

Draft Recommendation

Subject To Confirmation

Molly-Mae Hague

Media: Social media (influencer or affiliate ad)
Agency:
Complaint Ref:
Complaints: 12



AD DESCRIPTION

An Instagram post on influencer Molly-Mae Hague's Instagram page, seen in September 2020, promoted a giveaway. The post featured an image of Molly-Mae standing behind a range of luxury goods, including handbags and a laptop. The caption stated "GIVEAWAY!!! 1MILLION YOUTUBE SUBSCRIBERS [heart emoji] I can't put into words what this means to me. Since the age of 16 I've had this dream and goal in my mind and today we did it....my mind is blown. Without you guys this dream would never have become a reality, so it's only right that I give back. THIS IS MY CRAZY GIVEAWAY!!!! The thought of one of you receiving all of these things makes me so happy, I can't wait to see who wins! To ENTER my giveaway and be in with the chance of winning £8000 worth of gifts (NO SPONSORS ALL FROM ME!) then follow the steps below: like this post & tag a friend, subscribe to my YouTube, make sure you're following @mollymaehague and @filterbymollymae, share this post to your story for a bonus entry. You must complete all the above points for your chance to win. The more you tag the more chance you have of winning! You will win ALL of this Louis Vuitton luggage, LOTS of Apple goodies, a years supply of @filterbymollymae & a full BeautyWorks transformation. IT'S THAT SIMPLE *ends 20.09.20 at midnight* *This giveaway is not a paid partnership or in any way an affiliation of any brands that are included. Everything included has been purchased by me for this giveaway for you all to enjoy. The winner will be picked at random."



ISSUE

12 complainants, who believed that not all entrants were included in the 'final draw' and so did not have an equal chance of winning, challenged whether:

1. the prize was awarded in accordance with the laws of chance; and,
2. whether the promotion was administered fairly.



RESPONSE

1. Ms Hague said that the post did not provide an incentive to engage with a brand or a product and therefore they believed the post was not a promotion and would not fall under the Scope of the Code.

That notwithstanding, Ms Hague said that, in the presence and under the supervision of an independent person, she had instructed a member of her management team to pick a group of participants at random that could be publicly seen to be following her profiles. These were all manually selected out of a hat at random. Ms Hague said that was done due to the high number of entrants which prohibited the use of computer software. Each of the 100 participants shortlisted were manually checked to verify that they had followed all profiles and had completed each step of the competition requirements – if they hadn't, they were replaced with a different individual. From that group of 100 randomly-selected entries, the profiles were listed and assigned a number and the independent person then used a Google number picker which chose the winner.

Ms Hague said she did not have any part in selecting either the first batch of randomly-selected profiles, number assignment or finally picking the winner and that the independent person who oversaw the selection of a winner was not from the management team, the brand or in any way connected to this promotion.

2. Ms Hague said the response to the promotion was overwhelming and unexpected. She believed she had dealt with it in the best possible way considering how many people had entered.



ASSESSMENT

1. & 2. Upheld

The ASA understood that the post involved a time-limited opportunity to be entered into a prize draw on the condition that participants liked the post, tagged a friend, subscribed to Ms Hague's YouTube channel and followed the Instagram accounts @mollymaehague and @filterbymollymae. We considered those characteristics meant that the post concerned a promotion in the form of a prize draw, which fell under the Scope of the Code. We further understood that the promotion required participants to follow the Instagram account of Ms Hague's tanning brand, Filter by Molly Mae, and that the prize included the same brand's products.

Ms Hague had over five million followers of her Instagram account and we therefore considered that a prize draw worth £8,000 was likely to receive a high level of response among that audience, and that should have been anticipated. However, we had not seen evidence to show how the likely response to the promotion had been estimated or how they had planned to administer it, for example how they were going to collate entries across stories and posts, particularly as participants could enter more than once.

The CAP Code required promoters of prize draws to ensure that prizes were awarded in accordance with the laws of chance and, unless winners were selected by a computer process that produced verifiably random results, by an independent person, or under the supervision of an independent person.

We understood that over a million people 'liked' the post and almost three million comments were left on it. We understood that computer software was available which could have made a random selection from the respondents to the post, but that Ms Hague had chosen not to use it. Instead,

Ms Hague's response to the complaints stated that a group of 100 participants were chosen at random out of a hat, from which a winner was chosen by a computer programme. However, we had not seen evidence to show that the initial selection was made randomly. It was not clear what the size of the pool of entries was from which the smaller group was drawn from the hat, or what criteria had been applied to select them, other than that they were publicly following Ms Hague's profile. We understood from Ms Hague's response that the full competition requirements had only been applied to the selected group of 100 entries. At the same time, an Instagram Story from Ms Hague's account after the promotion's closing date stated that a smaller shortlisted group of 25 was entered into a computer programme to determine the winner, and stated that all those selected had entered more than once. We were concerned by the inconsistencies in the information provided, but in either case, we had not seen evidence to show that the shortlisted participants were chosen randomly. Although Ms Hague indicated that the eventual prize winner was selected randomly using computer software, we had not seen evidence to show that was the case either.

We had not seen evidence that the prize was awarded in accordance with the laws of chance and by an independent person or under the supervision of an independent person. We concluded that the promotion was not administered fairly and therefore breached the Code.

On that point the ad breached CAP Code (Edition 12) rules 8.1, 8.2 (Sales promotions), 8.10 (Availability), 8.14 (Administration) and 8.24 (Prize promotions).



ACTION

We told Molly Mae Hague to ensure their future promotions were administered fairly and that prizes were awarded to genuine winners in accordance with the laws of chance and by an independent person or under the supervision of an independent person.