

In the fast-evolving landscape of influencer marketing, particularly for regulated e-commerce brands in health-adjacent categories like hemp and CBD, ensuring compliance is more critical than ever. One common hurdle brands face is when a creator refuses to submit content for pre-approval—a contractual step designed to protect both the brand and the creator.

This post will help you understand why pre-approval is essential, what risks you face when a creator refuses it, and how to navigate this challenge effectively using best practices informed by FTC regulations, brand governance policies, and risk-based partner selection frameworks. We'll also reference industry-leading platforms like Tomoson and Joy Organics' approach, and explore tools from Meta and Google to help with content compliance monitoring.

Why Is Pre-Approval a Contract Requirement?

Pre-approval is often a **non-negotiable clause** embedded into influencer contracts for good reasons. When working with creators, especially in categories like hemp, CBD, or other health-related products—which the Federal Trade Commission (FTC) regulates rigorously—brands carry significant responsibility for endorsing compliant and truthful claims. Failure to comply can trigger costly legal action, damage brand reputation, and jeopardize platform partnerships.

The Brand's Responsibility for Creator Claims

Under FTC guidelines, brands are ultimately responsible for the claims made about their products—even if those claims originate from third-party creators. The FTC's endorsement guides insist on transparency, substantiation, and avoidance of deceptive advertising practices. This means that any claims about product benefits, health effects, or regulatory approvals must be vetted before <https://tomoson.com/running-influencer-campaigns-in-a-regulated-category/> being published.

Pre-approval of creative content allows you to:

- Ensure claims align with **approved vs. prohibited language lists** tailored to your product category.
- Confirm that creators do not make unauthorized health claims that violate FDA or FTC rules.
- Mitigate brand risk by catching potential non-compliant content before it goes live.
- Maintain consistency in messaging across your campaigns.

Case Example: Joy Organics

Joy Organics, a leader in the hemp/CBD space, exemplifies how stringent content pre-approval and creator training help maintain compliance. Their contracts emphasize adherence to FTC guidelines, and they deploy robust content review systems—often powered by platforms like Tomoson—to vet influencer posts prior to publication.

What Risks Do You Face If Creators Refuse Pre-Approval?

When a creator refuses to submit content for pre-approval, you lose your main safeguard against inaccurate or unsubstantiated claims. The risks include:

1. **Legal Liability:** Without prior review, you may inadvertently be linked to false or misleading health claims, exposing your brand to FTC enforcement actions.
2. **Platform Penalties:** Meta (Facebook, Instagram) and Google increasingly use automated monitoring to detect policy violations. Non-compliant posts risk takedowns, account suspensions, or ad bans.

3. **Brand Reputation Damage:** Errant claims can erode consumer trust and disrupt ongoing influencer relationships.
4. **Campaign Governance Breakdown:** A lack of control can cascade into inconsistent messaging and compliance failures across multiple creators.

Risk-Based Partner Selection Is Crucial

One proactive strategy is emphasizing **risk-based partner selection** during recruitment. Vet creators for their prior performance in regulated campaigns and their willingness to cooperate on compliance processes—including content pre-approval.

Platforms like Tomoson provide insights into creator reliability and campaign compliance history, helping brands avoid high-risk partnerships upfront.

How to Handle a Refusal to Pre-Approve Content

If a creator outright refuses to participate in pre-approval, here are practical steps to mitigate risk and maintain strong campaign governance:

1. Reaffirm Compliance Obligations in the Contract

Before campaign launch, ensure your contracts clearly state that content pre-approval is a mandatory step. This contract requirement establishes a legal basis to deny or delay campaign payments should creators fail to comply.

2. Communicate the Rationale Transparently

Explain that pre-approval isn't about stifling creativity but about protecting both parties from regulatory and reputational risks, particularly when marketing health products. Frame this step as a standard industry practice endorsed by entities like the FTC and adopted by leading brands such as Joy Organics.

3. Offer FTC Training

Provide creators access to FTC training resources focusing on advertising guidelines relevant to your product category. The FTC's own website has excellent tutorials and information that can help creators understand the importance of compliant messaging.

4. Leverage Platform Tools for Monitoring

Use automated moderation and monitoring tools available on Meta and Google to detect unauthorized claims once content is live. Although reactive, these tools can help catch violations early and trigger corrective actions.

5. Consider Programmatic Approaches for Pre-Approval

To reduce friction, streamline the pre-approval process with workflow tools or influencer marketing platforms such as Tomoson. Automated notifications and content submission portals can make compliance easier for creators.

6. Apply Consequences Consistently

If a creator refuses to submit content for approval, and all educational efforts fail, you must be willing to suspend or terminate the partnership. Upholding strict campaign governance protects your brand across the board.

Approved vs. Prohibited Language in Health Product Campaigns

One challenge in health-adjacent influencer marketing is identifying acceptable product claims. The FTC and FDA restrictions limit promotional language, especially regarding disease treatment or prevention. Here's a general breakdown:

Approved Language Prohibited Language

- "Supports relaxation"
- "Promotes overall wellness"
- "Third-party tested for quality"
- "Contains naturally derived ingredients"
- "Cures anxiety"
- "Treats Alzheimer's disease"
- "Prevents cancer"
- "FDA approved" (unless FDA actually approved)

Providing a clear approved vs prohibited language list as part of the pre-approval process sets expectations and reduces back-and-forth with creators.

Final Thoughts on Campaign Governance in Regulated Categories

Pre-approval of creator content is a cornerstone of effective campaign governance, especially when marketing sensitive categories like hemp, CBD, and health products. The contract requirement for pre-approval ensures you maintain control, minimize legal risks, and comply with FTC expectations.

Remember that risk-based partner selection is equally important. Tools from influencer marketing platforms such as Tomoson are invaluable in vetting creators, while FTC training builds a culture of compliance. Additionally, Meta and Google provide technological monitoring capabilities that further safeguard your campaigns.

When creators refuse to pre-approve content, reinstate clear obligations, offer education, and leverage contractual consequences firmly but fairly. By doing so, you protect your brand's reputation and ensure your marketing campaigns withstand regulatory scrutiny.



Recommended Resources

- [FTC Endorsement Guidelines](#)
- [Joy Organics](#) – Example of compliant hemp/CBD marketing
- [Tomoson Platform](#) – Influencer marketing compliance tools
- [Meta Advertising Policies](#)
- [Google Advertising Policies](#)