulatory compliance in this area. The article 'Un 99,9% de los anuncios de juguetes cumplen la regulación publicitaria' (Fernández 2024b) reports that in 2023, AUTOCONTROL reviewed around 1,000 toy ad projects prior to their dissemination: 71.2% were considered positive at first instance, while in the remaining 28.7% changes were recommended, mostly to add additional information (such as the use of batteries or pieces sold separately) or to clarify the size of the product, which were subsequently applied and approved before their publication. It is also reported that in the same year, 2023, the Jury of AUTOCONTROL received only eight complaints about toy advertisements. This success in prior supervision is presented as a practical example that demonstrates the value of self-regulation. However, the research itself shows that nearly 30% of toy ads assessed were not fully compliant, even though the recommended changes were in most cases minor.

Another article 'Un juez confirma la legalidad de la publicidad comparativa de García-Carrión' (Chacón 2024) reports on the courts intervening to define the limits and confirm the legality of complex advertising practices, such as in this case comparative advertising, in the face of disputes between competitors. The last two articles examined illustrate a positive assessment of the robustness and effectiveness of the advertising regulatory system, in self-regulation and the judicial sphere. By contrast, reporting on influencer marketing includes reporting of evidence, such as the European Commission and AUC research, and arguments that non-compliance with disclosure requirements is high and requires action.

Taken together, IP mark's coverage in this sample offers an up-to-date and detailed view of regulatory developments in Spain and the EU, with a particular emphasis on adapting regulations to the digital environment and, above all, to the figure of the influencer, without neglecting other key areas of advertising governance. However, a lack of direct focus on branded content is detected, prioritising other topics of the current primacy of legislative and sanctioning aspects on the sectoral agenda.

Puro Marketing

Puro Marketing is the leading digital outlet for marketing professionals in the Spanish-speaking world. Founded in 2007, it has a large audience of more than 2 million annual users and 120,000 subscribers. Due to its comprehensive ecosystem, combining digital content, key events and specialised training, *Puro Marketing* can be considered as one of the most influential outlets in the sector (PuroMarketing n.d.).

The initial search for articles from the magazine was carried out using the keywords 'regulación publicitaria', 'publicidad encubierta', 'ley influencer' and references to regulatory bodies such as the self-regulator AUTOCONTROL. These searches resulted in 18 articles of which only six were relevant for analysis. Of the 'non-relevant' articles, the majority addressed market trends, industry sector growth, strategies or reputational ethics, but did not provide substantive references to governance, the regulatory framework or public policy. In this way, the final selection of six includes only those articles that address in a specific and central manner the regulatory and advertising policy issues. All the trade magazine's articles are signed by the editorial team, without personal bylines for the individual author or authors. Below, a quantitative breakdown of the identified topics is presented.

Puro Marketing Articles

- Total articles: 18
- Number of articles addressing advertising regulation: 6

Here, table 3, is breakdown of those 6 articles by topic (some of them refer to more than one issue).

Table 3: Puro Marketing

Topic No.	Topic	
1	Adtec (inc. Data and Privacy)	1
2	Ad regulation (general)	5 (inc. 2 self-regulation)
3	Ad Regulation (BCG Full analysis)	
4	Artificial Intelligence	
5	Branded Content (for 'full' analysis)	1
6	Children	3
7	Disinformation	
8	Economy/ consumer market (general)	
9	Environment/Sustainability	
10	Financial products and services	2
11	Food, drink and supplements	2
12	Gambling	
13	Hate speech	
14	Harm	
15	Health and wellbeing	
16	Home and Garden	
17	Influencer Marketing	6
18	International Ad reg	
19	International (ad) regulation	
20	Medicines and medical	
21	Misleading	
22	Offence	
23	Political advertising/marketing	
24	Property sales and lettings	
25	Other	

The analysis of the six relevant articles from *Puro Marketing* reveals an almost exclusive focus on the governance of influencer marketing, with no articles discussing the regulation of other forms of branded content, although covert advertising is mentioned. The debate in these specialised media is dominated by two interconnected axes. On the one hand, there is the reporting of widespread non-compliance with advertising transparency by creators and, on the other, news dealing with the development of the new national regulation for influencers, referred to as ‘Usuarios de Especial Relevancia’.

The magnitude of the problem of the lack of advertising transparency and disclosure is illustrated in three key articles. The article titled ‘Casi un 80% de los posteos de influencers analizados presentan algún tipo de incorrección desde el punto de vista legal o deontológico’ (PuroMarketing 2024e) examines the report by the Asociación de Usuarios de la Comunicación (AUC), according to which almost 80% of the influencer posts reviewed present non-compliance with legal or self-regulatory requirements and ethical standards. The AUC study sample was 50,000 posts from around 1,400 influencers. The main non-compliance detected was covert advertising—the promotion of brands and products without identifying the advertising nature of the message—which misleads the public and hinders regulatory oversight. The AUC study also points to irregular practices such as campaigns linked to health products without legal endorsement, repeated non-compliance in the promotion of alcoholic beverages, or the accessibility of adult content by minors. Another critical point highlighted is the promotion of goods and services in the framework of supposedly personal experiences (“yo te regalo y tú promocionas”), which blur the boundary between editorial content and branded content, and show the difficulty of distinguishing between authentic recommendations and paid messages. The article reports on the AUC recommendations for more extensive influencer regulation adapted to the current ecosystem, with clear complementary guidelines for advertising identification, and specific controls for sensitive products, as well as the extension of regulation to influencers with followers below one million, given the high volume of commercial content published by creators who do not fall within the current legal category of ‘Usuarios de Especial Relevancia’.

Another article, ‘UTECA pide la regulación de los “influencers” con 100.000 seguidores y una facturación anual de 100.000 euros’ (PuroMarketing 2024f). reports that the Unión de Televisiones Comerciales en Abierto (UTECA) also supports similar revision as AUC proposes to the Royal Decree influencer thresholds. UTECA argues that the current figures (at that time the draft Royal Decree proposal was 2 million followers and €500,000 in turnover) ‘leave out the vast majority of “influencers”, who with a smaller follower base have a high capacity for prescription and carry out recurring advertising and content creation activity. The article reports on UTECA’s formal proposal for the threshold to be lowered to ‘100,000 followers and an annual turnover of 100,000 euros’. The *Puro Marketing* report underlines that this position coincides with those expressed by the Comisión Nacional

de los Mercados y la Competencia (CNMC) and the Asociación de Usuarios de la Comunicación (AUC), which insist on the need for broader criteria to ensure effective governance and transparency in the digital influence market.

The debate on the quantitative context of the qualifying thresholds for the category of 'Usuarios de Especial Relevancia' continues in the article, referring to the report on the growing number of macro influencers in Spain (PuroMarketing 2024d), published by the digital strategy consultancy 2btube, which states that in 2024 the number of professional influencers increased by 13.3% compared to the previous year, resulting in more than 13,600 digital creators with more than 100,000 followers. Interestingly, the group of macro-influencers, with more than one million followers, has grown even faster by 23.6%, standing at more than 1,360 profiles. However, the report stresses that many of these creators, despite their reach, do not simultaneously meet all the requirements relating to followers and income (a minimum of €300,000 per year) established in Royal Decree 444/2024, which limits their inclusion in the regulated category of 'Usuarios de Especial Relevancia'. Another article in which this finding is reinforced by a European supranational report is titled 'La gran mayoría de los influencers siguen siendo opacos con sus contenidos comerciales y la publicidad que promueven según la Comisión Europea' (PuroMarketing 2024c). This piece reports "alarming figures" from the European Commission (2024) study that analyses the behaviour of influencers in 22 EU countries and finds that, although 97% of these public figures promote commercial content in their posts, only 20% adequately inform their followers about the advertising nature of such messages, breaching European rules on consumer protection and advertising transparency. It also underlines the challenges for digital governance and the need to strengthen regulatory mechanisms and institutional oversight at both national and EU level. Both this article and the one referring to the AUC report (PuroMarketing 2024e) express concern about the adequacy of existing sectoral regulation. In the case of the EU, unhealthy or hazardous activities are highlighted, such as junk food, alcoholic beverages, medical or aesthetic treatments, gambling or cryptocurrency trading, while at national level the focus is on commercial activities in relation to offerings such as aesthetic treatments, products with nicotine, energy drinks, certain financial products (including cryptocurrencies) and sports predictions.

The challenges of advertising transparency and marketer control also take on particular importance in the area of child protection. The article, 'La protección de los menores solo será efectiva si las plataformas, "influencers" y redes sociales son obligadas al cumplimiento estricto de la ley' (PuroMarketing 2024d) analyses the position of the Unión de Televisión Comerciales en Abierto (UTECA), which calls for a 'pact of state for the protection of minors on the internet'. Through a direct quotation from UTECA's president, Eduardo Olano, it is underlined that 'what is illegal and harmful to minors outside the internet should also be illegal in the digital environment'. In this case, as with AUC in general, UTECA

highlights the most serious sectoral risks for minors, such as free access to pornography, gambling-related content, products with nicotine and high-risk financial offerings. It also criticises the lack of effective barriers on the part of social networks and platforms, insisting that effective protection will only be feasible if there is strict legal compliance, in line with the regulation of the offline environment.

The last article in the selection for this study focuses on advertising self-regulation, reporting on the Business & Drinks by Skeepers meeting, where AUTOCONTROL representatives met with their clients to discuss the latest trends and recent influencer marketing regulations. Under the title 'Las marcas deben ser más cuidadosas y estratégicas al seleccionar a los creadores e influencers priorizando la transparencia y la autenticidad' (PuroMarketing 2024b), the article highlights the sector's consensus that the rigorous application of regulations and the correct identification of advertising is key to reputational sustainability and the creation of strong bonds with consumers. Ultimately, the article argues that a commitment to transparency benefits both the commercial interests of brands and the protection of users and reinforces the idea that self-regulation is an essential pillar for the professionalisation of influencer marketing.

3.2 Spain: General Media

El País

The digital version of *El País* is a Spanish leading newspaper, with almost 6.7 million users. It is the second most visited website in the country, behind YouTube, which reflects its enormous influence and impact on the national audience (UMH 2024). The analysis of *El País* is based on a total sample of 38 online articles from 2024. The search focused on identifying relevant content using terms such as 'regulación publicitaria', 'ley', 'normativa', 'publicidad encubierta', 'influencers', names of regulatory bodies such as CNMC, CNMV or Autocontrol, and mentions of sanctions or court rulings related to advertising.

Several of the articles reviewed discussed topics such as technological trends (AI, virtual influencers), business models of digital platforms (streaming, social networks), sector economic data, marketing strategies, competition law, the social or ethical impact of advertising, or editorial critiques. It is important to note that these articles were discarded as 'non-relevant' because, although often related to the advertising ecosystem, they did not contain substantive and direct references to governance or to specific advertising regulation (laws, decrees, codes, rulings, etc.). Also, articles from *Cinco Días* were not taken into account. While both *Cinco Días* and *El País* are owned by the PRISA Group, *Cinco Días* is a separate newspaper from *El País*, although its news items appear in the common internal search engine.

From the initial 38 articles identified in search results, a total of 9 articles in *El País* were classified as relevant and analysed, applying as a qualitative

filter the requirement to address in a substantive manner issues pertaining to advertising regulation and the governance of commercial communication.

Taking into account the BCGP's central theme, it is notable that, although the term 'branded content' does not appear in the texts, the issue of advertising transparency is a prominent and recurring topic. It is articulated through two key concepts: "publicidad encubierta" (embedded advertising) or "publicidad indebida" (improper advertising), both in traditional and digital media, and the regulation of 'influencers'.

El País Articles

- Total articles: 38
- Number of articles addressing advertising regulation: 9

Table 4: El País

Topic No.	Topic	
1	Adtec (inc. Data and Privacy)	1
2	Ad regulation (general)	7 (inc. 3 self-regulation)
3	Ad Regulation (BCG Full analysis)	
4	Artificial Intelligence	
5	Branded Content Analysis (category for all articles for 'full' analysis)	6
6	Children	4
7	Disinformation	
8	Economy/ consumer market (general)	
9	Environment/Sustainability	2
10	Financial products and services	1
11	Food, drink and supplements	3
12	Gambling	
13	Hate speech	
14	Harm	
15	Health and wellbeing	
16	Home and Garden	
17	Influencer Marketing	5
19	International (ad) regulation	2
20	Medicines and medical	
21	Misleading	
22	Offence	
23	Political advertising/marketing	1
24	Property sales and lettings	
25	Other	Digital Advertising Trends: 2

El País's digital publication pays significant attention to the governance of digital content creators in 2024. Its general media coverage is thus similar to the focus in trade media, with both following the news-led focus on activities surrounding the Royal Decree. The article 'Influencers con peso pero bajo vigilancia' (Varea 2024) sets out in detail the treatment of influencers as relevant advertising actors, underlining the recent shift towards stronger regulation by public and private bodies. This article highlights how annual investment in influencer marketing reached €63.9 million in Spain during 2022, with forecasts of sustained growth for 2024. The focus of this detailed article is the entry into force of a new Royal Decree, which imposes specific obligations on influencers with more than €500,000 in annual turnover and more than two million followers, equating them with audiovisual service providers, and subjecting them to the rules of the Ley General de Comunicación Audiovisual 2022. Among the most notable requirements are consumer protection, with special mention of minors (children), direct prohibitions on advertising for tobacco, alcohol, gambling (only permitted during night from 1:00am to 5:00am), and products that may induce potentially harmful practices, as well as penalties that start from 10.000 euros and can reach up to €1.5 million in the event of non-compliance. Varea (2024) also notes that formulas are now being sought to make advertising transparency and promotional labelling obligations equivalent to those required in traditional media, responding both to legal pressure and to a growing social demand for accountability and clarity in digital advertising.

Another topic covered in *El País* is advertising transparency within traditional public media, where articles report a recurring pattern of sanctions for failures in advertising identification. These practices show how products and promotional messages are broadcast without appropriate disclosure, leading to repeated fines for public television due to violations of current legislation. This trend is confirmed by recent regulatory action: as Quino Petit reports, the CNMC imposed a €120,000 fine on RTVE for covert advertising of an energy drink on Teledporte, where the product was promoted during a sports broadcast without any indication or on-screen labelling (Petit 2024b). Similarly, a €405,000 fine was issued for the promotion of ham on Grand Prix, where brand and product advertising took place in prime time without the legally required identification (Petit 2024a). Both cases involved intentional commercial promotion masked as regular content, a serious breach under audiovisual law that demonstrates a persistent regulatory challenge for public media.

Another focus in *El País* 2024 coverage is the active role of the judiciary in advertising governance, especially in sensitive areas such as the protection of minors and in the gambling and public health sectors. Through the article 'El Supremo anula varios artículos del decreto del Gobierno que limita la publicidad de las casas de apuestas' (Rincón 2024) it is shown that the Supreme Court not only sanctions infringements but also invalidates parts of the executive regulation of the Royal Decree. The article describes how the Supreme Court has annulled various key provisions of the Royal

Decree 958/2020, of 3 November, on Commercial Communications for Gambling Activities, relying on the absence of sufficient legal coverage to establish certain general prohibitions on advertising for online betting. As detailed, the judicial analysis focuses on the lack of explicit legislative backing for measures such as the prohibition of promotions for new customers, the appearance of celebrities in advertising, and the widespread dissemination of adverts in the media or on digital platforms. The Court judgment annuls Article 13 (paragraphs 1 and 3), Article 15, Article 23 (paragraph 1), Article 25.3 and Article 26 (paragraphs 2 and 3) of *Real Decreto 958/2020 de comunicaciones comerciales de las actividades de juego* (Royal Decree 958/2020), all of them relating to promotional activity, the use of well-known personalities and communication on social networks and video platforms. This is a significant ruling for the current architecture of advertising governance in Spain. In the article, the clarification is expressed by the Supreme Court that, although protecting vulnerable groups such as minors is legitimate, a government cannot impose general restrictions on advertising by decree without a specific law to support it. If a norm with a rank lower than a law limits fundamental rights, such as companies' right to advertise, that restriction is invalid. Therefore, any serious limit on advertising must be well justified, proportionate and subject to Parliamentary approval.

In the digital sphere, the consumer/user focus is addressed in the article '¿Recibe un bombardeo de publicidad en su correo electrónico? Estos son sus derechos' (Navarro 2024), which examines the sharp increase in complaints to the Agencia Española Protección Datos (AEPD), Spain's Data Protection Authority, about electronic advertising (114% more in 2023), as well as the strict legal obligations of companies in matters of e-mail marketing. These range from the obtaining and transparent management of consent, compliance with registries and exclusion lists (such as the Lista Robinson), to the review of providers and the legal basis for commercial mailings. The article emphasises that non-compliance, in addition to significant fines, can seriously damage a company's reputation among users who are increasingly aware and demanding in terms of privacy, pointing out risks of sanctions and reputational damage in the event of non-compliance.

The role of advertising self-regulation is the focus in two articles about the dispute between Iberdrola and Repsol on the issues of greenwashing and truthfulness. The article 'AUTOCONTROL desestima una reclamación de Iberdrola contra Repsol por publicidad engañosa' (Planelles & Fariza 2024) reports on the specific adjudication of the case. A counterpoint is offered through another article 'Publicistas reclaman al supervisor que regula los anuncios en España más rigor contra el "greenwashing"' (Medina 2024), which discusses the pressures from within the industry to tighten standards. Similar examples in this field include the regulation of the names of food products in Spain, as in the case of 'Llamar "salchicha" a un alimento vegetariano no es publicidad engañosa' (Helbig 2024). and the legal limits on the use of animals in advertising, which, according to

the author of the article ‘Usar las mascotas en publicidad tiene sus límites’ (Velasco 2024), should require an “actor contract”.

Based on the analysis of nine *El País* articles in 2024, the coverage on advertising governance highlights the growing prominence of regulation around influencer marketing and sensitive sectors (minors, gambling, greenwashing, public health), as well as the persistence of transparency problems related to covert advertising. The latter issue is of special relevance for ‘branded content’ practices and governance, despite the fact that this term rarely appears explicitly. *El País* public media coverage focuses on the practices and regulation of actors such as influencers and audiovisual media, reflecting both a news-led agenda and a “hot topic” linked both to specific failures and to concerns about the current regulatory transformation from a range of industry and consumer policy actors. The examples analysed show how many of the practices examined, especially in the influencer sphere, can be inscribed in the logics and be directly related to branded content. Likewise, there is a shortage of articles that directly address and inform readers about the phenomenon of branded content in public media. We consider it a matter of great importance that public media do provide such information so that users can better understand the new reality of the construction of commercial messages and can also understand, and influence, the choices and decisions made for governance of branded content.

3.3 UK Media Report: Trade Publications

Our analysis examines selected trade publications and general media coverage from 1 January to 31 December 2024. While we did not produce a systematic content analysis of items published across the full five-year period, 2019-2024, we did conduct exploratory research some of which is discussed here. For the UK we carried out a search for the precise phrase ‘branded content’ across the ProQuest database’s European newsstream. Table 5 shows the distribution of results across the full period, in each main category identified by ProQuest.

Table 5: ‘Branded Content’ search results, 2019-2014

	2019	2020	2021	2022	2023	2024
Newspapers	81	42	44	25	33	40
Magazines	0	0	0	1	0	
Trade Journals	2	4	2	4	4	3
Wire Feeds	17	17	12	19	25	14
Blogs, Podcasts and Websites	19	15	9	26	19	19
Other sources	2	1	3		1	1
TOTAL	121	79	70	75	82	77

Note: ProQuest ‘trade journals’ refer to news publishers (such as FT.com, Times Higher Education and do not include media-marketing trade journals in search results but do include food retailer publication *The Grocer* which covers marketing.

UK 2024 Analysis: Context

Media coverage included the UK General Election in July resulting in victory for the Labour Party and replacement of the Conservative government that had been in power since 2010. In the trade media this included discussion of the parties election manifestos and discussion about the expected policies and position of the new government on advertising and media regulation.

Key topics in advertising regulation included new restrictions on ‘junk’ food advertising, parliamentary debates on gambling (including advertising), the Online Safety Act and governance of digital platforms and social media and discussion of artificial intelligence ethics and regulation.

UK Trade Publications

This section provides an analysis of coverage in three leading UK marketing trade publications: *The Drum*, *Campaign* and *Marketing Week*.

The Drum (2025) describes itself as a ‘leading global publisher for the marketing and media industries’ and is owned and published by the Carnyx Group. Carnyx Group is an independent publishing business that produces the Recommended Agency Register alongside *The Drum*, and describes itself as ‘focused on connecting marketing agencies and clients through our brands’ (Carnyx n.d.).

Campaign describes itself as ‘the world’s leading business media brand serving the marketing, advertising, and media communities’. It is published by Haymarket which owns more than 70 publishing brands including *PRWeek*, the trade journal for public relations professionals. First published in 1968 and based in the UK, *Campaign* is now a global business magazine, with localised editions including the UK, covering advertising, media, marketing and commercial creativity. Described as the ‘jewel in Haymarket’s crown’ (Heseltine, 2023), the magazine went digital-only in October 2023.

Marketing Week, published by Centaur Media, was founded in 1978 and describes itself as ‘a media brand that sits at the heart of the senior marketing community... [providing] news, trends, intelligence and networking opportunities to the most senior marketing professionals’ (*Marketing Week* n.d.)

Campaign and *Marketing Week* both feature in the top 10 UK Marketing Magazines by Feedspot (2025) in October 2025.

The Drum

A search for ‘advertising’ and ‘regulation’ found 24 articles published in 2024. Several of these discussed political communications or governmental activities but did not contain any substantive references to advertising regulation. The number of articles that discussed matters of advertising regulation was 7.

Only one article carried substantive coverage directly relevant to branded content regulation. This was an article by the editor-in-chief, Gordon Young (2024), published on 23 October, that reported on new regulations by the US Federal Trade Commission coming into effect that month which target deceptive advertising practices, including undisclosed paid for posts by influencers. The headline is ‘Brands unprepared as new FTC deceptive advertising rules take effect’. This article discusses the implementation of new FTC rules and guidelines on advertising transparency and states that the agency is ‘cracking down on fake reviews, undisclosed endorsements and misleading testimonials to protect consumers from deceptive practices’, particularly in ‘the digital space, where influencer marketing has become a dominant strategy’. The article does not carry any adverse commentary on the rules themselves and advises readers that ‘transparency and authenticity are no longer just ethical considerations— they are legal necessities’. What is criticised is the speed of implementation and lack of awareness of the updated rules. *The Drum* editor-in-chief opens by stating ‘...many brands find themselves unprepared for the potential repercussions’ and quotes Kaeya Majmundar of SwayID who comments ‘It’s shocking how quickly this legislation was passed’ and ‘Brands are scrambling because these changes seemed to come out of nowhere’. She predicts that brands will be hit by lawsuits as happened after the previous rapid shifts in compliance, referencing the Americans with Disabilities Act (ADA). For branded content the article specifies the importance of brands taking urgent steps to mitigate risks to ensure ‘clear disclosure of paid partnerships, verifying the authenticity of endorsements and maintaining transparency with consumers’ (Young 2024).

The Drum: advertising and regulation search

- Total articles: 24
- Number addressing advertising regulation: 7

Table 6: The Drum

Topic No.	Topic	
1	Adtec (inc. Data and Privacy)	5 (3 – Google Antitrust action US)
2	Ad regulation (general)	2 (inc. 1 self-regulation)
3	Ad Regulation (BCG Full analysis)	
4	Artificial Intelligence	4
5	Branded Content (for ‘full’ analysis)	
6	Children	2
7	Disinformation	
8	Economy/ consumer market (general)	
9	Environment/Sustainability	1
10	Financial products and services	
11	Food, drink and supplements	1
12	Gambling	
13	Hate speech	
14	Harm	
15	Health and wellbeing	
16	Home and Garden	
17	Influencer Marketing	
18	International Ad reg	5
19	International (ad) regulation	
20	Medicines and medical	
21	Misleading	
22	Offence	1
23	Political advertising/marketing	3
24	Property sales and lettings	
25	Other	

One article (Wright 2024), on 1 August, discusses advertising disclosure in the context of the EU Act's requirement that deployers, such as marketers and agencies, using AI to generate deepfake audio, images or video 'shall disclose that the content has been artificially generated or manipulated'. There is no further reference to disclosure beyond this statement in the article titled 'How the EU's AI Act will impact marketers' by Webb Wright, New York Reporter.

There is one, substantive article on the advertising industry response to Labour victory in 2024 General Election (The Drum 2024a). Headlined 'UK marketing industry reacts to landslide Labour election victory' this editorial was published on 5 July, the date of Labour's election victory. *The Drum* article carries statements from key industry participants that are reproduced in similar articles in *Campaign* and *Marketing Week*, examined below. It is most likely that all these articles are based on press statements issued by the respective trade bodies and timed for release on the day Labour's election victory was confirmed. The reproduction of statements across the articles makes it unlikely that statements were derived from interviews conducted by the journalists directly.

Comments from UK marketing trade bodies urge the Government to pursue a pro-business, growth agenda, in line with pre-election statements. This is combined with calls warning against taking regulatory action that would be excessive and threaten industry growth. Christie Dennehy-Neil, the Head of Policy and Regulatory Affairs at the Internet Advertising Bureau (IAB) is quoted as saying 'We're calling on Labour not to automatically pick up where the Conservatives left off when it comes to making policy decisions about further regulation of digital advertising and to take time to carefully interrogate the evidence and define its priorities'. The comments are not specific but would be understood by informed readers familiar with the Online Advertising Programme (OAP) process. The IAB had opposed the previous Conservative Government's decision to include stronger statutory regulation among the policy options in its OAP. The IAB argued that this option should be removed from debate, as discussed in our BCGP UK policy analysis reports (Hardy et al 2023; Hardy 2024a).

Dennehy-Neil's comments also repeat the IAB's call in evidence to the OAP to 'to evolve the regulatory framework in an evidence-based and proportionate way'. She argues 'It's in everyone's interests to strike the right balance between managing the risk of consumer harm and supporting the UK's digital advertising industry – and the wider digital economy that it drives – to thrive'. This appeal to ensure action taken is proportionate and evidence-based asserts common values for regulatory suitability on which there is very broad agreement. Yet, this appeal is harnessed to a call to balance consumer protection with industry growth, which is potentially more contentious and contested, and is not discussed or developed further in the article. What is also not reported in the article are the efforts of the IAB and other groups to argue for a delimiting of scope for regulatory action.

Another contributor, Phil Smith, Director General of the lead marketers trade body, the Incorporated Society of British Advertisers (ISBA) warns the new government against altering the current advertising self-regulation arrangements. Relaying indirect speech, the article states: 'While offering support, Smith called on the new government not to interfere with the ad industry's self-regulation' and says he 'appealed for clarity' on how the change of government may affect the 'the tightening of rules on advertising food and drinks high in fat, salt and sugar (HFSS) introduced by the Conservatives'. Then, the article quotes direct speech from Smith: 'The UK's system of self and co-regulation of advertising content and placement has proven to be a world-leading success story. We ask the Government to continue to support this'. Smith states that as a member of the Online Advertising Taskforce, established by the previous Conservative Government as part of its response to the OAP consultation, 'we are committed to working with the government on the Online Advertising Programme as it develops proposals for the future'.

The specific regulatory issue mentioned in the article is the introduction of new food and drink advertising regulations, with Smith urging Ministers to provide 'clarity and certainty on what products, categories and media are in or out of the scope of the new regulations'. Finally, Stephen Woodford, Chief Executive of the Advertising Association, provides comments that reinforce the messaging of Dennehy-Neil and Smith. The priority for government should be 'creating the conditions for responsible, sustainable business growth'. He is quoted as saying 'Regulatory certainty and support for the Advertising Standards Authority is key...'. Woodford also urges the new government to develop education and skills policies to support 'our industry'.

The AA, IAB and ISBA are all lead bodies among the 16 organisations that make up the UK Committee of Advertising Practice (CAP), the code-making part of the advertising self-regulatory system, co-housed with the Advertising Standards Authority that oversees compliance. The reported statements show an early, well-planned effort to advance their interests and to demonstrate a strong, consensus support for self-regulation. Alongside their direct access to Ministers the statements in trade media serve to promote their work on behalf of their members and the perceived wider interests of industry, to show how they are acting in regard to current regulatory issues, and to reassert core arguments on the merits of self-regulation to demonstrate, and encourage, a broad consensus amongst industry actors.

Campaign

A search for 'advertising regulation' in 2024 found three articles. One is a short report (29 August) on youth activist movement Bite Back, which launched an anti-junk food campaign to challenge the food industry (Campaign 2024). The other two articles concern advertising industry responses to the new Labour government. The first, by reporter Will Green

(2024), was published on the day of Labour's election victory, 5 July, with the headline 'Adland welcomes Labour government but sounds note of caution on ad regulation'. This is a short article carrying initial responses from the advertising industry, 'Adland', to new Labour government. This article reports on the press statements released by lead organisations. A companion piece, 'What does adland want from the new UK government?' (Farey-Jones 2024), published three days later, carries longer versions of the statements. The 5 July article reports on the welcome for the new government but that 'a note of caution was sounded around regulation, with the Institute for Practitioner in Advertising (IPA), a lead member of the Committee of Advertising Practice, making the case for the "highly successful and internationally renowned self and co-regulatory system, overseen by the ASA"'. The IPA director is quoted as saying 'If the UK's advertising industry is to continue to thrive, it needs to be allowed to innovate without unnecessary legislative intervention'.

Stephen Woodford, Chief Executive of the Advertising Association is quoted as saying "Regulatory certainty and support for the Advertising Standards Authority is key, as well as reforming education and skills policies to ensure our industry has the best creative and digital talent...". Christie Dennehy-Neil, head of policy and regulatory affairs at the IAB warns that (directly quoted, and the same statement as in *The Drum*, above) Labour should not 'automatically pick up where the Conservatives left off... [in regulating] digital advertising'.

Phil Smith, Director General of ISBA, states the trade body is committed to the Online Advertising Taskforce, set up to tackle harms and protect children. The article carries the same statement as *The Drum* article, calling on the government to support the UK's 'system of self and co-regulation of advertising content and placement [which] has proven to be a world-leading success story'. ISBA also calls for clarity on the forthcoming regulations on food and drink advertising regulations, saying advertising need clarity and certainty and calling on the new Government to pass secondary legislation as (directly quoted) 'an easy, pro-business and pro-growth step for this incoming government to take'.

The subsequent article published on 8 July, by Daniel Farey-Jones (2024), carries longer versions of the statements made by industry leaders, presented by their photo images and job titles. The article headline is 'What does adland want from the new UK government?', with the subtitle 'Trade bodies set out their wishlists as Labour's line-up takes shape'.

In addition to carrying longer versions of the statements made by the Advertising Association, ISBA, IPA and IAB, the article includes statements from other industry figures. Those commenting on regulatory issues include Jo Allan, Chief Executive, of the commercial publishers trade body, Newsworks, who are also CAP members. Her comments focus on AI and she states, 'Our industry needs to see a strong copyright framework, transparency around how quality journalism is scraped and used and to

ensure that intellectual property used by these technology companies is properly compensated for'. Matt Payton, Chief executive, Radiocentre, says 'improvements in online safety and AI regulation feel essential'. Yet, that call is then clarified by his comment that 'the role of advertising in driving economic growth should also be a key focus and must not be hampered by unjustified bans or unnecessary Ts&Cs, which are ineffective in protecting consumers'. This is a call for regulatory innovation and improvement combined with a characteristic industry warning against burdensome overregulation. Sajeeda Merali, Chief executive of the Professional Publishers Association (PPA) also focuses on AI, stating 'we will advocate for transparency provisions to address copyright infringement'. She criticises the previous Government's plan to centralise cookie consent with browsers rather than individual websites in its Data Protection and Digital Information Bill, calling for a new bill 'that balances privacy needs with being pro-business and pro-consumer'. Other contributors include Karen Stacey, CEO of Digital Cinema Media who calls for action to 'accelerate gender equality within our industry', Caroline Ayling, President of Bloom, and Lindsey Clay, CEO of the television advertising organisation Thinkbox. A broader search of *Campaign* for 'regulation' produced 101 results including the three articles discussed above. Some of these do not contain regulation in the article text (including headlines) and so appear to be derived from meta tags for the article in *Campaign*'s own digital archive.

The search results included further coverage of advertising industry responses to the incoming Labour government. *Campaign* carried an article by Marty Davies (they/them) the chief executive of Outvertising (7 August) headlined 'Will we see Labour move to deliver Great British Advertising?'. Davies notes that the 'policy-light' Labour election manifesto did not set out any specific media or advertising policies. They repeat a core message used to advance the case for responsible self-regulation and to prevent the imposition of stronger statutory measures: 'We need to show that excessive regulation will harm its growth ambitions. And in areas where our sector is failing society, we must reform ourselves to avoid heavy-handed legislation'. Davies refers back to industry responses carried by the journal:

Speaking to Campaign, ISBA, the IPA, the Advertising Association and the IAB all congratulated Starmer and the Labour party on the landslide victory and said they looked forward to working with the government 'to help deliver Labour's mission of kickstarting economic growth' but they also seem a little nervous about the possibility of further regulation. And maybe they should be.

The piece then moves to the need to tackle problems and acknowledges deficiencies in current advertising self-regulation. They argue that 'parts of our industry are responsible for great social harm', with ad finance funding an increase in hate crime, and state: 'Despite a lot of promises from big-hitter agencies, little progress has been made to end this with self-regulation'. Davies reports on Ofcom Chair Lord Grade's call for marketers to act to support online safety, with an oblique reference to the Statutory

regulator's new powers under the Online Safety Act 2023. Davies also cites the IAB's Christie Dennehy-Neil's statement that the new government provides a 'valuable opportunity to take stock and reassess how to address challenges within the online ecosystem' and adds 'she's right'. Yet, whereas the earlier reports (5, 8 July) carried the IAB's message of caution on regulatory action, Davies draws on it to advance a different proposition: that the status quo may be inadequate and that challenges need to be addressed. They conclude 'There is still blood in our media plans and on our hands, so it shouldn't surprise us if our new government intervenes here to end the harm'.

This then is an atypical piece. *Campaign* provides space for an opinion that offers some criticism of the adequacy of self-regulation and welcomes action to address harms. The article includes an 'orthodox' assertion of the value of industry self-regulation against 'heavy-handed legislation', but provides a more ambivalent position, one that acknowledges the positive case for stronger regulation to tackle harms that self-regulation is not adequately addressing. These antimonies are partly resolved in the call for the industry to be proactive, and above all by the delimited scope of the harms identified to be tackled. Yet, this is a significant admission to the magazine of a perspective not articulated in the earlier round-up of industry responses to the new government. The author is the CEO of Outvertising, which is a hybrid insider/outsider organisation: an 'insider' advertising industry organisation that is nevertheless oriented around the need to address problems and reform practices, concerning the conditions, inclusion and representation of LGBTQIA+. Marty Davies is also co-founder of Trans+ Adland, a grassroots community group of trans, non-binary, gender non-conforming and intersex people across the world of marketing and advertising.

Another article relevant to advertising regulation, and branded content governance, is written by Evie Barrett (2024), published on 15 July, with the headline 'UK influencer marketing trade body forms European alliance'. This is a short report on the formation of the European Influencer Marketing Alliance (EIMA) by three founder members: the UK's Influencer Marketing Trade Body (IMTB), France's Union des Métiers de l'Influence et des Créateurs de Contenus (UMICC), and Germany's Bundesverband Influencer Marketing e.V. (BVIM). The IMTB's Director General, Scott Guthrie argues, 'The trust our sector enjoys is earned when brands, agencies, platforms and creators act responsibly, taking seriously their obligations to each other and to consumers'. He states that the new EIMA will bring 'a unified voice that will champion responsible influencer marketing across Europe'.

Only two other articles (from the 84 results for advertising regulation) deal with a branded content governance issues. They include Lucy Shelley's (2024c) article headlined 'Steven Bartlett hit twice with ASA ad bans for Huel and Zoe' on 14 August. The article reports that the Advertising Standards Authority has banned three Facebook ads featuring Steven Bartlett for 'failing to disclose his commercial involvement with the

brands'. The ASA ruled that three ads, one for health app Zoe and two for Huel, were misleading as they failed to disclose that the *Diary of a CEO* podcast host is an investor in Zoe and a director at Huel. The article includes the response of the brand, Zoe, who assert that most readers would understand the commercial relationship with Bartlett. The article states:

Zoe said that the obligation to include Bartlett's specific relationship with the brand would impact the wider influencer community. It believed it "undermined the principle that ads on owned media are usually obviously identifiable as advertising and that '#Ad' was sufficient enough to make influencer advertising obviously identifiable as advertising".

The second article, published on 20 March, and also written by Shelley (2024a), reports on the Advertising Standards Authority banning two ads for an Electronic Arts mobile game Golf Clash which were both paid social placements on Facebook. An academic researcher on game regulation complained to the ASA that the ads were not clear about in-game purchases, including loot boxes available to purchase from the game webstore. EA apologised for the human error which it said meant that the ads omitted to include the text required in its company policy, stating 'includes optional in-game purchases (includes random items)'.

All other articles on advertising regulation do not discuss branded content explicitly but some are relevant in conveying opinions on the suitability and adequacy of advertising governance arrangements. An article by Alessandra Scotto di Santolo (2024b) discusses advertising industry criticism of new regulations on High Fat Salt and Sugar (HFSS) food and drink coming into force in October 2025. Titled, 'Concerning and naive': adland reacts to government junk food advertising rules', the article describes how the new regulations ban HFSS advertising entirely online, and on television before the 9pm watershed. The Health Minister responsible, Andrew Gwynne, is reported as saying: 'These restrictions will help protect children from being exposed to advertising of less healthy food and drinks, which evidence shows influences their dietary preferences from a young age'. The article describes a 'range of responses' from the ad industry and notes that 'Adland leaders had already cautioned the Labour government against rushing into regulation, to ensure the industry continues to "thrive" in July'. This carries hyperlinks to the July articles in *Campaign* discussed above.

The article reports support for the new rules from some such as Nick Gray, Managing Director of creative agency Live & Breathe, who states ...' at a time when we are all pushing our ethical and sustainability credentials both client and agency side, we can't have it both ways by not supporting something like this'. However, the article reports that 'not all voices in the industry share Gray's optimism' and cites Sarah Dear, CEO of branding agency Born Ugly who considers the ban (indirect speech) 'oversimplifies

a deeply complex issue' of factors driving obesity. Others argue the bans fails to address demand side, consumer-driven pressures, and criticise planned implementation and enforcement. The IPA identifies progress by the new Government to provide clarity on implementation, indicating that discussions (and lobbying) is ongoing '...regulations still need to be finalised and guidance issued so that industry is able to make sure its ads comply'. The article carries different perspectives from industry authorities, including support for the strengthening of statutory regulations on HFSS food and drink marketing. As such, it demonstrates the trade media's role in opening up debate and proving a space for discussion on issues at the interface of business activities, ethics and regulation.

An article that opens up discussion on governance, here is an international context, is Lucy Shelley's (2024d) piece 'Will X's GARM lawsuit stop organisations calling out bad practice online?' published on 16 August. This discusses the closure of the Global Alliance for Responsible Marketing (GARM) shortly after it was served by an antitrust lawsuit brought by Elon Musk's X. GARM was an industry watchdog founded in 2019 by the World Federation of Advertisers to seek to reduce advertising spending on platforms producing harmful content. Shelley's article carries the invited views of industry trade bodies and practitioners, including the IAB, AA and ISBA. These uphold the importance of advertising self-regulation in being proactive in increasing transparency in the supply chain and for brand safety. IAB Chief Executive John Mew highlights the specific role of trade bodies:

These initiatives have largely been instigated and coordinated by trade bodies and, while it is not trade bodies' role to tell advertisers where to invest, it is their role to enable effective self-regulation and equip advertisers with voluntary ways to improve transparency and brand safety. Not only does this approach benefit our industry as a whole, it also shows the government that we can proactively keep our house in order and solve shared challenges.

The focus of the article, and all commentators, is on the benefits for industry and on tackling online risks for advertisers, rather than consumers. However, the importance of acting to protect consumers is implied, as this (single) reference to consumers in the comments of Phil Smith, director general, ISBA indicates:

Advertisers have the reasonable expectation that the platforms they use to reach consumers will adhere to their own terms and conditions, and be seen to be doing so, when it comes to tackling and removing harmful content, such as that promoting terrorism or exploitation.

Another key issue for articles on regulation is artificial intelligence. An article on AI's environmental impact (Selvakumar 2024) includes sentiments in support of stronger government action over self-regulation. Selvakumar

(2024) writes: 'Several experts also pointed out the need for government regulation beyond industry standards maintained in good faith'. She refers to one, Amy Williams, CEO of ad tech platform Good Loop, calling for a 'GDPR for the Environment', in reference to the strong data privacy and security legal measures in the EU General Data Protection Regulation) and is quoted as saying 'By bringing regulation in, we start to see the hygiene factors increase, everybody's standards rise and that kind of rising tide should lift all ships'.

An article on the Advertising Association's AI Taskforce report (Santolo 2024a) promotes self-regulation. The AA's public policy and regulation director, Konrad Shcck is quoted as saying 'We know that AI is a critical policy area for the new government, and by showcasing how the advertising and marketing industry is using AI, as well as detailing how the industry is tackling the ethical challenges of responsible use, we can provide valuable insights into the future roadmap for AI'.

Other topics included brand safety in programmatic advertising and discussion of Google's decision to rescind the removal of cookies, with James Rosewell, co-founder, Movement for an Open Web (which filed a complaint to the Competition and Markets Authority) stating this is 'a clear admission by Google that its plan to enclose the open web has failed' (Shelley 2024b).

Marketing Week

The terms 'advertising' and 'regulation' resulted in 54 items of which 24 were 'news' articles. 7 articles carried non-relevant references to regulation that did not include advertising regulation, which left 47 articles for analysis, of which 10 met our criteria for 'full' analysis (dealing with branded content and/or advertising regulation/governance arrangements in the UK as a substantive topic).

The following table indicates the distribution of advertising regulation topics across all 47 articles. This is based on coding articles for the most relevant topics and selecting up to three topics per article (in 9 cases), two topics

Table 7: Marketing Week

(15) or one topic (23).

Topic No.	Topic	
1	Adtec (inc. Data and Privacy)	11
2	Ad regulation (general)	4
3	Ad Regulation (BCG Full analysis)	10
4	Artificial Intelligence	8
5	Branded Content (for 'full' analysis)	5
6	Children	2
7	Disinformation	2
8	Economy/ consumer market (general)	
9	Environment/Sustainability	2
10	Financial products and services	3
11	Food, drink and supplements	3
12	Gambling	6
13	Hate speech	1
14	Harm	
15	Health and wellbeing	2
16	Home and Garden	
17	Influencer Marketing	4
18	International Ad reg	2
19	International (ad) regulation	3
20	Medicines and medical	2
21	Misleading	2
22	Offence	
23	Political advertising/marketing	1
24	Property sales and lettings	
25	Other	4

Articles for ‘full’ analysis like *The Drum and Campaign*, *Marketing Week* carried an article on what industry wants from new Labour Government (Innes 2024). Published on 5 July, the day Labour’s election victory was declared, the article includes material from the press statements issued by the IPA, AA, and ISBA, as carried in articles in *Campaign* and *the Drum*, incorporated into the article rather than as standalone statements. This includes AA CEO Stephen Woodford’s statement: ‘Regulatory certainty and support for the Advertising Standards Authority is key, as well as reforming education and skills’, and the statement from the IABs’ Christie Dennehy-Neil (as cited in *The Drum and Campaign*), reported as:

Labour shouldn’t just “automatically pick up where the Conservatives left off when it comes to making policy decisions about further regulation of digital advertising,” she urges. “Labour must deliver on its commitments to provide a stable and pro-business policy and regulatory environment that creates certainty for investment and growth in UK digital advertising,” she says.

Another article relevant to both ‘advertising regulation’ and ‘branded content’, by Viridi (2024b) is headlined ‘Regulators on why ‘responsible influencer marketing’ is a revenue generator’. Viridi writes ‘Yet with this boom in creator-led brands comes a greater need for transparency and awareness of the regulations surrounding their work’. She references Grace Beverley and Steven Bartlett, both found to have failed ‘to be transparent about promoting companies they have a financial interest in’. The article informs readers of the forthcoming Advertising Standards Authority (ASA) report on ad disclosure in Q1 2025, featuring disclosure rates from Instagram and TikTok, and states that ‘the regulator doesn’t see the number of complaints decreasing going into next year and will continue to provide “education to creators”’. One other brief article in the search results reports comments on marketing effectiveness by a senior marketer for Mars but has no substantive reference to advertising regulation (Parsons 2024).

Valentine (2024a) reports that trust in the advertising industry, and individual ads was more than twice as high amongst consumers who saw or hear the ASA’s most recent awareness campaign. However, beneath that positive result the results of the ASA’s trust measurement were relatively poor. The article states that trust in online ads ‘hit 36% among those who had seen the regulator’s campaign, compared to 15% among those who had not seen the creative’. Despite the positive reference to achievement (‘hit’), this reports that only a fifth of consumers (not exposed to the ASA campaign) trust online ads.

The article reports that those who saw the ASA campaign had greater trust in TV ads (46%) compared to those not exposed (31%), with a similar pattern but marginally worse trust scores for cinema ads (44% versus 27%). While the figures do show the value and success of the ASA promotion, they also show that a strong majority of those not exposed to the ASA campaign lack trust in advertising across all media platforms. This is not

discussed by the reporter, Valentine or by those quoted, including the ASA CEO Guy Parker and the AA CEO Stephen Woodford. The article states 'The question of trust is crucial'. It reports research from UK advertising thinktank Credos which shows that when consumers are aware that advertising is regulated they are more likely to trust and have favourable views towards the industry generally. Guy Parker is quoted as saying that the ASA is delighted that its campaign 'continues to drive trust in the ASA' and adds, 'Awareness and buy-in of the ASA system is a key strand in our new five-year strategy and our ad campaign plays a crucial role in helping achieve our ambitious targets' (Valentine 2024a).

An article on the ASA's annual report (Innes 2024a) revealed that online ads were the most complained about in 2023 (20,944 for 17,174 ads), a 14% increase on 2022. Television was the second most complained about medium, followed by email. The article reports the ASA's Active Ad Monitoring system which processed around 3 million ads in 2023, with more than 10 million expected for 2024. Action on irresponsible vaping advertising is highlighted with the ASA Chair David Currie quoted as saying this work 'enabling [the ASA] to remain flexible, adapting quickly to safeguard the interests of consumers and citizens, especially young or vulnerable people, in the rapidly changing digital landscape'. Innes reports that the ASA's work on 'body image, vaping and climate change' comes as it develops a more proactive strategic positioning under its five-year plan 'More Impact Online' and states 'The fresh focus will help it move from being a complaints focused organisation to a more proactive one, says Currie'. The article also summarises the ASA awareness campaign and finding of higher trust in advertising amongst those who saw the campaign. Absent in the article is any discussion of the implications of the increase in complaints about online advertising. There is also no commentary from other policy actors beyond the ASA.

Gollasch (2024) reports on the appointment of Boots CMO Pete Markey as the new President of ISBA. Markey is quoted discussing the role of the marketers' trade body at his acceptance speech as Marketing Week's 2023 marketer of the year: "Marketing is more complicated and challenging than ever. Having someone in your corner who amplifies your voice, seeks to make your industry better and helps you develop as a marketer is quite frankly, absolutely vital'. The outgoing chair of ISBA Margaret Jobling in her speech at the event described changes in government ('we seen three culture secretaries come and go') and achievements including improving programmatic advertising supply chain transparency. Jobling is quoted as saying ISBA has "represented advertisers with Government across numerous industry issues from the privatisation of Channel 4 to the demand for clarity on the incoming HFSS advertising regulations' and has 'taken a leadership position on retail media, influencer marketing and most recently accessible advertising'.

For advertising regulation and branded content governance, a key article is headlined "Trust runs both ways": Has influencer marketing become

more transparent?’ (Tatum 2024). This begins by referencing a scathing attack on dishonest practices in the influencer marketing ecosystem made by Unilever’s marketing and communications officer, Keith Weed in 2018. The article reviews what progress has been made six years on. Tatum (2024) asks whether the digital ecosystem remains ‘rife with risks’ and asks, ‘how are brands ensuring they protect both themselves and the consumers they’re looking to reach?’. Research by Hype Auditor is cited, stating that ‘49% of all Instagram influencers worldwide were found to have used fake followers at some point as of 2021 – costing brands investing in partnerships under false pretences an estimated \$1.3bn (£1bn)’.

Various marketing professionals are cited. Katie Nelson, Head of Influencer at Sky is quoted as saying “‘We do due diligence before working with any influencer or talent – a mixture of desk research, audience analysis and may we engage an agency [such as influencer agency CORQ] to assess brand fit and potential reputational damage if we have concerns’”. Likewise. Trainline’s Vice President of Brand, Jo McClintock, discusses how they ‘ensure all advertising rules are adhered to’. Global head of influence at Ogilvy, Rahul Titus, states that the rapid scaling up of influencer marketing creates ‘considerable challenges’ (direct quotation) for brands, and describes Ogilvy’s newly launched Influence Shield service, as a risk management tool to help brands navigate influencer marketing. The article discusses brand risk and reputation issues for brands using influencers.

Of specific relevance to branded content governance, the article states ‘Even where follower numbers are accurate, there remain concerns around disclosure and transparency when it comes to paid partnerships. Tatum (2024) reports that complaints to the ASA on influencer marketing increased in 2023 (by 7% on 2022) and represented 20% of all ad complaints. In addition, there were nearly 1,000 notifications submitted to the ASA’s dedicated Social Media Influencer Content Complaints Reporting Form, an anonymous reporting mechanism first introduced in November 2023 ‘in direct response to the need to police the ecosystem’. The majority of these notifications were complaints that influencer marketing communications were misleading. A section with the subheading ‘Regulatory oversight’ describes how regulators ‘are ramping up their scrutiny of unethical practices’ (Tatum 2024). Ed East, global CEO and co-founder of influencer marketing agency Billion Dollar Boy is quoted as saying “‘We have definitely seen regulators tightening up legislation on transparency in the creator economy in recent times,’”. The article reports on the ASA’s first major overhaul of its influencer guidelines since 2020 which ‘reiterates rules on disclosure and labelling’ and Tatum (2024) adds ‘Critically brands can be held equally responsible for failing to ensure transparency’. The ASA action to ban six ads from influencer and business owner Grace Beverley is reported and ASA director of complaints and investigations, Miles Lockwood is reported (indirect speech) highlighting the need for influencers who are cross-promoting their business account to ‘properly label their ads’. The article reports on the ISBA initiative to develop an influencing marketer code with the Influencer Marketing Trade Body (IMTB),

setting out 'a set of commitments for brands, talent agencies and content creators'. ISBA director of public affairs, Rob Newman is quoted as saying "In the past, concerns have ranged from ensuring that there was a clear understanding of the need to properly disclose when an ad is an ad on social channels, to having clear sight of a content creator's audience and the reach that a brand could expect,".

A section on Generative AI and includes the statement that 'with tightening restrictions, it has never been more urgent and important for marketers to get on top of industry regulation – especially in an industry which relies on authenticity and trust' (Tatum 2024). East argues that the current AI regulatory framework is 'still relatively weak in terms of disclosure requirements across many markets' and recommends that 'responsible advertisers' have an ethical duty to signpost the use of AI in content. Maximising transparency will not only protect consumers and improve brand performance but help to legitimise the use of AI in creative expression and advertising, he argues. The final section focuses on care for influencers themselves and the 'duty of care' that platforms, marketers and agencies owe to support creators, especially micro-influencers who lack the resources. The conclusion of the piece is that influencer marketing continues to carry risks, but that growing awareness is contributing to an improved environment, a 'landscape far less dodgy' than the one Unilever's Keith Weed surveyed in 2018.

An article that rounds up news on technology and regulation (Stephenson 2024a) includes a short item on the Advertising Association's first report by its inaugural report from its AI Taskforce established in September 2023. The taskforce is co-chaired by Google and VCCP. The report includes a section on Regulation, Sustainability and Ethics in AI, although no details are discussed beyond a reference to regulatory challenges. Stephenson's round-up also includes an item on the EU's AI Act coming into force, and states 'The EU has taken a cautious approach to the nascent technology and has developed a 'risk-based' approach to the application of AI. Stephenson (2024a) points out that the act targets 'high-risk and that, by implication most advertising will not be affected but does express concern about the project of the legislation 'limiting' the development of Ai in Europe and cites French President Emmanuel Macron as being amongst the 'critics', 'believing it could "hamper" innovation'. The item also refers to similar regulations being developed in the US and states 'UK will no doubt be taking note' (Stephenson 2024a).

An article titled 'If co-creation dies, nobody wins': Why transparency is vital in brand-creator relationships' by Amrit Viridi (2024a) asks 'Are harsher regulations needed to protect influencer IP...?'. It focuses on IP regulation, but also on brand-creator creativity and governance. The articles states that there are no new legal regulations specifically designed to protect influencers online, but that current intellectual property and copyright regulations apply and cites Brinsley Dresden, co-head of advertising law and partner at Lewis Silkin LLP making this point. The article reports

that Dresden ‘doesn’t believe harsher regulations are needed to protect the work of influencers’ and that influencers do not ‘deserve any more protection than any other type of creative’ (direct quotation). However, it presents an opposing view from Pollyana Ward, Flight Studio’s Creative Director of Brand Partnerships who states “100% needs to be tighter regulations”. Virdi (2024a) writes that Ward considers current regulation to be “quite reactionary” but says that she also ‘believes brands shouldn’t get lost in regulations and guidelines’.

An article by Josh Stephenson (2024b) reports on the ASA finding of 16,000 unique paid ads that promoted an AI product or brand feature over a three-month period studied, from July to September 2024. Of these 68% were for B2B products or services with AI functionality, 9% were for established consumer product such as laptops, while 13% were for ‘AI-native’ products. The article reports on an ASA webinar, citing three members of the ASA who presented. Stephenson reports that ASA CEO Guy Parker gave ‘some interesting thoughts on one of the hot topics in AI – whether brands should be compelled to tag any AI content as such in a bid for transparency’. Parker is quoted as saying “The short answer is no”. He argued that this would be unnecessary because viewers are aware that “imagery in many ads doesn’t depict reality” (direct quotation). Parkers argues Gen AI use is no different from “CGI or actors or professional lighting” as used in creative advertising. The article continues:

“We don’t want generic AI labels popping up on ads,” he said. “Most of them wouldn’t serve any useful purpose. We would quickly get irritated by them, or just screen them out. They might even contribute to making us feel a bit less trustful of what exactly has been going on with AI.”

Parker qualifies this statement by adding that future use of label is not ruled out but shifts the focus to arguing that marketers should assess harm. Stephenson (2024b) states that ‘Parker was keen to stress this doesn’t mean “labels will never be needed” but that practitioners need to ask themselves if any “harm” will arise to viewers from not knowing or not being told that imagery in an ad has been created or significantly altered using AI’. Parker is reported as saying that the “next question to ask, in that case, is if a label going to be enough to mitigate that potential harm? Or do I need to have another think about the imagery?”. The article is a report on a specific event but offers no alternative views on the suitability of AI disclosure from those of the ASA CEO.

An article by Virdi (2024c) on the ASA ruling against Lloyd bank banning an advertisement for making false environmental claims (‘greenwashing’). A pressure group AdFree Cited had complained to the ASA about a poster and three paid-for LinkedIn posts for Lloyds, promoting the bank as being climate-conscious. Out of these, the ASA ruled one advert, a LinkedIn post, was in breach of CAP code for proving a misleading impression that renewable energy formed a significant proportion of Lloyd’s investments.

This lengthy article describes the positions taken by the band, AdFree Cities and the ASA and reports on the work by the self-regulator ASA and statutory regulator Competition and Markets Authority to tackle misleading green claims in marketing communications.

An article by Ring (2024) on Christmas marketing references restrictions on tobacco advertising. A brief report on the ASA's Active Ad Monitoring system report by Stephenson (2024a) showed 16,000 unique paid ads promoting AI between July and September 2024. An article on gambling advertising (Carroll 2024) reported that 'Around two-thirds (67%) of British consumers believe there is excessive gambling advertising in the UK'. The article provided findings from a joint academic (Bristol University) and Ipsos report, commissioned by GambleAware which showed that Britain has fallen behind European neighbours in restricting gambling advertising, with 'no primary legislation to regulate gambling marketing on TV, radio, online and in sport in the UK'. Another article (Hammett 2024) discusses research by GambleAware showing increasing public concern about gambling advertising and the charity's call for 'stronger health warnings). A short article addresses calls to regulate political advertising (Valentine 2024b).

An article by reporter Molly Innes (2024) presents the Advertising Association's 'Value of Trust' report based on survey research by Credos. Dan Wilks, director at Credos is quoted saying: 'If people want to truly understand the value of trust in advertising to them, it is best described as results, regulation and recruitment, or the "3R's of Trust"'. Credos and YouGov surveyed UK Members of Parliament who divided between 39% giving overall trust in advertising, 33% distrust and 23% neither trust nor distrust. The article states 'Of those surveyed, the report found that those who distrust the industry are five times more likely to support government regulation action'.

The '2024 year in review' by Marketing Week Reporters (2024), published on 5 December, includes the statement: 'From the ASA warning brands that "ignorance" is no excuse when it comes to failing foul of the guidelines around AI, to the host of celebrities and publishers railing against what they see as being stolen intellectual property, there's no shortage of hurdles for gen AI in 2025 as regulations come into view'. The article also discusses data policy issues, including 'Google's flip-flopping stance on third-party cookies' (Marketing Week Reporters 2024).

Taken together, these articles show a range of perspectives on regulation. The common perspective may be summarised as one of 'responsible' marketing, where both statutory and self-regulatory measures are supported, provided they are proportionate. Coverage includes a range of voices and perspectives, including NGOs and academics advocating stronger rules or enforcement action. However, the most prominent sources are advocates for maintaining the current role for self-regulation, with the views of member industry organisations in the CAP, and the ASA.

Marketing Week was also examined for ‘branded content’ as a search term. In 2024 articles, there was only limited reference to the term. Carroll (2024a) wrote a short item with the headline ‘Entertaining brand content over-delivers on social media’. The item is based on a press release from social media management platform Dash Hudson which carried out research in which it scored brand content out of 10 for ‘entertainment value’ and then assessed how this correlated with marketing performance. Carroll (2024a) reports that:

The research found that brands with a high entertainment score (>5) obtained the most video views but this represented just 16% of content that was boosted through social media advertising ‘suggesting brands need to be more strategic about what they pay to boost on social media’.

Another article on content marketing carried the provocative headline ‘Are brands wasting millions on content?’ (Holland (2024)). The article is by an external guest writer, Andrew Holland, Director of Search Engine Optimisation (SEO) at JBH. The article focuses on content marketing and SEO and reiterates the need to ensure ‘your content must be interesting and gain attention. Be it publicity, webinars, blog articles, newsletters and, of course, social media’ (Holland 2024). Holland (2024) concludes, ‘Content marketing aims to nudge people who are entering the market. It’s cheap, fast-paced, interesting and grabs the attention of those you seek to serve’. The articles discuss relatively discrete activities; the first article discusses branded content in video entertainment and the second online content marketing. Both articles indicate that the activities they discuss can be valuable and effective for marketing, but also challenging and requiring intrinsic entertainment or information value for users and not merely brand promotion. The articles, and paucity of references, indicate that ‘branded content’ has receded from its position in the 2010s as the hoped-for solution to problems of marketing (Hardy 2022), to a valuable element of the marketing mix. However, our analysis shows that the merging of media and marketing remains at the heart of both industry transformation and governance issues, although these are more likely to be discussed in more focused contexts, such as influencer marketing or disclosure of AI use in marketing communications.

Trade Media: Discussion of Findings

The Drum demonstrates the important role of inviting debate on ethical and regulatory issues. This is most apparent in an article discussing the ASA ruling against Calvin Klein for an ad featuring the musician and artist FKA Twigs.

However, there was only one article discussing a branded content regulatory issue, covering FTC rules on deceptive advertising, including in influencer marketing. This is a surprising result. The editorial team and most readers would be well-aware that issues concerning the disclosure

In contrast to both *Drum* and *Campaign*, a higher proportion of coverage of regulation in *Marketing Week* carries support for strengthening regulation, on gambling, political advertising and, less explicitly on influencer marketing. The sample of articles compared across the trade publications is too small and diverse to draw definitive conclusions, however *Marketing Week* carried more opinion in favour of strong/strengthening regulation. Explanations for this may be located, at least in part, in the scope and readership of the respective publications. While *Drum* and *Campaign* focus on a range of practitioners in advertising and marketing communications, *Marketing Week* is oriented to senior marketers and marketing professionals. There may be a stronger focus on consumer opinion and sentiment which is reflected in the acknowledgement of consumer perceptions of problems in the effectiveness of regulation for certain products and services and low trust in marketing overall. These topics appear in articles in *The Drum* and *Campaign*, including the muted celebration of advertising being replaced by 'government and media' as the least trusted profession.

3.4 UK: General Media

The *Daily Mirror* was selected for study as former mass circulation 'popular' newspaper. The paper is Labour-supporting/centre left in contrast to the Conservative/right-wing supporting *Telegraph* and so was chosen to assess how the overall editorial stance of the paper might manifest in their coverage of branded content and advertising regulation issues. In fact, there were no results for "branded content" in a ProQuest search of the *Mirror*. As discussed below, there were also no results for advertising and regulation but a search for advertising did identify articles relevant to advertising/branded content governance, all of which are examined in the Advertising and Regulation section below.

Branded content search analysis

A search of the full ProQuest European Newsstream database for 2024 for 'branded content' as a phrase resulted in 40 articles, of which 17 were from UK national newspapers. The breakdown is as follows:

Table 8: ProQuest search results for 'branded content' 2024

Non-UK publications	
Republic of Ireland	9
Spain	6
USA	2
Bosnia	1
UK nations and regions (only)	
Scotland	2
England (regional publications)	2
Wales	1
UK wide newspapers	
The Telegraph	7
The Financial Times	3
The Daily Express/Express online	3
The Guardian	2
The Independent	1
The Observer	1

Analysis

Of the 17 articles in the UK search results, most carried a single, brief, passing reference to branded content with no elaboration and substantive discussion. Examples are articles that refer to people working on branded content as part of their job but with no further comment. For example, an article in the Express (online) refers to the partner of BBC radio DJ and celebrity Scott Mills, Sam Vaughan as being 'an audio producer and branded content freelancer' (Anderson 2024). Another example of passing reference is a short article in the *Daily Telegraph* on the *Financial Times*' profits that references a write-down on the FT's investment in 'branded content maker Alpha Grid'. However, some brief and passing references do assume both reader knowledge and a shared evaluation of branded content, and that evaluation is often negative. As a whole, the articles demonstrate a range of evaluations of branded content, as follows.

Positive

An article by Ellie Violet (2024) in the Guardian newspaper's sports section, 26 July, is headlined 'It's the perfect setting': TikTok goes wild for backstage Olympics videos'. This reports on Olympic athletes creating 'haul' videos for TikTok. The piece quotes Rollo Goldstaub, TikTok's Head of Sports Partnerships: 'This attention, he says, could be commercialised in the future, "whether that's working with their own sponsors, or working on branded content. There'll be lots of opportunities as an athlete to then actually try to drive revenue from that audience that they've built."' (Violet 2024). Holly Gilbertson, Managing Partner of Pacer is quoted as saying that from a brand perspective it provides "an amazing opportunity to reach a new, young audience directly on their terms' (Violet 2024). The article provides an informative account but also a normalising one also on that does not problematise the branded content activities in any way and includes only sources that are engaged and supportive of athletes' brand engagement.

Neutral

A neutral reporting stance is the most prevalent across the 17 UK national articles in the search results. This is most evident in shorter items, where there is less scope for discussion and evaluation, and in reports focused on media-marketing industry business activities. An illustrative example is the *Financial Times* article 'Forbes' foray into private clubs begins with Madrid' by Daniel Thomas (2024) on 16 December. This states; 'Forbes has aimed to address the challenges faced in journalism —where advertising revenues are under pressure—with branded content and marketing and sponsored events, alongside its popular rankings of the wealthy and its "30 Under 30" franchise'. This neutral tone sets Forbes's revenue diversification in a broader context. There is no overt evaluation of branded content but regarding it as a normal or necessary business response to the challenges of securing advertising revenue is implied.

Critical

Criticality takes various forms. One interesting form is an assumed negative evaluation shared between journalist and reader but one that is not elaborated on explicitly in the article. Such references can also express the ambivalence that working for brands is not desirable as such but is necessary or beneficial for other objectives. For example, a lengthy article on innovations in audiovisual published in *The Telegraph* (online) by Stephen Armstrong (2024b) illustrates this. He writes: 'In the UK, production companies that specialise in TikTok videos focus on branded content —essentially making ads or promo videos paid for by clients'. The next sentence indicates more 'worthy' cultural objectives: 'The vast majority of UK scripted stories are young actors or filmmakers trying to get attention rather than a pay cheque'. Following this, he writes; 'The reason for the low budgets and the reason many production companies are creating their

own apps? It's not easy to make money on TikTok. Unlike YouTube, there are no ads attached to TikTok videos –so the only way to make money from brands is product placement'. This positions branded content as a necessary but less desirous purpose that can nevertheless support more valuable creative expression. However, this is not explicitly developed and only lightly outlined. There is one other reference in the article. A listing of the ten best short-form dramas on TikTok includes a workplace comedy by US comedian Drew Talbert and his wife Andrea Kelley, with Armstrong (2024b) stating 'Talbert now does this full time, making money from branded content, selling merch and fan donations'. Armstrong is a freelance arts writer who writes regularly for *The Telegraph* but also for *The Sunday Times*, *The Guardian* and other publishers.

Another article by Stephen Armstrong (2024a) in *The Telegraph* (online) reports on the Edinburgh TV festival and includes comments from various programme makers and analysts. The piece quotes Tom Harrington, analyst at Enders Analysis who states: "Non-objective celeb docs is part of a wider embrace of branded content on TV," . Harrington says "Brand-funded entertainment is hardly new but getting advertisers to invest in programming in a more holistic way is now seen by some as a bit of a panacea for TV". He argues that "A celeb producing and probably partly deficit funding a series featuring themselves is no different from a brand investing in a drama that mythologises its origins or a cooking show funded by M&S about M&S". Finally, Harrington states "There's nothing necessarily wrong with any of this, assuming certain things are declared to the viewer. But it means more programming that is pedestrian and unlikely to challenge us." (Armstrong 2024a). Harrington places branded content in a negative frame that is then disavowed ('nothing necessarily wrong) and mitigated by the adherence to advertising transparency and disclosure. This article then presents a complex, if also relatively common and characteristic tone. There is recognition that brand funding may result in unchallenging and bland, 'pedestrian', television programmes. However, there is also a tone of understanding and resignation that such branded-funded entertainment is necessary to encourage advertiser investment, and is necessary to finance work of greater cultural value. There is also a reference to the importance of transparency and disclosure, as criteria. The article concludes with the views of Harrington cited and with no further commentary or evaluation by the journalist Armstrong.

An article in *The Guardian* by Mark Sweney and Anna Bawden on 21 September carries the headline 'Economist Group cancer conference cancelled due to links to tobacco firms. The piece highlights how brand sponsored content can be used to advance the arguments and interests of firms, here tobacco companies. The article provides the information and includes statements by critical sources, but it does not draw out the critical inference in the voice of the journalists themselves and leaves this for the reader. The article reports criticism of the *Economist* by a number of academic speakers and cancer NGOs including the Union for International Cancer Control, which pulled out of the Economist Impact event "due to

its ties to the tobacco industry”, in a directly quoted statement (Sweney and Bawden 2024). The article describes in detail paid content (advertising features) that promoted the interest of the brand sponsor, Phillip Morris. It includes discussion of tobacco regulation but not the regulation and governance of sponsored content.

Mixed

As expected in news reporting, in particular, many articles are best described as ‘mixed’ in that they include sources that offer both positive and negative opinions on branded content practices. In accordance with journalistic norms of objectivity and balance, such articles provide the reader with different perspectives without an explicit evaluation by the journalist. Of course, even in such ostensibly balanced reporting, evaluation may be introduced in various, often subtle ways, for instance through the selection and status attributed to sources or by the language used.

A good example of an article carrying a range of perspectives on branded content, is one by Amelia Tait, published in *The Telegraph* (online), 19 December. Headlined “People threatened to kill me over a picture: Why I quit my life as an Instagram influencer”, this in-depth article interviews influencer Tiffany Mitchell and describes how she struggled to get brand deals following a period of depression and increasing anxiety to secure brand deals. It describes how she ‘became “preoccupied” with how well her branded content performed, obsessing over how many people saw and liked her posts’ and how she became disillusioned with influencer marketing. However, the article does not discuss this further, and includes more positive perspectives including the views of another influencer, Casper Lee, who now offers training to influencers and who highlights the opportunities, saying (direct quote) ‘Brands are always looking for people who know how to create’.

The branded content search results did not include UK newspaper articles discussing branded content governance, with two exceptions. A significant article appeared in *The Observer*, a Sunday national paper then owned by the Guardian Media Group on 13 July. By Callum Bains, the headline is ‘Advergames’: how games platform Roblox became a corporate marketing playground’. This in-depth article does include critical evaluation and debate, with Bains (2024) stating ‘But what some have seen as an effective new realm of advertising, others consider a potential danger to vulnerable consumers. The piece includes comments from, and reporting on, a range of policy stakeholders from lawyers to advertising reform NGOs. Bains (2024) reports on American advertising watchdog Truth in Advertising (Tina) which in 2022 ‘filed a complaint with US and UK advertising regulators claiming Roblox allowed advertising to be surreptitiously interlaced with organic content, and that the tens of millions of children who played Roblox every day were being immersed in adverts without their knowing’. Tina’s Legal Director Laura Smith is quoted saying “‘Because Roblox does not appear to enforce its own advertising standards and has reportedly taken

the position that branded virtual worlds on its platform don't constitute advertising, other brands have simply continued deceptively marketing to kids and other users unfettered". Bains reports that Roblox has since updated its advertising guidelines to require that 'any adverts on the platform to be clearly disclosed and hidden from all users under the age of 13', but he states that these rules do not apply to advergames, the main topic of the article. Bain's also states that the regulation of advergames in the UK is also unclear. He writes that 'The ASA could take action under certain conditions', but then indirectly quotes Geraint Lloyd-Taylor, a partner at the law firm Lewis Silkin, to say that, in practice, the ASA 'would regulate these sorts of advergames only if they were controlled or funded from the UK, were placed on a UK-based platform, or appeared on a UK-hosted website –leaving the majority of Roblox advergames to slip through the cracks'.

This regulatory position is described as an 'omission' that the charity 5Rights, which advocates for children's digital rights, 'thinks highlights the blind spots of current regulation' (Bains 2024). Executive Director Leanda Barrington-Leach is quoted as saying "Disguising ads as games and marketing them to children is not acceptable and the UK regulatory authorities must hold all stakeholders, from the advertisers to the platforms, responsible for respecting children's rights.". A Roblox spokesperson is cited (indirect speech) as comparing 'the way advergames are played on its platform to the way people interact with brands elsewhere, such as watching a film inspired by a brand's IP'. The article also includes the views of a games developer on Roblox. Managing Director of The Gang, Max Proctor, emphasizes user choice on Roblox and states "No one is forced to consume branded content. That means brands have to create good enough content that audiences want to interact with." (Bains 2024). Finally, the article also cites an academic, Yusuf Öç, Associate Professor in Marketing at Bayes Business School, City, University of London. For Öç, Roblox and other interactive platforms or streaming services 'that have already begun tentatively rolling out playable adverts for adult subscribers –are pointing the way towards the future of digital marketing' (Bains 2024). Öç is quoted as saying, "As other digital and traditional ad formats become less effective due to advertising clutter and the overwhelming number of ads that consumers encounter daily, platforms that offer engaging, gamified experiences provide a valuable alternative". This quotation is followed by a final comment from the journalist '–even if it's a marketing model which has been trained on unsuspecting children". This article then, shows a journalistic approach that incorporates 'objectivity norm' features, including ensuring comments from Roblox provide a 'right of reply' to critics At the same time there are some elements of a more 'public journalism' model with advocacy elements. This itself is a more common feature in longer-form investigative articles, such as this, and also in the more 'commentary' oriented coverage associated with Sunday newspapers in the UK. The article is significant, and atypical, in providing a detailed review in general media of branded content practices that also highlights specific criticism of deficiencies in their regulation.

One other article in *The Financial Times* discusses branded content regulation but the topic focus is India. The headline is '*India's ruling BJP taps social media influencers to boost youth vote ahead of elections*' and the authors, Jyotsna Singh and Benjamin Parkin, report on politicians engaging in branded content with influencers and the call by some for stronger regulation. The piece does address advertising transparency and disclosure issues, stating 'Analysts also warn it is difficult to know when influencers have taken money in order to promote politicians' (Singh and Parkin 2024). Sabhanaz Rashid Diya, founder of the Tech Global Institute think-tank which has conducted a review of social media platform policies around political content from influencers, is reported as saying (indirect speech) that the 'said policies of YouTube and Meta were too vague' and that enforcement was 'particularly difficult as transactions happened off the platform' (Singh and Parkin 2024). Diya, a former Meta executive, is quoted saying "It's creating this whole black market for information and advertisements, and it's distorting how people are seeing politicians.". The article concludes with the responses of YouTube and Meta, presented without any further commentary. This states YouTube policy as requiring creators "to disclose if their content includes paid promotion of any kind" and that "If content is found to violate these policies, we take appropriate action, which can include removing content.". Meta is reported as saying that it has "clear policies around branded content that require creators to use our paid partnership label whenever posting branded content".

Advertising and Regulation

The primary analysis is of two UK national newspaper groups, the Telegraph and Mirror. This analysis is set in the context of broader UK national news publishing and includes the results of wider search results.

The Telegraph group publishes the *Daily Telegraph*, a weekday and Saturday paper, and *The Sunday Telegraph*, its sister Sunday paper. The Telegraph is a 'broadsheet' newspaper, a term that was used to describe the paper size and format what 'quality' newspapers aimed at an 'elite' readership with a high proportion of AB social class readers. The Daily Telegraph has traditionally been the 'house' journal of the Conservative Party, although it has included writers more supportive of right-wing populist parties such as Reform in recent years. In its market segment it competes with *The Guardian*, a liberal/centre-left newspaper, *The Times*, a historic 'establishment' newspaper with a conservative orientation, and the business-focused *Financial Times*.

The Daily Mirror and its sister, *The Sunday Mirror* are in the 'popular' newspaper segment of historically 'mass market' papers reaching a large readership of mainly skilled and unskilled working-class readers, social classes C, D and E. The main competitor papers are *The Sun*, and *Sun on Sunday*, and *The Daily Star/Daily Star Sunday*. However, the division between 'popular' and 'mid-market' papers as eroded and so other competitor papers include *The Daily Mail/Sunday Mail* and *Daily Express/Sunday Express*.

A search of the word ‘advertising’ indicates the overall amount and distribution of content. This was used to check that relevant articles for Telegraph and Mirror newspapers were identified. However, analysis is based on the result for a more focused search of ‘advertising and regulation and the results for that are included in the table.

Table 9: UK news publication search 2024 (1 January – 31 December)

Publication	Advertising	Advertising AND regulation	Advertising AND Regulation (relevant for analysis)
<i>Telegraph.co.uk</i> [online]	1,249	124	
<i>Daily Telegraph</i>	689	35	17
<i>Sunday Telegraph</i>	92	10	4
<i>Guardian</i>	576	72	
<i>Observer</i>	185	19	
<i>Daily Mirror</i>	294	2	0
<i>Sunday Mirror</i>	59	0	0
<i>Sun</i>	0	0	
<i>Sunday Sun</i>	17	2	

Daily Telegraph and Sunday Telegraph

A search for advertising and regulation in *The Daily Telegraph* resulted in 17 articles. Four were non-relevant, leaving 13 coded. The Sunday Telegraph search resulted in 4 articles. One was non-relevant, leaving 3 coded.

Table 10 below shows the results. Individual articles have been coded in up to three categories.

Table 10: The Daily and Sunday Telegraph

Topic No.	Topic	Daily Telegraph	Sunday Telegraph
1	Adtec (inc. Data and Privacy)		
2	Ad regulation (general)		1
3	Ad Regulation (BCG Full analysis)		
4	Artificial Intelligence		
5	Branded Content Analysis (category for all articles for 'full' analysis)		
6	Children	3	1
7	Disinformation		
8	Economy/ consumer market (general)		
9	Environment/Sustainability		
10	Financial products and services	1	
11	Food, drink and supplements	4	2
12	Gambling	5	1
13	Hate speech		
14	Harm	1	
15	Health and wellbeing	4	2
16	Home and Garden		
17	Influencer Marketing		
18	International Ad reg		
19	International (ad) regulation		
20	Medicines and medical	1	
21	Misleading		
22	Offence		
23	Political advertising/marketing		
24	Property sales and lettings		
25	Other	2 (advertising rules in sporting bodies)	

The search results indicate that there was no substantive discussion of branded content governance issues in the *Telegraph* newspapers. Coverage of advertising regulation issues was narrowly selective and focused on restrictions on food advertising and gambling.

Even when there is a pronounced editorial stance, most newspapers are polyvocal. Reporters, columnists, freelance and guest writers express different views. As a conservative, right-wing newspaper the general editorial stance is one that is suspicious and often critical of 'overregulation'. This is expressed in relation to placing an undue burden on businesses and on the costs of regulation passed on to consumers. It is also expressed as opposition to the 'nanny' state, where inappropriate actions by government or officials threatens the liberties, autonomy or lifestyle choices of citizens.

However, the merits and demerits of regulation is applied in context specific ways, and is also contested, with different journalistic/editorial views being expressed within the paper. In addition, most news reporting on advertising regulation issues is 'balanced', often with coverage of different perspectives from quoted or reported sources. What emerged from analysis is a nuanced approach that highlights tensions and even contradictions in the treatment of regulation.

Amongst the most critical of regulatory action is an editorial in *The Sunday Telegraph* (2024b), 'Killjoy Keir Starmer is plotting a war on pleasure'. This asks, 'What about how joyless life could become under an administration run by Sir Keir Starmer?'. It asks how far a 'paternalistic, restrictive state clamp down' might remove 'what few pleasures have survived the past 14 years of Conservative government'. However, the article indicate that positions on regulatory intervention are neither simple nor neatly ordered between political parties. The article states 'The Tories may have launched a puritanical campaign but under Labour it will become a crusade'. Such phrasing indicates a wish to clarify the political divisions while acknowledging their complexity in doing so. Further, the expresses the internal treachery within the Conservative party: 'Boris Johnson, who once argued it was the inalienable right of an Englishman to gorge on confectionery, advanced a raft of "anti-obesity" measures that would ban daytime advertising of junk food when he was in power'. The article also notes 'His predecessor [David Cameron] brought in food reformulation schemes and a sugar tax; his successor [Rishi Sunak] expressed "disappointment" that he was not able to get the tobacco ban through Parliament before it was dissolved'. The author describes how the 'public health establishment lobbies for ever greater control over what we put in our bodies'. Various different arguments are mobilised in opposition. Politicians lack competence ('woefully incompetent'), yet the writer acknowledges that they do carry authority and legitimation ('Yet we clamour to give them more influence in our lives'). The piece also reports that 'Some economists have warned that there is little evidence any of these policies work' and advances the economic argument that 'As the author Christopher Snowdon has pointed out, the burden of these regulations hurt the poor'.

By contrast, *The Sunday Telegraph* (2024a) carries a short article headlined 'Child video gamers exposed to 52 mins of junk food ads per hour' that only reports perspectives supporting regulatory action on HFSS. It reports the Government's intention to 'ban junk food advertising to children, both online and on television' while noting that implementation has been deferred to October 2025. The article quotes Dr Helen Stewart, of the Royal College of Paediatrics and Child Health who says "We now have epidemic levels of child obesity and we are storing up huge problems for children and young people".

Similarly, a *Sunday Telegraph* article 'Flutter bets against the house with its bid to take on casino giants: Gamble on the US market is beginning to pay off as rivals join a goldrush' by Daniel Woolfson (2024) carries the warning from Charles Ritchie, co-founder of the US charity Gambling With Live that (direct quotation) ' "The loosening of gambling laws in the US will have serious consequences just as it did in the UK"'. There is not direct rebuttal, but the article describes the growth and success of FanDuel which 'already had legions of sports fans signed up, and had spent millions on advertising campaigns and endorsements from A-list celebrities...to entice customers'.

An article headlined 'Eat half as much meat to save the planet, shoppers told' reports on the Climate Change Committee's call for a 50 per cent reduction in the UK's meat and dairy consumption to meet 'the latest net zero targets' set by the Government. The article (*The Daily Telegraph* 2024d) presents the call in a fairly straightforward manner but with the implication that the plans are somewhat unfeasible. The journalist writes that the CCC chairman 'did not specify how the UK could reduce meat eating but options could include reducing subsidies for livestock, taxing meat products and a clampdown by regulators on advertising. The article also 'balances' the perspectives of opponents but also concludes with these, so that they feature as the prominent, final perspectives in the piece. Through the language and structure of the article there is manifest 'balance' but also a subtle alignment with the more critical perspectives of two of the three final sources quoted. David Handley of Farmers for Action, states " " ...these rules and regulations are devastating the sector along with the UK's ability to produce its own food." ". Following this the CCC call to the Government for action is reiterated and the final quoted source is Claire Coutinho, the Conservative shadow energy secretary who warns of public unrest "If we increase the cost of energy, make people change their diets, or generally make life hard for people in this country..."".

The article 'Starmer's 'nanny state' may tax sugar and salt: Health charities pressing ministers to bring in curbs on chocolate, crisps and cake consumption' (*The Daily Telegraph* 2024b) carries the standard, critical label attached to public health interventions, 'nanny state'. While this discourse is asserted by libertarian perspectives concerned about the overreach of state power, the discourse also serves to mobilise opposition to measures that threaten profits across food, drink and other industries affected. The article itself includes the perspectives of both advocates, including the British

Heart foundation whose report form the basis for the article, the Obesity Health Alliance and the Health Minister, Wes Streeting. It also features concern about the impact of the proposed measures on business costs and costs for consumers, citing 'separate research from the Institute for Fiscal Studies has suggested a levy...would push up food prices by between 4 to 5 per cent' (The Daily Telegraph 2024b).

An article 'Ultra-processed foods require cigarette-style label, says expert' (The Daily Telegraph 2024a) reports the warning by Prof Carlos Monteiro, of the University of Sao Paulo. This includes Monteiro's comment about industries 'lobbying against regulation'. Another professional, a dietitian and spokesperson for the British Dietetic Association, describes Monteiro's research as interesting but says it is not straightforward to draw parallels between the food and tobacco industries.

An article that presents a stronger pro-regulation stance is Richard Godwin's (2024) lengthy examination of the effects of problem gambling on some women. The article cites the call for action by gambling reformers, including to tackle advertising. The article quotes an elite and influential source, former Conservative Party leader, Iain Duncan Smith MP who says that gambling industry is spending vast sums, including on advertising that states (direct quotation) "our regulatory system is totally out of step with long outdated legislation, a weak regulator and a toothless organisation supposedly in charge of keeping advertising in check." The article reports that reformers' views range from 'a total ban on advertising to the more modest curbs in the [Gambling] white paper' (Godwin 2024).

Issues can feature through a variety of routes, and one important route is via letters to the paper. *The Daily Telegraph* carried a letter (13 November) from the chair of GambleAware, Professor Siân Griffiths (2024) that discusses research it commissioned that was carried out by researchers at the University of Bristol and polling company Ipsos 'which raises the alarm about the lack of regulation of gambling advertising in Britain (Griffiths 2024). Griffiths argues that the Gambling White Paper introduced by the previous Conservative Government 'was a missed opportunity to do more on the regulation of advertising and sponsorship'.

Views on regulatory reform from right-wing perspectives also feature. An article on children being offered paid inducements to take part in Covid 19 trials by pharma company Moderna (The Daily Telegraph 2024c) includes criticism from Esther McVey MP, formerly of the all-party parliamentary group on Covid-19 vaccine damage, for the £14k fine issued by PMCPA. She states "The system is clearly broken and failing to keep patients safe from misleading information and advertising about medicines. The public's trust in healthcare authorities will only continue to be damaged, unless meaningful action is taken." In line with journalistic standards, and legal precaution, the article states that 'Moderna was approached for comment' (The Daily Telegraph 2024c).

Daily Mirror and Sunday Mirror

As shown in table 9 above, a search for advertising and regulation did not produce search results for *The Daily Mirror* or *Sunday Mirror*. However, a search of the 294 *Daily Mirror* articles containing 'advertising' found several articles that did address advertising and regulation or branded content. An initial search selection resulted in 68 articles. Some of these were then removed as duplicates or articles published in the Republic of Ireland only, and non-relevant articles (for instance where there were references to advertising and regulation in separate contexts to 'advertising regulation').

78 results for *The Daily Mirror*

30 were removed as duplicates, the same article for the Ulster (Northern Ireland) or Scottish edition. For the purposes of the analysis the same content was analysed as a single article only with no duplicate versions included. 24 articles were removed as these were published only in the Republic of Ireland (Eire region) and not in the UK edition. 14 articles were removed as 'non-relevant'. This left 20 articles that included substantive discussion of advertising regulation and the distribution of topics covered is indicated in the table below. Articles are included in up to three categories below.

A separate search for 'influencer marketing' (specific phrase) resulted in 19 articles in *The Daily Mirror* in 2024. None of these discuss advertising regulation or governance, and they have not been included in the analysis below.

For *The Sunday Mirror*, there were 59 articles resulting from search for 'advertising' in Jan-Dec 2024. Of these 21 were duplicates. This included versions published in UK regions (Ulster, Scotland) but also three instances where a story was published in the second edition of the paper. So, the relatively high number of results for the Sunday compared to 6-day paper is misleading as only 38 discrete articles appeared, although that remains comparatively high compared to the 48 for the Daily paper. 11 articles were published in the Republic of Ireland only. This left 27 articles from *The Sunday Mirror* for analysis. Of these 6 included substantive discussion of advertising regulation and are included in the analysis below.

Table 11: The Daily and Sunday Mirror

Topic No.	Topic	Daily Mirror	Sunday Mirror
1	Adtec (inc. Data and Privacy)	1	
2	Ad regulation (general)		
3	Ad Regulation (BCG Full analysis)	3	1
4	Artificial Intelligence		
5	Branded Content (for 'full' analysis)	3	3
6	Children	7	1
7	Disinformation		
8	Economy/ consumer market (general)		
9	Environment/Sustainability		
10	Financial products and services		
11	Food, drink and supplements	9	2
12	Gambling	1	
13	Hate speech		
14	Harm		
15	Health and wellbeing	14	2
16	Home and Garden		
17	Influencer Marketing		
18	International Ad reg		
19	International (ad) regulation		
20	Medicines and medical		
21	Misleading	4	
22	Offence		
23	Political advertising/marketing		
24	Property sales and lettings		
25	Other	2 (1x motoring; 1x hunting)	

Most relevant to branded content governance is the article by Isobe Williams (2024) 'Price told to axe weight advert post', published on 3 April. However, this was also the most difficult to verify. According to ProQuest search results, the article appeared only in *The Daily Mirror's* Irish edition (Eire region) and not in UK edition. A separate search of the Mirror archive online found an online story (Knox and Clarke 2024) that contains similar material but is longer than the (Eire region) version on ProQuest. However, there is no record in ProQuest of this story appearing in the print edition. The report covers ruling by the UK (ASA) and not the ASAI, Ireland, advertising self-regulator. So, it would be reasonable to assume that the article did appear in the UK edition. However, this has not been verified and so the exact details of publication remain uncertain. The short article by Williams (2024) reports that the model and celebrity Katie Price was forced to withdraw weight loss ads, shown as Instagram reels, that were found to be irresponsible in promoting a diet that fell below 800 calories a day, and for failing to be 'obviously recognisable as an ad.' The UK's Advertising Standards Authority said that they received two complaints, challenging whether it was obvious enough that the post was an advert' (Williams 2024).

The longer version, published in *The Mirror* (online), reports the defence by Not Guilty Food Co Ltd, trading as The Skinny Food Co., s: 'that the reel included '#ad', which they considered sufficient. The firm also said it could not control what Price ate, but that being in a "calorie deficit" was a proven way to achieve weight loss' It reports that the ASA 'acknowledged that the reel featured '#ad' in the caption, but said it was not visible without engaging with the post and expanding the text. It therefore concluded that the label was insufficiently prominent to obviously identify the post as an ad from the Outset'. The ASA ruling against Price was also reported in *The Sun*, *The Daily Express*, *The Independent* and *The Guardian*.

The HFSS ban is reported in a short NIB (news in brief) that describes it as a 'bid to tackle child obesity' but which indicates this is a controversial issue (tacitly acknowledging the different views of readers) by concluding 'PM Keir Starmer yesterday said he is prepared to take "bold" and "controversial" action to aid health, in a nod to plans to ban smoking in pub gardens and other outdoor areas' (The Daily Mirror 2024c). Coverage of the 'dynamic pricing' controversy for tickets for the Oasis reunion includes a reference to 'false advertising', but only in the specific context of misleading ticket selling. One article, 'Pulling the plug on Oasis wonderhaul' (Burke 2024) includes reference to the ASA, stating 'Last night the Advertising Standards Agency said it was looking at more than 450 complaints that Ticketmaster ads for the 17 much anticipated gigs were 'misleading'.

An editorial on cosmetic surgery, 'Cheap ops' awful cost' (The Daily Mirror 2024b), states 'It's difficult to see how people could be banned from flying abroad to go under a surgeon's knife, but the UK government could ban advertising and launch a public health information drive to warn of the dangers'. An article by Health columnist Dr Mirriam Stoppard (2024) headlined 'Alarming Rise in Type 2 Diabetes' includes the statement

that 'Diabetes UK has urged ministers to implement a proposed ban on junk food advertising to children, and other measures designed to tackle obesity'. By contrast, an article on the price of baby milk formula reports the CMA's concern that parents are overpaying and highlights advertising regulation as detrimental factor (The Daily Mirror 2024a). The article notes that 'Strict advertising rules over baby and toddler formula mean price reductions cannot be promoted'.

There is no discussion of branded content disclosure beyond the ASA Katie Price ruling already discussed. However, the disclosure of financial interests features in the article 'TV Dr Ranj in £22,500 big pharma row' (2024b) which reports that a Doctor who present on the BBC'S Morning Live 'has been caught up in a damaging row over his financial links to pharmaceutical giant AstraZeneca'. While this is not a branded content issue directly, it is relevant to the disclosure of commercial or other interests in content, and here in BBC public service television. The article refers to BBC Guidelines and action taken, with a statement on the breach of BBC rules made on the show, *Morning Life*.

An article, 'Nationwide's West adverts 'misleading'' (Clarke 2024b) reports on the ASA ruling that Nationwide as were misleading by suggesting the band had not closed branches when it had closed 20% over the last decade (albeit lower than other competitors). There is coverage of complaints not upheld by the ASA against Hovis bread (Clarke 2024a) over the presentation of its artisanal style bread. The ASA ruled that the brands claim of 'no artificial preservatives' was acceptable and that consumers would understand the 'industrial scale' of production required by the company. The short article concludes by citing criticism from the Real Bread Campaign's spokesperson Chris Young who is quoted as saying "People are having the wool pulled over their eyes."

Complaints to ASA about product claims for ME treatment made on Dragons Den are reported on in three articles. One of these, 'Dragons' Den health row over 'treatment' (Bryant 2024a) for ME discusses ASA and BBC governance, however the focus is on the health claims themselves not disguised advertising. Finally, a short article, 'Cut stadium betting' reports on the recommendation by the House of Commons Culture, Media and Sport Committee that 'The Premier League and other sports bodies should cut the "bombardment" of gambling ads in stadiums to minimise children's exposure'.

Sunday Mirror

The Sunday Mirror carried one particularly significant article relevant to branded content governance. Written by Tom Bryant (2024c), a reporter and Head of Showbiz, the headline reads 'Olympics star Laura accused of pedalling products on the BBC: Time called on cyclist watch plug'. The article reports that Olympic champion, 'cycling legend', Dame Laura Kenny 'has been ticked off by BBC bosses for plugging a pricey watch she wore

on air' (Bryant 2024c). Bryant states that 'has been accused of breaking the broadcaster's strict rules about advertising' for Instagram posts tagging watch firm Breitling for whom she is a brand ambassador. Kenny 'wore one of its £2,750 timepieces while she was on TV' and later tagged the brand on her Instagram page while Breitling posted pictures of her wearing its watches on television. This breached the BBC rule, quoted in the article that 'No on-air talent should promote products, goods, services or clothing they use on air'. A BBC source is quoted (directly), saying "'Laura is no longer on air but will be removing the tags from BBC-related posts.'" Bryant (2024c) refers to previous brand associations for Kenny with Reiss clothing and reports on other presenters previously warned by the BBC about 'plugging clothes'. The BBC has previously warned Ski Sunday stars Graham Bell and Chemmy Alcott about plugging clothes.

Another short piece does highlight branded content promotional practices but does not address governance issues. The article 'Hats off to Bey?: No Filter' by Laura Armstrong and Janine Yaqoob, describes a promotion for Beyonce's new hair brand Cécred (Armstrong and Yaqoob 2024). A posted video features Beyonce taking a private helicopter ride with her husband Jay-Z with a Cécred bottle. The article ends with a gently sardonic but also partially admiring comment: 'After all, why pay millions of pounds in advertising when you can do it yourself and advertise to 317 million people for free on Instagram!'

Celebrity branded content promotion is the focus of another article, 'Dave ad Beckham: Dosh and Becks keep rolling as he lands deal with earphones firm'. Written by Janine Yaqoob (2024), this begins 'When it comes to netting millions in advertising, it seems no one can brand it like Beckham.' The article discusses former footballer, David Beckham's various brand deals, from Brycream in 1997 through to deals as brand ambassador for Tudor watches, Tempur mattresses, Unicef, Nespresso coffee machines, and formerly Haig whiskey.

Among the search results, there is only limited discussion of advertising regulation, none of which (beyond the ASA Price article) addresses branded content governance issues. In 'Food For Thought' Saskia (2024) reports on child obesity and junk food advertising. The article ends by citing advocates for stronger regulation. Katharine Jenner, Director of the Obesity Health Alliance, 'believes a clampdown on junk food advertising would be a good start' and she is quoted saying "'Local leaders are eager to make communities healthier and councils should be able to restrict adverts near schools and playgrounds'". An article, 'Shambles Supanova', (Pownall 2024) addresses the Oasis ticketing and dynamic pricing issues but not advertising regulation directly.

One other article (Rowlands and Jordan 2024) is notable in engaging broadly with governance as it concerns criticism of the Labour Government for awarding a CBE to Mark Read, Chief Executive of global advertising giant WPP 'which represents polluting companies'.

General Media: Discussion of Findings

The coverage in the *Mirror* newspapers illustrates a shared awareness cultivated between journalists and readers of a world of commercial promotion by celebrities. The article on Laura Kenny highlights the breach of BBC rules but does not indicate consumer detriment and does not discuss advertising disclosure as a regulatory or wider issue of concern.

Coverage across the *Telegraph* and *Mirror* newspapers is, as expected, led by the political/policy news agenda in reporting on the actions of Government and parliament, on HFSS foods, and gambling. There is also evidence of other actors securing news coverage and publicity, especially when reporting on issues deemed of reader interest, such as the coverage of reports by NGOs or academics on HFSS food promotion and health issues.

There is evidence of high journalistic standards in the production of 'balanced' coverage in which sources with opposing views are cited and the reporter adopts a 'neutral' stance in line with objectivity norms. A particularly notable feature is the greater breadth of sources referenced and often directly quoted compared to UK trade publications. In both the *Telegraph*, *Mirror* and other articles discussed, the range of sources includes 'public interest' advocates, such as health and children's NGOs and independent academics and teams.

So, there is evidence that journalistic standards in news reporting aids 'access' for sources, where there is perceived reader interest. This is evident across 'hard' news stories, such as on gambling reform, as well as 'soft' news such as celebrity promotion and entertainment, and in fact many 'advertising' governance issues, such as the coverage of gambling problems, bridge the hard-soft, public world and lifeworld divide.

There are then positive features and benefits of 'balanced' reporting. Yet, there are also partialities and selectivities that shape and limit coverage. As discussed, there are subtle ways in which partiality is established in some of the *Telegraph* articles examined, from the use of powerful, pejorative frames such as 'nanny state' to the presentation and ordering of commentary from sources. The *Telegraph* includes trenchant criticism of over regulation, yet also articles that report positively and tacitly endorse the case for regulatory action. There is polyvocality, including from the mix of -in-house, freelance, guest writers and those granted access through the letters pages.

In the *Mirror* coverage those advocating 'public interest' regulation tend to be presented without an opposing perspective, economic or libertarian being discussed or directly quoted, as is more common in the *Telegraph*. As expected, the *Mirror* tends to focus on consumer welfare aspects and rationales.

Across the full sample of UK news media examined, coverage of advertising regulation broadly aligns with the political editorial orientation of the paper, but with some notable variation and contradictions in some coverage. In broad terms the left of centre *Guardian* and more central (and business-oriented) report favourably on regulation as a positive means to protect consumers or market actors. The right-wing newspapers, that include the 'broadsheet' *Telegraph*, the 'mid-market' *Mail and Express* and the 'tabloid' *Sun*, present advertising regulation as an imposition and overreach by the 'nanny' state that impedes business innovation and growth from which companies, the country as a whole and readers benefit. However, this pronounced negative view is not consistently applied and there are areas where the papers give support for regulatory intervention and in some case actively promote action. In part this reflects the tolerance of more diverse viewpoints on the suitable management of a range of different consumer, lifestyle and business issues, in contrast to the 'consensus' required on 'hard news' matters.

4. UK-Spain Comparative Analysis

This section discusses the key findings of our comparative research examining trade and general media from the UK and Spain. The analysis of UK and Spanish media reporting has been valuable in highlighting some significant differences in coverage that include how branded content governance issues are presented and discussed. However, the first major finding of the research is of a commonality across all reporting: a lack of reporting on branded content. There is a relative lack of reporting on branded content regulation across both trade and general media in the UK and Spanish publications examined. Yet, this needs to be examined carefully in its constituent parts. The term branded content is uncommon across both trade and general media in Spain. So, when there is coverage of what we identify as a branded content governance issue the article concerned may not use the term ‘branded content’ and is more likely to refer to specific practices such as ‘influencer marketing’. Branded content is rarely used in the UK general news media we analysed, notably *The Telegraph* and *Mirror* newspapers. In UK trade media, branded content is a term familiar to the readership and used more extensively. For instance, 54 articles in *Campaign* used the term in the full year 2024, of which 6 were in ‘partner content’, sponsored content by marketers or marketing service providers.

Trade Media

Our study highlights some significant differences in the discussion of advertising regulation issues between Spanish and UK trade media. A key difference highlighted is the manner in which advocacy for self-regulation is advanced. UK coverage shows the enduring influence of a framing we describe as ‘self-regulation versus statutory regulation’. This is manifested in a variety of ways. Articles on industry responses to the new Labour Government, provide space for industry trade bodies, most of whom are members of the self-regulatory system, to advocate for self-reg and express warnings against the imposition of stronger regulation. While such stronger regulation may arise, as it has done historically, by changes made to self-regulatory rules and their application, in the contexts discussed it refers to ‘statutory’ regulation arising from new legislation or the exercising of new or existing powers by statutory regulators, such as the Competition and Markets Authority or Ofcom.

The UK trade media coverage shows the organisation of lead trade bodies who each issue statements on the new Government carried by or reported on in all the trade papers examined. While the coverage of immediate responses to Labour’s election is an episodic event, the advocacy for self-regulation is sustained across broader UK trade media coverage. The discussion of advertising regulation gives prominence to those who work within and uphold the self-regulatory system, industry trade body members and the CAP/ASA self-regulator itself. There is strong advocacy expressed by these key actors. There is also a comparatively strong, if less explicit, support expressed by industry sources. In particular, there is

very little discussion of any insufficiencies or problems in self-regulation in the sample of articles examined. Exceptions include comments from organisations with a complex industry insider/outsider status, Outvertising and the Conscious Ad. Network.

This is discussed further below but contrasts with coverage in Spanish trade media. The Spanish articles examined indicate that there is a relatively more 'open' discussion of regulation and self-regulation. In contrast to UK trade press coverage examined there is much more widespread reporting and discussion of 'problems' in influencer marketing that need to be addressed, including advertising transparency and disclosure.

Two contrary tendencies are evident in the Spanish trade media content. The first is an evident pride in the Spanish regulatory system as a whole. That system is recognised as comprising governmental decrees and parliamentary law, the court system and self-regulation, principally by AUTOCONTROL. While there is criticism of specific elements of the system there are many comments from sources that support the suitability of the system overall. The other tendency, works against this by highlighting that more action is needed to improve standards and compliance in influencer marketing. In part, this reflects a discussion about how new laws affecting influencers will be implemented and enforced. The issue is also framed in an EU-wide context, particularly in articles that reference the European Commission's (2024) sweep, showing high levels of non-compliance with EU rules across member states, including Spain.

The UK trade media do provide access from sources beyond industry, such as NGOs or academics, who make a case for strengthening regulations, usually seeking changes to legal or statutory provisions to do so. However, such coverage tends to be initiated by the source, for instance, articles based on the publication of reports or statements. It is relatively less common for articles based on news of industry or self-regulatory activity to seek and include comments from sources outside the industry. This is in contrast to coverage examined in UK general media (Telegraph and Mirror) where there is greater access for NGOs, campaigns and academic sources advocating for strengthening of advertising regulation.

General Media

Our study has only examined three 'general media' publications in detail and so findings cannot be generalised to news publications as a whole. Our findings show that these publications provided limited coverage of branded content governance issues.

We found relatively little discussion of branded content as explicit term used in general media and, as expected, negligible use of the more specialised term governance. More specifically, the discussion of practices that the BCGP identifies as branded content rarely made use of the term, especially

in general media. This was evident to us from early exploratory research on coverage from 2019. We did expect that the term 'branded content' might not be used frequently.

It remains a specialised, industry term that would not be considered familiar for general readers, in both UK and Spanish contexts. Even in an industry, trade media context, there is some evidence of waning use of the term, from its highpoint of usage around the mid 2010s (Hardy 2022), and for increasing use of terms for specific forms of branded content such as influencer marketing rather than the term itself. It was also evident, from examining media coverage from 2019, that the discussion of regulatory issues relevant to branded content seldom made explicit reference to branded content and instead discussed the specific form, whether product placement, paid content, influencer marketing or other.

We found very limited discussion of branded content in relation to law and regulation that used these terms. However, our broader searches of advertising as a topic, of advertising and regulation, and of more specific and salient terms such as influencer marketing showed that topics relevant to 'branded content governance' were addressed in both general and trade media. Overall, we found limited use of the term branded content but found relevant, if also limited, discussion of matters relevant to branded content governance. Our wider searches of advertising and regulation provided a better means to assess how branded content featured in context of broad reporting on advertising regulation.

We found that some reporting in general media did provide a 'media education' role, a term that we prefer as more encompassing than 'media literacy' but which is very much connected to the same purposes and activities. Articles reported on regulatory action in ways that could assist in raising awareness of commercial practices. However, in general media such reporting tended to focus on specific rulings and only rarely opened up discussion about regulatory arrangements. Where there was wider discussion on regulatory arrangements this tended to be on topics other than branded content such as food, gambling) with the exception of influencer marketing with the Spanish media.

Academic and Civil Society Sources

We found evidence of successful access in trade and general media for academic researchers and NGO/civil society groups. Our findings show coverage of research and advocacy undertaken by principally non-industry actors on issues such as gambling, junk food and influencer marketing. This is evident across UK and Spanish media. In UK media, there is evidence of greater access in general media. By contrast, more articles in trade media address advertising governance issues with only industry sources cited.

In general media we found an important example of media access through the letters page, with a letter from the chair of GambleAware published that highlighted the findings of its own report.

We must acknowledge an important self-criticism of our own BCGP. We have undertaken only limited press release and media relations work during the project itself. However, we will seek to do more to promote and disseminate findings, including from this report.

Overall, there is evidence of successful access in trade and general media for academic researchers and NGO/civil society groups, although how this equates to the level, and success rates, of proactive media relations work (such as press releases) needs further research.

5. Conclusion

This *Media Analysis* report forms part of the three-year Branded Content Governance Project and the work within that project to compare aspects of governance in the UK and Spain. This study aimed to examine how branded content governance was reported and discussed in both trade and general news publications. This was done to see how governance issues were presented to both specialist industry and wider public readerships of selected publications. In particular, we were interested in identifying how issues were addressed to inform consideration of how such discussion might influence what we call 'governance-in-practice'. We have also been interested in how media perform a 'media education' role for readers, especially for general news media readers.

There is an absence at the heart of the study. Overall, our findings show that branded content issues, including influencer market, remain relatively seldom covered. Why? This report provides a study of media coverage and not a full explanation which would require additional research and discussion. However, two factors are relevant to consider in conclusion. One factor is the lack of an assigned 'beat', covering these issues in general media. A 'beat' is a topic area to which a journalist is assigned to become a specialist reporter, such as 'education' or 'crime'. As branding and marketing pervade politics, business, sport, entertainment, communications and personal lives, it is to be expected that reporters across different 'beats' and publication sections address media-marketing issues and that is to be welcomed. However, media-marketing also falls into gaps between reporting beats and publication sections. The merging of marketing and media in today's communications landscape that our BCGP study investigates is of such scope and reach that it warrants much greater media attention

Another relevant factor is media reluctance to cover advertising and marketing issues that touch on practices in which the publication, or wider media company, is involved, but which risked being regarded critically by some readers/users. The general tendency for media not to report on sponsored editorial content is examined principally in a UK context in Hardy (2022) but also in other countries and contexts (Hardy 2023). To investigate this further would require interviews with professionals. We have not carried out such research for this study of media reporting. However, our governance-in-practice analysis includes interviews with UK and Spanish practitioners, including those working in news publishing.

5.1 Key Recommendations

General Media

Media education: Our report highlights the importance of the media education role of general news media. Such media can build consumer awareness and confidence in responding to rapidly developing digital communications and the increasing varieties of branded content and media-marketing integration.

Media-marketing reporting: We recommend that advertising (as a general topic) is given more attention and that publishers consider creating a ‘beat’ that encompasses the ongoing interaction and convergence of media and marketing communications including technologies, business, governance and matters of interest for consumers and citizens.

Trade Media

Increase the range of voices and sources on media-marketing governance: This recommendation applies to all media but is made in response to our analysis of trade media in particular. We recommend that matters of media-marketing governance are recognised as warranting discussion that is society-wide and so involve the inclusion of sources beyond industry. Publishers and editors should seek to provide journalists with the resources to reach out to a wider range of voices and sources, and provide greater access through commissioning. Increasing the range of sources also requires greater action by sources themselves, so our final recommendations are for academic and civil society actors.

Research and Advocacy

Academic researchers, NGOs, civil society organisations and campaigns should engage with both trade and general media. This important work can help all the purposes identified above from improving reporting on media-marketing, contributing to media education, increasing the range of voices and supporting the engagement with branded content governance issues across the media-marketing industries, in policymaking and society-wide.

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7. Appendices

**7.1 Appendix 1:
Advertising Regulation
Topics Coding Frame**

1. Source (search information)
2. Search term (s)
3. Article/Item
4. Publication/Source
5. Date
6. Page Number (if paginated)
7. Headline/Title
8. Topic 1 (the principal or first topic that fits the article contents. In many cases we will only need to provide ONE topic. However, where an article covers more than one topic in a substantive and explicit way (i.e. not a brief, passing reference or implied topic) then this should be listed in the next column (9 – Topic 2). If there is a third substantive topic this can be listed in (10 -Topic 3). Where there is a need/value in recording additional topics (beyond three) then this can be done in the notes (e.g. Topics X and Y are also discussed)

Topic No	Topic
1	Adtec (including data and privacy)
2	Ad regulation (general)
3	Ad Regulation (BCG Full analysis)
4	Artificial Intelligence
5	Branded Content Analysis (category for all articles for 'full' analysis)
6	Children
7	Disinformation
8	Economy/ consumer market (general)
9	Environment/Sustainability
10	Financial products and services
11	Food, drink and supplements
12	Gambling
13	Hate speech
14	Harm
15	Health and wellbeing
16	Home and Garden
17	Influencer Marketing
18	International Ad reg
19	International (ad) regulation
20	Medicines and medical
21	Misleading
22	Offence
23	Political advertising/marketing
24	Property sales and lettings
25	Other

Notes

Coding Sheet: Advertising Regulation Topics

Item	Publication Source [4]	Date [5]	Page No [6]	Headline (title) [7]	Topic 1 [8]	Topic 2 [9]	Topic 3 [10]	Notes [11]
BCG WP5 Coding sheet No:								
[1] Data Source:								
[2] Search terms:								

**7.2 Appendix 2:
Summary and Mapping
of Branded Content
Governance Project
Publications**

Report/Output	Publication date	Description
Branded Content Governance: 32-Country Comparative Analysis	June 2025	This report summarises the comparative findings, discusses the methodology, and sets out the theoretical frameworks, context and thematic analysis for the 32-country study of branded content governance. We may publish a revised version before the end of the BCGP in November 2025
Individual country reports	Interim versions of most reports were published between June–October 2024. Final versions will be published by end 2025.	Individual reports for each of the 32 countries in the BCGP study. Using a common format, with 17 sections, each report sets out the country context, outlines communications and advertising regulation and self-regulation and details the governance of branded content in the following categories: publishing, audiovisual, audio, digital media, social media marketing, outdoor, experiential and other.
Branded Content Governance: Problems and Mitigations	June 2025	This report sets out the summary analysis and recommendations made by the Branded Content Governance Project (BCGP). It is designed to serve as an executive summary for our analysis of ‘problems’ relating to branded content practices and to the governance of branded content, and ‘mitigations’, actions that could help to remove or reduce those problems. Our analysis is set out in greater detail in other project reports and outputs including <i>Branded Content Governance: 32-Country Comparative Analysis</i> (June 2025).
Mapping the Media-Marketing Ecology	Interim version published June 2024. The final version will be published by Routledge in early 2026.	<i>Mapping the Media-Marketing Ecology</i> describes the main features, actor-types and processes involved in contemporary marketing communications. It examines the ongoing convergence of marketing and media across industry arrangements, forms and formats and offers an authoritative analysis of branded content and forms of media-marketing integration. We published an interim version in 2024. An expanded version will be published as a freely-available, open publication, by Routledge in early 2026. We are very grateful for support from UK Research and Innovation to enable us to publish this work in an accessible manner for an international readership.

Governance-in-Practice	November 2025	<i>Governance-in-practice</i> is an analysis of practitioners' views on branded content practices, ethics and governance. This report is based on interviews with media-marketing industry practitioners, representatives of trade bodies as well as policy actors from the UK and Spain.
Policy Analysis	2025	<i>Policy Analysis</i> is a report on branded content law, regulation and policy processes in the UK and Spain. The report includes primary research data from BCGP roundtable meetings, events and individual interviews with policy actors and stakeholders in the UK and Spain.
Media Analysis [this report]	November 2025	<i>Media Analysis</i> is a study of the reporting and discussion of branded content governance issues in professional ('trade') and public news media.

The BCGP has also produced submissions including a 2023 Submission to Ofcom consultation on Media Literacy by Design (<https://doi.org/10.25441/arts.28553723.v1>) and a submission in 2024 to the BBC consultation on its editorial standards (<https://doi.org/10.25441/arts.28553666.v1>).

These and other outputs, including the project newsletter, can be accessed at https://figshare.arts.ac.uk/BCG_Project.

About the Branded Content Governance Project

As media and marketing merge and new forms of marketing communications proliferate, are regulations, guidance and best practice keeping pace? That is the focus of our three-year international research project, the Branded Content Governance (BCG) Project. The BCG Project examines the regulation and broader governance of content that is funded or produced by advertisers. Our project is oriented to consider ‘problems’ and challenges (e.g. how are evolving forms of branded content addressed in relation to identification and disclosure? What values guide governance and are these suitable? How should the effectiveness of governance structures and processes be measured and assessed?). The central aim is to provide research-led insights and recommendations for managing and regulating branded content and communications in the digital age. The project is funded by two UK Research Councils at Research and Innovation UK (ESRC and AHRC; ES/W007991/1).

We have published various reports and interim versions of project outputs and will be publishing final versions of all reports by November 2025 when the current phase of UKRI funding ends. These include our 32 individual country reports and an accompanying report *Branded Content Governance: 32-country comparative analysis*. We have published in 2024 an interim version of a report that will be published in final, expanded form, as an open publication by Routledge, *Mapping the Media-Marketing Ecology*. Our other outputs include three research reports that build on our comparative studies in the UK and Spain. These are *Governance-in-practice*, an analysis of practitioners’ views on branded content practices, ethics and governance; *Media Analysis*, a study of the reporting and discussion of branded content governance issues in professional (‘trade’) and public news media; *Policy Analysis*, a study of branded content regulation, policy actors and processes in the UK and Spain. We publish a project newsletter and other outputs from talks and events. All publications can be accessed at https://figshare.arts.ac.uk/BCG_Project.

About the Branded Content Research Network

The Branded Content Research Network is an international network that brings together academic researchers, industry and civil society interests to explore the practices, arrangements, governance and implications of branded content, native advertising and the convergence of media and marketing communications. The network aims to promote research, collaboration, and dialogue across diverse perspectives.

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All publications from Branded Content Governance Project can be accessed here



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