CREATOR RISK INTELLIGENCE

The Signal

Monthly intelligence on Creator Risk, regulatory change, and brand safety incidents. Issue 24 · December 2025

2025 was the year regulators stopped warning and started fining. The enforcement infrastructure that had been building across every major market for two years became fully operational. This is our year-end review — and a look at what the signals are telling us about 2026.

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01 — 2025: THE COMPLIANCE INFLECTION POINT

Year in review · Creator Risk · December 2025

If 2024 was the year the Creator Risk landscape changed, 2025 was the year it became enforced. The regulatory frameworks put in place during 2024 — the DMCCA, the AGCOM Code, the ASA targeted sanctions, the FTC Consumer Reviews Rule — moved from announcement to active enforcement. The gap between what is required and what is being policed closed significantly.

The six defining patterns of 2025

Brand-level enforcement arrived	Both the ARPP (France) and the ASA (UK) shifted their enforcement focus from creators to brands in 2025. The joint liability standard that had always existed in theory became the operational enforcement norm. Brands can no longer treat creator disclosure failures as the creator's problem.
AI content became a compliance category	The EU AI Act's labelling requirements, combined with the Commission's clarification that platform labels are insufficient, established AI-generated content as a distinct compliance category. The Mia Zelu case at Wimbledon demonstrated what non-compliance looks like in practice.

Financial services creator risk was enforced	FINRA's $850k enforcement action and the FCA's first formal finfluencer enforcement actions established that financial services brands face the most stringent creator compliance environment of any sector. The regulation is not theoretical — it is active and the penalties are significant.
The Digital Fairness Act consultation closed	3,341 responses, two-thirds supporting new legislation. The most significant near-term regulatory development for EU influencer marketing is now in its legislative drafting phase. Brands that are preparing now will have a structural advantage.
Authenticity claims became legally actionable	The US class action wave building around creator authenticity misrepresentation has established a new legal theory. Brands that partner with creators specifically because of authenticity positioning share risk when that positioning turns out to be materially false.
Ferragni's legal arc concluded	Whatever the verdict — and it is expected before the end of 2025 — the Ferragni case has completed its arc from regulatory fine to criminal proceedings. Two years and two months after Pandorogate, the case has reshaped European creator marketing regulation permanently.

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2025 was the compliance inflection point. The enforcement infrastructure is now operational across every major market. The probability of non-compliance being detected — which was genuinely low in 2023 — is now meaningfully high. The risk calculus has changed, and brands that have not updated their approach to reflect that change are carrying risks they would not consciously choose to carry.

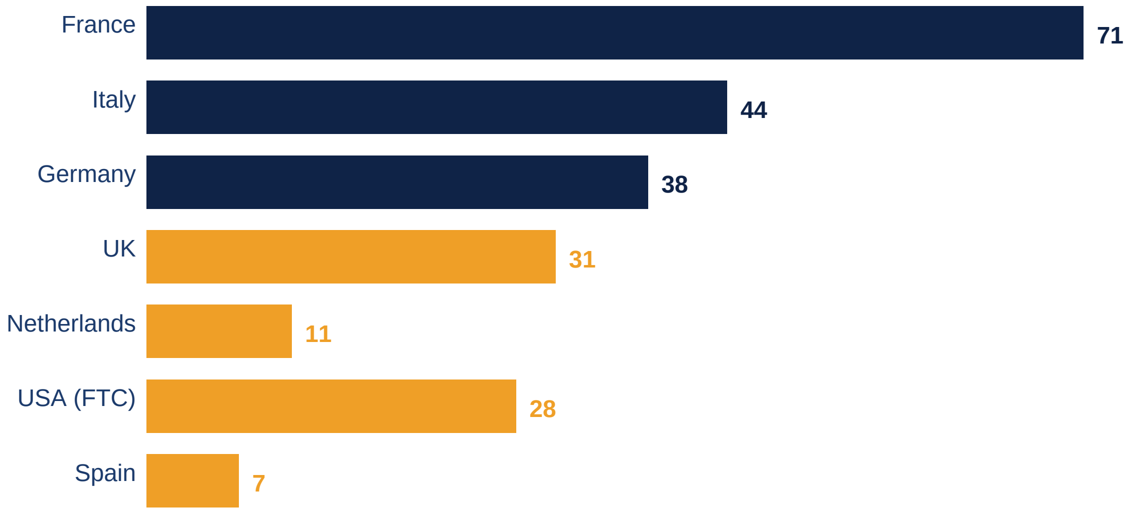
02 — CHRISTMAS SPECIAL: ENFORCEMENT BY MARKET 2025

Full year 2025 · Signal Intelligence compilation

For the second year running, Signal Intelligence has compiled public enforcement records across all major markets for the full calendar year. 2025 shows a significant increase in enforcement activity across every market compared to 2024.

Influencer marketing enforcement actions by market · Full year 2025

Source: ARPP, AGCM, ASA, Wettbewerbszentrale, FTC · Signal Intelligence



Published enforcement records full year 2025. Signal Intelligence compilation. USA figure covers FTC formal actions against brands and creators in influencer marketing category only.

Comparing 2025 to 2024: France up 87%, Italy up 52%, Germany up 73%, UK up 82%, USA up 65%. Every market increased enforcement activity. The acceleration reflects the move from framework establishment to active enforcement — the regulatory infrastructure was built in 2023-2024 and operated at full capacity in 2025.

03 — SIGNALS FOR 2026

What the data is pointing toward · December 2025

Three developments signal intelligence suggests will define 2026.

Digital Fairness Act legislative proposal	The Commission's impact assessment is due Q1 2026. A legislative proposal is expected Q3-Q4 2026. The Act will introduce EU-wide influencer marketing obligations that exceed current national standards across all 27 member states. The consultation data shows strong support. The direction is clear.
Germany's enforcement velocity	Germany's private enforcement model — competitors bringing UWG actions against brands for disclosure failures — is accelerating. The competitive enforcement mechanism is more aggressive than regulatory enforcement in some respects: the plaintiff is highly motivated, the cases move quickly, and the financial consequences are immediate. Brands with German creator programmes should treat this as their primary enforcement risk.
US class action wave	The authenticity misrepresentation class action category is still building. Morgan Lewis's research identified the common themes in 2025. The first major judgement in this category — expected in 2026 — will establish the damages framework that determines how significant this category of risk becomes for brands.

04 — REGULATORY SNAPSHOT

Year-end · All markets · December 2025

FRANCE	2025 enforcement: 71 formal actions — highest in Europe. Brand-level focus confirmed for H1 2026. Speech-to-text operational. Joint liability enforcement norm. ARPP confirmed expanding to include podcasts and audio content in 2026.
GERMANY	UWG enforcement: 38 competitor-driven actions in 2025. Private enforcement mechanism the dominant risk for German brands. No new legislation expected — enforcement velocity increasing through existing framework.
ITALY	Ferragni verdict delivered before year end. AGCOM Code operational. Ferragni Law active. Italy's regulatory architecture fully complete and the most comprehensive in Europe.
UK	ASA named non-compliers list expanded. Advertising restrictions in use. ASA-CMA referral protocol confirmed. DMCCA operational — CMA confirmed influencer marketing as priority enforcement category for 2026. FCA finfluencer enforcement active.
EU-WIDE	Digital Fairness Act: impact assessment Q1 2026, legislative proposal Q3-Q4 2026. EU AI Act and DSA operational. Platform label inadequacy confirmed. DFA the dominant near-term regulatory risk.
USA	FTC Consumer Reviews Rule fully operational. Enforcement actions: 28 formal actions in influencer marketing category 2025. Class action wave building. FINRA and FCA financial services enforcement active. Dual liability established.

The signals that will define 2026 are visible now. The Digital Fairness Act is in its legislative drafting phase. The US class action wave is building toward its first major judgement. Germany's private enforcement model is accelerating. The brands that are watching these signals — and acting on them — have time. The brands that are not watching them will be managing consequences.

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The Signal is published monthly by Signal Intelligence. Each issue covers real Creator Risk incidents, regulatory developments, and the intelligence that brand-side teams need before they need it. Subscribe at signalintelligence.consulting — and if this issue was forwarded to you, make sure you're on the list for the next one.