

Guidelines for Responsible Labelling of Synthetically Generated Content in Advertising

Objective and Scope: As brands use technologies like Artificial Intelligence (AI) to improve advertising efficiency, they must ensure their ads remain honest, decent, safe, and fair to meet legal and societal expectations. For this policy, **synthetically generated content (SGC)** means any audio, visual, or audio-visual content in an advertisement that is artificially or algorithmically originated, created, generated, modified, or materially altered using a computer resource, to appear real, authentic or true and depicts or portrays any individual or event in a manner that is likely to be understood, perceived or believed to be true or as indistinguishable from a natural person or a real-world event.

The guideline's **focus is on managing consumer outcomes rather than regulating the technology**. SGC is **only considered misleading or harmful** when it creates unfulfillable expectations, exploits vulnerable populations, depicts unsafe situations, or replicates a natural person's likeness without consent, or provides false or misleading information by way of depiction; **which would be in contravention of Chapter I and III of the ASCI Code**. These guidelines ensure transparency while avoiding consumer label fatigue. All advertisements containing SGC AI must comply with the entirety of the ASCI Code.

Assessment for labelling: The requirement to label SGC is based on the nature of communication and the risk of consumers being misled or harmed. To determine if labelling is necessary, brands should ask the following assessment questions:

- Whether SGC is central to an ad's persuasive messaging or materially influences purchase decisions?
- Whether the manner of use of SGC misleads consumers about the product's claims, performance, or benefits, if it is not labelled ?
- Would the absence of a disclosure create a false or misleading impression of claims, benefits or performance of the product or service ?

1. Prohibited Content: Advertisements that are illegal, infringe on rights, make misleading claims, or violate the ASCI Code are prohibited. **These will violate the ASCI code even if an AI label is used.** Examples include:

- A. Fabricating endorsements or testimonials i.e. using AI to create, alter or attribute an endorsement or testimonial in a manner that falsely represents that a real person has used, experienced, approved, recommended or endorsed a product or service when they have not.
- B. Exaggerating product results or features through claims or visual representations to create a misleading impression (e.g., a weightloss product showing a before-after image of weight reduction from 100 kgs to 70 kgs through an AI generated image of a lean, toned body, when the visual does not represent actual or substantiated product results, thereby creating a misleading impression that such results are achievable through use of the product). This does not include routine edits and enhancements as laid out under Clause 3A of this guideline.
- C. Depicting non-existent locations in a manner that implies that they are real and they exist (e.g., a travel agency depicting a hotel in a non-existent location or having non-existent facilities).
- D. Using unauthorised copyrighted work, deepfakes or a person's likeness without consent.

2. Mandatory Labelling Required: Labelling is mandatory in advertisements which contain SGC in a manner that materially influences consumer decisions, and the lack of a disclosure label would mislead consumers. **Labelling is mandatory in all such cases** to help consumers understand the nature of the representation. Examples include:

- A. Using synthetically generated influencers and ambassadors.
- B. Replicating a real person's likeness or voice even with their consent, for personalised messaging. For example - A brand sends personalised messages to consumers featuring a digitally replicated version of a real person's face or voice, with that person's consent, without disclosing that the content has been digitally generated or replicated.
- C. SGC depicting fabricated events, settings, or situations / events that may impact consumer understanding of the product performance or service advertised.
- D. Demonstrating a product that does not currently exist (e.g., a 3D model of an unbuilt housing complex).
- E. SGC being sound effects that are highly relevant to the product's core features (e.g., audio quality in an ad for a headset)
- F. Using AI for paid or sponsored product suggestions, which must specifically be labelled as 'sponsored by'. Illustration: A consumer asks an AI chatbot, "*What is a good moisturiser for Mumbai weather?*" The AI recommends a specific brand or product because the brand has paid for or sponsored that recommendation. In such a case, the recommendation should be clearly identified as "**Sponsored by [Brand]**", so that the consumer understands that the recommendation is commercially influenced.

3. No Labelling Required: No labelling is required when advertisements feature minor modifications or use of SGC in ways that have **no material impact on a consumer's ability to make an informed choice**. No label is required for:

- A. **Minor Enhancements:** Routine editing, colour correction, light adjustment, noise reduction, standard blemish removal and minor lighting tweaks, formatting, copy refinement; that do not alter the substance or core claims of the ad.
(e.g., slightly colour-correcting an image for clarity or voice modulations which do not purport to impersonate or mislead).
- B. **Background and Ambient Elements:** Purely decorative SGC in the nature of backgrounds, abstract skylines, ambient music, jingles, or background sound effects (like crowd cheers) that are unrelated to the product's actual capabilities or promise.
- C. **Fantastical Elements:** Obvious, unrealistic effects that audiences recognise as not depicting reality. For example, a fairy repairing a broken product with magic dust, or a car driving through a city and suddenly transforming into a giant flying spaceship.
- D. **Administrative and Text Uses:** Generating or enhancing advertising copy, creating audio descriptions, or preparing documents in good faith without creating false records.
- E. **Accessibility:** The SGC that is created for accessibility such as subtitles, close captions, translations, accurate audio descriptions for visually impaired users.

4. Disclosure Labels and Execution:

When disclosures are required, brands may use appropriate labels, either those provided by ad platforms or their own labels such as but not limited to "**Audio/Video created using AI**" or "**Audio/Video enhanced using AI.**" Where AI recommends a product that is sponsored, the disclosure should clearly state "**Sponsored by [Brand].**" Brands may use alternative labels that accurately inform the consumer.

Disclaimers should follow the ASCI Code on disclaimer guidelines where applicable.

The use of SGC in some cases may be considered misleading or objectionable regardless of labels, if the end effect is likely to mislead or harm the consumer. Advertisements containing SGC are subject to compliance with the entire ASCI Code.

These Guidelines shall come into effect on the expiration of 3 months from the date of their publication.

Chairman

Board of Governors, ASCI
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