

Joseph Lawlor in Folio: Sponcon Disclosure Lessons from Teen Vogue's Facebook Article Controversy

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PRACTICES Intellectual Property, Advertising, Marketing and Promotional Law

As the lines between journalism and advertising become increasingly blurred, media companies must be on high alert for potential pitfalls around the failure to properly disclose sponsored content. The proper characterization of content as commercial advertising, and the proper disclosure of such sponsored content, has drawn the scrutiny of both the Federal Trade Commission and the National Advertising Division in recent years. *Teen Vogue's* equivocation on whether an uncritical article on Facebook's role in the 2020 election amounted to sponsored content provides many lessons from which other media companies should learn.

Earlier today, *Teen Vogue* published an article titled, "How Facebook Is Helping Ensure the Integrity of the 2020 Election." The Twitterverse was set abuzz, because it seemed to be overly laudatory of Facebook and did not contain any critical questioning. Commentators found the questions posed and the tone of the article surprising in light of Facebook's role in the 2016 election and its recent public pronouncement regarding its approach in 2020. "Interesting pivot for *Teen Vogue* here to... Facebook PR?" tweeted Steven Perlberg, a freelance writer formerly with *BuzzFeed News* and *The Wall Street Journal*, while Molly Jong-Fast of *The Daily Beast* described the article as "so sketchy."

Approximately an hour after it was posted, *Teen Vogue* added a prominent disclosure below the headline, stating, "Editor's note: This is sponsored editorial content." In a surprising twist, while I was writing this article, *Teen Vogue* then removed the editor's note. "The sponsored label is gone and I'm hearing from FB it is not sponsored content. WTF is happening?" tweeted *New York Times* tech reporter Cecilia Kang. When asked on Twitter what the article was, the official *Teen Vogue* account responded, "literally idk," and then deleted that tweet. Later in the afternoon, *Teen Vogue* deleted the article in its entirety. *Slate's* Ashley Feinberg summed up the confusion best by responding to the whole mess with a tweet simply reading, "alsdfjalsfklasjdf."

This turn of event highlights two critical tasks for any media company seeking to avoid untoward regulatory scrutiny. First, they must determine whether their content is "advertising," which includes sponsored content (sponcon) and advertorials. Second, if their content is advertising, they must properly disclose this fact to the audience. ...

Excerpted from *Folio*. To read the full article, click [here](#).