



Media-authority guidelines

Labelling of advertising in online media

These guidelines issued by the media authorities provide assistance with the labelling requirements for advertising on social media (Instagram, Twitter, Facebook, YouTube, TikTok, Twitch etc.) and other online media, such as blogs and podcasts.

They are based solely on the advertising regulations established in the German Interstate Media Treaty (MStV) and German Telemedia Act (TMG), which serve to protect users from being misled and to make commercial content transparent. Video and audio offerings are governed by different labelling requirements compared to image/text offerings, so a distinction must be made between the two (see 'Media-law bases' box).

The guidelines start with a labelling matrix, making it clear at a glance whether, how and where labelling is required for the respective offering. Important terms and matrix boundaries are explained and specified thereafter.

Media-law bases

Video and audio offerings: § 8 and § 10 MStV apply accordingly via § 74 Clause 1 MStV

Image/Text offerings: § 22 Para. 1 MStV, § 6 Para. 1 Clause 1 TMG

All offerings are also governed, among other things, by the requirements established in § 6 of the German Interstate Treaty on the Protection of Minors in Media (Jugendmedienschutzstaatsvertrag).

Further information on competitions, website credits etc. is available from the state media authorities



Labelling matrix

Szenarien/Inhalte 	Video 	Audio 	Überwiegend statisch  (Bild/Text)
A Posts about products, services, brands, businesses, regions, events or travel published in return for payment or a service in kind	a) If the product plays a leading role in the video or in a sequence: clearly legible insertion of 'Werbevideo' ('Promotional video') or 'Werbung' ('Advertisement') throughout the entire video or advertising sequence b) If the product plays a secondary role : 'Unterstützt durch Produktplatzierung' ('Supported by product placement') or 'Unterstützt durch <Produktname>' ('Supported by <product name>') at the start of the video	a) If the product plays a leading role : A break at the start of the sequence, announcing 'Werbung' ('Advertisement') or playing a jingle used solely to announce the advertising; an announcement to indicate the end of the advertising may also be used if this is not otherwise clear b) If the product plays a secondary role : 'Unterstützt durch Produktplatzierung' ('Supported by product placement') or 'Unterstützt durch <Produktname>' ('Supported by <product name>') at the start	Clearly legible 'Werbung' or 'Anzeige' ('Advertisement') displayed at the start of the post
B Posts about products, services, brands, businesses, regions, events or travel that have been used or received for free, if publication is associated with agreements/conditions or expectations	a) If the product plays a leading role in the video or in a sequence: clearly legible insertion of 'Werbevideo' ('Promotional video') or 'Werbung' ('Advertisement') throughout the entire video or advertising sequence b) If the product plays a secondary role and is worth more than € 100 : 'Unterstützt durch Produktplatzierung' ('Supported by product placement') or 'Unterstützt durch <Produktname>' ('Supported by <product name>') at the start of the video	a) If the product plays a leading role : A break at the start of the sequence, announcing 'Werbung' ('Advertisement') or playing a jingle used solely to announce the advertising; an announcement to indicate the end of the advertising may also be used if this is not otherwise clear b) If the product plays a secondary role and is worth more than € 100 : 'Unterstützt durch Produktplatzierung' ('Supported by product placement') or 'Unterstützt durch <Produktname>' ('Supported by <product name>') at the start	Clearly legible 'Werbung' or 'Anzeige' ('Advertisement') displayed at the start of the post
C Posts about products, services, brands, businesses, regions, events or travel published purely at the author's own initiative , without any commercial incentives offered by third parties	No labelling required	No labelling required	No labelling required
D Posts/presentations of the author's own products, services, brands, businesses – if their own entrepreneurship is clear	No labelling required	No labelling required	No labelling required
E Posts/presentations of the author's own products, services, brands, businesses – without their own entrepreneurship being clear	a) If the product plays a leading role in the video or in a sequence: clearly legible insertion of 'Werbevideo' ('Promotional video') or 'Werbung' ('Advertisement') throughout the entire video or advertising sequence b) If the product plays a secondary role : 'Unterstützt durch Produktplatzierung' ('Supported by product placement') or 'Unterstützt durch <Produktname>' ('Supported by <product name>') at the start of the video	a) If the product plays a leading role : A break at the start of the sequence, announcing 'Werbung' ('Advertisement') or playing a jingle used solely to announce the advertising; an announcement to indicate the end of the advertising may also be used if this is not otherwise clear b) If the product plays a secondary role : 'Unterstützt durch Produktplatzierung' ('Supported by product placement') or 'Unterstützt durch <Produktname>' ('Supported by <product name>') at the start	Clearly legible 'Werbung' or 'Anzeige' ('Advertisement') displayed at the start of the post

Labelling matrix

Szenarien/Inhalte 	Video 	Audio 	Überwiegend statisch  (Bild/Text)
F Discount codes	Clearly audible/legible 'Werbung' or 'Anzeige' ('Advertisement') labelling directly near (in terms of time/space) the discount code	A break at the start of the sequence, announcing 'Werbung' ('Advertisement') or playing a jingle used solely to announce the advertising; an announcement to indicate the end of the advertising may also be used if this is not otherwise clear	Clearly legible 'Werbung' or 'Anzeige' ('Advertisement') labelling directly near the discount code
G Affiliate Links	Symbol (*) and explanation directly near the link		Symbol (*) and explanation directly near the link
H Promotional links	Clearly legible 'Werbung' or 'Anzeige' ('Advertisement') directly near the link		Clearly legible 'Werbung' or 'Anzeige' ('Advertisement') directly near the link
I Links to/tagging of friends, sources, location details not based on any agreement	No labelling required		No labelling required
J Retweets/reposts of commercially-based content, insofar as no co-operation or personal commercial interest exists	No labelling required		No labelling required
K Business/brand (financially) supports content or the entire offering while not being the subject of the content itself (sponsorship)	A brief mention at the start of the video; also possible before and after ad breaks and at the end of the video	A brief mention at the start of the video; also possible before and after ad breaks and at the end of the video	
L Political advertising	Not permitted	Not permitted	Clear notice at the start of the post, indicating in whose interest it was produced (e.g. 'financed by')

The labelling matrix explained

Advertising co-operations

Mentioning or showing products, brands, services, businesses, regions, events, travel etc. based on an agreement/co-operation always constitutes advertising. An agreement is to be assumed if a service in return is rendered in exchange for the mention or showcasing. It is irrelevant whether this takes the form of a monetary payment or other benefit. Provision of products (e.g. cosmetics, jewellery), coverage of travel expenses or invitations to events can also constitute services in return as part of a co-operation.

No co-operation, no advertising?

Even if no express contractual co-operation exists, there may still be a commercial incentive from third parties if, for example, products are provided free of charge or travel invitations are extended etc. If the post has been even partly motivated by this, mentioning the product is considered advertising.

If there is neither a co-operation with a company, nor any relevant commercial incentives from third parties, mentioning and showcasing products etc., which have been purchased by the creator themselves under standard market conditions or have been showcased purely for editorial motives, generally does not constitute advertising. This particularly means showcasing products and their pros and cons (e.g. haul videos, reviews), but also self-motivated positive product features with no intention for this to be advertising.

If brands are tagged or mentioned purely for information purposes, the state media authorities do not consider it necessary to label this as advertising. Tagging acquaintances, locations or other accounts as editorial information, without any advertising co-operation, does not require an advertising label. If posts are marked as advertising despite not having any advertising intent, the advertising label loses its impact.

After all, it then becomes impossible to distinguish what is advertising and what is not.

N.B.: Advertising intent can, however, be assumed if the product/service is promoted in such a way that objective viewers are given the impression that the underlying motives are to drive sales. This can be evidenced by, for example: overly positive portrayal, asking the audience to buy, advertising-speak, always featuring the same products/services/brands, no specific reason for a post, mentioning of prices and where to buy, combination with affiliate links.

Own brands and produces, merchandise

Content in purely commercial offerings/channels that are inherently clearly identifiable as such do not require advertising labelling (e.g. channels of known companies/brands, online shops). In the case of offerings not clearly identifiable as commercial, promotional information and links to own products, brands, businesses or services (e.g. merchandise items, clothing/cosmetic labels) must be labelled as advertising.



This also applies to sharing relevant posts from other offerings or channels (reposts, retweets etc.), as this generally involves pursuing a personal commercial objective. In the case of own publications, events or products clearly and identifiably relating to the author themselves or their professional activity (e.g. album, book, film, tour), the media authorities generally do not consider advertising labelling necessary. Advertising labelling continues to be required for product branding in co-operation with a brand/business (product by X, Y product in co-operation with Z).

Promotional links, affiliate links and discount codes

Mentions or links (even tags) to a commercial offering, business profile or web shop driven by commercial interest or as part of an advertising co-operation must be labelled as advertising. The same applies when publishing discount codes.

In the case of a link to a promotional article, it must be clear right from the teaser/lead (article overview) that the linked article is advertising. Otherwise, users will not realise that, by selecting a (supposedly) editorial article, they will be directed to a text with advertising content.

Publishing affiliate links is also a commercial activity that needs to be made transparent. This can also be done by explaining such affiliate models, e.g. *'Die mit * gekennzeichneten Links sind sogenannte Affiliate*

Links. Kommt über einen solchen Link ein Einkauf zustande, werde ich mit einer Provision beteiligt. Für Dich entstehen dabei keine Mehrkosten. Wo, wann und wie Du ein Produkt kaufst, bleibt natürlich Dir überlassen.' ('The links marked * are "affiliate links". If a purchase is made via such a link, I receive a commission. You do not incur any additional costs as a result of this. Where, when and how you purchase a product is of course up to you.'). This information must be placed directly near the link.

These promotional links must be distinguished from simple (editorial) references and links not involving any co-operations or affiliates – e.g. to a photographer who has shot the image, or technical equipment used. These sorts of mentions purely serving to inform users without any financial basis generally do not require labelling (cf. 'No co-operation, no advertising?').

Videos and podcasts

Videos (certainly YouTube videos, IGTV content, on-demand videos in media libraries), podcasts and similar audio content are governed by the advertising regulations for broadcasting. Correct labelling of advertising content is thus determined by the manner and intensity in/with which advertising is incorporated into the content.

A distinction must thus be made between different forms of advertising:



Advertising (leading role)

If the post is centred on the product, business or brand, i.e. if the content is predominantly of a promotional nature (leading role), this is classified as a promotional post overall. This must therefore be labelled in the video by permanently showing 'Werbung' ('Advertisement') or similar (e.g. 'Werbevideo' ('Promotional video')). The lettering here must be large enough to be clearly visible without being overlapped by other image elements, and must also be in an easily noticeable colour. Labelling is inserted into audio content beforehand in the form of a relevant acoustic announcement. It is also possible to use a suitable jingle (a specific melody or noise) used solely to announce the advertising. If promotional content is inserted in the editorial post as a 'commercial break', this section must, in the case of videos, be denoted by lettering/a graphic bearing the word 'Werbung' ('Advertisement') (or similar) for a suitable length of time or by a clear announcement. Alternatively, the relevant advertising sequence can permanently display the word 'Werbung' ('Advertisement'). In the case of podcasts, this announcement can similarly be in the form of an audible notice or jingle. The continuation of the editorial section of the post may also need to be announced by a statement or the jingle if this is not clear from the transition style.



Product placement (secondary role)

If a product is only mentioned or shown in passing in a post (secondary role), it will suffice to place a note at the start of the post stating 'enthält Produktplatzierung' ('Contains product placement'), 'Unterstützt durch <Produktname>' ('Supported by <product name>') or 'enthält bezahlte Werbung' ('Contains paid advertising'). This note is only required for free products if the product (or all of a brand's products) is worth more than 100 euros. If the product is the focal point of a sequence and the positive feature is the main essence of the sequence, this is not classified as product placement, but rather as advertising, even if this section only makes up a small part of the video. Showing discount codes, discount promotions or purchase options in a video means the video/sequence can no longer be classified as product placement, but rather as advertising.

Sponsorship

If a programme is supported by a sponsor, this must be briefly mentioned at the start. While this mention can serve as promotion for the sponsor, it must not include appeals to buy the sponsor's products. If products and their purchase options are still presented or discount codes advised, this ceases to be a sponsorship note, and instead becomes a pre-programme advertisement, which must be labelled accordingly as advertising.

Advertising in social-media posts and blogs

If social-media posts or blogs (static image/text posts, individual short videos such as Instagram Stories or TikTok clips) contain advertising, this must be clearly labelled. Users must be able to see at a glance that the post is an advertisement. The advertising label must therefore appear right at the start of the post and on every story slide.

Promotional blog articles also require a label at the start of the text, i.e. above or directly below the heading. If it is a purely image-based post with no text, a clearly visible graphic note must be placed in the image. Labels that are unclear, small or written in transparent text will not suffice.

In addition to 'Werbung' or 'Anzeige' ('Advertisement'), labelling can also take the form of a prefix stating 'bezahlte Werbepartnerschaft' ('Paid promotional partnership'). Ambiguous neologisms ('infomercial', 'advertorial'), abbreviations ('AZ', 'ad') or other paraphrasing, including in languages that are not German, e.g. 'sponsored by' or 'PR sample', will not suffice.

The actual promotional post itself needs to be labelled. A blanket notice stating that an offering contains advertising in general does not release the author from the requirement to label individual promotional posts.



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