



# How the EU AI Act Impacts your digital marketing

# EU AI Act and Your Digital Marketing



## EU AI Act and Your Digital Marketing

The new EU AI Act sets strict rules on how AI can be used in marketing. If you target customers in the EU, you must comply, regardless of the size of your business.

This course explains what's allowed, what's not, and how to stay on the safe side.

### The rules boil down to three things for marketing:

1. **Be transparent:** Don't hide when AI is being used. Use simple disclosures or hashtags.
2. **Avoid manipulation:** No fake reviews, no exploiting vulnerable groups.
3. **Keep records:** Note what tools you use so you can show when asked.

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## Who Must Comply

**Any Irish business using AI in their marketing** whether that's ads, website content, blogs, email marketing, chatbots, or social media posts. If your audience includes EU customers, then it applies to you.

**Agencies or freelancers** using AI-powered tools on behalf of clients.

**Businesses using AI tools built outside the EU** (e.g. US-based platforms like ChatGPT or Canva AI) You are still responsible for compliance if you use them for EU audiences.

## Penalties

Non-compliance comes with heavy fines — up to €35 million or 7% of global turnover. Even smaller breaches can trigger investigations.

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## Prohibited Practices

The Act bans certain uses of AI in advertising and content.

### 1. **Fake reviews/testimonials** – banned outright.

Don't pass off AI-generated reviews or testimonials as being written by real customers.

### 2. **Exploiting vulnerabilities** – Don't use AI to target ads at people in financial difficulty, children, or those with disabilities.

Examples:

**Children:** An AI-driven YouTube ad campaign that uses persuasive cartoon characters to pressure children into spending money in a game (e.g., "Click now to get this rare skin before it's gone!").

**Disabilities:** An app targeting visually impaired people with ads for expensive but ineffective "vision improvement devices."

In short: if the AI system knows someone is vulnerable and designs the ad to exploit that fact, it's banned.



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## Prohibited Practices

3. **Sensitive targeting** – no ads targeting based on race, religion, health, or other protected categories.

Examples

**Race:** A housing company using AI to exclude people of a certain ethnic background from seeing rental ads.

**Health:** A weight-loss company targeting ads specifically at people flagged by AI as “obese” or “depressed.”



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## Transparency and Disclosure

You must tell people when they are dealing with AI-generated content or systems.

### What not to do

Hide AI interactions – don't do it. A Messenger bot pretending to be your staff is not allowed.

### What to do

Label chatbots so customers know they're talking to AI:  
*"Talk to our AI assistant"*

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## Transparency when using AI for Text Content

Many small businesses are already using ChatGPT, Gemini, or Canva AI for:

- Website sales pages
- Blog posts
- Instagram captions

**This is allowed, but if the entire content is written by AI you are obliged to disclose it.**

- Use AI as a **writing assistant**, not as the finished product.
- Always edit for accuracy, tone, and fairness.

If the entire piece is AI-generated, you should add a disclosure line:

*“This content was created with the help of AI and checked by our team.”*

On social media posts, keep it short with hashtags:  
*#AIassisted #AIcontent #WrittenWithAI*

Keep a record of which tool you used and what edits you made.

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## Transparency: Using AI for text content

### What's realistic

- You don't need to label every single Instagram caption. Regulators are focused on bigger risks like fake reviews or manipulative ads.
- If asked, can you confidently say: *"AI helped draft this, but everything was reviewed and approved by me."*
- Think of AI like spell check or Canva templates in that it helps, but you remain the author.

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## Transparency: Using AI-Generated Images

AI images can save time and money, but transparency matters.

### What's allowed

- Showing an AI-generated model wearing your product, as long as customers know it's not a real person.
- Creating lifestyle mock ups (e.g. an AI-generated person walking with your handbag).
- Using AI stock style images for ads, provided you don't claim they're real customers.

### What's not allowed

Implying AI-generated models are genuine customers.

### Best practice disclosures

Add a small line:

*"Image created with AI to show how the product looks."*

On socials, keep it short:

*#AIimage #AIvisuals #productdemo*

**The test:** Would a reasonable person think this is a real customer? If yes, add disclosure.

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**Note:** In preparing this course an AI was used to help interpret the implications of the EU AI Act for digital marketing for small businesses

## Realistically ...

- There won't be AI police checking your website and social media posts
- Businesses will only be investigated if someone reports or complains about a business e.g.
  - Fake AI reviews, Fake AI images purporting to be customers, Misleading product images, misleading text in digital marketing that is fully AI generated

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