
ASA Enquiry Ref: A18-476426

Omolade Osonuga [REDACTED]
To: "lsmith@truthinadvertising.org" <lsmith@truthinadvertising.org>

Mon, Jan 7, 2019 at 10:29 AM

Dear Ms Smith,

Thank you for contacting the ASA regarding Diageo's advertising.

Your complaint

I understand you are concerned that Diageo (trading as Cîroc), and the influencers who are acting on their behalf, are not declaring when they post about content on Instagram that it is advertising material. You are also concerned that there are no age restrictions in place on the influencers' Instagram accounts, which means that the content may be seen by children.

Our remit

Whilst we acknowledge your concerns, we note that the influencers highlighted in your investigation appear to be targeting consumers in the USA or other parts of Europe rather than the UK. As the UK's advertising regulator we can only investigate ads if the advertiser is based in the UK, is using a UK third-party platform for the placing of the ad in question, or in cases where a non-UK based advertiser is using a non-UK platform and when that ad is directly targeting UK consumers. As the posts do not appear to be targeting UK consumers, the specific issues you have raised fall outside of our remit and we will not be able to take any further action.

What happens next?

I understand that you have also raised your concerns with the Federal Trade Commission (FTC), who are responsible for safeguarding the rights of consumers in the USA, and who we consider to be the most appropriate body to deal with the issues highlighted in your report. As such, we consider that your concerns have already been addressed to the most appropriate body.

Although we are unable to help you on your occasion, we do hope that you are able to pursue your case with the FTC.

Thank you again for contacting us with your concerns.

Kind regards,

Lade Osonuga

Complaints Executive

Direct line [REDACTED]