

PRACTICAL GUIDE

LABELLING OF ADVERTISING CONTENT GENERATED OR MANIPULATED BY ARTIFICIAL INTELLIGENCE

PRELIMINARY INFORMATION

The transparency obligations provided for in Article 50 of Regulation (EU) 2024/1689 on Artificial Intelligence (AI Act) apply to deployers as of 2 August 2026, for content generated or manipulated from that date.

ARPP and the Jury de Déontologie Publicitaire (JDP) are not the competent authorities responsible for monitoring compliance with the obligations set out in the AI Regulation.

In France, the competent authorities responsible for this monitoring have not yet been formally designated. This designation is provided for in the draft law on various provisions for the adaptation to European Union law (PJJ DDADUE), currently under examination by Parliament.

In this context, this practical guide aims to assist professionals in anticipating and implementing the transparency rules provided for in Article 50 of the AI Regulation. It also serves as a tool for ARPP to help professionals assess the application of these new requirements, as part of the advice it provides and, once the national provisions relating to the monitoring of these obligations come into force, in the opinions it will issue.

OBJECTIVE OF THE GUIDE

This practical guide aims to facilitate the identification of advertising messages generated or manipulated by artificial intelligence that may require public disclosure through labelling.

It proposes an analytical method to assist professionals in applying **Regulation (EU) 2024/1689**, also known as the "AI Act", to advertising messages.

This guide is in line with the **European Commission's guidelines** adopted under the European Regulation and the work carried out by the **European Advertising Standards Alliance (EASA)** to ensure consistent application of transparency requirements in the advertising sector. It adapts this approach to the French context and ARPP's ethical rules.

It should be noted that all legislative and regulatory provisions in force, as well as the Recommendations of the ARPP Code and the principles of the ICC Code on advertising and commercial communications, apply regardless of whether the content is generated or manipulated by artificial intelligence or not.



BOX No. 1 – GENERAL REMINDER

The use of artificial intelligence does not alter the fundamental obligations of fairness, truthfulness, and advertising identification.

I. INTRODUCTION AND DEFINITIONS

Artificial Intelligence (AI) refers to all computer systems capable of performing tasks typically associated with human intelligence, such as learning, reasoning, problem-solving, perception, or decision-making.

Generative AI is a category of AI capable of producing new content, such as text, images, videos, sounds, or voices, in response to a user request.

In commercial communications, AI can be involved at various stages: design, production, post-production, or hybridisation with real content.

Definitions:

Deployer / Provider (AI Act)

- **Deployer:** A natural or legal person using an AI system under their responsibility, excluding non-professional personal use.

In the advertising sector, the status of deployer depends on the decision-making power regarding the use of AI and how its results will be used or disseminated. Depending on the situation, this status may be attributed to an advertiser, an agency, or another operator, located inside or outside the European Union, provided that the content generated or manipulated by AI is disseminated within the Union.

- **Provider:** An entity that develops and markets an AI system.

This guide addresses the labelling obligations applicable to **deployers of AI systems**. It does not cover the obligations applicable to providers of AI systems.

- **Deepfake**

The AI Regulation defines deepfake as *"an image, audio, or video content generated or manipulated by AI that resembles existing persons, objects, places, entities, or events and may be mistakenly perceived by a person as authentic or truthful."*

BOX No. 2 – POINT OF VIGILANCE

The use of deepfakes is likely to create a high risk of confusion regarding the authenticity of the advertising message (image, audio, or video content).

II. TRANSPARENCY: WHEN LABELLING IS REQUIRED

General Principle

The use of artificial intelligence does not, in itself, impose an obligation to inform the public. Therefore, the mere use of AI is not sufficient to characterise a deepfake.

The use of AI in preparatory phases (ideation, scripting, storyboarding, translation, optimisation, technical retouching) generally does not require specific disclosure.

However, labelling related to the use of AI is necessary when the advertised message is generated or manipulated by AI and is likely to be perceived as authentic or truthful.

! BOX No. 3 – REGULATORY FRAMEWORK (EU AI REGULATION – ARTICLE 50)

When advertising messages constitute a deepfake, deployers must indicate that the content is generated or manipulated by AI, subject to the exceptions provided for in the Regulation.

The transparency obligation:

- does not apply to uses authorised by law for criminal purposes;
- does not apply to certain texts published to inform the public on matters of public interest, provided they have been subject to human review or editorial control and are subject to editorial responsibility.

The transparency obligation is relaxed for clearly artistic, creative, satirical, or fictional works.

However, no exception is provided for advertising. Reference should be made to the guidelines for a case-by-case assessment: when content combines a creative dimension and an informative dimension, the informative dimension prevails, and the benefit of the exception cannot apply.

III. ANALYSIS GRID

The analysis developed in this section is based on a combined assessment of three principles¹:

1. Level of AI intervention
2. Degree of realism of the content
3. Potential impact on the perception of authenticity or truthfulness of the content by the consumer

1. Level of AI Intervention

- Low: minor technical modifications
- Intermediate: substantial manipulations
- High: complete or near-complete generation

Only the **actually disseminated** content is taken into account.

Intermediate stages of creation, design, or production do not, in themselves, constitute content subject to transparency obligations, provided they do not correspond to the final content disseminated to the public.

2. Degree of Realism of the Content

(Resemblance to existing or plausibly existing persons, objects, places, entities, or events)

- Fictional, stylised, or unrealistic universe → low stakes
- Realistic representation of persons, places, or events → high stakes

¹ Approach developed by the **European Advertising Standards Alliance (EASA)**.

3. Potential Impact on Consumer Perception of Authenticity or Truthfulness

(Perceived or understood incorrectly as authentic or truthful)

- No influence on consumer perception or understanding → **low stakes**
- Impact on consumer perception or understanding → **high stakes**

! BOX No. 4 – ANALYSIS METHOD

Before dissemination, the following points should be considered:

1. Has the advertised message been generated or significantly modified by AI?
2. Does it represent persons, objects, places, entities, or events that exist, could plausibly exist, or could have plausibly existed in reality?
3. Is the content likely to objectively appear authentic or truthful to the intended and reasonably foreseeable audience, considering the context of dissemination, and could it influence their perception or understanding?

No single assessment principle is sufficient on its own.

The assessment consists of determining whether one or more AI-generated or manipulated elements have a significant impact on the consumer's perception of the advertising message.

When the combined assessment of these three principles identifies a significant risk of consumer confusion, **labelling regarding the use of AI is required.**

IV. DECISION TREE

Should this advertisement be labelled?

- Advertisement in the form of an image, video, or audio with AI-generated or manipulated content
 - Minor technical modifications?**
 - **Yes → Labelling does not appear necessary**
 - **No →**
 - Does the advertisement show plausible and realistic content (that exists, could plausibly exist, or could have plausibly existed)?
 - **No → Labelling does not appear necessary**
 - **Yes →**
 - Is the AI-generated or manipulated content likely to influence the consumer's perception or understanding of the content's authenticity?
 - **No → Labelling does not appear necessary**
 - **Yes → Labelling is required**

V. PRACTICAL CASES

Assessment is done on a case-by-case basis, taking into account the nature of the product or service promoted, the characteristics of the audience, and the context of dissemination.

Examples where the AI-generated or manipulated element is generally non-significant; in these cases, labelling does not appear necessary.	Examples where the presence of AI-generated or manipulated content may objectively influence consumer perception, and where labelling is therefore required.
• Technical retouching (colour, light, framing, transitions, etc.) • Removal of parasitic éléments • Stylised or clearly fictional/artistic backgrounds • Depiction of a fictional location generated by AI, presented in a clearly fictional or stylised context. • Non-realistic graphic or illustrative universes • Assistance with writing or translation • Use in the design phase only (e.g., for a storyboard). • Legal disclaimers spoken by an AI. • Depiction of a real product placed in an AI-generated setting, when this does not alter the perception of the product. • Depiction of a real product set against an AI-generated background, provided this does not alter the perception of the product. • AI used for the technical adaptation of existing advertising content, in particular the adaptation of product packshots to different formats, media or distribution contexts, provided that such processing does not alter the actual characteristics of the product depicted.	• Video featuring a celebrity influencer generated by AI in an advertising context. • Realistic AI reconstruction of an event or fact that actually occurred and may cause confusion (e.g., a historical event). • Realistic reconstruction of a fictional event that could be perceived as real footage (e.g., an AI-generated riot video presented as a real event when it is not). • AI-generated video simulating a news scene directly related to the subject of the advertising message. • Depiction of a product that is not identical to the real product but more appealing or of higher quality than in reality. • Use of AI to enhance the sound of a children's toy to optimise its quality.

• Example of AI-generated character(s) appearing in the background, without affecting the consumer's perception of the advertising message (spectators in a stadium, a crowd) • AI-generated silhouettes or extras appearing in the background of a scene, without playing a key role in the advertising message. • An AI-generated audience attending a show, a sporting event or a festival, provided that the advertisement does not claim that the audience is genuine. • AI-generated passers-by or pedestrians in a street scene used solely to illustrate an urban environment, where such a depiction does not constitute the main message of the advert. • AI-generated people appearing briefly or in a secondary role in a wide shot, where their identity or authenticity is of no particular interest to the viewer.	
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⚠ BOX No. 5 – SENSITIVE CASE: PRODUCT PERFORMANCE

- When AI modifies, adds, simulates, or exaggerates the performance, benefits, or characteristics of a product, the content may fall under the rules relating to misleading commercial practices.
- Misleading communication remains misleading, even in the presence of labelling regarding the use of artificial intelligence.

VI. SPECIAL CASE OF PERSONS

Particular vigilance applies when persons are represented.

When the image, voice, or attributes of a real person are reproduced or simulated, care must be taken to ensure compliance with:

- prior authorisation;
- the rules relating to the protection of personal data.

The transparency obligation under Article 50 does not replace these rules and, on its own, does not authorise the use of a person's image or voice.

VII. LABELLING MODALITIES

When labelling is provided, it must be:

- **Visible or audible;**
- **Clear, distinct** from other information, and **intelligible;**
- **Readable for a sufficient duration;**
- **Accessible;**
- **Adapted to the medium used, without detracting from the creative experience** (Depending on the formats, it may take the form of an on-screen caption, text accompanying the published content, even in the event of sharing);
- **Appropriate:** it may be generic or specific. When specific, it must be appropriate in light of the elements generated or manipulated by artificial intelligence. Labelling may take the form of:
 - a **short textual mention** for visual advertising content (image or video); for video content, presented from the beginning of the message;
 - or a **short audio mention** for exclusively audio advertising content;
 - or an **intelligible pictogram** to identify AI-generated or manipulated content.

Examples of textual or audio mentions:

- "Image generated by AI"
- "Voice generated by AI"
- "Character generated by AI"
- "Video generated by AI"
- "Advertisement generated by AI"

No standardised wording or pictogram is imposed by the AI Regulation or the Commission's guidelines.

These formulations are provided **for indicative purposes** and may evolve, particularly in light of European efforts to harmonise transparency modalities.

BOX No. 6 – LEGIBILITY AND INTELLIGIBILITY REQUIREMENT

Labelling must comply with the legibility and intelligibility requirements set out in ARPP's Recommendation "Mentions et renvois" ([Notes and Overlays Code](#)).