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Brussels, 15 February 2018

## Fake News and Online Disinformation

### EASA POSITION PAPER

#### Introduction & acknowledgements

First and foremost, EASA, the European Advertising Standards Alliance, would like to commend the European Commission for its will and efforts to fight the issue of fake news and online disinformation. Judging from the discussions that have emerged since the announcement of the Commission's intention to tackle fake news, it is clear that some objectives have already been achieved: drawing attention, creating awareness, sparking debate and encouraging initiatives at all levels. EASA believes that this will play an important role in solving the issue, because the nature of the problem is such that it is best and most effectively resolved if industry is fully involved and consumers are aware and educated in recognizing fake news.

#### About EASA & advertising self-regulation

The European Advertising Standards Alliance (EASA) is the single authoritative voice on advertising self-regulation. EASA's main goal is to ensure high standards of operation for national self-regulatory systems in Europe. It promotes high ethical standards in commercial communications by means of effective self-regulation, while being mindful of national differences in cultural, legal and commercial practices. EASA was created in 1992, and its membership today includes 27 independent advertising standards bodies (including 23 from EU Member States) and 14 ad industry associations, representing the entire advertising ecosystem –advertisers, agencies and the media.

SROs have been set up –and are financed– by the industry itself. Their responsibility is to ensure that advertising on all media is done in a responsible way. They work proactively by providing copy advice to advertisers before their ads are published/broadcast, and by providing training and guidance to the industry. On top of that, they monitor already published advertisements for compliance, and deal with complaints from consumers and competitors alike. Consumers can complain for free through a simple complaint procedure. The burden of proof always lies with the advertiser and the evidence is assessed by independent juries which often include independent experts (such as representatives of consumer associations, teachers, etc.). If the ad is deemed in breach of national codes and laws, the SRO will demand the modification or the removal of the advertisement in question. In 2016, 65,000 of such complaints

were received EU-wide, with 91% of them being treated within two months. Furthermore, 80.000 copy advice requests were handled, contributing to the creation of a considerably healthier EU advertising ecosystem, and showing the effectiveness of the SRO system in regulating advertising and in providing consumer protection.

It is important to highlight that advertising self-regulation complements the law and works best in Member States which support self-regulatory initiatives. In these countries, SROs can refer rogue traders and advertisers which operate on the fringes of the law for short term commercial gains to the authorities for legal action whenever appropriate.

### Fake news and advertising

In today's debate, fake news is mostly created with either a political or an economic goal. On the one hand, disinformation online is frequently sponsored by hostile governments to increase political polarisation and undermine democratic institutions. On the other hand, some "business persons" abuse current digital business models for profit by creating of fake news sites and disseminating false articles. In those cases, it can happen that advertising appears next to fake news, and even that the creation of such news is motivated by advertising revenue.

It should be noted that the advertising industry represented by EASA **is aware of the problem, is highly concerned by it, and is firmly opposed to such practices.** The association of advertising and fake news can cause harm to a brand's reputation, which the SRO system was designed to protect, and **it is, therefore, in the interest of the advertising industry to ensure wherever possible that advertising does not appear alongside fake news or does not finance its creation.**

### The Importance of the SROs system in fighting online disinformation

SROs set up rules and standards (in accordance with the International Chamber of Commerce code of Advertising and Marketing Communication Practice) which regulate the advertising eco-system and ensure that advertising is legal, decent, honest and truthful. As such, SROs eliminate advertising that is "misleading" – in other words, advertising that makes unsubstantiated claims. In 2016, 40% of the 65,000 complaints received by SROs were about "misleading advertising". When such complaints are considered as founded, the ads are removed or modified. In this way, the SRO system makes an immense contribution to filtering advertising in the EU –including online advertising– and eliminating misleading information that may have advertently or inadvertently been placed inside ads. As of today, across the European Union, 23 EU Member States have an operational self-regulatory system in place which together cover 97% of all advertisements seen by the EU population. This means that 97% of ads shown in the EU are eligible to being called out and removed/modified for featuring misleading content. **By eliminating a large proportion of such advertising, the advertising self-regulatory system contributes strongly to fighting disinformation online, and does so very effectively, at low costs.**

### Solutions

As mentioned, the advertising industry is firmly opposed to the proliferation of fake news, as well as to the association of advertising or advertising revenue with this issue in any kind of way. Fake news and online disinformation are harmful for a brand reputation the ecosystem has spent decades building-up, and erode consumer trust. As a result, numerous measures from all stakeholders –civil society, digital players, media and academia– have been taken to tackle misinformation online. There is an extensive and

constantly growing list of fact-checking projects developed by civil society and media on the global, EU and national levels. Such initiatives should be further encouraged.

EASA would like to note that as in the field of advertising, self-regulation, which ensures the buy-in and commitment of all relevant stakeholders, should be always considered among the preferred policy options. Industry-led and supported initiatives ensure that measures taken are not harmful for society and do not adversely impact freedoms which are at the basis of European Democracy, such as the freedoms of expression, and information and the freedom of the media, which is protected under article 11 of the EU Charter of Fundamental rights. A broad framework providing guidance to the industry, whose involvement and full implication will always be essential for the effective implementation of any appropriate measure, is likely to be most effective. The development of a “toolbox” with suggested methods and approaches would be seen as very helpful by an industry that is keen on rapidly tackling this issue.

Furthermore, EASA believes that spreading awareness, promoting media literacy and providing adapted training will be important in supporting the development and preservation of a healthy and truthful media ecosystem. Some EU Member States and national media associations have already developed media literacy initiatives, which can be useful tools to tackle fake news by educating internet users, in particular children and younger people. More such initiatives should be encouraged at Member State and at EU level.

EASA and its SROs have considerable experience in providing such services in the field of advertising on all media, and would be glad to assist the European Commission in any way.

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[Transparency Register ID: 070638512780-81](#)