SCAM – FURTHER ACTIONS OF THE PRESIDENT OF UOKIK AGAINST INFLUENCERS

* **President of UOKiK Tomasz Chróstny has initiated an investigation to check whether influencers are promoting scams. This is the next step in UOKiK's activities related to social media advertising.**
* **scam@uokik.gov.pl** **– this is the email address to which you can report influencers who may be misleading consumers by promoting scams.**
* **There are also 4 pending proceedings concerning imposing penalties on influencers (e.g. those who did not cooperate with UOKiK during the first stage of the proceedings on surreptitious advertising).**

**[Warsaw, 2 December 2021]** UOKiK President Tomasz Chróstny is looking into the advertising activities of influencers on social media. Initially, suspicions were aroused when influencers did not mark advertising posts as sponsored – as [we reported in October](https://www.uokik.gov.pl/news.php?news_id=17870). During the course of the proceedings, many creators began to label their content correctly – in many cases, the consumer is now aware that they are dealing with an advertisement.

"*I appreciate that the industry has responded constructively to our objections. We see a positive change in the labelling of advertising posts. The right to accurate information is a fundamental right of each consumer,"* says Tomasz Chróstny, the President of UOKiK*.*

**The next measure on the part of the President of UOKiK is the initiation of an investigation concerning the promotion of scams**.

"*I have launched an investigation to determine the involvement of influencers in scam promotion.* *We will check whether creators verify offers of commercial collaboration and how they behave when irregularities are detected, including whether they stop advertising the product or offer their followers to repair the damage*. *One should not thoughtlessly enter into questionable cooperation only for financial reasons. Each influencer should observe the law when promoting a product or service and take responsibility for their actions,* " says Tomasz Chróstny, the President of UOKiK

**What is a scam?**

A scam is an action aimed at misleading – eg. informing about non-existent promotions, concealing important features of an advertised product, falsely exaggerating the product's properties or purpose, or offering things that are harmful or dangerous to health. For example, an influencer in exchange for consideration praises a product and informs that its price is significantly reduced – e.g. from PLN 600 to PLN 150. Meanwhile, it turns out that the price promotion was fake, and furthermore, the people who placed an order do not receive the product or the delivered product is of lower quality than the creator indicated on their social media channel.

These cases are related to influencers advertising products that are sold in a [dropshipping](https://www.uokik.gov.pl/news.php?news_id=17002) model, sometimes by online stores created only for the purpose of a specific advertising campaign. An influencer encourages their followers to purchase some product at a supposedly discounted price by presenting its benefits in a biased way. After collecting money from customers, the online store may fail to fulfil orders or go out of business. Even if customers do receive the product in such a situation, they are left without after-sales support including the right to withdraw from a contract within 14 days or the liability of the Seller under the warranty for product defects for two years after its hand-over.

"*A large portion of social media recipients are young people who, despite being tech-savvy, are not necessarily able to distinguish neutral information from an advertisement. They trust that someone is recommending a product because they are actually happy with it, not because they benefit from it. Influencers should be aware of this responsibility, especially for the youngest consumers,*" says Tomasz Chróstny, the President of UOKiK.

**Don't be indifferent - report scamming to UOKiK!**

Internet scams disappear quickly – we need your help! Is an influencer you follow advertising a scam? Report it to UOKiK – write to us, anonymously or not, at **scam@uokik.gov.pl**. We will review your report and decide whether there are grounds for presenting charges. Send us a screenshot, a recorded video, or simply a link to the creator's account along with a description of the irregularities you have noticed. The more information and materials, the better. We guarantee anonymity.

**Failure to provide information in the proceedings on surreptitious advertising – UOKiK reaction**

In October, we have reported that the President of UOKiK Tomasz Chróstny had [initiated an investigation](https://www.uokik.gov.pl/news.php?news_id=17870) into the issue of influencers not labelling content that promotes products or services as advertisement, which could mislead consumers. In the course of the investigation, the President of UOKiK sent summonses to many entities, both creators themselves and advertising agencies, requesting information on e.g. agreements concluded, rules of cooperation and labelling of the content published. Unfortunately, some of the addressees failed to receive the correspondence, answer the questions or send the documents requested.

"*We interpret such behaviour as failure to cooperate with the President of UOKiK during the proceedings, which is subject to separate financial sanctions. For this reason, I have initiated proceedings concerning imposing penalties for failure to provide information. We do not rule out further actions of this kind – both against businesses that do not provide information in proceedings on surreptitious advertising, as well as against scammers,*" reminds Tomasz Chróstny, the President of UOKiK.

The proceedings in relation to imposing penalties for failure to cooperate during the proceedings concern:

* **Kruszwil Marek Kruszel,**
* **MD Marcin Dubiel,**
* **Maffashion Julia Kuczyńska,**
* **Marley Marlena Sojka.**

The President of UOKiK is also verifying what options social media sites provide for users to label sponsored content and whether this affects in any way the reach of those who do so properly. In the opinion of the President of UOKiK, the negative consequences stemming from limited reach should only be borne by influencers who do not inform the consumers following them that they are promoting products or services for consideration.

**Consumer assistance:**

Tel.: 801 440 220 or 22 290 89 16 – consumer hotline
Email: porady@dlakonsumentow.pl
[Consumer Ombudsmen](https://uokik.gov.pl/pomoc.php) – in your town or county