

AI IN ADVERTISING IN ITALY: WHEN DOES ITS USE NEED TO BE DISCLOSED?



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In Italy, the use of AI in advertising already sits within a well-established framework requiring commercial communications to be transparent, truthful and non-misleading. These principles are enforced both under Italian consumer protection rules, reflecting EU law, and through the Italian advertising self-regulatory system, while the Italian Competition Authority (AGCM) may intervene against misleading commercial practices.

Against this background, the European Commission's final Guidelines on Article 50 of the AI Act, adopted on **20 July 2026**, provide important clarification on when the use of AI itself must be disclosed. The key point is that **the mere use of artificial intelligence in the creation of advertising does not automatically trigger a disclosure obligation**. The transparency obligations under Article 50 have applied since **2 August 2026** and, for deployers, are particularly relevant in the cases covered by paragraph 4, including deep fakes.



This does not, however, remove the need for a **case-by-case assessment**. Whether disclosure is required depends on the content actually disseminated, the way AI has been used, the degree of realism of the resulting content and, crucially, the perception it is likely to create for consumers in the relevant context.

In practice, disclosure will not always be required. AI may, for example, be used for minor technical adjustments, clearly fantastical or stylised settings, or to create an AI-generated background in which a real product is placed, provided that this does not alter consumers' perception of the product, its characteristics, performance or use.

This approach has already been reflected in France by the **ARPP – Autorité de Régulation Professionnelle de la Publicité**, which published specific practical guidance on 3 August 2026. A similar distinction can be found in the recent **WFA and ICAS** guidance, which differentiates between uses of AI that affect consumers' perception of the advertising message and uses that are merely technical, ancillary or decorative.

Where disclosure is required, it must be **clear, distinguishable and understandable**. Neither the AI Act nor the Commission Guidelines currently prescribe standard wording or a mandatory pictogram. Labels such as "AI-generated image", "AI-generated video" or "AI-generated voice" are therefore examples rather than compulsory formulas.

The Italian advertising self-regulatory system is also considering the adoption of specific guidelines on the use of AI in commercial communications, including on appropriate labelling methods.

We will keep you updated on the next developments in Italy.

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