Ethical and Legal Issues Related to Blogging and Social Media

DIETETICS PRACTITIONERS ARE increasingly turning to the Internet—using blogs and other forms of social media—to educate the public, promote products or services, and build a professional brand. The fundamental principles of honesty, integrity, and fairness outlined in the Academy of Nutrition and Dietetics/Commission on Dietetic Registration Code of Ethics for the Profession of Dietetics apply to all forms of marketing and communications, including blogging and social media. The primary Codes applicable to registered dietitians (RDs) and dietetic technicians, registered (DTRs) involved in social media include Principles 6, 15, and 18:

- **Principle 6.** The dietetics practitioner does not engage in false or misleading practices or communications.
  - 6b. The dietetics practitioner promotes or endorses specific goods or products only in a manner that is not false and misleading.
  - 6c. The dietetics practitioner provides accurate and truthful information in communicating with the public.
- **Principle 15.** The dietetics practitioner is alert to the occurrence of a real or potential conflict of interest and takes appropriate action whenever a conflict arises.
- **Principle 18.** The dietetics practitioner does not invite, accept, or offer gifts, monetary incentives, or other considerations that affect or reasonably give an appearance of affecting his/her professional judgment.

Once you submit any type of content online—a blog, recipe, video, photograph, or even a tweet—you automatically become a publisher and have the ethical responsibilities of a journalist. Cyberjournalist.net created a Bloggers’ Code of Ethics that states, “... responsible bloggers should recognize that they are publishing words publicly, and therefore have certain ethical obligations to their readers, the people they write about, and society in general.”

The Code includes the following mandates for bloggers:

- Never plagiarize.
- Identify and link to sources whenever feasible. The public is entitled to as much information as possible on sources’ reliability.
- Distinguish between advocacy, commentary, and factual information. Even advocacy writing and commentary should not misrepresent fact or context.
- Distinguish factual information and commentary from advertising and shun hybrids that blur the lines between the two.
- Disclose conflicts of interest, affiliations, activities, and personal agendas.
- Deny favored treatment to advertisers and special interests and resist their pressure to influence content. When exceptions are made, disclose them fully to readers.

TRANSPARENCY IN BLOGGING

Many RDs/DTRs are interested in monetizing their blogs and entering into marketing relationships with food companies and other corporations to review products, write sponsored blog posts, or serve as media spokespeople. Disclosing these marketing relationships, such as payments or free products, between a company and a blogger (an “endorser” or “advocate”) is no longer simply an issue of ethics—there are legal implications. Revised endorsement guidelines from the Federal Trade Commission require bloggers who accept cash or in-kind payments to disclose these “material connections” with corporate sponsors or advertisers.

Transparency is required for blogs, podcasts, microblogs (eg, Twitter), social networks (eg, Facebook, LinkedIn), video sharing websites (eg, YouTube, Vimeo), and photo sharing websites (eg, Pinterest, Instagram). The rationale is that “... on a personal blog, a social networking page, or in similar media, the reader may not expect the reviewer to have a relationship with the company whose products are mentioned. Disclosure of that relationship helps readers decide how much weight to give the review.”

Bloggers who are committed to ethical blogging can pledge to abide by ethical standards and display a blog badge through initiatives such as Blog with Integrity, which includes the following statement in its pledge:

> I disclose my material relationships, policies, and business practices. My readers will know the difference between editorial, advertorial, and advertising, should I choose to have it. If I do sponsored or paid posts, they are clearly marked.

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This article was written by Janet Helm, MS, RD, chief food and nutrition strategist at Weber Shandwick, Chicago, IL. She is a blogger and co-founder of the Nutrition Blog Network and Healthy Aperture.

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RDs4Disclosure\textsuperscript{2} encourages RDs to adopt a disclosure policy to guide all communication efforts, including blog articles, tweets, and Facebook posts. This peer-enacted community of RDs includes the following in its pledge:

\textit{You pledge to be honest and transparent about the affiliations, employment, financial or material relationships that influence or appear to influence your media outreach.}

**DISCLOSURE BEST PRACTICES**

The Center for Digital Ethics and Policy created best practices for bloggers\textsuperscript{3} and the Word of Mouth Marketing Association developed a Social Media Marketing Disclosure Guide to assist bloggers with ethical and legal issues, including sample disclosure statements for blog posts:

- I received [product/sample/information] from [company name].
- [Company name] sent me [free products/coupons].
- I was paid by [company name] to review this [product] or create this recipe.
- By posting this recipe, I am entering a contest sponsored by [company name].
- I am an employee (or representative) of [company name].
- I would like to recommend my sponsor, [brand/company name].
- This post is sponsored by [company name].\textsuperscript{9}

In addition, a disclosure statement that identifies all marketing relationships and financial interests should be prominently featured on blogs, not buried within a site. This statement, on a page or sidebar, is not a replacement for disclosure in individual posts. If you create a disclosure policy, you are legally obligated to follow it. If not, the Federal Trade Commission considers that a “deceptive business practice.”

Beyond blogging, it is important to disclose any marketing relationships on Twitter, Facebook, Pinterest, and other social media channels. The following hashtags are recommended by the Word of Mouth Marketing Association\textsuperscript{6}:

- #spon or #sp (sponsor)
- #cl (client)
- #paid
- #ad
- #sample

If you are paid to endorse a product on Twitter, the Federal Trade Commission considers this digital advertising and you must include “ad” at the beginning of a tweet.\textsuperscript{10}

**MARKETING DISCLOSURES**

CMP.LY, a company that provides social media disclosure solutions, created a standard guide for marketing disclosures. Each of these situations requires some type of disclosure, whether this is part of a blog post, podcast, pin description on Pinterest, Instagram description, or interaction on Twitter:

- **Review:** Received materials specifically for review purposes without any monetary or other compensation.
- **Promo:** Received promotional items, such as samples, gifts, or other nonmonetary compensation.
- **Paid:** Received monetary or other compensation to review or promote a product or services.
- **Business:** Has a material business relationship (eg, agency, vendor, or partner agreement) with a company related to the message topic.
- **Affiliate:** Included affiliate links on a page or post and receives sales commission or payment in exchange for referrals.\textsuperscript{11}

**ETHICAL SCENARIOS**

Sometimes you may be in a situation in which you are unsure whether disclosure is required. Use these different scenarios to guide you.

1. **Your situation:** You have a contract with a food brand to serve as a spokesperson. You are writing a blog post that recommends this product, yet you were not paid for this specific mention.

   **You should:** Even if you are not paid for a specific article, you have a relationship with this company that needs to be disclosed. Mention that you are working with Company X in your blog post, and use #cl or other relevant hashtags with your tweets or Facebook posts. Your relationship with the food brand should also be included in your disclosure statement on your blog.

2. **Your situation:** You received free samples of a new food product at a conference. You posted a picture on Facebook telling your friends how much you liked it.

   **You should:** Mention that Company X gave you this product to try, and be transparent if you will receive any other perks for your promotion of the product (eg, coupons, commission).

3. **Your situation:** You are a speaker at the Food & Nutrition Conference & Expo (FNCE); you mentioned a food brand you’re working with during your presentation and then sent tweets encouraging attendees to stop by the company’s booth at the Expo.

   **You should:** If you are a paid spokesperson for this company or have any marketing relationship, you must include a disclosure slide in your presentation and tag your tweets with #cl. If the company is hosting your book signing at the booth, indicate #sp in your tweets.

4. **Your situation:** You discovered some new food products at your local supermarket and created recipes recommending them on your blog.

   **You should:** If you paid for the products and have no financial interest in the company, then no disclosure is required. Even if you received free samples, you do not need to disclose because the free products were available to all customers, without any expectations of promotion.

5. **Your situation:** You are a member of an advisory panel for a food commodity board and receive a yearly stipend. You start a Pinterest board that features this food.

   **You should:** Mention your relationship with the commodity board on the board, and tag your tweets with #cl or #sp.
board in the board description, tag your pins with #cl, and include this “material connection” in your disclosure page on your blog.

6. **Your situation:** You attended a sponsored event where a food company presented promotional information about a product. You shared that information in a tweet and plan to write about it on your blog.

   **You should:** Mention that Company X sponsored the event in your tweet. Be transparent about any other free products, gifts, or benefits you received in your blog post.

7. **Your situation:** You upload a video to YouTube that shows you using different food products. Some you bought yourself and others were sent to you by a food company.

   **You should:** At the start of the video, mention that some of the products you’re going to use were sent to you by their manufacturers, or call out any product specifically if you’re a paid spokesperson for the brand. If you use the video on your blog, disclose the relationship in the video, within the blog post or video description, and on your disclosure page.

8. **Your situation:** You are being paid to host a Twitter chat.

   **You should:** Be sure the sponsor and your relationship is clearly identified in all the promotions of the chat. You or the moderator should disclose your relationship to the sponsor at the start of the chat. You can also tweet a shortened link to a disclosure landing page that provides more details about your role. Because a Twitter chat takes place during a set timeframe (typically 1 hour), and the conversations can be tracked via the use of hashtags, it may be sufficient to disclose at the start and at the end, instead of tagging every tweet. However, if you are a brand advocate and are being paid per tweet (at various times throughout the day), you should include a disclosure every tweet, such as “ad” at the beginning of your tweet.

9. **Your situation:** You have been approached by a company to develop a recipe and feature it on your blog in exchange for payment.

   **You should:** Indicate that this is a sponsored blog post if you are being paid to feature the recipe. Even if you were not paid, mention any benefit you may receive by posting the recipe, including coupons or the chance to win prizes via a recipe contest.

10. **Your situation:** You have a year-long contract with a food company and have been asked to comment on different blogs that are critical of this food.

    **You should:** Be transparent when adding comments on the blogs. Make your points, but disclose your relationship with the company in a conversational way, such as, “In my work with Company X, I know that . . .”.

11. **Your situation:** You conducted several television interviews as a paid spokesperson for a food commodity board and want to share a video clip on Twitter and Facebook, or you want to alert your followers that you’ll be appearing on an upcoming show.

    **You should:** Disclose the name of the sponsor on your post or tweet, and include hashtags #sp or #cl.

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**References**


