

CONAR Updates Influencer Advertising Rules

| What's new in 2026

Authors:

Ana Paula Silveira

| Senior Associate, Media, Entertainment & Advertising — b/luz

Andressa Bizutti

| Partner, Media, Entertainment & Advertising — b/luz

b/luz

Table of Contents

Introduction	3
---------------------	----------

1. Key Changes	3
1.1. Influencer Advertising	3
1.2. Engagement	4
1.3. User-Generated Content With no Connection to the Advertiser or Agency	4
1.4. Inclusion of Affiliates	4
1.5. Artificial Intelligence	5
1.6. Governance	5

2. Other Relevant Points	5
---------------------------------	----------

3. Conclusion	5
----------------------	----------

Introduction

CONAR has published a [new version of the Guide on Digital Influencer Marketing and Advertising](#), which is now in effect and replaces the previous 2021 edition.

The key highlights of this new version are outlined below.

1. Key Changes

The main change in the new guide lies in the refinement of core definitions. Following the logic of the 2021 guide, the 2026 edition works with three primary content categories: influencer advertising, messaging-enabled content, and user-generated content with no connection to the advertiser or agency.

The new guide does not radically overhaul these categories, but **refines and elaborates on the concepts**, particularly regarding what constitutes a commercial relationship and an advertising. See below.

1.1. Influencer Advertising

In the new guide, influencer advertising is defined as:

“content produced by a third party, generally published on social media through the profile of a natural person, virtual persona, animal, avatar, or other character, theme, or persona — including those generated by computer — aimed at encouraging the consumption of products or services, or promoting brands, companies, or related signals, based on reciprocal commitments between Advertisers, directly or through their representatives, and Influencers. (p. 4, [Guide](#)).”

Under the 2021 guide, this concept comprised three main elements: brand promotion, a commercial relationship with the advertiser or their agency (through financial or non-financial consideration), and editorial control over the influencer’s content.

Under the new guide, editorial control is no longer an express requirement.

The commercial relationship and editorial control have been consolidated into a single concept: the reciprocal commitment between the advertiser and the influencer (directly or through a representative).

This broader concept clarifies the commercial nature of relationships such as brand ambassadors and brand partners.

The guide also highlights the importance of context in characterizing this reciprocal commitment. Accordingly, “incentives, content creation programs, suggested hashtags, or production support provided by the advertiser to an employee or partner to encourage content sharing may contribute to establishing its commercial nature.” (p. 5, [Guide](#))

Furthermore, the 2026 definition expressly includes various examples of profiles subject to these rules, such as virtual influencers and animal accounts.

Finally, the change in the definition of influencer advertising also affects the definition of messaging-enabled content. Content that might previously have been classified as an messaging-enabled content (e.g., a gift received by a brand ambassador) can now more readily be classified as advertising, triggering the recommendations applicable to that type of content.

1.2. Engagement

The new guide reinforces that advertisers and agencies must observe CONAR’s Code from the very design of engagement incentives, particularly in sensitive categories (such as alcohol and fixed-odds betting).

This introduces a clearer framework for accountability: the fact that content was user-generated does not exempt the brand from responsibility. Liability now depends on the nexus between the incentive promoted by the advertiser and the consumer’s behavior — that is, whether the observed conduct results from or was reasonably encouraged by the proposed mechanic.

1.3. User-Generated Content With no Connection to the Advertiser or Agency

The guide reaffirms that when users mention products, services, brands, causes, or brand identifiers in a completely spontaneous manner, with no connection, contact, or stimulus from the brand or its agency, such content does not constitute advertising.

In such cases, should any issue or irregularity arise in the content, liability will rest exclusively with the influencer and their agents.

1.4. Inclusion of Affiliates

Another significant development is the express inclusion of affiliates as participants in the ecosystem.

The 2021 guide did not explicitly address this figure. The 2026 version formally recognizes affiliates, defining them as agents who promote the offer of products or services and are compensated by the advertiser based on consumer engagement (per click, per sale, or otherwise), typically at a pre-agreed commission rate. (p. 2, [Guide](#)).

The guide further notes that affiliates may encompass a broader scope, including discount coupon sites and other performance-based compensation models. It also provides that supporting text may be adopted, taking into account the specifics of the format and the need for calibration.

1.5. Artificial Intelligence

The guide also addresses the use of artificial intelligence (AI), making clear that CONAR's Code and its guidelines apply in full to advertising content regardless of the technology used, including content generated, edited, or targeted by AI.

No additional AI-specific obligations are created; rather, the guide reinforces that all parties involved in the advertising production chain remain responsible for the content published.

1.6. Governance

The guide also elaborates on governance recommendations. While not mandatory, these measures will be considered indicators of diligence and good faith by participants in advertising campaigns when the CONAR Ethics Council reviews and calibrates its recommendations.

Examples of such measures include: internal training programs, monitoring of posts, and due diligence in selecting content creators and influencers.

2. Other Relevant Points

The new guide reinforces the principle of transparency and advertising identification, requiring that the commercial nature of content be clear, prominent, and easily recognizable by consumers.

The updated practical transparency and advertising identification table for influencers can be consulted at the link available in the [official guide](#).

3. Conclusion

The 2026 update retains the structure of the previous guide while delivering greater conceptual precision and closer alignment with current market realities. The key highlights are the refinement of definitions, the inclusion of affiliates, and the strengthened transparency requirements — consolidating an evolution of the 2021 framework in response to the maturing influencer marketing landscape.

b/luz

www.baptistaluz.com.br/

