

The Signal

Monthly intelligence on Creator Risk, regulatory change, and brand safety incidents.
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September showed how creator-marketing exposure can begin before a finished advertisement reaches the brand. Kalshi faced accusations concerning the source of an AI-altered ad. UK advertising rulings examined arrangements made through a restaurant's PR agency. Developments in Alabama and Australia challenged another campaign dependency: algorithmic discovery.

Each story points to evidence that needs to enter the decision earlier—where material came from, what an agency commissioned and how the intended audience is expected to encounter the content.

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EDITOR'S NOTE

The finished asset is only part of the governance record. Source permissions, commissioning arrangements and distribution assumptions can all determine whether the work is appropriate.

September's lesson is to capture that evidence while the team can still change the brief, rather than reconstruct it after publication.

THE NUMBER

US\$100 MILLION MINIMUM

The payment to Alabama described in its Attorney General's TikTok settlement announcement on 25 September, due to the state within 45 days. The release identifies a potential increase to US\$300 million if specified conditions are met.

Alongside the financial commitment, the agreement requires changes to teen protections, including how younger users experience the feed.

01 — A NEW FACE. THE SAME RIGHTS QUESTION.

Reporting published on 24 September described creator Elliott Choy's accusation that a Kalshi advertisement copied his apartment video and used AI to alter his appearance. Kalshi said the advertisement was old, that it no longer used AI-generated ads and that it was reviewing its relationship with the agency responsible. The dispute had not established a finding of infringement.

The governance question begins with the material entering production: what was supplied, where did it come from and what authorised its use?

Copyright permissions for source material and consent concerning a person's likeness address different questions. Their relevance depends on what was reproduced and how the person was represented. Changing an appearance does not, by itself, establish permission for the underlying material.

An AI-generated label explains something about production. It does not establish that the source was authorised or that permission covered the adaptation. Equally, resemblance alone does not establish which inputs or production method were used.

The agency relationship is therefore central to the governance response. A brand can receive a finished advertisement without seeing its inputs, while its approval record documents the output but leaves provenance unresolved.

The commissioning requirement should be concrete: identify the source material, document the permissions relied upon and explain whether they cover the proposed adaptation. That gives the brand evidence to assess before distribution, rather than a reconstruction exercise after a creator recognises their work.

THE SIGNAL

The finished advertisement can conceal the permissions question. Approval needs evidence supporting the source material and its adaptation.

RECOMMENDED ACTION

Require production partners to supply a source-and-permissions record for AI-assisted advertisements before approval, covering supplied material, intended adaptations and any relevant likeness consent.

02 — NO CONTRACT. NO SIGN-OFF. STILL AN AD.

On 23 September, the ASA upheld one complaint on two grounds concerning Pamela Olender's Instagram promotion of San Carlo Cicchetti. The post was insufficiently identified as advertising and breached restrictions on paid online advertising for identifiable less-healthy food.

San Carlo said there was no formal contract, no approval before publication and no editorial control. The ASA examined the PR agency's emails: complimentary hospitality was offered in exchange for specified Instagram content, with supporting messaging. Those particular arrangements established sufficient control for the post to fall within the advertising rules.

This was a decision based on the actual exchange. The absence of a contract or final sign-off did not outweigh the evidence of what had been offered and requested.

A separate Morley's ruling on the same date also upheld a complaint concerning influencer promotion of an identifiable less-healthy food product. The cases expose two decisions that need to be kept distinct: whether the audience recognises the advertisement, and whether that advertisement is permitted.

Adding an advertising label can address disclosure. It cannot cure a prohibited product promotion. A team checking only the caption may therefore complete one compliance task while missing the decision that should have prevented commissioning.

For brands, the governance record begins with the invitation and the agency's instructions. Benefits, deliverables and product eligibility should be assessed together before the arrangement creates content.

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The terms of an exchange can establish advertising obligations before anyone reviews the post. Disclosure and permission to advertise require separate decisions.

RECOMMENDED ACTION

Introduce a commissioning check for gifted and hosted activity that records the benefit offered, content requested and applicable product restrictions before an agency sends the invitation.

03 — WHAT IF THE FEED STOPS RECOMMENDING?

Two September developments put personalised discovery into the governance conversation.

On 25 September, Alabama's Attorney General announced a TikTok settlement requiring teen protections that include a default non-personalised feed. On 8 September, Australia released its proposed Digital Duty of Care for targeted consultation. Its "My Feed, My Way" initiative would let users choose between personalised recommendations and a feed based on accounts they follow.

Their status and scope differ. Alabama's measure is a settlement requirement concerning teen users in that jurisdiction. Australia's is a consultation proposal offering feed choice, described by the government as applying to users aged 16 and over. Neither establishes that recommendation-led discovery has disappeared or that campaign performance has already declined.

Together, they expose a dependency that creator briefs can leave unstated: how much of the expected audience will encounter the content because the platform recommends it?

- **Followers** describe an existing relationship with an account.
- **Recommended discovery** can introduce content to people outside that relationship.
- **Paid distribution** provides a separately planned route to an audience.

These routes can overlap, but they are not interchangeable. A creator's follower count does not establish the scale of recommended discovery, and previous total views do not explain which route produced them.

That distinction matters when a campaign forecast relies on past performance achieved under different feed conditions. The appropriate response is to identify the dependency and test its significance—not assume a reach collapse or automatically replace organic distribution with paid media.

Implementation in Alabama and the progress of Australia's proposal will provide the next evidence. Teams should connect confirmed changes to the relevant audience and market, while distinguishing observed results from planning scenarios.

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Feed changes will make the basis of a reach forecast more important. Teams need to know which expectations depend on recommendations and revisit them as implementation or legislation develops.

RECOMMENDED ACTION

For the next campaign relying on organic discovery, ask for available evidence separating follower reach, recommended discovery and paid distribution. Record any gaps and how the plan would respond if recommendation-led discovery weakened in the target market.

04 — REGULATORY SNAPSHOT

Four markets · September developments

Impact ratings reflect the implications for brand and creator governance.

MARKET	DEVELOPMENT	IMPACT
UNITED KINGDOM	ASA rulings published on 23 September addressed hosted influencer advertising and restrictions on identifiable less-healthy food. The San Carlo decision examined agency commissioning arrangements despite the absence of a formal contract or pre-publication approval.	HIGH
UNITED STATES	Alabama's TikTok settlement, announced 25 September, requires changes to teen protections, including a default non-personalised feed. Teams should distinguish the agreement's territorial scope and implementation from nationwide platform policy.	MEDIUM
AUSTRALIA	Legislation effective 11 September strengthened eSafety's investigative powers. The government's 14 September update states maximum platform penalties can reach A\$109.2 million. Separately, the 8 September Digital Duty of Care proposal includes feed choice; it remained under consultation.	MEDIUM
FRANCE	On 14 September, France notified a revised draft to the European Commission following August's constitutional ruling. It targets services with specified risky features and provides parental authorisation for ages 13–15. It remained a proposal at the cutoff.	MEDIUM

05 — CASES TO WATCH

CASE	WHAT TO WATCH
Kalshi	Further evidence concerning the disputed advertisement and the outcome of its announced agency review.
TikTok / Alabama	Implementation of the teen protections, including the scope and timing of feed changes.
Australia	Development of the proposed Digital Duty of Care and its provisions for user choice over personalised recommendations.
France	Progress of the revised social-media proposal following its September notification to the European Commission.

SOURCES

STORY 01

[Business Insider — reporting on Kalshi's disputed AI advertisement, 24 September](#)

[Futurism — corroborating reporting and reported company response, 24 September](#)

STORY 02

[ASA — Harnbury Holdings Ltd trading as San Carlo, 23 September](#)

[ASA — Morley's \(Fast Foods\) Ltd, 23 September](#)

STORY 03 AND THE NUMBER

[Alabama Attorney General — TikTok settlement announcement, 25 September](#)

[Alabama v TikTok — settlement court filing, 25 September](#)

[Prime Minister of Australia — “My Feed, My Way” proposal, 8 September](#)

REGULATORY DEVELOPMENTS

[Australian Government — stronger online safety laws, 14 September](#)

[Federal Register of Legislation — Online Safety Amendment \(Strengthening Enforcement for the Social Media Minimum Age\) Act 2026](#)

[European Commission TRIS — French draft notification 2026/0500/FR, received 14 September](#)

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What evidence must arrive before the work is commissioned?

Source permissions, the terms of a creator arrangement and the basis of a distribution forecast all shape the decision. Capturing them early gives the brand a chance to change the work while that decision is still practical.

ABOUT SIGNAL INTELLIGENCE

Signal Intelligence is an independent creator risk intelligence company. We provide monthly briefings tracking creator risk, regulatory change, and brand safety incidents. Our TRACE methodology and portfolio audit services are designed for brand-side marketing, legal, and compliance teams.

Request a creator portfolio audit at signalintelligence.consulting

This briefing draws on publicly available information through 30 September 2026. Allegations are attributed and distinguished from findings. It provides intelligence and analysis, not legal advice.

