



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Mark King
President
Adidas Group North America
5055 North Greeley Avenue
Portland, Oregon 97217

Dear Mr. King:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Jen Selter and Nicky Jam.² In her post, Jen Selter is shown wearing an Adidas t-shirt, and writes, "Jersey style, ya feel me? Have a great weekend everyone! ♥." In his post, Nicky Jam posts a picture of a pair of Adidas baby shoes.

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with either Ms. Selter or Mr. Jam, that relationship should be clearly and conspicuously disclosed in the endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BEhbOmKmkUR/?taken-by=jenselter&hl=en> and https://www.instagram.com/p/BF_5zPfCTdZ/?taken-by=nickyjampr.

Mr. Mark King
March 20, 2017
Page 2

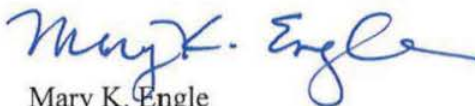
example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to the attached posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They're available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



jenselter

Follow

161k likes

3w

jenselter Jersey style, ya feel me? Have a great weekend everyone! ❤️

View all 721 comments

chilentsidcool hy cantx :-)

karen_ariciaga @hsychild

paulinakwasny @milliesauce69

hurrikan61 @benz4747

50centisthefuture Yo I need is a sick

nag1488 Пакажы пелотку

wallehjorkloe On the jersey shore it must be crawling with herpes, gonorrhé and more 😊

megan_carreira This is exactly what I'm wearing prom weekend 😊😊

@almightytortoise

sharnsies @inderjit__

prsut.janjetina Bogte maza stalno nosis cvike ier la faca nula hodova prva slika ti

♥️ Add a comment...

...



nickyjamp

Follow

89.3k likes

3w

nickyjamp 😊

View all 1,953 comments

lourdesriveroc @yury_torress
@andtorres_ muero de amor

andtorres_ Decile a tie yury que quere esas yo tambn las quiero
@lourdesriveroc

caroencinah @synthia_encina

synthia_encina @caroencinah 😊😊😊😊

ugartesabina Hola

williamcorrea2912 Yo quiero unos para mi hija

adald_schmalbach Alguien quiere oto bebe @nickyjamp

arturomaxx @esperulz_

yoliettlucia Te los hago para el próximo bb...jeje

iasusin 21 Dónde los puedo comprar

♥️ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Hal Kravitz
Chief Executive Officer
AQUAhydrate, Inc.
5870 West Jefferson Boulevard
Suite D
Los Angeles, California 90016

Dear Mr. Kravitz:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Sean Combs.² Mr. Combs's post shows a photo of two bottles of AQUAhydrate water in what appears to be a car and he writes, "Let's GO!!! @aquahydrate #balance #hydrate #tryIT."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

We understand that Mr. Combs is an owner and director of AQUAhydrate. Mr. Combs's material connection to your company should be clearly and conspicuously disclosed in his endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGaNNr4plwG/?taken-by=iamdiddy>.

Mr. Hal Kravitz
March 20, 2017
Page 2

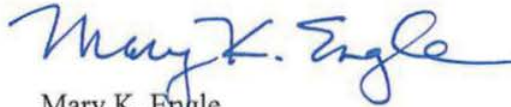
many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Mr. Combs’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



iamdiddy

Follow

5,639 likes

19h

iamdiddy Let's GO!!! @aquahydrate
#balance #hydrate #tryIT

view all 55 comments

falboybeatz #drinkingsofnewyork

elishazuniga72 Cheers @iamdiddy I'm
drinking the same thing right now as I'm
sweating it out in the sauna.
#72staypositive

finedicipline We going meeeen

ak_management_presents 🍷🍷

burakus1 Pastor Diddy 🍷🍷

sephora9124 I will need this after you
make me squirt

knolig_works Nice shot

mastew25 This water is so good. I hope
to buy a case this weekend. Delicious
Hydrate for the body!

marchbaby0320 I need to try that



Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. John Nosek
President
Kao USA, Inc.
312 Plum Street
Cincinnati, Ohio 45202

Dear Mr. Nosek:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Shay Mitchell.² She posts a video of herself scrubbing her face with Biore products and writes, "I can never perfect the art of the boomerang but this one was a win thanks to @bioreus 's Baking Soda Scrub that fizzes & bubbles when I wash my face almost like a mini spa-day for my pores! [emojis] #TBT BioreAmbassador."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

It appears that Ms. Mitchell has a business relationship with your company. Ms. Mitchell's material connection to your company should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLZrgpUBp1O/?taken-by=shaym&hl=en>.

Mr. John Nosek
March 20, 2017
Page 2

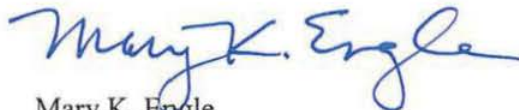
unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Mitchell’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

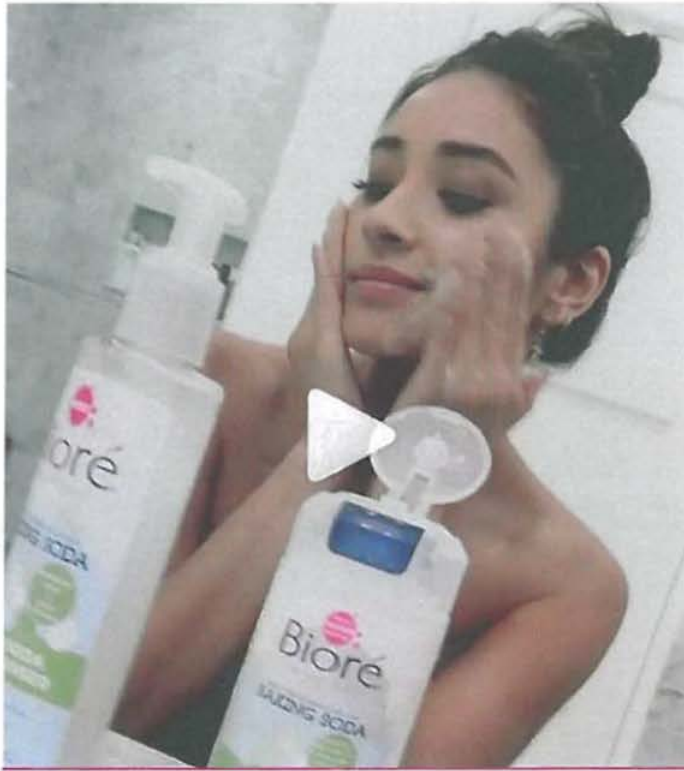
You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



shaym

Follow

1.4m views

8w

shaym I can never perfect the art of the boomerang but this one was a win thanks to @bioreus 's Baking Soda Scrub that fizzes & bubbles when I wash my face almost like a mini spa-day for my pores! ✨👏 #TBT BioreAmbassador

view all 826 comments

manalbounaaja3 Woow

saarah.siddiqui Wait that was her in the commercial?? WOAHH @ssanlyahhh

irem_koca 🥰🥰

asialena_2003 GOALS

asialena_2003 GOALS

asialena_2003 GOALS

asialena_2003 HOWWWW

asialena_2003 ARE

kyllemaisine @jadenderry have this



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Jeremy Joseph
President & General Counsel
Buscemi, LLC
1545 Wilcox Avenue, Suite 202
Hollywood, California 90028

Dear Mr. Joseph:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Ciara and Dorothy Wang.² Ciara posts a picture of three pairs of shoes and writes, "Proud To Be An American. #RedWhiteAndBlue HappyFourth Thnx @Buscemi For Juicy Mans Shoes us." Ms. Wang posts a picture of a pair of shoes in front of a Buscemi.com box lid and writes, "Monday delivery! [emojis] So OBSESSED with these #buscemi sneakers!! Thanks @buscemi @robhepler, can't wait to wear them!"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with either Ciara or Ms. Wang, that relationship should be clearly and conspicuously disclosed in the endorsements. To be both

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://instagram.com/p/BHdLktxjCG2/> and <https://www.instagram.com/p/BEEvytUTNP6/?taken-by=dorothywang&hl=en>.

Mr. Jeremy Joseph

March 20, 2017

Page 2

“clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. A statement like “Thnx @Buscemi” or “Thanks @buscemi” is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser’s relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to the attached posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



ciara

Follow

59k likes

7w

ciara Proud To Be An American.
#RedWhiteAndBlue HappyFourth
Thnx @Buscemi For Juicy Mans Shoes us
view all 365 comments

martinomayiki Proud to be an American?
Haha @ciara pls tell me/us thats a joke
🤔

mussageor goodshoes

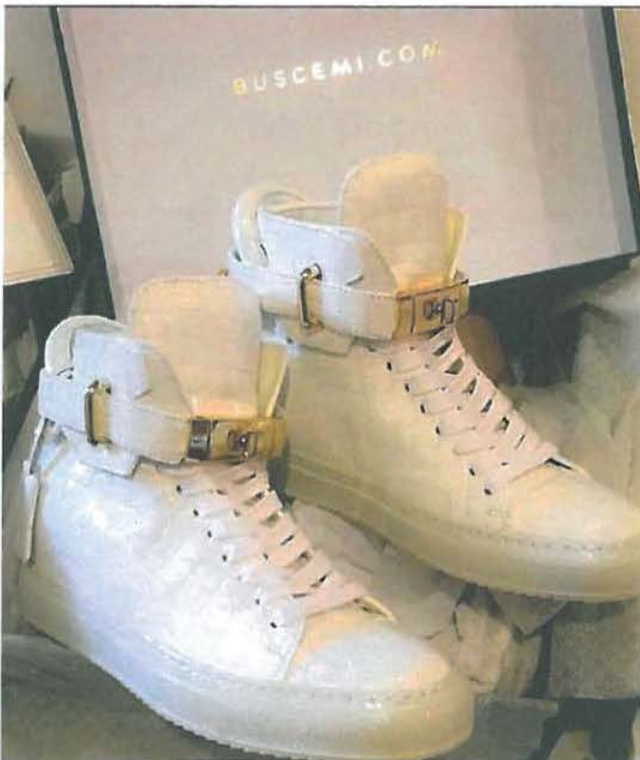
viiettina_0925 @martinomayiki i mean
she is living in America and thats our
nationality so yes, hee being proud to be
an American makes sense :) despite all
the police brutality stuff going on, if thats
what "Haha" about lol

ninoudu13100 @tony_chicharito 🤔

tony_chicharito @ingrid_izquierdo13 🤔
🤔🤔🤔

🤔 Add a comment...

etc



dorothywang

Follow

6,356 likes

3w

dorothywang Monday delivery! 😄😄 So
OBSESSED with these #buscemi
sneakers!! Thanks @buscemi
@robheppler, can't wait to wear them!
👉

view all 99 comments

snkrclctr I sell under retail

myninstagram @natasharoy

lolominaj @thisdudekiros

thisdudekiros No way! @shooootsblayr
@lolominaj

trevor27857 Beautiful

janet63h All this it just vanity

susi_cee @seaviewskyline is this the
brand??

seaviewskyline @susi_cee yup

susi_cee @seaviewskyline looks good!!!

neoffrevnieresalomon Wwv dorothy

🤔 Add a comment...

etc



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Thomas L. Millner
Chief Executive Officer
Cabela's, Inc.
1 Cabela Drive
Sidney, Nebraska 69162

Dear Mr. Millner:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Luke Bryan.² He posts a picture of himself in one of your stores holding a fishing rod and writes, "Which one should I get? #HFE."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Mr. Bryan, that relationship should be clearly and conspicuously disclosed in his endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BFe3vD0LsK0/?taken-by=lukebryan>.

Mr. Thomas L. Millner

March 20, 2017

Page 2

endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Mr. Bryan’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

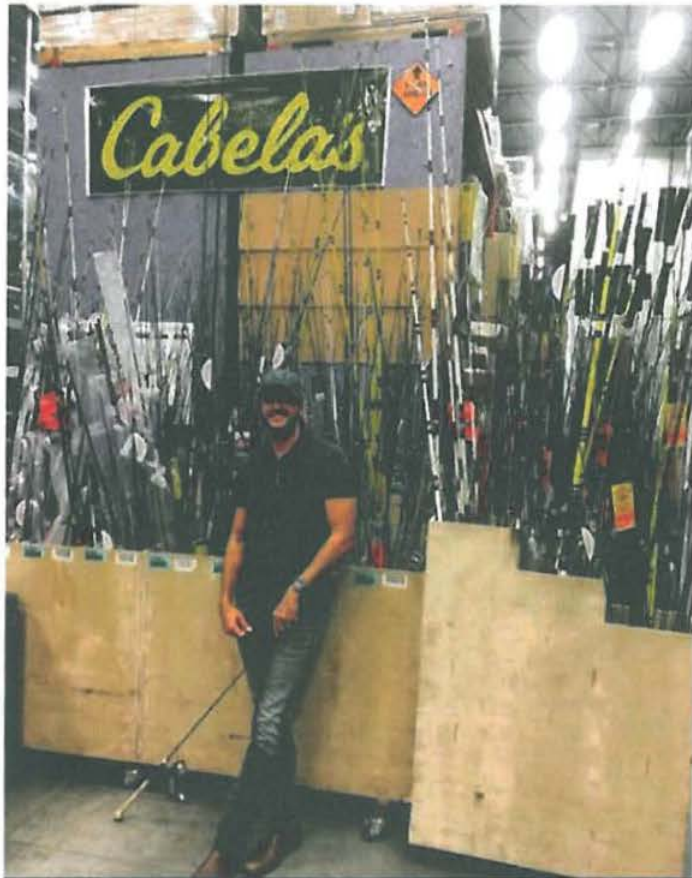
You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



lukebryan

Follow

85.8k likes

3w

lukebryan Which one should I get? #HFE

[View all 1,097 comments](#)

[hannawilson.hw](#) I am your biggest fan ever

[taylormitchell101](#) Too many to chose from

[madi.ac](#) i love youuuuuu

[cole_peterson07](#) All of them @lukebryan

[blake2562](#) I would like to meet u

[ritazelig](#) They're all beautiful works of art! But Luke, you should only get that one with a grip that feels like hand in glove. Has just enough play to it, and can cast off as easily as you need it to! Just make sure if you're using a lure... Better make it a better one than you might've usually been using! □□□□□□□□□□

[cobey29](#) @tito_badito

[smf4theCub](#) :)) I agree it should fit

♡ Add a comment

0 >>



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. John Galantic
President and Chief Operating Officer
Chanel USA
9 West 57th Street
44th Floor
New York, New York 10019

Dear Mr. Galantic:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Kristin Cavallari.² She posts a picture that includes a Chanel product and writes, "My tried and true crew. I don't go anywhere without em #FavProducts #Austin #BacheloretteParty."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Cavallari, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example,

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGPqePkNQ6i/?taken-by=kristincavallari>.

Mr. John Galantic

March 20, 2017

Page 2

consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Cavallari’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



kristincavallari

Follow

8,140 likes

4d

kristincavallari My tried and true crew. I don't go anywhere without em
#FavProducts #Austin #BacheloretteParty

view all 84 comments

morganmcallister @oliviawilliamz

beautifulfacesbymelissa What's the pencil?

laumastrehl I love Lorac Unzipped, use it everyday. Did you know Sephora quit carrying the Lorac line and Kohl's has picked it up?! wth. At least Kohls is closer to my house :)

kelanarusso @mer_hanley loook for her

jessica_assomull H

hollypie05 @sheennn that oribe tho

lydia_lorraine YOU'RE IN AUSTIN!?? 🤔

whatsmineinthisworld Can someone pls tell what the pencil is?

♡ Add a comment...

0/12



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Riccardo Pozzoli
Co-Founder
Chiara Ferragni Collection
c/o Diana Corp.
via S. Daniele 137/139
35038 Torreglia (PD)
Italy

Dear Mr. Pozzoli:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to some potential issues raised by the attached Instagram post by Lucy Hale.² She posts a picture of her shoes and writes, "I got stars in my eyes and stars on ma shoezzz @chiaraferragnicollecion."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Hale, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous,"

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BFXawC1Qut-/?taken-by=lucyhale&hl=en>.

Mr. Riccardo Pozzoli

March 20, 2017

Page 2

the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Hale’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.) You may also wish to review the guidelines on online reviews and endorsements published by the International Consumer Protection and Enforcement Network (ICPEN), a network of consumer protection agencies from more than 60 countries. Like the FTC’s Endorsement Guides, the ICPEN guidance reflects basic truth-in-advertising principles and provides examples for digital media marketing.³

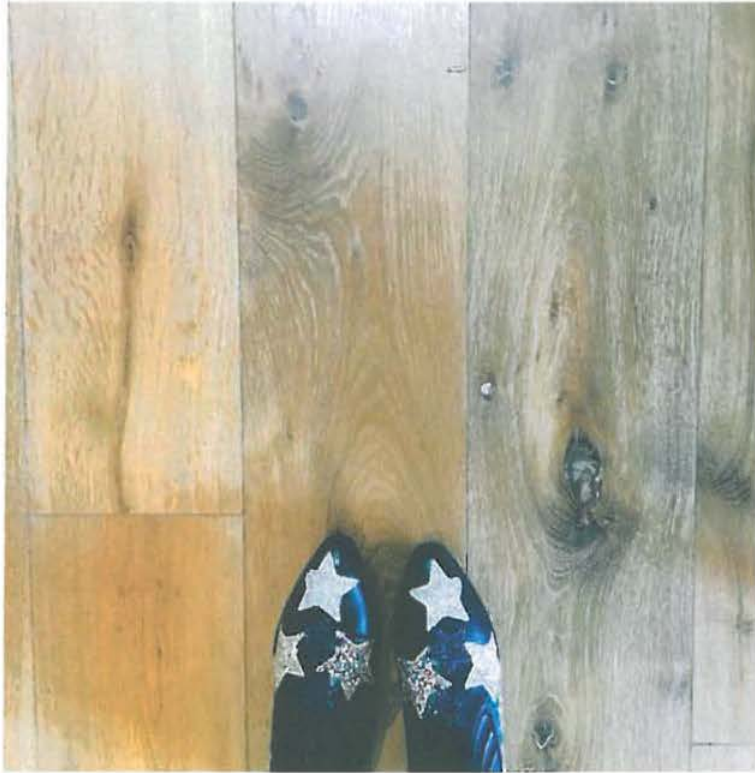
If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices

³ The ICPEN guidance is available at <https://www.gov.uk/government/news/online-reviews-guidelines-mark-end-of-cmas-icpen-presidency>.



lucyhale

Follow

198k likes

3w

lucyhale I got stars in my eyes and stars on ma shoezzz @chiaraferragnicollection

view all 379 comments

angela.stoppato @maristoppato

big_fat_liars.fanpage Lucy, I want you to know that your an amazing singer/actress/person and I know that everyone gets hate on social media, so I just wanted you to know that you have way more fans then haters, and haters suck! I love you lucy! Stay strong!

belikepll LUCY HALES CLOTHING HERE!! 🐾

sharah.s_ @shoezzz

mg_million Uxu

louiswtattoos LUCY SCUSAMI TU E CHIARA FERRAGBI SIETE AMICHE NO IO MI RITIRO

spobyxpll Omg love😊

♡ Add a comment

6/6



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Albert Bitton
Co-Founder
The Clean Program Corp.
400 West Broadway
3rd Floor
New York, New York 10012

Dear Mr. Bitton:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Naomi Campbell.² She posts a picture of your Clean dietary supplement package and writes, "#startmyday @alejandrojunker1 #alejandrojuncerleanse #md #clean #cleangutdetox [three muscular arm emojis]."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Campbell, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BF6d0zOo5lm/?taken-by=iamnaomicampbell>.

Mr. Albert Bitton
March 20, 2017
Page 2

should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

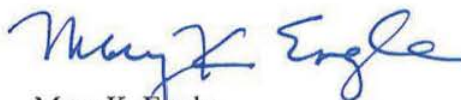
If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Campbell's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They're available online at business.ftc.gov.)

Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



iamnaomicampbell

Follow

11.4k likes

5w

iamnaomicampbell #startmyday
@alejandrojunge1
#alejandrojunge1cleanse #md #clean
#cleangutdetox ~~👍👍~~

view all 42 comments

iamrubyred11 @iamnaomicampbell I
need this...

nataliadriare This stuff actually works! I
had my doubts at first because I've never
thought that any type of supplements
could actually aid in weight loss but after
taking 2 before every meal for about 3
weeks, I had lost 10 pounds with barely
any exercise and a healthy diet! The link
to the website on my page..

antoniacasino 🙏

ifeisty Funny is this copy and paste?
Exact wording as other person above?

edmikol @danielcphillips whats that?

♡ Add a comment

000



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Alex Gorsky
Chairman and Chief Executive Officer
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933

Dear Mr. Gorsky:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Giuliana Rancic.² She posts a picture of her foot next to a Compeed package and writes, "Can you spot my latest obsession? (Hint it's on my heel but you can barely see it!!!) Love high heels. Hate Blisters. Not leaving the house without #CompeedUS in my bag this summer. Check it out @Walgreens #musthave #partner #gsobsessions."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

It appears that Ms. Rancic has a business relationship with your company. Ms. Rancic's material connection to your company should be clearly and conspicuously disclosed in her

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGH4uqgwi3Y/?taken-by=giulianarancic>.

Mr. Alex Gorsky
March 20, 2017
Page 2

endorsements. To be both “clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. Simply including “#partner” in an Instagram post isn’t likely to effectively convey that an Instagram post is sponsored. One option that may be more effective is “#Compeed_Partner.” In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Rancic’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



giulianarancic

Follow

9,729 likes

1w

giulianarancic Can you spot my latest obsession? (Hint: it's on my heel but you can barely see it!!!) Love high heels. Hate Blisters. Not leaving the house without #CompeedUS in my bag this summer. Check it out @Walgreens #musthave #partner #gsobsessions 🐾

view all 133 comments

teresakiryakoza @chanel509

melis_henry @jen_mir not sure how it works

brig_mo @marykate_no_ashley_

rosellaloduca @akrzeszewski heeeee glutyyyy

kat_hamilton @laneborgida

4vrmygriz I need this 🍷

mapy0110 Me too! 🍷🍷🍷

tammycruz47 Cute shoes

📄 Add a comment

👁️



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Dana Gordon
Chief Executive Officer
Dana Rebecca Designs
676 North Michigan Avenue
Suite 3610
Chicago, Illinois 60611

Dear Ms. Gordon:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Sofia Vergara.² Ms. Vergara's post shows a wrist wearing nine bracelets, and she writes, "Wrist full of @danarebecca on set."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Vergara, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BBqht3PrpVT/?taken-by=sofiavergara&hl=en>.

Ms. Dana Gordon

March 20, 2017

Page 2

in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Vergara’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

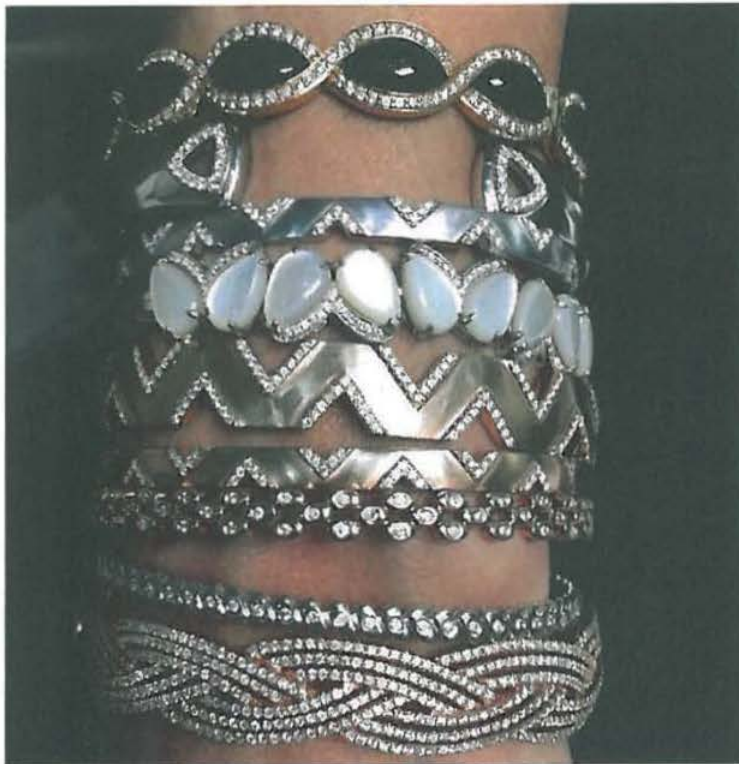
You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



sofiavergara

Follow

75.3k likes

16w

sofiavergara Wrist full of @danarebecca on set

View all 279 comments

2lovely81 Beautiful

shlaur Omg these are beautiful @natorah @shay_x0x

fiestyrican Beautiful

pimentels @keren2016

nidakhanxo @kitchen805

andy20gomez @medicenvic soy tan ella

sshru_5 @not_bornonchristmas

negar_64 🌸🌸

aye.teee @ohsoericaa the one on top looks familiar...minus the diamonds

fatima_bernal @carlosernesto_

carlosernesto_ Están brutales

@fatima_bernal

♡ Add a comment...

2/20



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Nigel Travis
Chief Executive Officer
Dunkin' Brands Group, Inc.
130 Royall Street
Canton, Massachusetts 02021

Dear Mr. Travis:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Heidi Klum.² She posts a picture of herself with a Dunkin' Donuts drink cup and writes, "Guess what i am doing today."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Klum, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BExH1NZD1dW/?taken-by=heidiklum>.

Mr. Nigel Travis
March 20, 2017
Page 2

endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Klum’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



heidikum

Follow

37k likes

5w


heidikum Guess what I am doing today



view all 177 comments

lillycarolin awww :)

jui_swagi Bitte

elisa_fabienne Cool

marciano.74 Ich will auch eine 

fraukelingg Ich will ein  von meiner Tochter 

jhessygleicia Sdv ult

lina.sewing @annasophie_love 3 mal

♡ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Sherry Jhawar
Director of Smooth Strategies
eos Products, LLC
610 Fifth Avenue
Suite 4818
New York, New York 10185

Dear Ms. Jhawar:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Rach Parcell.² Ms. Parcell's post shows a photo of two eos products, and she writes, "Sharing a little secret on how I've been getting silky smooth skin lately on my blog today! Head over to pinkpeonies.com for all the details (link in bio) ♥ @eosproducts."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Parcell, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGMn94-mx2y/?taken-by=rachparcell>.

Ms. Sherry Jhawar
March 20, 2017
Page 2

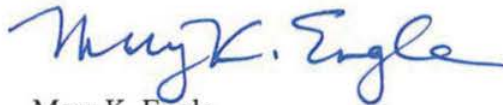
in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Parcell’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



rachparcell

Follow

6,100 likes

5/3

rachparcell Sharing a little secret on how I've been getting silky smooth skin lately on my blog today! Head over to pinkpeonies.com for all the details! (link in bio) 🌸 @eosproducts

behappywithfashion Want To try them 😊😊😊

sannaasorensen Now those are some purty peonies @ciliacbellia

arzutanyeri 🌸🌸🌸🌸🌸🌸

livblen Great post!

qjbymariaa Nice 😊

ninaerin18 Love eos! 🌸

simplyfulstyle This comment has nothing to do with eos but I saw your hubby putting up the shelving on your snap and my husband make the same face! 😂 #handymanhusbands

anik.jewelry So beautiful!

👍 Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Messrs. Daniel and Michael Broukhim
Co-CEOs and Co-Founders
FabFitFun, Inc.
360 North La Cienega Boulevard, #3B
Los Angeles, California 90048

Dear Messrs. Broukhim:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Jenni "JWoww" Farley and Jamie Lynn Spears.² Ms. Farley posts a picture of herself with a FabFitFun box and writes, "This is some serious #boxgoals right here. So in love with my fall box from @fabfitfun. The ModCloth scarf is so cute and cozy and there are so many new beauty products that I can't wait to try (like the night serum, eyeshadow palette by Pure Cosmetics, brow gel and so much more! Use code JENNI at www.fabfitfun.com for \$10 off if you don't already get their boxes. You will not be disappointed! #fabfitfun #fffpartner."

Ms. Spears posts a picture of herself with a FabFitFun box and writes, "Ya'll, I'm obsessed with the new @FabFitFun Fall box!! I've been using the brow gel and eye shadow every day and they've completely changed my outlook on makeup. You can use the code JLS for \$10 off at www.fabfitfun.com, if you don't already subscribe...Best decision I've ever made. #fabfitfun #fffpartner."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BK8cJ21jYfe/?taken-by=jwoww&hl=en> and <https://www.instagram.com/p/BK1JNLGB9Cs/?taken-by=jamielynspears&hl=en>.

Messrs. Daniel and Michael Broukhim

March 20, 2017

Page 2

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

It appears that both Ms. Farley and Ms. Spears have business relationships with your company. Their material connections to your company should be clearly and conspicuously disclosed in their endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. We do not know if consumers will understand "#fffpartner"; it would be clearer if you used "FabFitFunPartner" or "FabFitPartner" instead. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Farley's and Ms. Spear's posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They're available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



jwoww

Follow

20.5k likes

10w

jwoww This is some serious #boxgoals right here. So in love with my fall box from @fabfitfun. The ModCloth scarf is so cute and cozy and there are so many new beauty products that I can't wait to try (like the night serum, eyeshadow palette by Pure Cosmetics, brow gel and so much more! Use code JENNI at www.fabfitfun.com for \$10 off if you don't already get their boxes. You will not be disappointed! #fabfitfun #fffpartner

view all 75 comments

nessapngilinan Jwow is seriously so beautiful ! ❤️

datawesometrio You're so beautiful 😊

lesliewilliams2010 Love mine too! Wish we could hang out with our scarves on and sip coffee from our new cups!!! 😊

enchantedvoyages @jwoww what kind of



jamielynnspears

Follow

9,708 likes

10w

jamielynnspears Y'all, I'm obsessed with the new @FabFitFun Fall box!! I've been using the brow gel and eye shadow every day and they've completely changed my outlook on makeup. You can use the code JLS for \$10 off at www.fabfitfun.com, if you don't already subscribe...Best decision I've ever made. #fabfitfun #fffpartner

view all 49 comments

tatumdavissolis88 @jamielynnspears yes the socks are awesome for yoga! I always get good stuff in @fabfitfun for yoga! Let me

Log in to like or comment.

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Joede Grant
Owner
J Grant Enterprise LLC

(b)(6)
Charlotte, North Carolina (b)(6)

Dear Ms. Grant:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Maci Bookout McKinney.² Ms. McKinney posts a picture of herself holding your Flat Belly Tea product and writes, "Seriously loving my @Flatbellytea_ - it's a part of my routine to stay healthy and active. It gives me that extra push to stay on track & so much energy to keep up with my kids! #DetoxTea [steaming cup emoji] use code Maci for \$ off at www.Flatbellytea.com [hearts emoji]."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

It appears that Ms. McKinney has a business relationship with your company. Ms. McKinney's material connection to your company should be clearly and conspicuously disclosed

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMZpglYhXFE/?taken-by=macideshanebookout&hl=en>.

Ms. Joede Grant
March 20, 2017
Page 2

in her endorsements. To be both “clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

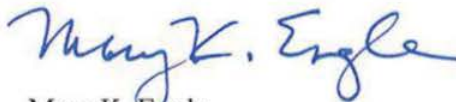
If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. McKinney’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

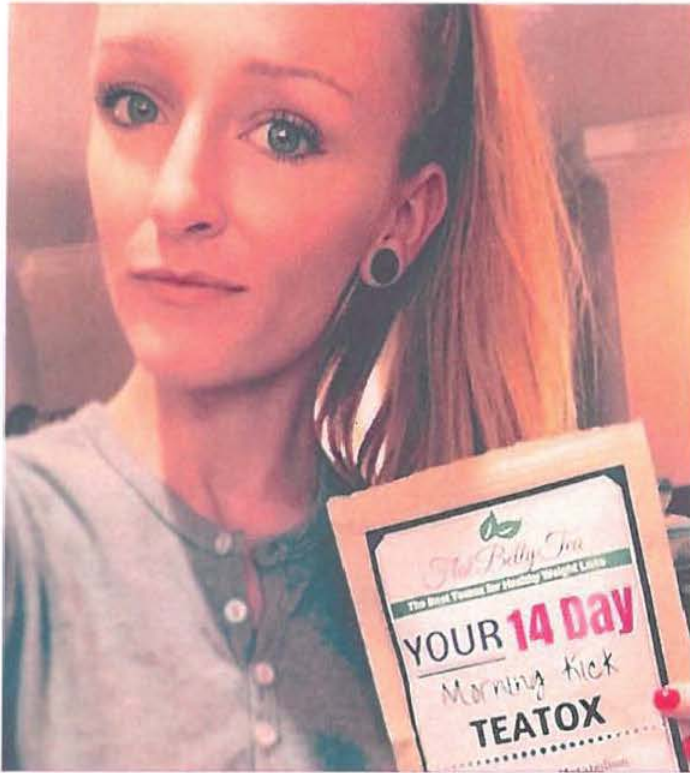
Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



macideshanebooko...

Follow

21.5k likes

4w

macideshanebookout Seriously loving my @Flatbellytea_ - it's a part of my routine to stay healthy and active. It gives me that extra push to stay on track & so much energy to keep up with my kids! #DetoxTea 🍵 use code Maci for \$ off at www.Flatbellytea.com💖

[view all 156 comments](#)

a_wohl @pinchita3.24 looks like he's on drugs right?! 😞😞 poor guy

eortiz36 Maci is my favorite teen mom og. Love her book and as the yrs go by I love how she try's and get Ryan to be part of bentlys life. Kinda like she has 2 sons. Wish a lot more moms where like u.

caraleeann_ @_callieelaine y'all are twins
callieelaine Lol you think?? @caraleeann
caraleeann_ @_callieelaine for sure!!!

rvlita @amandamaviones does every teen



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Jack Ross
Chairman & Chief Executive Officer
Synergy CHC Corp.
865 Spring Street
Westbrook, Maine 04092

Dear Mr. Ross:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Nicole Polizzi and Tiona Fernan.² Ms. Polizzi posts a picture of herself holding your Flat Tummy Tea Cleanse product and writes, "There's just NO WAY I'm doing summer without a flat tummy. It's time to get summertime fiiiine and my pack of Flat Tummy Tea has just got here." Ms. Fernan posts a picture of herself with a bare midriff and writes, "Loving the difference @flattummytea makes to my body. Girls, go get yours today! [hearts emoji] #flattummytea."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with either Ms. Polizzi or Ms. Fernan, that relationship should be clearly and conspicuously disclosed in the endorsements. To be both

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BGajsY8Bjrb/?taken-by=snookinic> and <https://www.instagram.com/p/BLrkAqQhxU7/?taken-by=xttiona&hl=en>.

Mr. Jack Ross
March 20, 2017
Page 2

“clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

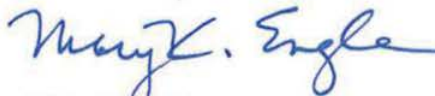
If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to the attached posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

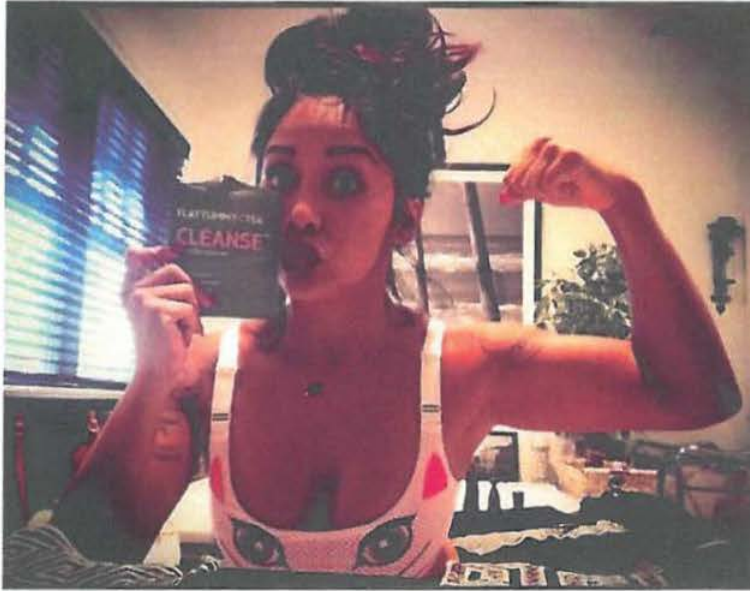
Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



snookinic

Follow

35.2k likes

15h

snookinic There's just NO WAY I'm doing summer without a flat tummy. It's time to get summertime filline and my pack of Flat Tummy Tee has just got here!!! They've got a sale on today at 20% off so if you're prepping for summer, now's your chance - go check out the sale at @fattummytea

view all 228 comments

rayrob90 Are you the real Snooki from the jersey shore of so write me back and tell me what is everyone else doing from the show keep me updated thank you

Add a comment



xttiona

Follow

15.8k likes

7w

xttiona Loving the difference @fattummytea makes to my body. Girls, go get yours today! ❤️ #fattummytea

view all 177 comments

sammymusaaaa @harysalsaedi

colomboinstyle Curves on point @xttiona

reed.a_ 🤔🤔🤔🤔🤔🤔🤔🤔🤔🤔

iiamlegend We def need to kill some sets 🍋

blackanese_97 @imanzz

db9077700 How are you doing sexy

by_victoria_secret @jennyjan voici le style de Cedric

justmgee @ellegardere damn 🤔🤔🤔

folakemi.angela She's pengpeng

@_mbassi25

bowen.fabian Mmm



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Samira Asemanfar
Ms. Melody Gofred
Fred and Far

(b)(6)

Los Angeles, California (b)(6)

Dear Ms. Asemanfar and Ms. Gofred:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Amber Rose.² Ms. Rose posts a picture of a Fred and Far pinky ring and its package, and writes, "Thank you @fredandfar for your love and support ♥."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Rose, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "Thank you@Fredandfar" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser's relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. In

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGMrDdykq3R/?taken-by=amberrose&hl=en>.

Ms. Samira Asemanfar
Ms. Melody Gofred
March 20, 2017
Page 2

addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Rose's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They're available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



amberrose

Follow

23k likes

53

amberrose Thank you @fredandfar for your love and support ❤️

View all 233 comments

elarmariodecarmina Lb

tifferannd Check your DM muva, I need to get you in one of my caps 🍷 @amberrose

beautyfullpage Be BeautyFULL, be YOU! 🍷🍷🍷 Follow us! #beauty

globalcash_ CHECK OUT MY INSTAGRAM TO LEARN HOW TO MAKE SOME EASY QUICK CASH DM ME OR TXT (219)200-2730 FOR MORE INFORMATION ALL YOU NEED IS AN ACTIVE BANK ACCOUNT NO CASH IS NEEDED IN THE ACCOUNT AT ALL!!!!

izzybelly258 Justin copied your hair

brandon.3.crosby Who are u

brandon.3.crosby I don't know who u

♡ Add a comment

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Anthony Fletcher
Chief Executive Officer
Nature Delivered, Inc.
25 Colony Road
Jersey City, New Jersey 07305

Dear Mr. Fletcher:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Vanessa Hudgens.² She posts a picture of herself with a box of your Graze products and writes, "I'm obsessed with @grazeusa ♥♥ Snacks just make life better. #GrazeSnacks."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Hudgens, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BKYzTA5BewR/?taken-by=vanessahudgens>.

Mr. Anthony Fletcher
March 20, 2017
Page 2

three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Hudgens’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



vanessahudgens

Follow

269k likes

11w

vanessahudgens I'm obsessed with @grazeusa ❤️❤️ Snacks just make life better. #GrazeSnacks

view all 738 comments

kclements Holy crap 🤩🤩 @_cam.king_

cam.king lkr, I want more High school musical 🤩 @_kclements_

malubragad essa foto me lembrou vc @ana_lobe

panesarr_ @commedesnina ok legit you look alike here 🤩

commedesnina @panesarr_ I can sort of agree with you on this one 🤩

panesarr_ @commedesnina but you do look like her though don't you 🤩

nehe_8 Ohhhh romi x5

ittszlitt4209 #GrazeFullDazeFull

washingtontina @chermondita



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. James Hill, Founder
Hairburst Limited
4 Allerton Hill
Chapel Allerton
LS7 3QB, Leeds
United Kingdom

Dear Mr. Hill:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Valentina Vignali.² Ms. Vignali posts a picture of herself holding a bottle of your Hairburst product and writes, "I'm trying the new chewable @hairburst hearts! Simply chew two hearts per day to give your hair all the vital ingredients it needs. Hairburst will protect your hair this winter and will reduce breakages."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Vignali, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous,"

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMeihtVhO4S/?tagged=hairburst>.

Mr. James Hill
March 20, 2017
Page 2

the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

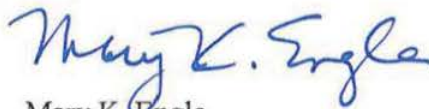
If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Vignali’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov. You may also wish to review the guidelines on online reviews and endorsements published by the International Consumer Protection and Enforcement Network (ICPEN), a network of consumer protection agencies from more than 60 countries. Like the FTC’s Endorsement Guides, the ICPEN guidance reflects basic truth-in-advertising principles and provides examples for digital media marketing.³

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices

³ The ICPEN guidance is available at <https://www.gov.uk/government/news/online-reviews-guidelines-mark-end-of-cmas-icpen-presidency>.



valentinavignali
Matera - Citta dei Sa...

Follow

18.4k likes

5w

valentinavignali I'm trying the new chewable @hairburst hearts! Simply chew two hearts per day to give your hair all the vital ingredients it needs. Hairburst will protect your hair this winter and will reduce breakages. Order now from hairburst.com #Hairburst #HealthyHair #LoveIt 

view all 56 comments

aspassop bombe illegal
@valentinavignali

raulino_7 Cool

maxcasablanca Anche spellate..
bombeeeee

salvatore.scribani Compa compriamoci
ste monchia di caramelle ahahaha
@anthony_nobile

gaglia11 Hai dei peli in mezzo alle zinne..

lance911s Funziona di più la supposta!!!

Log in to like or comment.





United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Leyla Milani-Khoshbin
Khosh Milani Enterprises LLC
18071 Fitch
Suite 150
Irvine, California 92614

Dear Ms. Milani-Khoshbin:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Lilly Ghalachi.² She posts a picture of two women holding bottles of HAIRtamin vitamins and writes, "Omg that HAIR @HAIRtamin Hair Nourishing Vitamins have helped me so much and I can't wait to get results like the beautiful #GLAMTwins @laurabadura @klaudiabadura have from taking them! #GhalichiGlam #HAIRtamin."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Ghalachi, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at https://www.instagram.com/p/BIX_wkyjNHU/?taken-by=lillyghalichi&hl=en.

Ms. Leyla Milani-Khoshbin

March 20, 2017

Page 2

should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

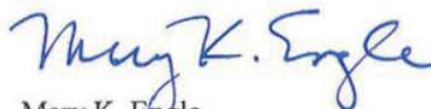
If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Ghalachi’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



lillyghalichi

Follow

6,901 likes

3w

lillyghalichi Omg that HAIR
@HAIRtamin Hair Nourishing Vitamins
have helped me so much and I can't wait
to get results like the beautiful
@GLAMTwin @laurabadura
@klaudiabadura have from taking them!
@GhalichiGlam #HAIRtamin

seashore20 I've just started using them
❤️

anna_kondulinskaya 🌟🌟🌟🌟

fatit.95 @gmgm_5 احسن نكرتني بعملة لما تحضني
روح احمر 🌟🌟

omg_makeup حادة للملحمة طريقة سهلة لرسم
الانباتر تعالى 🌟🌟🌟🌟

zuneraserena luv it

marthafashion24 Use coconut oil

luxury4lease I can feel my hair getting
thicker after 3 months usage. I lost a lot

❤️ Add a comment

👁️



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Dominik Richter
Chief Executive Officer
HelloFresh AG
37A Saarbrücker Straße
Berlin, 10405
Germany

Dear Mr. Richter:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Caroline Manzo.² She posts a picture of herself in the kitchen with a Hello Fresh delivery and writes, "Keeping on my healthy kick in the kitchen tonight with @hellofresh. Since all the fresh ingredients are pre-measured for perfectly portioned meals, I don't have to think about meal planning and can just start cooking! Love that I have @hellofresh to switch it up when I just don't have the time to grocery shop and meal prep. Give it a try with my code 'FreshCaroline' for \$35 off your first healthy week at hellofresh.com #fallmeals #healthy #hellofreshpics #sp."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMCoUnLjzPE/?taken-by=carolinemanzo&hl=en>.

Mr. Dominik Richter

March 20, 2017

Page 2

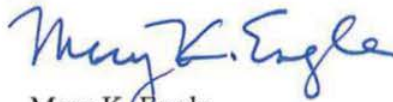
It appears that Ms. Manzo has a business relationship with your company. Ms. Manzo's material connection to your company should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Many consumers will not understand "#sp" to mean that the post is sponsored. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Manzo's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They're available online at business.ftc.gov.) You may also wish to review the guidelines on online reviews and endorsements published by the International Consumer Protection and Enforcement Network (ICPEN), a network of consumer protection agencies from more than 60 countries. Like the FTC's Endorsement Guides, the ICPEN guidance reflects basic truth-in-advertising principles and provides examples for digital media marketing.³

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices

³ The ICPEN guidance is available at <https://www.gov.uk/government/news/online-reviews-guidelines-mark-end-of-cmas-icpen-presidency>.



carolinemanzo

Follow

3,915 likes

7w

carolinemanzo Keeping on my healthy kick in the kitchen tonight with @hellofresh. Since all the fresh ingredients are pre-measured for perfectly portioned meals, I don't have to think about meal planning and can just start cooking! Love that I have @hellofresh to switch it up when I just don't have the time to grocery shop and meal prep. Give it a try with my code "FreshCaroline" for \$35 off your first healthy week at hellofresh.com #fallmeals #healthy #hellofreshpics #sp

view all 56 comments

yesmydarling07 Nice idea but expensive for what you get

jcaffa13 Go you! You've always been one of my favorite! You keep it real. And, I love that cutting board! Like pumpernickel swirl bread...Where did you net it?

Log in to like or comment





United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Rilwan Hassan
IO Moonwalkers, Inc.
800 Annadale Road
Staten Island, New York 10312

Dear Mr. Hassan:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Allen Iverson.² He posts a picture of himself holding an IO Moonwalkers box and writes, "Thanks to @io_moonwalkers for my board!! Much love ... #TheAnswer."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Mr. Iverson, that relationship should be clearly and conspicuously disclosed in his endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "Thanks to @io_moonwalkers for my board!" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser's relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/8mIhWjicuw/?taken-by=theofficialai3>.

Mr. Rilwan Hassan
March 20, 2017
Page 2

look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Mr. Iverson’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



theofficialai3

Follow

28.4k likes

33w

theofficialai3 Thanks to @io_moonwalkers for my board!! Much love ... #TheAnswer

View all 714 comments

glutenfree_based_steaks @jt_jickchu
namirault @ztromb

singing_candy_lady I ~~love~~ you
sheamonty @domborelli_ @halfie_@
@baynep027

justasimplemane @dmvplum @itsjahredb
@dankflip allen @stus

shanex215_ @jpcrazy02
maine3000 Tec ya Neck

gibs716 @scottegoodwin
scottegoodwin @gibs716 HELP

mr_bright Doesn't seem happy bout
getting the board @ _nico_o_
@ben luca @fabi frankfurt

♡ Add a comment...

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Josie Maran
Founder and Chief Empowerment Officer
Josie Maran Cosmetics, LLC
6165 Santa Monica Boulevard
Los Angeles, California 90038

Dear Ms. Maran:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Behati Prinsloo.² She posts a picture of one of your company's products and writes, "Obsessed with this @josiemarancosmetics all natural argan oil balm with vitamin e."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Prinsloo, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BBWPMctwljp/?taken-by=behati prinsloo>.

Ms. Josie Maran

March 20, 2017

Page 2

three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Prinsloo’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



behatiprinsloo

Follow

68k likes

15w

behatiprinsloo Obsessed with this @josiemarancosmetics all natural argan oil balm with vitamin e 🍷

view all 244 comments

bermudezlauren @winnisfer4c Y SUS PIES UF LOS AMO

c1ndyc Love a bit of sparkle! @behatiprinsloo

angelabossgal @behatiprinsloo how do u like to use it?

anaisabelcb Mira @naturaanimal la pintura de uñas que te regale 🥰🥰

rhmom2006 Love all her stuff!

clrnry @arturcamara aqueles 3 pontinhos no dedo são a tatuagem aliança dela

batetpaula @alessandraferrara3

alessandraferrara3 Me están dando escalofrios 🥰 @batetpaula

📄 Add a comment...

6/6



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. David Suliteanu
Chief Executive Officer
Kendo Brands, Inc.
525 Market Street, 15th floor
San Francisco, California 94105

Dear Mr. Suliteanu:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Anna Petrosian.² She posts a picture of your company's Lock-It Collection products and writes, "I've heard so many amazing reviews about the Lock-it Collection by @katvondbeauty Can't wait to show and tell! [emoji] #LockItRevolution."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Petrosian, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more."

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://instagram.com/p/BllcL8VjJ1O/>.

Mr. David Suliteanu
March 20, 2017
Page 2

Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Petrosian’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



annapetrosian_

Follow

7,040 likes

3w

annapetrosian_ I've heard so many amazing reviews about the «Lock-it Collection» by @katvondbeauty Can't wait to show and tell! 🥰
#LockItRevolution

magdalenaxxo Dm me if u wanna get free stuff: makeup, clothes, phone cases. No bs

abycarrasco_ The foundation is so good for oily skin!!

soulvibrationclothing 🥰🥰🥰

_corri_g @mrsanchez254

x0x0.amira It's my all time favorite foundation! 🥰🥰🥰

_michelle_1989 @lindsaylask123

fanoula1826 I love it !! And so will you katvondbeauty 🥰❤

victoria_r_79 @annapetrosian_ can't wait to show and tell! 🥰🥰🥰

👍 Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Brian J. Driscoll
Chief Executive Officer
Diamond Foods, Inc.
1050 Diamond Street
Stockton, California 95205

Dear Mr. Driscoll:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Shay Mitchell.² Ms. Mitchell's post shows a photograph of Kettle brand potato chips, together with a glass of wine and playing cards, and she writes, "My kind of day #weekendgetaway."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Mitchell, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more."

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGPsuKFQr6F/?taken-by=shaym>.

Mr. Brian J. Driscoll

March 20, 2017

Page 2

Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Mitchell’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, prominent "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



shaym

Follow

198k likes

4d

shaym My kind of day
#weekendgetaway

view all 425 comments

callmecuteandbuymeapizza Us
@mallnxs

liamhispack WOW
@_pretty_little_emison_

manon_lprl @lucille.jcb dingue

lucille.jcb Les meilleures chips au monde
@manon_lprl

manon_lprl @lucille.jcb je ne savais pas
qu'elles avaient eu un tel succès

thisismaureen_ @marinelcbl @lizzie_cls
DIJON

izabela_wyrwa

ninipugli Les cartes seront des fiches de
français ma chérie @emmalou_p

jk_sarah @lauri_sir Bei uns auch so wo

♡ Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Tracey Sameyah, CEO
Harold Lancer, M.D.
Lancer Skincare, LLC
400 N. Rodeo Drive, Suite 3F
Beverly Hills, California 90210

Dear Ms. Sameyah and Dr. Lancer:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Victoria Beckham.² Ms. Beckham posts a picture of Lancer's Contour Décolleté product and writes, "Loving this new contour Décolleté by my friend @drlancerrx kisses from Los Angeles us X vb."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

While Ms. Beckham's Instagram post refers to Dr. Lancer as a friend, it does not indicate whether she has a financial or other business relationship with Lancer Skincare. If your company has a business relationship with Ms. Beckham, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BEHnSwdliPt/?taken-by=victoriabeckham>.

Ms. Tracey Sameyah, CEO
Harold Lancer, M.D.
March 20, 2017
Page 2

Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Beckham’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



victoriabeckham

Follow

60.3k likes

3w

victoriabeckham Loving this new contour Décolleté by my friend @dr Lancer x kisses from Los Angeles us X vb

View all 126 comments

katjaminski Hilt das auch?

catherinedavies123 Nice

armyguy_ben Make \$1,000-\$10,000 With An Active Bank Account 📠. Text 12246990757 Or Direct Message 🗨 Me For More Information.

islomxon_official @victoriabeckham

princessadatskaya_80_lvl @mason4ik 🤔👉

malinsundstroms @fridaedlunds 😄😄😄 😊

eringer_experience Feel Fantastic

aisha_ali.x @adeelaxali @axa.ali_x

amcblog Take look at the Qubie makeup

♡ Add a comment





Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Tim McMeekan
Chief Executive Officer
Lorac Cosmetics, LLC
29025 Avenue Penn
Valencia, California 91355

Dear Mr. McMeekan:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Kristin Cavallari.² She posts a picture that includes one your company's products and writes, "My tried and true crew. I don't go anywhere without em #FavProducts #Austin #BacheloretteParty."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Cavallari, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGPqePkNQ6i/?taken-by=kristincavallari>.

Mr. Tim McMeekan

March 20, 2017

Page 2

three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Cavallari’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



kristincavallari

Follow

8,140 likes

4d

kristincavallari My tried and true crew. I don't go anywhere without em #FavProducts #Austin #BacheloretteParty

View all 84 comments

morganmcaster @oliviawilliamz

beautifulfacesbymelissa What's the pencil?

laumastrehl I love Lorac Unzipped, use it everyday. Did you know Sephora quit carrying the Lorac line and Kohl's has picked it up?! wth. At least Kohls is closer to my house :)

kelanarusso @mer_hanley loooooo for her

jessica_assomull H

hollypie05 @sheennn that oribe tho

lydia_lorraine YOU'RE IN AUSTIN!?!? 😳

whatsmineinthisworld Can someone pls tell what the pencil is?

♡ Add a comment...

0/9



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Aihui Ong
Chief Executive Officer
EdgiLife Media Inc.
63 Bovet Road, Suite 519
San Mateo, California 94402

Dear Ms. Ong:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Chelsea Houska.² She posts a picture of herself with one of your Love With Food boxes and writes, "In love with my #LoveWithFood Snack Box. The snacks are perfect for Aubree's lunch and my pregnancy cravings."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Houska, it should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BKEyWuDDq0M/?taken-by=chelseahouska>.

Ms. Aihui Ong
March 20, 2017
Page 2

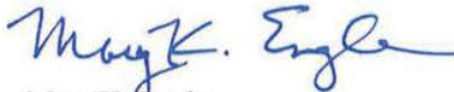
Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Houska’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



chelseahouska

Follow

51k likes

13w

chelseahouska In love with my #LoveWithFood Snack Box. The snacks are perfect for Aubree's lunch and my pregnancy cravings. For every box sold at least one meal is donated to a food bank! Check out @lovewithfood 's bio for 25% off your first deluxe box!

[view all 96 comments](#)

arenas2005 How do u get it an how much

mrssflier People moaning about advertising that's how she makes her money! Would you expect someone rolling their eyes at you at your work because you were working 🙄 seriously get over it! Not like every post is advertising! Even if it was just unfollow!?

mellsrodz @lesrodz since you said you wanted to get a snack box subscription

signed_a_ That's it ? Just one meal? \$40 can buy more than one meal. What's in off



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Michael Katz
Owner
Matisse Footwear
110 Maryland Street
El Segundo, California 90245

Dear Mr. Katz:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Troian Bellisaro.² Ms. Bellisaro posts a picture of a pair of boots and writes, "My favorite new way to kick the shit out of Sunday. Thank you @understatedleather & @matisse_footwear."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Bellisaro, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "Thank you ... @matisse_footwear" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser's relationship to

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGSRIpCGr2p/?taken-by=sleepinthebardn&hl=en>.

Mr. Michael Katz
March 20, 2017
Page 2

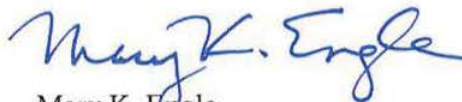
your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Bellisaro’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



sleepinthegardn

Follow

114k likes

3d

sleepinthegardn My favorite new way to kick the sht out of Sunday. Thank you @understatedleather & @matisse_footwear

[view all 129 comments](#)

styleitu.p Fashion fashion <<<<<<<<

leila_1534 That is cute

abigailtori You inspired me to start aerial yoga/silks thankyou I love it @ I really admire you for everything & hope life lets you see into its crazy adventures and its memorising moments for many years to come. I think you're deffo NOT an odd one out in PLL everyone is beautiful 🙌 hope you're well and keep going T 🍀

ravi2157 Nice

kamialmiron Babyyyyyy

elle5297 @kamialmiron fa

♡ Add a comment...

1/50



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Andy Benson
Vice President
CytoSport, Inc.
4795 Industrial Way
Benicia, California 94510

Dear Mr. Benson:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Nina Agdal.² She posts a picture of herself in the corner of a boxing ring and writes, "Spent my morning in the ring with @MuscleMilk @BoxingNapoleon [emojis of a trophy and a muscular arm] #StrongerEveryday."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Agdal, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLy70TzgDYQ/?taken-by=ninaagdal&hl=en>.

Mr. Andy Benson
March 20, 2017
Page 2

in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Agdal's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They're available online at business.ftc.gov.)

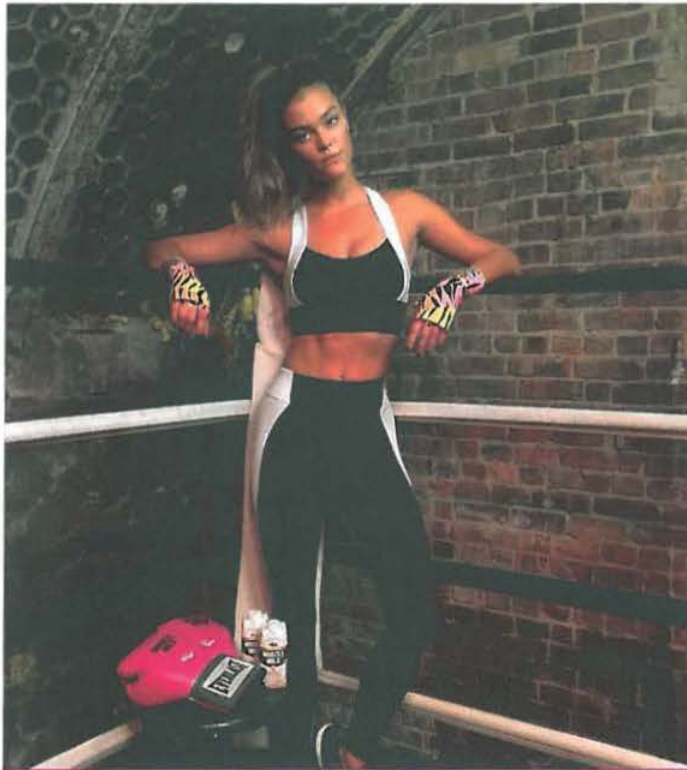
Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



ninaagdal
Overthrow New Yor...

Follow

37.4k likes

6w

ninaagdal Spent my morning in the ring with @MuscleMilk @BoxingNapoleon 🏆👊
#StrongerEveryday

view all 261 comments

pdx.aiden Sexy AF

dr.edoardo_agnelli

dr.edoardo_agnelli If nudity is civilization, so that animals are more civilized than human beings

dr.edoardo_agnelli

tana_mongeau1112 🙄🙄🙄🙄🙄🙄🙄🙄
ok?

emytshiani @nad_ouch_k

ben__bijoux cute

5_star_woman ❤️❤️❤️👊👊👊👊👊👊👊👊👊
💋💋

thealphawolfrunner 🙄🙄 nice work



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Brian Goldner
Chief Executive Officer
Hasbro, Inc.
1027 Newport Avenue
Pawtucket, Rhode Island 02862

Dear Mr. Goldner:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Vanessa Hudgens.² She posts a picture of herself with a My Little Pony and writes, "Tomorrow is @MyLittlePony Friendship Day! Don't forget to #FrienditForward and do something nice for your bestie."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Hudgens, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more."

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BIIdKwYYhEIL/>.

Mr. Brian Goldner
March 20, 2017
Page 2

Therefore, an endorser should disclose any material connection above the “more” button. In addition; where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Hudgens’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



vanessahudgens

Follow

501k likes

3w

vanessahudgens Tomorrow is #MyLittlePony Friendship Day! Don't forget to #FrienditForward and do something nice for your bestie. #FriendshipisMagic

view all 2,993 comments

1fandom.lyf1 U knew this was going to get u extra likes because of a fandom, bitch

ilona_dlb @mariannesvj de 4🤔🤔🤔🤔

mariannesvj @ilona_dlb g mal

kshkh.jnwby 🙏

__asadova_eva Bax bu @turiis

happy.teenage.girl OMG SHE LIKE MY LITTLE PONY THIS MAKES HER SO MUCH MORE AMAZING💖💖💖

foreignapollo Zanessa

igna_vrx @estefania...andreea no

♡ Add a comment...

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Maria Hatzistefanis
Chief Executive Officer
Rodial Limited
272 King's Road
Chelsea, London SW3 5AW
United Kingdom

Dear Ms. Hatzistefanis:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Emily Ratajkowski and Ashley Benson.² Ms. Ratajkowski posts a photo of herself holding a container of Nip + Fab Glycolic Fix Night Pads and writes, "Thanks @nipandfab for these insane glycolic night fix pads. Ready for my bday week [airplane emoji] @cvspharmacy @mrsrodial #nipandfab." Ms. Benson posts a photo of herself holding a can of Nip + Fab Dragon's Blood Fix Plumping Serum and writes, "@nipandfab Dragons Blood Serum is great, it hydrates my skin like nothing else! Thanks @ultabeauty @mrsrodial #nipandfab #sp."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at https://www.instagram.com/p/BGR7_3XS2XX/?taken-by=emrata and <https://www.instagram.com/p/BLwC3hZho7O/?taken-by=itsashbenzo>.

It appears that Ms. Benson has a business relationship with your company. Ms. Benson's material connection to your company should be clearly and conspicuously disclosed in her endorsements. If your company has a business relationship with Ms. Ratajkowski, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "thanks @nipandfab" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser's relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. Furthermore, many consumers will not understand "#sp" to mean that a post is sponsored. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to the attached posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They're available online at business.ftc.gov.) You may also wish to review the guidelines on online reviews and endorsements published by the International Consumer Protection and Enforcement Network (ICPEN), a network of consumer protection agencies from more than 60 countries. Like the FTC's Endorsement Guides, the ICPEN guidance reflects basic truth-in-advertising principles and provides examples for digital media marketing.³

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices

³ The ICPEN guidance is available at <https://www.gov.uk/government/news/online-reviews-guidelines-mark-end-of-cmas-icpen-presidency>.



emrata

Follow

230k likes

4d

emrata Thanks @nipandfab for these insane glycolic night fix pads. Ready for my bday week → @cvspharmacy @mrsrodial #nipandfab

view all 1,208 comments

- thepennycloset_ Perfect! 🦋
- kathyyoung0802 @nicrutsid my kind of body goals 🥰🥰🥰 (look more at her ig)
- haniamalhas @loulwans.7
- ruby_pettis @livesinmamon
- coppolaa @stellabougg sexy
- danielsenm @leifeduardo
- lonedreamer Bella figa
- hannah.speech @clairespeech16 you itsprieto 😊😊
- andrey9088 beautiful eyebrows
- mendez_s Marry me

♥ Add a comment...

⋮



itsashbenzo

Follow

312k likes

7w

itsashbenzo @nipandfab Dragons Blood Serum is great, It hydrates my skin like nothing else! Thanks @ultabeauty @mrsrodial #nipandfab #sp

view all 634 comments

- maria.51 🐱🐱🐱🐱🐱
- eliseabrahamsen @pauulsenn
- dezhaae.alston OMG Hannah I just loves watching y'all show every night and every single day
- angelayeste_ @almu_gm99 @cellaramiro
- anniepeattie @Beckiebird she is life
- larissapw @nanyneres
- t_williamsss @alaniewarren Lowkey always wanted to try this moisturizer
- cybelexo @tamialuca
- angelaro2813 Yass Ashley ur so hot damn



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Hugh McGuire
Chief Executive Officer
Glanbia Performance Nutrition, Inc.
3500 Lacey Road, Suite 1200
Downers Grove, Illinois 60515

Dear Mr. McGuire:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Denice Moberg.² She posts a picture of your company's Nutramino products and writes, "This is a new pre workout product from @nutramino [emoji] I have tried it a couple of times now and WOW I like it"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Moberg, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLdQJU6gIde/?taken-by=deniceemoberg>.

Mr. Hugh McGuire

March 20, 2017

Page 2

in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Moberg’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



deniceemoberg

Follow

1,573 likes

8w

deniceemoberg This is a new pre workout product from @nutramino 🍷 I have tried it a couple of times now and WOW I like it, you can read more about them on the blog @deniceemoberg 🍷

deniceemoberg #Nutramino #gymshark #deniceemoberg #icanwill #fitness #fit #fitspo #workout #bodybuilding #gym #training #healthy #motivation #getfit #eatclean #exercises #workoutvideos #recipes #flex #instafitness #gym #trainhard #dedication #muscles #shredded #girlswholift #glutes #trainlikeagirl #noexcuses #girlswholift

Log in to like or comment.

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Ian Danney
Owner
Optimum EFX Formulations LLC
9495 East San Salvador Drive
Scottsdale, Arizona 85258

Dear Mr. Danney:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by James Harrison.² He posts a picture of Optimum EFX products and writes, "The only products I use to optimize my workouts & recovery process are created by @optimumefx. You can get them all for 15% off with the code: Deebo15 at OtimumEFX.com!"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

Apparently, Mr. Harrison has a business relationship with your company. Mr. Harrison's material connection to your company should be clearly and conspicuously disclosed in his endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGac5TpJFjb/?taken-by=jhharrison92>.

Mr. Ian Danney
March 20, 2017
Page 2

devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

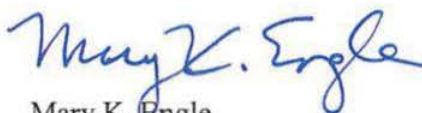
If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Mr. Harrison’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



jhharrison92

Follow

2,088 likes

5d

jhharrison92 The only products I use to optimize my workouts & recovery process are created by @optimumefx. You can get them all for 15% off with the code: Deebo15 at OptimumEFX.com!

josee_ribe 1

bxll.is.life._ 100

tommygropp @nfl

titsburghfeelers6 @nfl

theinstanucc @nfl ... It saddens me that there are certain hard working athletes that get singled out so blatantly and have to deal with harassment (probably on a day when some gym time, alone time, and some nice quality family time have already been planned... Let the man work and continue his strive for betterment

♡ Add a comment...

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Jake Munday
Co-owner and Director
Pearly Whites Australia
21/21 Rutland Street
Newtown, VIC 3351
Australia

Dear Mr. Munday:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Scott Disick.² He posts a picture of himself holding a Pearly Whites box and writes, "Getting my teeth 4th of July ready! @pearlywhitesaustralia introduced me to coconut & charcoal infused whitening strips! Check out pearlywhitesaustralia.com #nosensitivity #ad @pearlywhitesaustralia."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

Apparently, Mr. Disick has a business relationship with your company. Mr. Disick's material connection to your company should be clearly and conspicuously disclosed in his endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://instagram.com/p/BHVfX0h0kG/>.

Mr. Jake Munday
March 20, 2017
Page 2

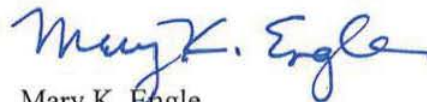
language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Mr. Disick’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.) You may also wish to review the guidelines on online reviews and endorsements published by the International Consumer Protection and Enforcement Network (ICPEN), a network of consumer protection agencies from more than 60 countries. Like the FTC’s Endorsement Guides, the ICPEN guidance reflects basic truth-in-advertising principles and provides examples for digital media marketing.³

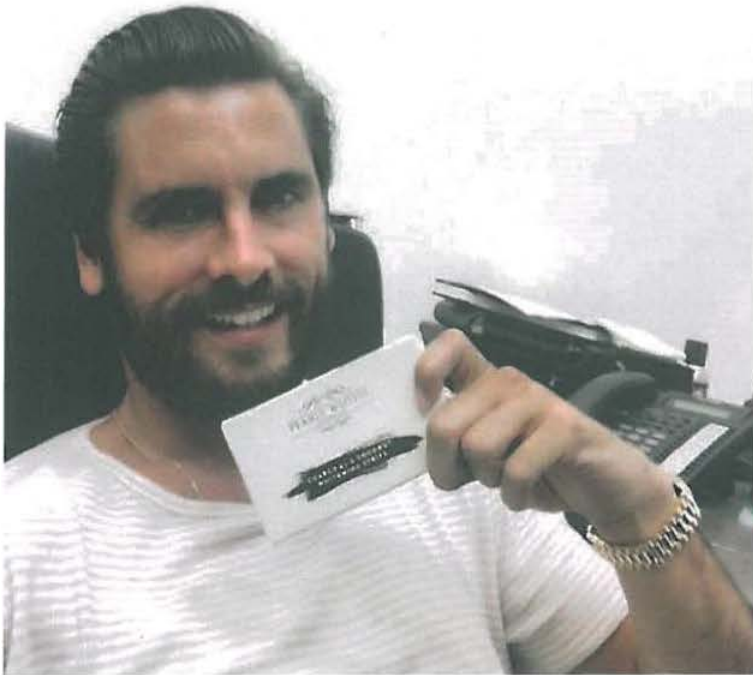
If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices

³ The ICPEN guidance is available at <https://www.gov.uk/government/news/online-reviews-guidelines-mark-end-of-cmas-icpen-presidency>.



letthelordbewithyou

Follow

118k likes

7w

letthelordbewithyou Getting my teeth 4th of July ready! #pearlywhitesaustralia introduced me to coconut & charcoal infused whitening strips! Check out pearlywhitesaustralia.com #nosensitivity #ad @pearlywhitesaustralia

view all 579 comments

zsofiszenyeri @xjoyyx of niet, laat maar 🍷❤️

bebyfacee Handsome my husband

saydeekuh Tom cruise

arianneglada @christina.oz

princessterter Charlie! @alwaysunnyfx

8paau @23lauri

23lauri @8paau

23lauri @8paau

heks1967 🍷🍷

subhakkannolu Don'T SMILE AGAIN

❤️ Add a comment...

0 0 0



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Ferit Rahvanci
Manager
Pinner USA, Inc.
8400 River Road, Suite 2D
North Bergen, New Jersey 07047

Dear Mr. Rahvanci:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Lindsey Lohan.² She posts a picture of herself holding a Pinnertest box and writes, "I just got the Pinnertest, Food Intolerance Test :) even 'healthy' vegetables can cause weight gain and diseases which is something to be conscious of. You can find out for yourself with @pinnertestusa Check out www.pinnertest.com #foodintolerance #natural."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Lohan, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BDl2XIDJcyn/>.

Mr. Ferit Rahvanci
March 20, 2017
Page 2

in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Lohan's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They're available online at business.ftc.gov.)

Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



lindsaylohan

Follow


29.2k likes

20w

lindsaylohan I just got the Pinnertest. Food Intolerance Test :) even "healthy" vegetables can cause weight gain and diseases which is something to be conscious of. You can find out for yourself with @pinnertestusa Check out www.pinnertest.com #foodintolerance #natural

[view all 963 comments](#)

mariamakadji Je vais macheter sa je pense @_lakt_

confession_sucree @mariamakadji  nin be son ka i daimai mainaii

maggieraehamilton @hannah11

lenamaria_s @deliafarfallina

undergroundrebell pixxing pregnant redhead xxx @lindsaylohan forever xxx i love you xoxo

evelynlorenaofficial @jeannettegabrielle

 Add a comment...





United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Cheryl A. Bachelder
Chief Executive Officer
Popeyes Louisiana Kitchen, Inc.
400 Perimeter Center Terraces, Suite 1000
Atlanta, Georgia 30346

Dear Ms. Bachelder:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Kourtney Kardashian.² She posts a picture of herself eating fried chicken on what appears to be a private jet plane and writes, "Popeyes on the PJ. #cheatday."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Kardashian, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BFepPAXE1qY/?taken-by=kourtneykardash>.

Ms. Cheryl A. Bachelder

March 20, 2017

Page 2

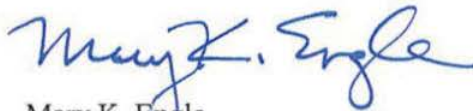
three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Kardashian’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



kourtneykardash

Follow

428k likes

3w

kourtneykardash Popeyes on the PJ.
#cheatday

view all 3,219 comments

gizupi Nosotros vía chile xD
@dubmanelsonf

joeycrackdamack What did you get me?

joeycrackdamack It goes down on the Pj!

atiyadosani @bamnasaher popeyes

... ..

♡ Add a comment...

... ..



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Jay Piccola
President and General Manager
Puma North America, Inc.
5 Lyberty Way
Westford, Massachusetts 01886

Dear Mr. Piccola:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Zendaya and Bella Thorne.² Zendaya posts a picture of pink Puma footwear and writes, "I don't even wanna wear them they so beautiful [emojis] @badgalriri @puma." Ms. Thorne posts a picture of her feet in Puma sandals and writes, "Yesterday #vibes #happymemorialday."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with either Zendaya or Ms. Thorne, that relationship should be clearly and conspicuously disclosed in the endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BEKSRTppmOP/?taken-by=zendaya&hl=en> and <https://www.instagram.com/p/BGCvMiaHTVL/?taken-by=bellathorne&hl=en>.

Mr. Jay Piccola
March 20, 2017
Page 2

Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to the attached posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



 zendaya

Follow

529k likes

5w

zendaya I don't even wanna wear them they so beautiful 😍😍 @badgalriri @puma

view all 8,090 comments

badda_ally I want to buy one but i cant😭

fee1996 @anikakhosla opinion?

anikakhosla @fee1996 no

euanalia_ OMG 😍😍

taaychris @moizes5ilva

chenoa_nicole @mayananel omg this is me lol!!!! "so late"

mayananel Lol 😂😂. Lol mad late 😂😂

😂😂 @chenoa_nicole

chenoa_nicole Lol 😂 super sorry

@mayananel

mayananel No worries 😊❤️

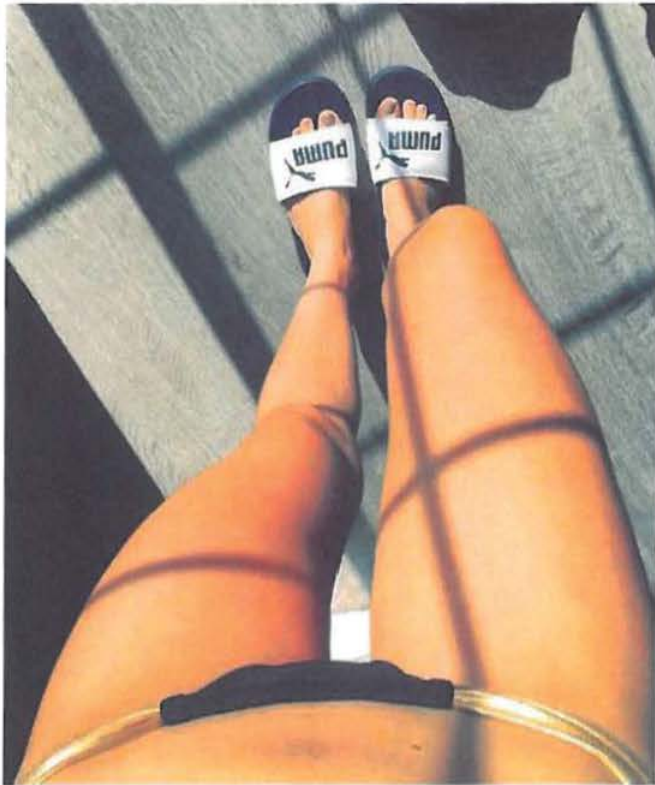
@chenoa_nicole

cassidy_ekstrom get these for the pool ;)

@jenmcarter

👍 Add a comment

...



 bellathorne

Follow

180k likes

1w

bellathorne Yesterday #vibes #happyMemorialDay

view all 952 comments

kya_122 @kenziedowns why put people down

kenziedowns @kya_122 it wasn't really a derogatory statement you need a sense of humor quit acting like every thing is serious

kya_122 @kenziedowns stfu

devcoon_13 @kenziedowns it seems as tho when @kya_122 finally realized she couldn't win the argument she has to come out with "Stfu" so she at least has something to say lol, Kenzie-1 Kay

devcoon_13 Kay-0

randoooph @channelh_ HAVAHHA WHAT HAPPENED YO HER LEGS

channelh_ YIKes @randoooph

👍 Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Whitney Tingle
Chief Executive Officer
Sakara Life, Inc.
580 Broadway, Suite 210
New York, New York 10012

Dear Ms. Tingle:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Sophia Bush.² She posts a picture of a Sakara breakfast product and writes, "Going plant-based for at least 2/3 of my meals, with the help of my #SuperSoul Sisters @sakaralife. Week 2. Loving this ♥ #veganbeforesex #consciousliving #babysteps #alsohelpfulafterlastnightsmezcal."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Bush, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/sakaralife/>.

Ms. Whitney Tingle

March 20, 2017

Page 2

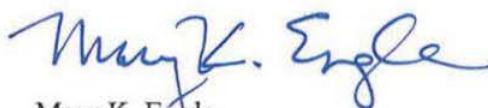
post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Bush’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



sophiabush

Follow

28k likes

5w

sophiabush Going plant-based for at least 2/3 of my meals, with the help of my #SuperSoul Sisters @sakaralife. Week 2. Loving this #veganbeforesix #consciouslyliving #babysteps #alsohelpfulafterlastnightsmezcal

I'd like to clarify something for everyone who feels the need or right to comment on my choices. I'm sharing this because I'm a fan of the food, and how this incredible company works. I'm not sharing this so you can tell me what to do, how to live, or how this choice I'm making somehow isn't enough. My body. My choices. My life. Celebrate what people do well. If that's not enough for you, do better in your own life and save your judgement for yourself. K? Cheers.



Add a comment.





United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Richelieu Dennis
Chief Executive Officer
Sundial Brands LLC
11 Ranick Drive South
Amityville, New York 11701

Dear Mr. Dennis:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Massy Arias.² She posts pictures of three of your company's Shea Moisture products and writes, "My skin care and 'I need a slick pony tail after this crazy leg day' hair trick @Sheamoisture4u African Black soap & Mud mask, Coconut oil, And Jamaican black castor oil styling lotion. If you queens haven't heard of African black soap, then it's time you do...."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Arias, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGVIyUmrqAA/?taken-by=massy.arias>.

Mr. Richelieu Dennis

March 20, 2017

Page 2

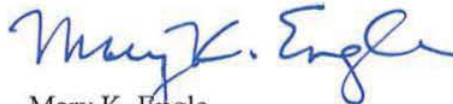
in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Arias's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They're available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



massy.arias

Follow

7,759 likes

2d

massy.arias My skin care and "I need a slick pony tail after this crazy leg day" hair trick @Sheamoisture4u African Black soap & Mud mask, Coconut oil, And Jamaican black castor oil styling lotion.

If you queens haven't heard of African black soap, then it is time you do. If you sweat as much as I do on a regular basis and tend to break out, or just you have acne/blemish prone skin, this soap and mask are bomb.com (same mask I had on Saturday on Snapchat: MassyFit). I use coconut oil to moisturize my skin, to wipe of any makeup, and to hydrate/moisturize my hair and edges. The Jamaican black castor oil lotion is what I use for the slick pony tail I did on Snapchat today.

Tip: I use the soap for both body and face. Immediately post workout. The mask I use it once a week. I apply the

♡ Add a comment...

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Walker Williams
Chief Executive Officer
Teespring, Inc.
460 Bryant Street, Suite 200
San Francisco, CA 94107

Dear Mr. Williams:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Farrah Abraham.² She is shown wearing a "M.O.M. MADE OF MONEY" t-shirt and holding a teespring package. She writes, "Thank you @teespring for the #momprenuaer Love #MOM #Madeofmoney Got my T ready for the entire season! <http://teespring.com/FarrahMOM> #proudmom #momboss."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

It appears that Ms. Abraham has a business relationship with your company. Ms. Abraham's material connection to your company should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "Thank you @teespring" is probably

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at: https://www.instagram.com/p/BILmNQ9hI5d/?taken-by=farrah_abraham&hl=en.

Mr. Walker Williams

March 20, 2017

Page 2

inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser's relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Abraham's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They're available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



farrah__abraham

Follow

1,550 likes

3d

farrah__abraham Thank you @teespring for the #momprenuser Love #MOM #Madeofmoney Got my T ready for the entire season!
<https://teespring.com/FarrahMOM>
#proudmom #momboss

view all 50 comments

nito_x 🙌🙌🙌🙌

kenziex1021 @moris1021 ew

janetmr Omg who does her makeup she looks like a dam orange

📄 Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Jana Toohey
President
ToGoSpa LLC
(b)(6)
Pueblo West, Colorado (b)(6)

Dear Ms. Toohey:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Lisa Rinna.² She posts a picture of a lip mask and writes, "How cute it's beauty day and look at these lip masks from @togospa [lips emoji] Love! #beauty #womenrock this is a company started by women!"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Rinna, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BIAtYpqDZaG/?taken-by=lisarinna>.

Ms. Jana Toohey
March 20, 2017
Page 2

there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Rinna's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They're available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



lisarina

Follow

1,836 likes

tw

lisarina How cute it's beauty day and look at these lip masks from @togospa ☺ Love! #beauty #womenrock this a company started by women!

trankin11 What does it do?

coopnana @lisarina Did they send you an XXL? ☐

askjoeyjohnsen Coconut lips #poutplumper! 🌴🌴🌴

katiemack1972 Gotta have it!

lauraomalley3 Lisa you need to have "lip" products of your own!! You're missin the boat! Use those lips!☺

lisachocolateblessings k

♡ Add a comment...

see



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Joshua Koudelka
Owner
Understated Leather
199 Long Trail
Smithville, Texas 78957

Dear Mr. Koudelka:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Troian Bellisaro.² Ms. Bellisaro posts a picture of a pair of boots and writes, "My favorite new way to kick the shit out of Sunday. Thank you @understatedleather & @matisse_footwear."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Bellisaro, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "Thank you @understatedleather" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser's relationship to

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGSRIpCGr2p/?taken-by=sleepinthegardn&hl=en>.

Mr. Joshua Koudelka

March 20, 2017

Page 2

your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Bellisaro's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They're available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



sleepinthegardn

Follow

114k likes

3d

sleepinthegardn My favorite new way to kick the shit out of Sunday. Thank you @understatedleather & @matisse_footwear

view all 129 comments

styleitu.p Fashion fashion <<<<<<<<

leila_1534 That is cute

abigailtori You inspired me to start aerial yoge/silks thankyou I love it @ I really admire you for everything & hope life lets you see into its crazy adventures and its memorising moments for many years to come. I think you're deffo NOT an odd one out in PLL everyone is beautiful 🙌 hope you're well and keep going T 🙌

ravi2157 Nice

kamialmiron Babyyyyyy

elle5297 @kamialmiron fe

❤️ Add a comment...

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Alexander Mechetin
Chief Executive Officer
JSC Synergy Group
30/1, Obrucheva Street, Bldg. 1
Moscow, Russia, 117485

Dear Mr. Mechetin:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Aliaume Damala Badara Akon Thiam ("Akon") and by Jennifer Lopez.² Akon posts a picture of two iced bottles of Beluga vodka in front of a blue body of water and writes, "Holidays with @vodkabeluga always great. #VODKABELUGA." Ms. Lopez posts a picture of herself with several bottles of Beluga vodka and writes, "#TBT to my Birthday weekend in Vegas!! Thanks again @vodkabeluga #vodkabeluga."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BEwy4kDFsD0/?taken-by=akon> and <https://www.instagram.com/p/BJ04NxjAx-/?taken-by=jlo>.

Mr. Alexander Mechetin

March 20, 2017

Page 2

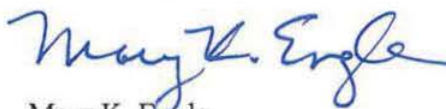
If your company has a business relationship with either Akon or Ms. Lopez, that relationship should be clearly and conspicuously disclosed in the endorsements. To be both “clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. A statement like “Thanks again @vodkabeluga” is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser’s relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to the attached posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



akon

Follow

5,202 likes

5w

akon Holidays with @vodkabeluga always great. #VODKABELUGA

view all 57 comments

kmg_kme @akon produce me KMG HEEM ON SOUNDCLOUD #kmg #repost #follow #signMe #africa2USA #GUINEA

naveenk1 Love

photogenictwins Xpiz give me a chance, love music

desertchylid Beautiful set up 🍸

andybucalle Bad bad bad

jay_mo_ney Big funds are waiting..paste your CANADA & USA bank drop,TD bank, Chase,boa,Keybank,Regions,Citizen bank, perfed credit union & BB&T etc..add me up 7ABA718B

flaber16 benyra 36c 8nta

limounge Amazing 🍸🍸🍸🍸🍸🍸🍸🍸

♥ Add a comment

5w



jlo

Follow

631k likes

13w

jlo #TBT to my Birthday weekend in Vegas!! Thanks again @vodkabeluga #vodkabeluga

view all 11,369 comments

sara.angela But you dont drink @jlo

stetsontaylor Damn

t8km.e GIVE ME A BREAK GIVE ME A BREAK , BREAK ME OFF A PIECE OF THAT KIT KAT BAR!!!! ♥

antonvedenyapin4191 Tequila o vodka? 😊 Vida el mundo!

maferle_ Te Amooooo♥♥♥♥

alexanderortegaoa Siempre hermosas!!!

pietrotagliareni Splendida complimenti ciao

crlcrlcrlcd0td0t Thought you didn't drink alcohol? You said it was one of the reasons you're aging well.

post-1891-@jlo



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Kate Voegele
We The Dreamers, LLC
c/o Meyers, Roman, Friedberg & Lewis
28601 Chagrin Boulevard
Suite 500
Cleveland, Ohio 44122

Dear Ms. Voegele:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Lucy Hale.² Ms. Hale posts a picture of her legs in a pair of pineapple leggings and writes, "Thank you @katevoegele for my [pineapple emoji] pants! (and @danielasarahdib) get yours at @wtdreamers."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Hale, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "Thank you

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMkKu-EBGE0/?taken-by=lucyhale&hl=en>.

Ms. Kate Voegelé

March 20, 2017

Page 2

@katevoegele for my ... pants” is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser’s relationship to your company; consumers could understand a “thank you” to simply mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Hale’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle

Associate Director

Division of Advertising Practices



lucyhale

Follow

294k likes

4w

lucyhale Thank you @katevoegele for my
🍍 pants ! (and @danielasarahdib) get
yours at @wtdreamers

[view all 2,042 comments](#)

vickyandro1 @itsmaryhelen_ Tl-🍍

becswadee @instalauragram

lovelife301361 Love them

yo_its_addie_ Love

mentalmug Gahhhhhh i love thes

quiggysmails @abbsfabs need

mme.fn @sananas2106 this is the pants you
should have 🍍🍍🍍🍍🍍🍍🍍🍍

12med2017 Linda

bailey2k05 Although pretty little liars is
almost over you still ROCK aria's crazy look

isha_mudassar26 Her legs are so skinny
❤️and mv leas are like 🍍



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Brant Cryder
President
Yves Saint Laurent North America
3 East 57th Street
New York, New York 10022

Dear Mr. Cryder:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Vanessa Lachey.² She posts a picture of a lipstick and three pictures of herself wearing the lipstick and writes, "Spring lips got me like... [three lips emojis] I'm loving this Fuchsia YSL Rouge Pur Couture #19."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Lachey, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BDldv5BNyP7/?taken-by=vanessalachey>.

Mr. Brant Cryder

March 20, 2017

Page 2

in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Lachey's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They're available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



vanessalachey

Follow

4,441 likes

10w

vanessalachey Spring lips got me like...

ooo

I'm loving this Fuchsia YSL Rouge Pur Couture #19

Check out my blog for some of my other FAVORITES! VanessaLachey.com (see in Bio)

view all 113 comments

msalari @venessajeane 🥰🥰🥰

kitten556 such a beautiful color absolutely love it Vanessa

kitten556 xxxxxxx

lala1ramirez @valerieantonia try this color

californiamommy Gorgeous

vikki_v_v_ Awwww miss u!!!!

@vanessalachey

danielajarvis I do love that color

@bstb84

lanaiffocamonte Love this color on you

♡ Add a comment...

2/10



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Nicky Jam
c/o Mr. Daniel Kim
Creative Artists Agency
2000 Avenue of the Stars
Los Angeles, California 90067

Dear Mr. Jam:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Adidas.² You posted a picture of a pair of Adidas baby shoes.

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Adidas, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.


² The post is available at https://www.instagram.com/p/BF_5zPfCTdZ/?taken-by=nickyjampr.

Mr. Nicky Jam
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices

emusic_live



nickyjamp

Follow

89.3k likes

1w

nickyjamp

view all 1,963 comments

lourdesriveroc @yury_torress
@andtorres_muero de amor

andtorres_ Decile a tia yury que quere
esas yo tambn las quiero
@lourdesriveroc

caroencinah @synthia_encina

synthia_encina @caroencinah 😊😊😊😊

ugartesabina Hola

williamcorrea2912 Yo quiero unos para
mi hija

adalid_schmalbach Alguien quiere oto
bebe @nickyjamp

arturomaxx @esperuiz_

yoliettlucila Te los hago para el próximo
bb...jeje

iesusin 21 Donde los puedo comprar

♡ Add a comment

200



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Jen Selter
c/o Mr. Evan Morgenstein
Premier Management Group
115 Crescent Commons, Suite 250
Cary, North Carolina 27518

Dear Ms. Selter:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Adidas.² You posted a picture of yourself wearing an Adidas t-shirt. You wrote, "Jersey style, ya feel me? Have a great weekend everyone! ♥."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Adidas, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BEhbOmKmkUR/?taken-by=jenselter&hl=en>.

Ms. Jen Selter
March 20, 2017
Page 2

are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



jenselter

Follow

161k likes

6w

jenselter Jersey style, ya feel me? Have a great weekend everyone! ❤️

view all 721 comments

chilentsidcool hy cantx :-)

karen_ariciaga @haychild

paulinakwasny @milliesauce69

hurrikan61 @benz4747

50centisthefuture Yo I need is a sick

nag1488 Пакажы пелотку

wallehjorkloe On the jersey shore it must be crawling with herpes, gonorrhé and more 😊

megan_carreira This is exactly what I'm wearing prom weekend 😂😂

@almightytortoise

sharnsies @inderjit__

prsut.janjetina Bogte maža stalno nosis cvika ier ia face nula budoņa.ova slika ti

❤️ Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Sean Combs
c/o Jonathan Gardner, Esq.
Cohen & Gardner
345 North Maple Drive, Suite 181
Beverly Hills, California 90210

Dear Mr. Combs:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing AQUAhydrate.² You posted a picture of two bottles of AQUAhydrate water in what appears to be a car. You wrote, "Let's GO!!! @aquahydrate #balance #hydrate #tryIT."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. We understand that you are an owner and director of AQUAhydrate. Your material connection to AQUAhydrate should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGaNNr4plwG/?taken-by=iamdiddy>.

Mr. Sean Combs
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director
Division of Advertising Practices



iamdiddy

Follow

5,639 likes

19h

iamdiddy Let's GO!!! @aquahydrate
#balance #hydrate #tryIT

[view all 55 comments](#)

falboybeatz #drinkingsofnewyork

elishazuniga72 Cheers @iamdiddy I'm
drinking the same thing right now as I'm
sweating it out in the sauna.
#72staypositive

finedicipline We going meeeen

ak_management_presents 🎧🎧

burakus1 Pastor Diddy🙏

sephora9124 I will need this after you
make me squirt

knollg_works Nice shot

mastew25 This water is so good. I hope
to buy a case this weekend. Delicious
Hydrate for the body!

marchbaby0320 I need to try that

📄 Add a comment

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Shay Mitchell
c/o Mr. David Dean Portelli
David Dean Management
daviddean@daviddeanmanagement.com

Dear Ms. Mitchell:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram posts, one endorsing Biore's Baking Soda Scrub and the other endorsing Kettle brand potato chips.² In the former, you posted a video of you scrubbing your face and wrote, "I can never perfect the art of the boomerang but this one was a win thanks to @bioreus 's Baking Soda Scrub that fizzes & bubbles when I wash my face almost like a mini spa-day for my pores! [emojis] #TBT BioreAmbassador." In the latter, you posted a picture of Kettle brand potato chips, together with a glass of wine and playing cards and wrote, "My kind of day #weekendgetaway."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with the marketer of Biore. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. If there is a material connection between you and the marketer of Kettle brand potato chips, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BLZrgpUBp1O/?taken-by=shaym&hl=en> and <https://www.instagram.com/p/BGPsuKFQr6F/?taken-by=shaym>.

Ms. Shay Mitchell
March 20, 2017
Page 2

Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

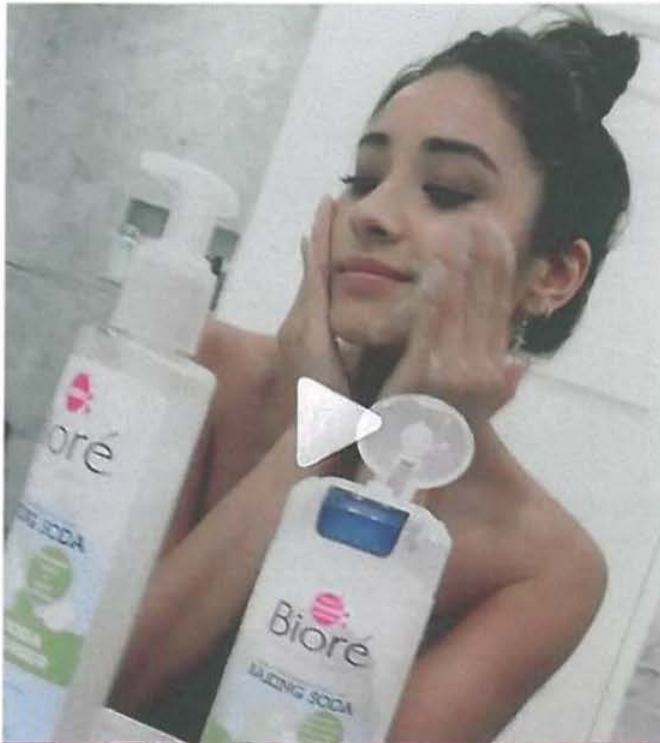
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



shaym

Follow

1.4m views

8w

shaym I can never perfect the art of the boomerang but this one was a win thanks to @bioreus 's Baking Soda Scrub that fizzes & bubbles when I wash my face almost like a mini spa-day for my pores! ✨👏👏 #TBT BioreAmbassador

view all 826 comments

manalbounaaja3 Woow

saarah.siddiqui Wait that was her in the commercial?? WOAHH @ssaniyahhh

irem_koca 🥰🥰

asialena_2003 GOALS

asialena_2003 GOALS

asialena_2003 GOALS

asialena_2003 HOWWW

asialena_2003 ARE

kyllemaisine @jadenderry have this



shaym

Follow

198k likes

4d

shaym My kind of day #weekendgetaway

view all 405 comments

callmecuteandbuymepizza Us @malinxsc

liamhispack WOW @_pretty_little_emison_👏

manon_lprl @lucille.jcb dingue

lucille.jcb Les meilleures chips au monde @manon_lprl

manon_lprl @lucille.jcb je ne savais pas qu'elles avaient eu un tel succès

thisismaureen_ @marinelcbl @lizzie_cls DIJON

izabela_wyrwa 🍷

ninipugli Les cartes seront des fiches de francais ma cherie @emmalou_p

jk_sarah @lauri_slr Bei uns auch so wo

👍 Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Ciara Princess Wilson
c/o Ms. Julie Colbert
William Morris Endeavor Entertainment
9601 Wilshire Boulevard
Beverly Hills, California 90210

Dear Ms. Wilson:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Buscemi shoes.² You posted a picture of three pairs of shoes. You wrote, "Proud To Be An American. #RedWhiteAndBlue HappyFourth Thnx @Buscemi For Juicy Mans Shoes us."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Buscemi, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thnx @Buscemi" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://instagram.com/p/BHdLktxjCG2/>.

Ms. Ciara Princess Wilson
March 20, 2017
Page 2

click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary K. Engle
Associate Director
Division of Advertising Practices



ciara

Follow

59k likes

7w

ciara Proud To Be An American,
#RedWhiteAndBlue HappyFourth
Thnx @Buscemi For Juicy Mans Shoes us

[view all 366 comments](#)

martinomayiki Proud to be an American?
Haha @ciara pls tell me/us thats a joke
😂

mussageor goodshoes

viiettina_0925 @martinomayiki i mean
she is living in America and thats our
nationality so yes. hee being proud to be
an American makes sense :) despite all
the police brutality stuff going on, if thats
what "Haha" about lol

ninoudu13100 @tony_chicharito 🤔

tony_chicharito @ingrid_izquierdo13 😂
😂😂😂

📄 Add a comment...

0/100



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Dorothy Wang
c/o Katherine K. McClure, Esq.
Hansen, Jacobson, Teller, Hoberman, Newman, Warren, Richman, Rush & Kaller, L.L.P.
450 N. Roxbury Drive, 8th Floor
Beverly Hills, California 90210

Dear Ms. Wang:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Buscemi shoes.² You posted a picture of a pair of shoes in front of a Buscemi.com box lid. You wrote, "Monday delivery! [emojis] So OBSESSED with these #buscemi sneakers!! Thanks @buscemi @robhepler, can't wait to wear them!"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Buscemi, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thanks @buscemi" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BEEvytUTNP6/?taken-by=dorothywang&hl=en>.

Ms. Dorothy Wang
March 20, 2017
Page 2

example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

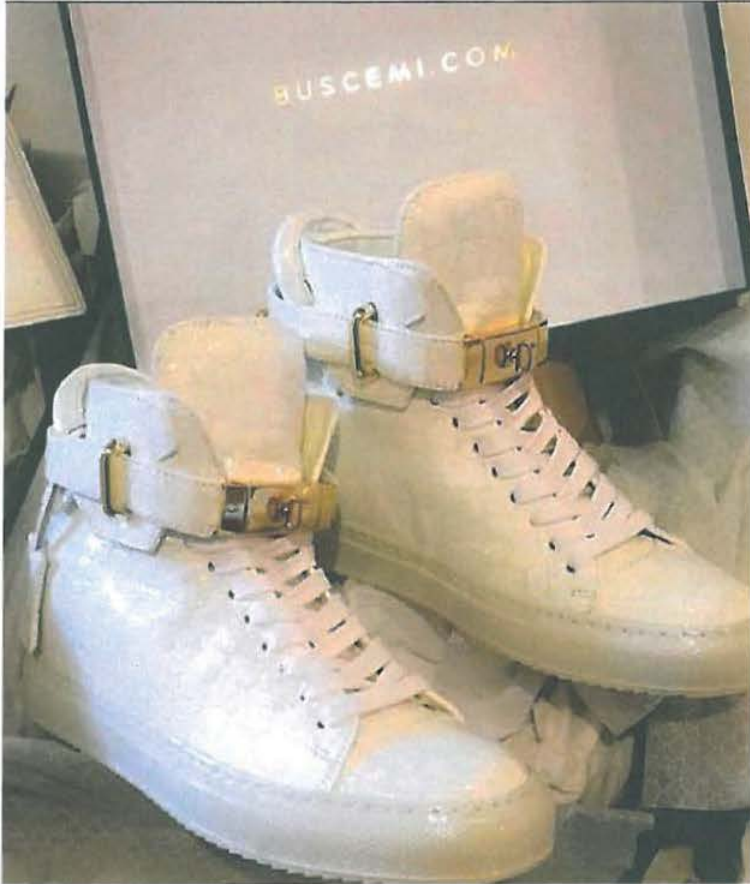
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



dorothywang

Follow

6,356 likes

Sw

dorothywang Monday delivery! 😄😄 So OBSESSED with these #buscemi sneakers!! Thanks @buscemi @robhepler, can't wait to wear them! 🙌

view all 99 comments

snkrcllctr | sell under retail

myinmstagram @natasharoy

lolominaj @thisdudekiros

thisdudekiros No way! @shooctsblyr @lolominaj

trevor27857 Beautiful

janet63h All this it just vanity

susi_cee @seaviewskyline is this the brand??

seaviewskyline @susi_cee yup

susi_cee @seaviewskyline looks good!!!

neoffrevnieresalomon Wow dorothy



Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Luke Bryan
c/o Ms. Julie Colbert
William Morris Endeavor Entertainment
9601 Wilshire Boulevard
Beverly Hills, California 90210

Dear Mr. Bryan:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Cabela's.² You posted a picture of yourself in a Cabela's store holding a fishing rod. You wrote, "Which one should I get? #HFE."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Cabela's, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

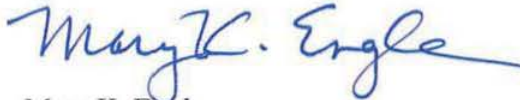
² The post is available at <https://www.instagram.com/p/BFe3vD0LsK0/?taken-by=lukebryan>.

Mr. Luke Bryan
March 20, 2017
Page 2

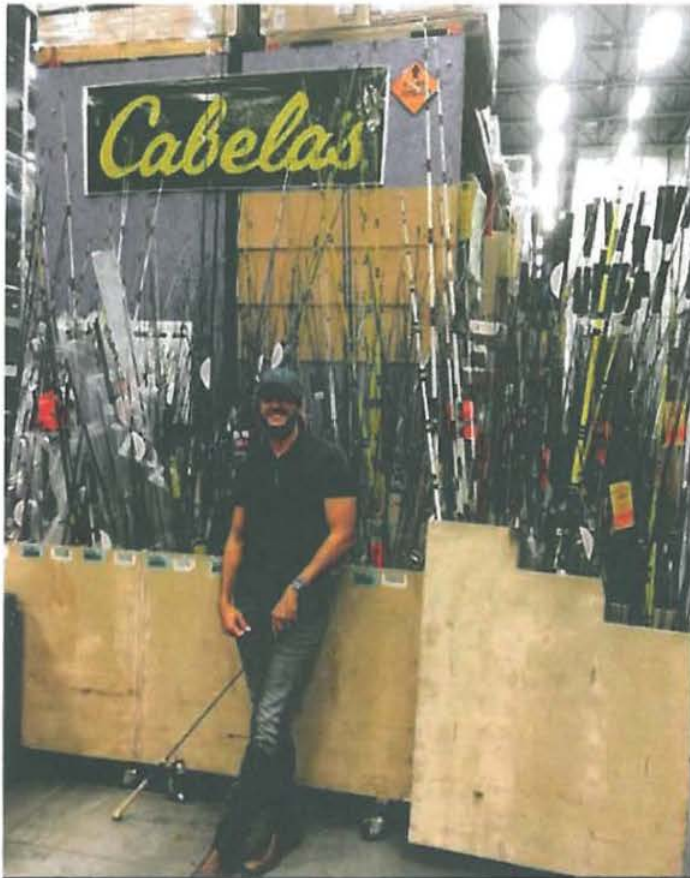
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mary K. Engle
Associate Director
Division of Advertising Practices



lukebryan

Follow

85.8k likes

3w

lukebryan Which one should I get? #HFE

[view all 1,097 comments](#)

[hannawilson.hw](#) I am your biggest fan ever

[taylormitchell101](#) Too many to chose from

[madi.ac](#) i love youuuuuu

[cole_peterson07](#) All of them @lukebryan

[blake2562](#) I would like to meet u

[ritazelig](#) They're all beautiful works of art! But Luke, you should only get that one with a grip that feels like hand in glove. Has just enough play to it, and can cast off as easily as you need it to! Just make sure if you're using a lure... Better make it a better one than you might've usually been using!👍👍👍👍👍👍👍👍👍👍👍👍👍👍👍👍

[cobey29](#) @tito_badito

[unferthe](#) Cabela's... it should fit

🤍 Add a comment

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Kristin Cavallari
c/o Darin Frank, Esq.
Sloane, Offer, Weber, and Dern, LLP
9601 Wilshire Boulevard, Suite 500
Beverly Hills, California 90210

Dear Ms. Cavallari:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Chanel and Lorac.² You posted a picture of several beauty products including products by Chanel and Lorac. You wrote, "My tried and true crew. I don't go anywhere without em #FavProducts #Austin #BacheloretteParty."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and either Chanel or Lorac, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGPqePkNQ6i/?taken-by=kristincavallari>.

Ms. Kristin Cavallari
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



kristincavallari

Follow

8,140 likes

4d

kristincavallari My tried and true crew. I don't go anywhere without em #FavProducts #Austin #BacheloretteParty

View all 84 comments

morganmcallister @oliviawilliamz

beautifulfacesbymelissa What's the pencil?

lau mastreh I love Lorac Unzipped, use it everyday. Did you know Sephora quit carrying the Lorac line and Kohl's has picked it up?! wth. At least Kohls is closer to my house :)

kelanarusso @mer_jhanley loooooook for her

jessica_assomull H

hollypie05 @sheennn that oribe tho

lydia_lorraine YOU'RE IN AUSTIN!?!? 🤔

whatsmineinthisworld Can someone pls tell what the pencil is?

♡ Add a comment...

0.0.0



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Lucy Hale
c/o Elissa Leeds-Fickman
Reel Talent Management
12026 Wilshire Boulevard
West Los Angeles, California 90025

Dear Ms. Hale:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram posts, one endorsing a pair of Chiara Ferragni Collection shoes and the other endorsing an item of We The Dreamers clothing.² In the former, you posted a picture of your shoes and wrote, "I got stars in my eyes and stars on ma shoezzz @chiaraferragnicollelction." In the latter, you posted a picture of your legs in a pair of pineapple leggings and wrote, "Thank you @katevoegele for my [pineapple emoji] pants! (and @danielasarahdib) get yours at @wtdreamers."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and either the Chiara Ferragni Collection or We The Dreamers, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thank you @katevoegele for my ... pants" is probably

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BFXawC1Qut-/?taken-by=lucyhale&hl=en> and <https://www.instagram.com/p/BMkKu-EBGE0/?taken-by=lucyhale&hl=en>.

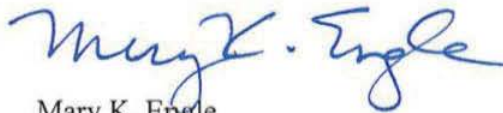
Ms. Lucy Hale
March 20, 2017
Page 2

inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a “thank you” simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly legible.

Mary K. Engle
Associate Director
Division of Advertising Practices



lucyhale

Follow

198k likes

3w

lucyhale I got stars in my eyes and stars on me shoezzz @chiaraferragnicollection

view all 379 comments

angela.stoppato @mariaSTOPPATO

big_fat_liars.fanpage Lucy, I want you to know that your an amazing singer/actress/person and I know that everyone gets hate on social media, so I just wanted you to know that you have way more fans then haters, and haters suck! I love you Lucy! Stay strong!

belikep!! LUCY HALES CLOTHING HERE!! 🙌

sharah_s_ 🤩🤩shoezzz

mg_million Uxu

louiswtattoos LUCY SCUSAMI TU E CHIARA FERRAGBI SIETE AMICHE NO IO MI RITIRO

spobyxpl! Omq love🤩

🤍 Add a comment

...



lucyhale

Follow

294k likes

4w

lucyhale Thank you @katevoegele for my pants 1 (and @danielasarahdib) get yours at @wtdreamers

view all 2,042 comments

vickyandro1 @itsmaryhelen_ TI-🤩

becswadee @instalauragram

lovelife301361 Love them

yo_its_addie_ Love

mentalmug Gahhhhhh I love thes

quiggysmall @abbsfabs need

mme.fn @sananas2106 this is the pants you should have 🤩🤩🤩🤩🤩

12med2017 Linda

balley2k05 Although pretty little liars is almost over you still ROCK aria's crazy look

isha_mudassar26 Her legs are so skinny 🤩 and my legs are like 🤩



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Naomi Campbell
c/o Nikola Barisic
Untitled Entertainment
150 Fifth Avenue, 2nd Floor
New York, New York 10010

Dear Ms. Campbell:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing the Clean dietary supplement.² You posted a picture of the Clean dietary supplement package. You wrote, "#startmyday @alejandrojunker1 #alejandrojuncercleanse #md #clean #cleangutdetox [three muscular arm emojis]."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of the Clean dietary supplement, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BF6d0zOo5lm/?taken-by=iamnaomicampbell>.

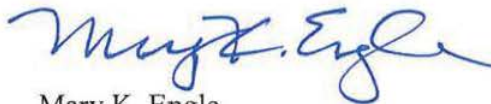
Ms. Naomi Campbell
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly legible.

Mary K. Engle
Associate Director
Division of Advertising Practices



iamnaomicampbell

Follow

11.4k likes

iamnaomicampbell #startmyday
@alejandrojunge1
#alejandrojungecleanse #md #clean
#cleangutdetox ~~👍👍~~

view all 42 comments

iamrubyred11 @iamnaomicampbell I
need this...

nataliadriare This stuff actually works! I
had my doubts at first because I've never
thought that any type of supplements
could actually aid in weight loss but after
taking 2 before every meal for about 3
weeks, I had lost 10 pounds with barely
any exercise and a healthy diet! The link
to the website on my page..

antoniacasino 🙏

ifeisty Funny is this copy and paste?
Exact wording as other person above?

edmikol @danielcphillips whats that?

♡ Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Giuliana Rancic
c/o 3 Arts Entertainment
9460 Wilshire Boulevard, 7th Floor
Beverly Hills, California 90212

Dear Ms. Rancic:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Compeed.² You posted a picture of your foot next to a Compeed package. You wrote, "Can you spot my latest obsession? (Hint it's on my heel but you can barely see it!!!) Love high heels. Hate Blisters. Not leaving the house without #CompeedUS in my bag this summer. Check it out @Walgreens #musthave #partner #gsessions."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with the marketers of Compeed. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Simply including "#partner" in an Instagram post isn't likely to effectively convey that an Instagram post is sponsored. One option that may be more effective is "#Compeed_Partner." In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGH4uqgwi3Y/?taken-by=giulianarancic>.

Ms. Giuliana Rancic
March 20, 2017
Page 2

see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



giulianarancic

Follow

9,729 likes

giulianarancic Can you spot my latest obsession? (Hint: it's on my heel but you can barely see it!!!) Love high heels. Hate Blisters. Not leaving the house without #CompeedUS in my bag this summer. Check it out @Walgreens #musthave #partner #gsobsessions 🤎

View all 133 comments

teresakiryakoza @chanel509

melis_henry @jen_mir not sure how it works

brig_mo @marykata_no_ashley_

rosellaloduca @akrzesewski heeeee

giulyyyy

kat_hamilton @laneborgida

4vrmygrlz I need this 🤎

mapy0110 Me too! 🤎🤎🤎

tammycruz47 Cute shoes

♡ Add a comment





Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Sofia Vergara
c/o Frederick P. Bimble, Esq.
Cowan DeBaets Abrahams & Sheppard
41 Madison Avenue, 38th Floor
New York, New York 10010

Dear Ms. Vergara:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Dana Rebecca Designs bracelets.² You posted a picture of a wrist wearing nine bracelets. You wrote, "Wrist full of @danarebecca on set."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Dana Rebecca Designs, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BBqht3PrpVT/?taken-by=sofiavergara&hl=en>.

Ms. Sofia Vergara
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

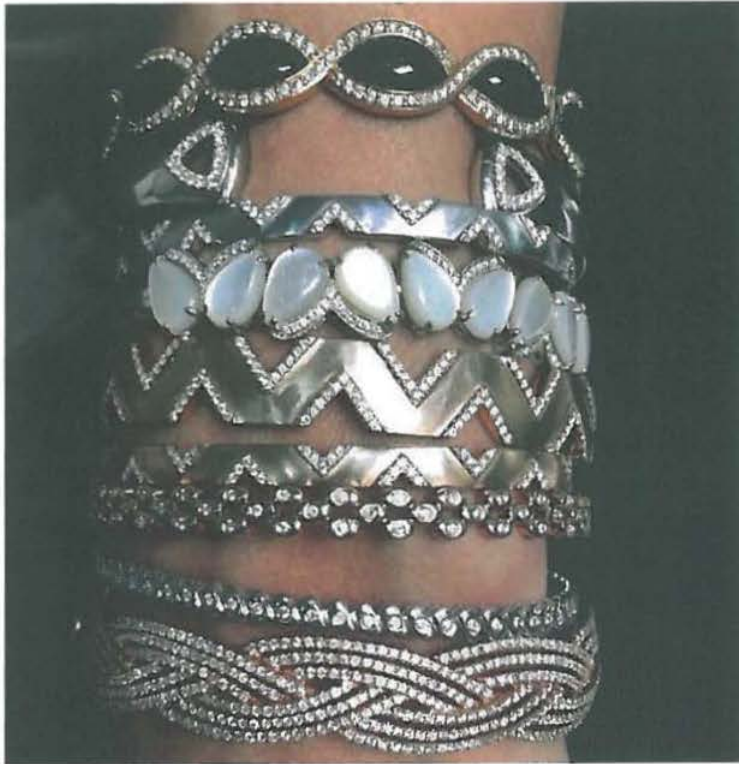
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



sofiavergara

Follow

75.3k likes

16w

sofiavergara Wrist full of @danarebecca on set

View all 279 comments

2lovely81 Beautiful

shlaur Omg these are beautiful @natorah @shay_x0x

fiestyrican Beautiful

pimentels @keren2016

nidakhanxo @kitchen805

andy20gomez @medicenic soy tan ella

sshru_5 @not_bornonchristmas

regar_64 🌹🌹

aye.teee @ohsoericaa the one on top looks familiar...minus the diamonds

fatima_bernal @carlosernesto_

carlosernesto_ Están brutales @fatima_bernal



Add a comment...

199



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Heidi Klum
c/o Daniel Passman, Esq.
Gang, Tyre, Ramer & Brown
132 South Rodeo Drive
Beverly Hills, California 90212

Dear Ms. Klum:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Dunkin' Donuts.² You posted a picture of yourself with a Dunkin' Donuts drink cup. You wrote, "Guess what i am doing today."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Dunkin' Donuts, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BExH1Nzd1dW/?taken-by=heidiklum>.

Ms. Heidi Klum
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



heidikum

Follow

37k likes

5w

heidikum Guess what i am doing today
□

view all 177 comments

lilycarolin awww :)

jui_swagi Bitte

elisa_fabienne Cool

marciano.74 Ich will auch eine ~~hirs~~

fraukelingg Ich will ein ☺ von meiner Tochter 🤗

jhessygleicia Sdv uit

lina.sewing @annasophie_love 3 mal



Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Rach Parcell
Rachel Parcell, Inc.
248 South State Street
Orem, Utah 84058

Dear Ms. Parcell:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing eos products.² You posted a picture of two eos products. You wrote, "Sharing a little secret on how I've been getting silky smooth skin lately on my blog today! Head over to pinkpeonies.com for all the details (link in bio) ♥ @eosproducts."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of eos products, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

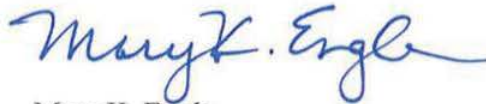
² The post is available at <https://www.instagram.com/p/BGMn94-mx2y/?taken-by=rachparcell>.

Ms. Rach Parcell
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mary K. Engle
Associate Director
Division of Advertising Practices



rachparcell

Follow

6,100 likes

5d

rachparcell Sharing a little secret on how I've been getting silky smooth skin lately on my blog today! Head over to pinkpeonies.com for all the details! (link in bio) 🍷🍷eosproducts

behappywithfashion Want To try them 😊😊😊

sannaasorensen Now those are some purty peonies @dillaobwilla

arzutanyeri 🍷🍷🍷🍷🍷🍷

livbien Greet post!

qjbymarisa Nice 😊

ninaerin18 Love eos! 🍷

simplylulustyle This comment has nothing to do with eos but I saw your hubby putting up the shelving on your snap and my husband make the same face! 😂 #handymanhusbands

anik.jewelry So beautiful! 🍷

4 photos and videos

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Jenni "JWoww" Farley
c/o Dustin Parker
Agency for the Performing Arts
405 South Beverly Drive
Beverly Hills, California 90212

Dear Ms. Farley:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing FabFitFun.² You posted a picture of yourself with a FabFitFun box. You wrote, "This is some serious #boxgoals right here. So in love with my fall box from @fabfitfun. The ModCloth scarf is so cute and cozy and there are so many new beauty products that I can't wait to try (like the night serum, eyeshadow palette by Pure Cosmetics, brow gel and so much more! Use code JENNI at www.fabfitfun.com for \$10 off if you don't already get their boxes. You will not be disappointed! #fabfitfun #fffpartner."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with FabFitFun. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure "clear and conspicuous," you should use unambiguous language and make the disclosure stand out. We do not know if consumers will understand "#fffpartner"; it would be clearer if you used

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BK8cJ21jYfe/?taken-by=jwoww&hl=en>.

Ms. Jenni "JWoww" Farley
March 20, 2017
Page 2

"FabFitFunPartner" or "FabFitPartner" instead. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



jwoww

Follow

20.5k likes

10w

jwoww This is some serious #boxgoals right here. So in love with my fall box from @fabfitfun. The ModCloth scarf is so cute and cozy and there are so many new beauty products that I can't wait to try (like the night serum, eyeshadow palette by Pure Cosmetics, brow gel and so much more! Use code JENNI at www.fabfitfun.com for \$10 off if you don't already get their boxes. You will not be disappointed! #fabfitfun #fffpartner

[View all 75 comments](#)

nessapngilinan Jwow is seriously so beautiful ! ❤️

datawesometrio You're so beautiful 😊

lesliewilliams2010 Love mine too! Wish we could hang out with our scarves on and sip coffee from our new cups!!! 😊

enchantedvoyages @jwoww what kind of



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Jamie Lynn Spears
c/o Mr. Lou Taylor
Tri Star Sports and Entertainment
1800 Century Park East, 10th Floor
Los Angeles, California 90067

Dear Ms. Spears:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing FabFitFun.² You posted a picture of yourself with a FabFitFun box. You wrote, "Ya'll, I'm obsessed with the new @FabFitFun Fall box!! I've been using the brow gel and eye shadow every day and they've completely changed my outlook on makeup. You can use the code JLS for \$10 off at www.fabfitfun.com, if you don't already subscribe...Best decision I've ever made. #fabfitfun #fffpartner."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with FabFitFun. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. We do not know if consumers will understand "#fffpartner"; it would be clearer if you used "FabFitFunPartner" or "FabFitPartner" instead. In addition, consumers should be able to notice

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BK1JNLGB9Cs/?taken-by=jamielynspears&hl=en>.

Ms. Jamie Lynn Spears

March 20, 2017

Page 2

the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



jamielynnspears

Follow

9,708 likes

10w

jamielynnspears Y'all, I'm obsessed with the new @FabFitFun Fall box!! I've been using the brow gel and eye shadow every day and they've completely changed my outlook on makeup. You can use the code JLS for \$10 off at www.fabfitfun.com, if you don't already subscribe...Best decision I've ever made. #fabfitfun #fffpartner

[view all 49 comments](#)

tatumdavissolis88 @jamielynnspears yes the socks are awesome for yoga! I always get good stuff in @fabfitfun for yoga! Let me

[Log in to like or comment.](#)



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Maci Bookout McKinney
c/o Joe Weiner, Esq.
Miloknay Weiner LLP
111 South Sycamore Avenue
Los Angeles, California 90036

Dear Ms. McKinney:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Flat Belly Tea.² You posted a picture of yourself holding a package of Flat Belly Tea. You wrote, "Seriously loving my @Flatbellytea_ - it's a part of my routine to stay healthy and active. It gives me that extra push to keep up stay on track & so much energy to keep up with my kids! #DetoxTea [steaming cup emoji] use code Maci for \$ off at www.Flatbellytea.com [hearts emoji]."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with the marketer of Flat Belly Tea. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMZpglYhXFE/?taken-by=macideshanebookout&hl=en>.

Ms. Maci Bookout McKinney

March 20, 2017

Page 2

consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

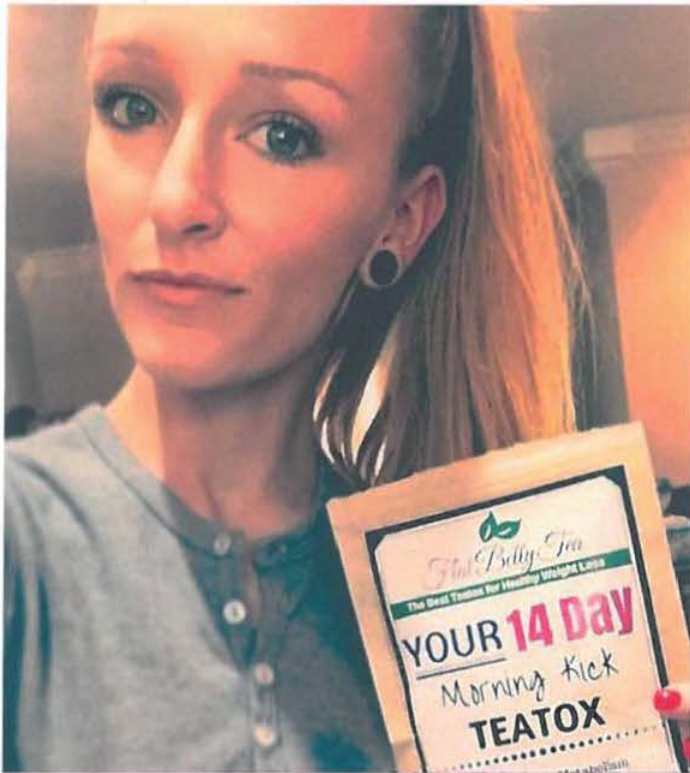
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized initial "M".

Mary K. Engle
Associate Director
Division of Advertising Practices



macdeshanebooko...

Follow

21.5k likes

4w

macdeshanebookout Seriously loving my @Flatbellytea_ - it's a part of my routine to stay healthy and active. It gives me that extra push to stay on track & so much energy to keep up with my kids! #DetoxTea 🍵 use code Maci for \$ off at www.Flatbellytea.com💖

[view all 156 comments](#)

a_wohl @pinchita3.24 looks like he's on drugs right?! 😬😬 poor guy

eortiz36 Maci is my favorite teen mom og. Love her book and as the yrs go by I love how she try's and get Ryan to be part of bentlys life. Kinda like she has 2 sons. Wish a lot more moms where like u.

caraleeann_ @callieelaine y'all are twins

callieelaine Lol you think?? @caraleeann

caraleeann_ @callieelaine for sure!!!

rulitaa @amandamavignes does every teen



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Tiona Fernan
(b)(6).com

Dear Ms. Fernan:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Flat Tummy Tea.² You posted a picture of yourself with a bare midriff. You wrote, "Loving the difference @flattummytea makes to my body. Girls, go get yours today! [hearts emoji] #flattummytea."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Flat Tummy Tea, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLrkAqQhxU7/?taken-by=xttiona&hl=en>.

Ms. Tiona Fernan
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director
Division of Advertising Practices



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Nicole Polizzi
c/o Antranig Balian
Mortar Media, Inc.
9744 Wilshire Boulevard, Suite 400
Beverly Hills, California 90212

Dear Ms. Polizzi:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Flat Tummy Tea.² You posted a picture of yourself holding the Flat Tummy Tea Cleanse product. You wrote, "There's just NO WAY I'm doing summer without a flat tummy. It's time to get summertime fiiiine and my pack of Flat Tummy Tea has just got here."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Flat Tummy Tea, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLrkAqQhxU7/?taken-by=xttiona&hl=en>.

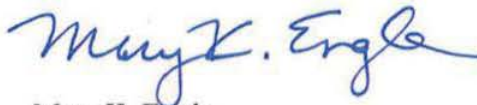
Ms. Nicole Polizzi
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



snookinic

Follow

35.2k likes

15h

snookinic There's just NO WAY I'm doing summer without a flat tummy. It's time to get summertime flilline and my pack of Flat Tummy Tea has just got here👀👀👀 They've got a sale on today at 20% off so if you're prepping for summer, now's your chance - go check out the sale at @flattummytea

view all 328 comments

rayrob90 Are you the real Snooki from the jersey shore of so write me back and tell me what is everyone else doing from the show keep me updated thank you

Add a comment

4/4



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Amber Rose
c/o Walter Mosley, Jr., Esq.
Mosley Engelman & Jones, LLP
9595 Wilshire Boulevard, Suite 900
Beverly Hills, California 90212

Dear Ms. Rose:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Fred and Far.² You posted a picture of a Fred and Far pinky ring and its package. You wrote, "Thank you @fredandfar for your love and support ♥."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Fred and Far, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thank you @fredandfar" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGMrDdykq3R/?taken-by=amberrose&hl=en>.

Mr. Michael Katz
March 20, 2017
Page 2

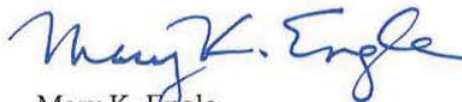
your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Bellisaro’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, *The FTC Endorsement Guides: What People are Asking*. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



amberrose

Follow

23k likes

amberrose Thank you @fredandfer for your love and support ❤️

[view all 2033 comments](#)

elamariodecarmina Lb

tifferannd Check your DM muva, I need to get you in one of my caps 🍷
@amberrose

beautyfullpage Be BeautyFULL, be YOU!
💖💖💖 Follow us! #beauty

globalcash_ CHECK OUT MY INSTAGRAM TO LEARN HOW TO MAKE SOME EASY QUICK CASH DM ME OR TXT (219)200-2730 FOR MORE INFORMATION ALL YOU NEED IS AN ACTIVE BANK ACCOUNT NO CASH IS NEEDED IN THE ACCOUNT AT ALL!!!!

izzybelly258 Justin copied your hair

brandon.3.crosby Who are u

brandon.3.crosby I don't know who u

📌 Add a comment

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Vanessa Hudgens
c/o Matthew M. Johnson, Esq.
Ziffren Brittenham, LLP
1801 Century Park West
Los Angeles, California 90067

Dear Ms. Hudgens:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram posts, one endorsing Graze snacks and the other endorsing My Little Pony.² In the former, you posted a picture of yourself with a box Graze snacks and wrote, "I'm obsessed with @grazeusa ♥♥ Snacks just make life better. #GrazeSnacks." In the latter, you posted a picture of yourself with a My Little Pony and wrote, "Tomorrow is @MyLittlePony Friendship Day! Don't forget to #FrienditForward and do something nice for your bestie."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of either Graze or My Little Pony, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BKYzTA5BewR/?taken-by=vanessahudgens> and <https://www.instagram.com/p/BIKwYYhEIL/>.


Ms. Vanessa Hudgens
March 20, 2017
Page 2

only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly legible.

Mary K. Engle
Associate Director
Division of Advertising Practices



vanessahudgens

Follow

269k likes

11w

vanessahudgens I'm obsessed with @grazeusa ❤️❤️ Snacks just make life better. #GrazeSnacks

view all 738 comments

kclements Holy crap 😱😱 @_cam.king_

cam.king lkr, I want more High school musical 🙌 @_kclements_

malubragad essa foto me lembrou vc @ana_lobe

panesarr_ @commedesnina ok legit you look alike here 🤔

commedesnina @panesarr_ I can sort of agree with you on this one 🤔

panesarr_ @commedesnina but you do look like her though don't you 🤔

nehe_8 Ohhhh romi x5

ittzlitt4209 #GrazeFullDazeful

funbiesteh #finsta @sheamanita



vanessahudgens

Follow

501k likes

3w

vanessahudgens Tomorrow is @MyLittlePony Friendship Day! Don't forget to #FriendItForward and do something nice for your bestie. #FriendshipsMagic

view all 2,993 comments

1fandom.lyf1 U knew this was going to get u extra likes because of a fandom. bitch

ilona_dib @mariannesvj de 4👍👍👍👍

mariannesvj @ilona_dib g ma!

kshkh.jnwby 🤔🤔

__asadova_eva Bax bu @turiis

happy.teenage.girl OMG SHE LIKE MY LITTLE PONY THIS MAKES HER SO MUCH MORE AMAZING❤️🥰🥰🥰

foreignpollo Zanessa

igna_vrx @eufania... andreea no

... ..

👍 Add a comment

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Valentina Vignali
c/o The One Celebrity SAS
Via Angelo de Gubernatis 40
00124, Roma RM
Italy

Dear Ms. Vignali:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Hairburst.² You posted a picture of yourself holding a bottle of Hairburst. You wrote, "I'm trying the new chewable @hairburst hearts! Simply chew two hearts per day to give your hair all the vital ingredients it needs. Hairburst will protect your hair this winter and will reduce breakages."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Hairburst, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMeihtVhO4S/?tagged=hairburst>.

Ms. Valentina Vignali
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director
Division of Advertising Practices



valentinavignali
Matera - Citta dei Sa...

Follow

18.4k likes

5w

valentinavignali I'm trying the new chewable @hairburst hearts! Simply chew two hearts per day to give your hair all the vital ingredients it needs. Hairburst will protect your hair this winter and will reduce breakages. Order now from hairburst.com #Hairburst #HealtyHair #LoveIt 🙌💖👍👍👍

view all 66 comments

aspasop bombe illegali
@valentinavignali

raulino_7 Cool

maxcasablanclas Anche spellate..
bombeeeee

salvatore.scribani Compa compriamoci
ste monchia di caramelle ahahaha
@anthony_nobile

gaglia11 Hai dei peli in mezzo alle zinne..

lance911s Funziona di più la supposta!!!

Log in to like or comment.

👍👍👍



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Lilly Ghalachi
Ghalichi Glam, Inc.
748 South Main Street
Los Angeles, California 90014

Dear Ms. Ghalachi:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing HAIRtamin vitamins.² You posted a picture of two women holding bottles of HAIRtamin vitamins. You wrote, "Omg that HAIR ☐☐☐ @HAIRtamin Hair Nourishing Vitamins have helped me so much and I can't wait to get results like the beautiful #GLAMT wins @laurabadura @klaudiabadura have from taking them! #GhalichiGlam #HAIRtamin."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of HAIRtamin vitamins, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at https://www.instagram.com/p/BIX_wkyjNHU/?taken-by=lillyghalichi&hl=en.

Ms. Lilly Ghalachi
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



lillyghalichi

Follow

6,901 likes

3w

lillyghalichi Omg that HAIR
@HAIRtamin Hair Nourishing Vitamins
have helped me so much and I can't wait
to get results like the beautiful
#GLAMTwins @laurabadura
@klaudiabadura have from taking them!
@GhalichiGlam #HAIRtamin
seashore20 I've just started using them
❤️

anna_kondulinskaya 🌟🌟🌟🌟

fatil95 @gmgm_5 احسن دكرتني بملك لما تحطلي
روح احمر 🌟

omg_makeup حباية نتعلمن طريقة سهلة لرسم
الانامبر تيماني 🌟🌟🌟🌟🌟

zuneraserena luv it

marthafashion24 Use coconut oil

luxury4lease I can feel my hair getting
thicker after 3 months usage. I lost a lot

❤️ Add a comment...

👁️



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Caroline Manzo
c/o Roger S. Haber, Esq.
Kraditor & Haber
245 Fifth Avenue, Suite 1001
New York, New York 10016

Dear Ms. Manzo:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Hello Fresh.² You posted a picture of yourself in a kitchen with a Hello Fresh delivery. You wrote, "Keeping on my healthy kick in the kitchen tonight with @hellofresh. Since all the fresh ingredients are pre-measured for perfectly portioned meals, I don't have to think about meal planning and can just start cooking! Love that I have @hellofresh to switch it up when I just don't have the time to grocery shop and meal prep. Give it a try with my code 'FreshCaroline' for \$35 off your first healthy week at hellofresh.com #fallmeals #healthy #hellofreshpics #sp."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with Hello Fresh. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Many consumers will not understand "#sp" to mean that the post is sponsored. In addition,

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMCoUnLjzPE/?taken-by=carolinemanzo&hl=en>.

Ms. Caroline Manzo
March 20, 2017
Page 2

consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



carolinemanzo

Follow

3,915 likes

7w

carolinemanzo Keeping on my healthy kick in the kitchen tonight with @hellofresh. Since all the fresh ingredients are pre-measured for perfectly portioned meals, I don't have to think about meal planning and can just start cooking! Love that I have @hellofresh to switch it up when I just don't have the time to grocery shop and meal prep. Give it a try with my code "FreshCaroline" for \$35 off your first healthy week at hellofresh.com #fallmeals #healthy #hellofreshpics #sp

[view all 56 comments](#)

yesmydarling07 Nice idea but expensive for what you get

jcaffa13 Go you! You've always been one of my favorite! You keep it real. And, I love that cutting board! Like pumpkin swirl bread...Where did you get it?

[Log in to like or comment.](#)

see



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Allen Iverson
c/o Creative Artists Agency
2000 Avenue of the Stars
Los Angeles, California 90067

Dear Mr. Iverson:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing IO Moonwalkers.² You posted a picture of yourself holding an IO Moonwalkers box. You wrote, "Thanks to @io_moonwalkers for my board!! Much love ... #TheAnswer."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of IO Moonwalkers, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thanks to @io_moonwalkers for my board!!" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/8mIhWjicuw/?taken-by=theofficialai3>.

Mr. Allen Iverson
March 20, 2017
Page 2

connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



theofficialai3

Follow

28.4k likes

33w

theofficialai3 Thanks to @io_moonwalkers for my board!! Much love ... #TheAnswer

View all 714 comments

glutenfree_based_steaks @jtlickchu
namirault @ztromb

singing_candy_Jady | ~~Thank~~ you
sheamonty @domborelli_ @halfie_ @bsynep027

justasimplemane @dmvplum @itsjahredb @dankflip allen @100us

shanex215_ @jpcrazy02

maine3000 Tec ya Neck 🙏

gibs716 @scottegoodwin

scottegoodwin @gibs716 HELP

mr_br1ght Doesnt seem happy bout getting the board @ _nico_o_ @ben luca @fabi frankfurt

♡ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Behati Prinsloo
c/o Women Management
199 Lafayette Street, 7th Floor
New York, New York 10012

Dear Ms. Prinsloo:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing a Josie Maran Cosmetics product.² You posted a picture of yourself holding a Josie Maran Cosmetics product. You wrote, "Obsessed with this josiemarancosmetics all natural argan oil balm with vitamin e."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Josie Maran Cosmetics, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BBWPMCtwljp/?taken-by=behatiprinsloo>.

Ms. Behati Prinsloo
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



behatiprinsloo

Follow

68k likes

18w

behatiprinsloo Obsessed with this @josiemarancosmetics all natural argan oil balm with vitamin e 🍷

view all 244 comments

bermudezlauren @winnisfer4c Y SUS PIES UF LOS AMO

c1ndyc Love a bit of sparkle! @behatiprinsloo

angelabossgal @behatiprinsloo how do u like to use it?

anaibelcb Mira @natureanimal la pintura de uñas que te regale 🥰🥰

rhmom2006 Love all her stuff!

clrnry @arturcamara aquelas 3 pontinhos no dedo são a tatuagem aliança dela

batetpaula @alessandraferrara3

alessandraferrara3 Me están dando escalofrios 🥰 @batetpaula

📄 Add a comment

18w



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Anna Petrosian
Dose of Colors, Inc.
2500 North 24th Street, Unit 203
Phoenix, Arizona 85008

Dear Ms. Petrosian:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Kat von D Beauty products.² You posted a picture of a group of Lock-It Collection products. You wrote, "I've heard so many amazing reviews about the 'Lock-it Collection' by @katvondbeauty Can't wait to show and tell! [emoji] #LockItRevolution."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Kat von D Beauty products, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://instagram.com/p/BllcL8VjJ1O/>.

Ms. Anna Petrosian
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



annapetrosian_

Follow

7,040 likes

3w

annapetrosian_ I've heard so many amazing reviews about the 'Lock-it Collection' by @katvondbeauty. Can't wait to show and tell! 🥰
#LockItRevolution

magdalenaxxo Dm me if u wanna get free stuff : makeup, clothes, phone cases. No bs

abbcarrasco_ The foundation is so good for oily skin!!

soulvibrationclothing 🥰🥰🥰

_corri_g @nissanchez54

x0x0.amira It's my all time favorite foundation! 🥰🥰🥰

_michelle_1989 @lindsaylask123

fanoula1826 I love it !! And so will you
katvondbeauty 🥰❤

victoria_r_79 @annapetrosian_ can't wait to see what you think! 🥰

👍 Add a comment

600



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Victoria Beckham
c/o Mr. Jeff Frasco
Creative Artists Agency
2000 Avenue of the Stars
Los Angeles, California 90067

Dear Ms. Beckham:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing a Lancer Skincare product.² You posted a picture of Lancer's Contour Décolleté product. You wrote, "Loving this new contour Décolleté by my friend @drlancerrx kisses from Los Angeles us X vb."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. While your Instagram post refers to Dr. Lancer as a friend, it does not indicate whether you have a financial or other business relationship with Lancer Skincare. If you do have a financial or other business relationship to the company, it should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BEHnSwdliPt/?taken-by=victoriabeckham>.

Ms. Victoria Beckham
March 20, 2017
Page 2

disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



victoriabeckham

Follow

60.3k likes

3w

victoriabeckham Loving this new contour Décolleté by my friend @drilancerrx kisses from Los Angeles us X vb

view all 126 comments

katjaminski Hilt das auch?

catherinedavies123 Nice

armyguy_ben Make \$1,000-\$10,000 With An Active Bank Account 📱. Text 12246990757 Or Direct Message 🗨 Me For More Information.

islomxon_official @victoriabeckham

princessadatskaya_80_lv1 @mason4ik 🤔🤔🤔

malinsundstroms @fridaedlunds 😊😊😊

eringer_experience Feel Fantastic

aisha_alli.x @adeelsxali @axa.all_x

amcblog Take look at the Qubie makeup

📄 Add a comment

0/00



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Chelsea Houska
c/o Mr. Howard Rosen
Howard Rosen Promotions
1129 Maricopa Highway, Suite 238
Ojai, California 93023

Dear Ms. Houska:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Love With Food.² You posted a picture of yourself with a Love With Food box of snack products. You wrote, "In love with my #LoveWithFood Snack Box. The snacks are perfect for Aubree's lunch and my pregnancy cravings."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Love With Food, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BKEyWuDDq0M/?taken-by=chelseahouska>.

Ms. Chelsea Houska
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



chelseahouska

Follow

51k likes

13w

chelseahouska In love with my #LoveWithFood Snack Box. The snacks are perfect for Aubree's lunch and my pregnancy cravings. For every box sold at least one meal is donated to a food bank! Check out @lovewithfood 's bio for 25% off your first deluxe box!

[view all 96 comments](#)

arenas2005 How do u get it an how much

mrssflier People moaning about advertising that's how she makes her money! Would you expect someone rolling their eyes at you at your work because you were working 🙄 seriously get over it! Not like every post is advertising! Even if it was just unfollow!?

mellsrodz @lesrodz since you said you wanted to get a snack box subscription

signed_a_ That's it ? Just one meal? \$40 can buy more than one meal. What's in off



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Troian Bellisaro
c/o Erik Hyman, Esq.
Loeb & Loeb LLP
10100 Santa Monica Boulevard, Suite 2200
Los Angeles, California 90067

Dear Ms. Bellisaro:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Understated Leather and Matisse Footwear.² You posted a picture of a pair of boots. You wrote, "My favorite new way to kick the shit out of Sunday. Thank you @understatedleather & @matisse_footwear."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and either Understated Leather or Matisse Footwear, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thank you @understatedleather & @matisse_footwear" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the companies; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGSRIpCGr2p/?taken-by=sleepinthegardn&hl=en>.

Ms. Troian Bellisaro
March 20, 2017
Page 2

Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



sleepinthegardn

Follow

114k likes

3d

sleepinthegardn My favorite new way to kick the shit out of Sunday. Thank you @understatedleather & @matisse_footwear

View all 129 comments

styleitu.p Fashion fashion <<<<<<<<

leila_1534 That is cute

abigailtori You inspired me to start aerial yoga/silks thankyou I love it ☺ I really admire you for everything & hope life lets you see into its crazy adventures and its memorising moments for many years to come. I think you're deffo NOT an odd one out in PLL everyone is beautiful 🙌 hope you're well and keep going T 🍀

ravi2157 Nice

kamialmiron Babyyyyyy

elle5297 @kamialmiron fa

♡ Add a comment

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Nina Agdal
c/o Mr. Tony Vavroch
Elite Model Management
245 Fifth Avenue, 24th Floor
New York, New York 10016

Dear Ms. Agdal:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Muscle Milk.² You posted a picture of yourself in the corner of a boxing ring. You wrote, "Spent my morning in the ring with @MuscleMilk @BoxingNapoleon [emojis of a trophy and a muscular arm] #StrongerEveryday."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Muscle Milk, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLy70TzgDYQ/?taken-by=ninaagdal&hl=en>.

Ms. Nina Agdal
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

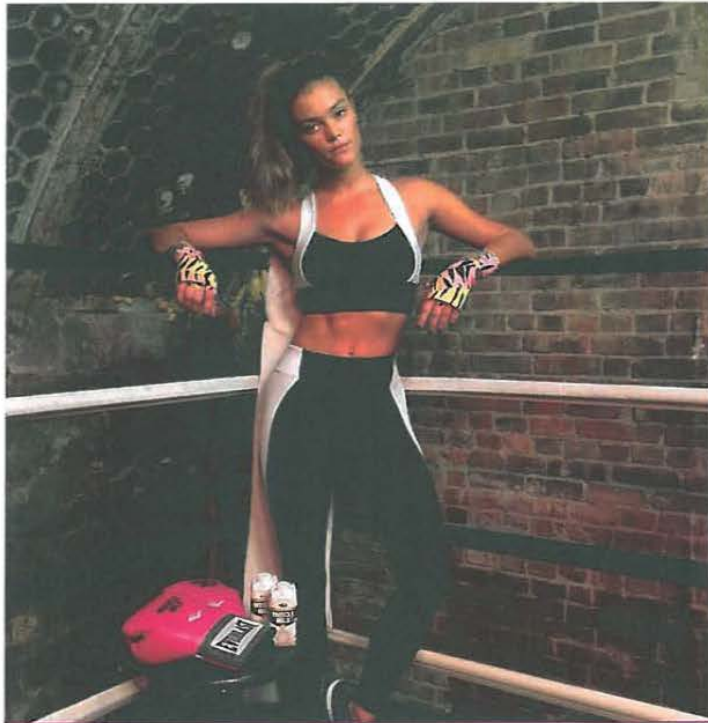
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



ninaagdal
Overthrow New Yor...

Follow

37.4k likes

6w

ninaagdal Spent my morning in the ring with @MuscleMilk @BoxingNapoleon 🙌🏻 #StrongerEveryday

view all 261 comments

pdx.aiden Sexy AF

dr.edoardo_agnelli

dr.edoardo_agnelli If nudity is civilization, so that animals are more civilized than human beings

dr.edoardo_agnelli

tana_mongeau1112 🤔🤔🤔🤔🤔🤔🤔🤔
ok?

emytshiani @nad_ouch_k

ben__bijoux cute

5_star_woman ❤️❤️🤔🤔🤔🤔🤔🤔🤔🤔
💋💋

thealphawolfrunner 🤔🤔 nice work



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Ashley Benson
c/o Barry Littman, Esq.
Hansen, Jacobson, Teller, Hoberman, Newman, Warren, Richman, Rush & Kaller, LLP
450 N. Roxbury Drive, 8th floor
Beverly Hills, California 90210

Dear Ms. Benson:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing a Nip + Fab product.² You posted a picture of yourself holding a can of Nip + Fab Dragon's Blood Fix Plumping Serum. You wrote, "@nipandfab Dragons Blood Serum is great, it hydrates my skin like nothing else! Thanks @ultabeauty @mrsrodial #nipandfab #sp."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with Nip + Fab. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thanks @ultabeauty @mrsrodial #nipandfab" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. Furthermore, many consumers will not understand "#sp" to mean that the post is sponsored. In addition, consumers should be able to notice the disclosure easily, and

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLwC3hZho7O/?taken-by=itsashbenzo>.

Ms. Ashley Benson
March 20, 2017
Page 2

not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director
Division of Advertising Practices



itsashbenzo

Follow

312k likes

7w

itsashbenzo @nipandfab Dragons Blood Serum is great, it hydrates my skin like nothing else! Thanks @ultabeauty @mrsrodial #nipandfab #sp

view all 634 comments

maria.51 🐱🐱🐱🐱🐱

eliseabrahamsen @paulsenn

dezharae.alston OMG Hannah I just loves watching y'all show every night and every single day

angelayeste_ @almu_gm99 @celiaramiro

anniepeattie @Beckiebird she is life

larissapw @nanyneres

t_williamsss @alaniewarren Lowkey always wanted to try this moisturizer

cybelexo @tamialuca

angelaro2813 Yass Ashley ur so hot damn



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Emily Ratajkowski
c/o Carlos K. Goodman, Esq.
Bloom Hergott Diemer Rosenthal LaViolette Feldman Schenkman & Goodman, LLP
150 South Rodeo Drive, Third Floor
Beverly Hills, California 90212

Dear Ms. Ratajkowski:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing a Nip + Fab product.² You posted a picture of yourself holding a container of Nip + Fab Glycolic Fix Night Pads. You wrote, "Thanks @nipandfab for these insane glycolic night fix pads. Ready for my bday week [airplane emoji] @cvspharmacy @mrsrodial #nipandfab."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Nip + Fab, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thanks @nipandfab for these insane glycolic night fix pads" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at https://www.instagram.com/p/BGR7_3XS2XX/?taken-by=emrata.

Ms. Emily Ratajkowski
March 20, 2017
Page 2

typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



emrata

Follow

230k likes

4d

emrata Thanks @nipandfab for these insane glycolic night fix pads. Ready for my bday week → @cvspharmacy @mrsrodial #nipandfab

view all 1,208 comments

thepennycloset_ Perfect! 🐾

kathyyoung0802 @nicrutsid my kind of body goals 😍😍👉 (look more at her ig)

haniamalhas @loulwans.7

ruby_pettis @lvisinamon

coppolaa @stellabougg sexy

danielsenm @leifeduardo

lonedreamer Bella figa

hannah.speach @clairespeach16 you

itsprieto 😊😊

andrey9088 beautiful eyebrows

mendez_s Marry me



Add a comment





Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Denice Moberg

(b)(6) com

Dear Ms. Moberg:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Nutramino products.² You posted a picture of Nutramino products and wrote, "This is a new pre workout product from @nutramino [emoji] I have tried it a couple of times now and WOW I like it"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Nutramino products, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BLdQJU6gIde/?taken-by=deniceemoberg>.

Ms. Denice Moberg
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped initial "M".

Mary K. Engle
Associate Director
Division of Advertising Practices



deniceemoberg

Follow

1,573 likes

8w

deniceemoberg This is a new pre workout product from @nutramino 🍌 I have tried it a couple of times now and WOW I like it, you can read more about them on the blog @deniceemoberg 🍌

deniceemoberg #Nutramino #gymshark #deniceemoberg #icaniwill #fitness #fit #fitspo #workout #bodybuilding #gym #training #healthy #motivation #getfit #eatclean #exercises #workoutvideos #recipes #flex #instafitness #gym #trainhard #dedication #muscles #shredded #girlswholift #glutes #trainlikeagirl #noexcuses #girlswholift

Log in to like or comment.

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. James Harrison
c/o Mr. William Parise
Sports Management and Marketing, Inc.
1481 Dominion Court
Pittsburgh, Pennsylvania 15241

Dear Mr. Harrison:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Optimum EFX products.² You posted a picture of Optimum EFX products and wrote, "The only products I use to optimize my workouts & recovery process are created by @optimumefx. You can get them all for 15% off with the code: Deebo15 at OtimumEFX.com!"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with the marketers of Optimum EFX. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGac5TpJFjb/?taken-by=jhharrison92>.

Mr. James Harrison
March 20, 2017
Page 2

the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



jhharrison92

Follow

2,088 likes

5d

jhharrison92 The only products I use to optimize my workouts & recovery process are created by @optimumefx. You can get them all for 15% off with the code: Deebo15 at OptimumEFX.com!

josee_ribe 1

bxll.is.life_ 100

tommygropp @nfl

titsburghfeelers6 @nfl

theinstanucc @nfl ... It saddens me that there are certain hard working athletes that get singled out so blatantly and have to deal with harassment (probably on a day when some gym time, alone time, and some nice quality family time have already been planned... Let the man work and continue his strive for betterment



Add a comment...

200



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Scott Disick
c/o Ms. Nancy Luciano
Luciano Reeves Talent, Inc.
21700 Oxnard Street, Suite 950
Woodland Hills, California 91367

Dear Mr. Disick:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing a Pearly Whites Australia product.² You posted a picture of yourself holding a Pearly Whites box. You wrote, "Getting my teeth 4th of July ready! @pearlywhitesaustralia introduced me to coconut & charcoal infused whitening strips! Check out pearlywhitesaustralia.com #nosensitivity #ad @pearlywhitesaustralia."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with the marketer of Pearly Whites Australia. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://instagram.com/p/BHVFbX0h0kG/>.

Mr. Scott Disick
March 20, 2017
Page 2

the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

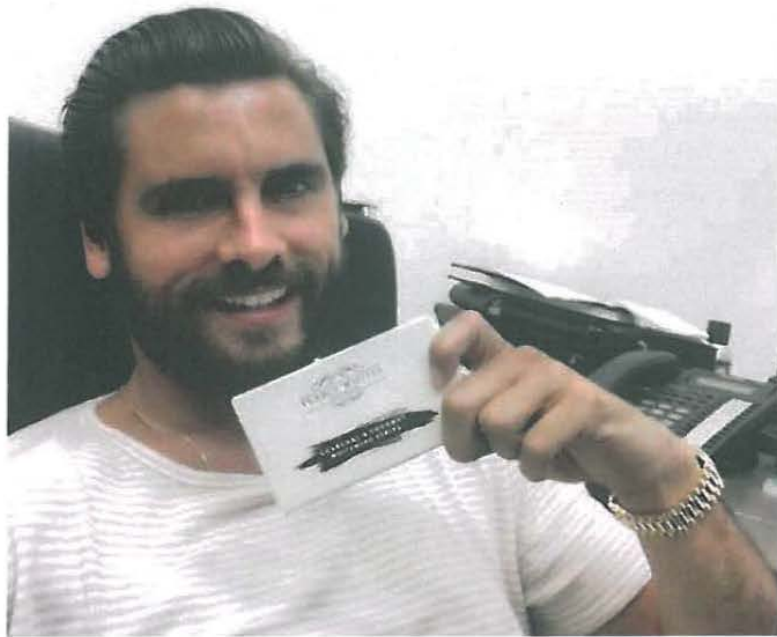
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



letthelordbewithyou

Follow

118k likes

7/18

letthelordbewithyou Getting my teeth 4th of July ready! @pearlywhitesaustralia introduced me to coconut & charcoal infused whitening strips! Check out pearlywhitesaustralia.com #nosensitivity #ad @pearlywhitesaustralia

[view all 679 comments](#)

zsosiszenyeri @xjoyyx of niet, laat maar 🍷❤

bebyfacee Handsome my husband

saydeekuh Tom cruise

ariannegladu @christina.oz

princessterter Charlie! @alwayssunnyfxx

8paau @23lauri

23lauri @8paau

23lauri @8paau

heks1967 🍷🍷

ευhalkannolu Don'T SMiL E ΔGAIN

👍 Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Lindsey Lohan
c/o Chris Smith
ICM Partners
10250 Constellation Boulevard
Los Angeles, California 90067

Dear Ms. Lohan:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing the Pinnertest Food Intolerance Test.² You posted a picture of yourself holding a Pinnertest box. You wrote, "I just got the Pinnertest, Food Intolerance Test :) even 'healthy' vegetables can cause weight gain and diseases which is something to be conscious of. You can find out for yourself with @pinnertestusa Check out www.pinnertest.com #foodintolerance #natural."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of the Pinnertest product, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BDI2XIDJcyn/>.

Ms. Lindsey Lohan
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



lindsaylohan

Follow

29.2k likes

20w

lindsaylohan I just got the Pinnerest, Food Intolerance Test :) even "healthy" vegetables can cause weight gain and diseases which is something to be conscious of. You can find out for yourself with @pinnerestusa Check out www.pinnerest.com #foodintolerance #natural

[view all 963 comments](#)

mariamakadji Je vais macheter sa je pense @_lakt_

confession_sucree @mariamakadji nin be son ka i daimai mainaii

maggieraehamilton @hannah11

lenamaria_s @deliafarfallina

undergroundrebell pixxing pregnant redhead xxx @lindsaylohan forever xxx i love you xoxo

evelynlorenaofficial @jeannettegabrielle

Add a comment...





United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Bella Thorne
c/o Howard A. Fishman, Esq.
Hirsch Wallerstein Hayum Matlof + Fishman LLP
10100 Santa Monica Boulevard, Suite 1700
Los Angeles, California 90067

Dear Ms. Thorne:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Puma products.² You posted a picture of your feet in Puma sandals and wrote, "Yesterday #vibes #happymemorialday."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Puma, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGCvMiaHTVL/?taken-by=bellathorne&hl=en>.

Ms. Bella Thorne
March 20, 2017
Page 2

are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly legible.

Mary K. Engle
Associate Director
Division of Advertising Practices



bellathorne

Follow

180k likes

1w

bellathorne Yesterday #vibes
#happymemorialday

view all 392 comments

kya_122 @kenziedowns why put people down

kenziedowns @kya_122 it wasn't really a derogatory statement you need a sense of humor quit acting like every thing is serious

kya_122 @kenziedowns stfu

devcoon_13 @kenziedowns it seems as tho when @kya_122 finally realized she couldn't win the argument she has to come out with "Stfu" so she at least has something to say lol. Kenzie-1 Kay

devcoon_13 Kay-0

randooph @channelh_ HAVAHA WHAT HAPPENED YO HER LEGS

channelh_ YIKes @randooph

♡ Add a comment...

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Zendaya
c/o Jessie Greene
Monster Talent Management
6333 W 3rd Street, Suite 912
Los Angeles, California 90036

Dear Ms. Zendaya:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Puma products.² You posted a picture of pink Puma footwear and wrote, "I don't even wanna to wear them they so beautiful [emojis] @badgalriri @puma."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Puma, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BEKSRTppmOP/?taken-by=zendaya&hl=en>.

Ms. Zendaya
March 20, 2017
Page 2

are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly legible.

Mary K. Engle
Associate Director
Division of Advertising Practices



zendaya

Follow

529k likes

8w

zendaya I don't even wanna wear them they so beautiful 😍😍 @badgalriri @puma

view all 8,090 comments

badda_ally I want to buy one but i cant 😭

fee1996 @anikakhosla opinion?

anikakhosla @fee1996 no

euanalia_ OMG 😍😍😍

taaychris @moizes5ilva

chena_nicole @mayananell omg this is me lol !!!! *so late*

mayananell Lol 😂😂. Lol mad late 😂😂 @chena_nicole

chena_nicole Lol 😂 super sorry @mayananell

mayananell No worries 🍀❤️ @chena_nicole

cassidy_ekstrom get these for the pool ;) @jenmcarter

♡ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Sophia Bush
c/o Jamie Mandelbaum, Esq.
Jackoway Tyerman Wertheimer Austen Mandelbaum Morris & Klein
1925 Century Park East, 22nd Floor
Los Angeles, California 90067

Dear Ms. Bush:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Sakara Life products.² You posted a picture of a Sakara breakfast product. You wrote, "Going plant-based for at least 2/3 of my meals, with the help of my #SuperSoul Sisters @sakaralife. Week 2. Loving this ♥ #veganbeforesex #consciousliving #babysteps #alsohelpfulafterlastnightsmezcal."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Sakara Life products, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/sakaralife/>.

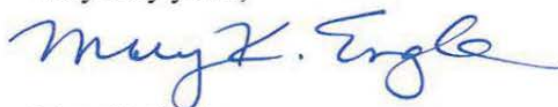
Ms. Sophia Bush
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



sophiabush

Follow

28k likes

5x

sophiabush Going plant-based for at least 2/3 of my meals, with the help of my #SuperSoul Sisters @sakaralife. Week 2. Loving this ♥ #veganbeforesex #consciouslyliving #babysteps #alsohelpfulafterlastnightsmezcal

I'd like to clarify something for everyone who feels the need or right to comment on my choices. I'm sharing this because I'm a fan of the food, and how this incredible company works. I'm not sharing this so you can tell me what to do, how to live, or how this choice I'm making somehow isn't enough. My body. My choices. My life. Celebrate what people do well. If that's not enough for you, do better in your own life and save your judgement for yourself. K? Cheers.

♥ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Massy Arias
Mankofit, Inc.
6300 Wilshire Boulevard, Suite 1460
Los Angeles, California 90048

Dear Ms. Arias:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing several Shea Moisture products.² You posted a picture of three Shea Moisture products. You wrote, "My skin care and 'I need a slick pony tail after this crazy leg day' hair trick @Sheamoisture4u African Black soap & Mud mask, Coconut oil, And Jamaican black castor oil styling lotion. If you queens haven't heard of African black soap, then it's time you do...."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Shea Moisture products, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGVIyUmrqAA/?taken-by=massy.arias>.

Ms. Massy Arias
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



massy.arias

Follow

7,759 likes

2d

massy.arias My skin care and "I need a slick pony tail after this crazy leg day" hair trick @Sheamoisture4u African Black soap & Mud mask, Coconut oil, And Jamaican black castor oil styling lotion.

If you queens haven't heard of African black soap, then it is time you do. If you sweat as much as I do on a regular basis and tend to break out, or just you have acne/blemish prone skin, this soap and mask are bomb.com (same mask I had on Saturday on Snapchat: MassyFit). I use coconut oil to moisturize my skin, to wipe of any makeup, and to hydrate/moisturize my hair and edges. The Jamaican black castor oil lotion is what I use for the slick pony tail I did on Snapchat today.

Tip: I use the soap for both body and face. Immediately post workout. The mask I use it once a week. I apply the

♡ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Farrah Abraham
c/o Avonte Campinha-Bacote, Esq.
Campinha Bacote LLC
1176 Crespi Drive
Pacifica, California 94044

Dear Ms. Abraham:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Teespring products.² You posted a picture of yourself wearing a "M.O.M. MADE OF MONEY" t-shirt and holding a teespring package. You wrote, "Thank you @teespring for the #momprenuaer Love #MOM #Madeofmoney Got my T ready for the entire season! <http://teespring.com/FarrahMOM> #proudmom #momboss."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with Teespring. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thank you @teespring" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at: https://www.instagram.com/p/BILmNQ9hI5d/?taken-by=farrah_abraham&hl=en.

Ms. Farrah Abraham
March 20, 2017
Page 2

customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



farrah__abraham

Follow

1,550 likes

3d

farrah__abraham Thank you @teespring for the #mompreneur Love #MOM #Madeofmoney Got my T ready for the entire season!
<https://teespring.com/FarahMOM>
#proudmom #momboss

view all 50 comments

nito_x 🙌🙌🙌🙌

kenziex1021 @moris1021 ew

janetmr Omg who does her makeup she looks like a dam orange

🤍 Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Lisa Rinna
c/o David B. Feldman, Esq.
Bloom Hergott Diemer Rosenthal LaViolette Feldman Schenkman & Goodman, LLP
150 South Rodeo Drive, Third Floor
Beverly Hills, California 90212

Dear Ms. Rinna:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing a ToGoSpa product.² You posted a picture of a lip mask. You wrote, "How cute it's beauty day and look at these lip masks from @togospa [lips emoji] Love! #beauty #womenrock this is a company started by women!"

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and ToGoSpa, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.


² The post is available at <https://www.instagram.com/p/BIAtYpqDZaG/?taken-by=lisarinna>.

Ms. Lisa Rinna
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



lisarina

Follow

1,836 likes

1w

lisarina How cute it's beauty day and look at these lip masks from @togospa Love! #beauty #womenrock this a company started by women!

trankin11 What does it do?

coopnana @lisarina Did they send you an XXL? ☐

askjoeyjohnsen Coconut lips #poutplumper! 🌴🌴🌴

katiemack1972 Gotta have it!

lauraomalley3 Lisa you need to have "lip" products of your own!! You're missin the boat! Use those lips!💋

lisachocolateblessings k

♡ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Aliaume Damala Badara Akon Thiam
c/o Mr. Jeff Epstein
Universal Attractions
15 West 36th Street, 8th Floor
New York, New York 10018

Dear Mr. Thiam:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Beluga vodka.² You posted a picture of two iced bottles of Beluga vodka in front of a blue body of water. You wrote, "Holidays with @vodkabeluga always great. #VODKABELUGA."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Beluga vodka, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BEwy4kDFsD0/?taken-by=akon>.

Mr. Aliaume Damala Badara Akon Thiam
March 20, 2017
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



akon

Follow

5,202 likes

5w

akon Holidays with @vodkabeluga always great. #VODKABELUGA

view all 57 comments

kmg_kme @akon produce me KMG HEEM ON SOUND CLOUD #kmg #repost #follow #signMe #africa2USA #GUINEA

naveenkvl Love

photogenictwins Xplz give me a chance, love music

desertchylD Beautiful set up 🐼

andybucaille Bad bad bad

jay_mo_ney Big funds are waiting..paste your CANADA & USA bank drop,TD bank, Chase,boa,Keybank,Regions,Citizen bank, perfed credit union & BB&T etc.add me up 7ABA718B

flaber16 benyra 36c 8nta

limounge Amazing 🍸🍸🍸🍸🍸🍸

♡ Add a comment...

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Jennifer Lopez
c/o Ryan Nord, Esq.
Hirsch Wallerstein Hayum Matlof + Fishman
10100 Santa Monica Boulevard
Suite 1700
Los Angeles, California 90067

Dear Ms. Lopez:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Beluga vodka.² You posted a picture of yourself with several bottles of Beluga vodka. You wrote, "#TBT to my Birthday weekend in Vegas!! Thanks again @vodkabeluga #vodkabeluga."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Beluga vodka, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thanks again @vodkabeluga" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BJ04NxjAx-/?taken-by=jlo>.

Ms. Jennifer Lopez
March 20, 2017
Page 2

typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



jlo

Follow

631k likes

13w

jlo #TBT to my Birthday weekend in Vegas!! Thanks again @vodkabeluga #vodkabeluga

[view all 11,369 comments](#)

sara.angela But you dont drink @jlo

stetsontaylor Damn

t8km.e GIVE ME A BREAK GIVE ME A BREAK , BREAK ME OFF A PIECE OF THAT KIT KAT BAR!!!! 🍷

antonvedenyapin4191 Tequila o vodka? 🍷
Vida el mundo!

maferle_ Te Amooooo💕💕💕

alexanderortegaoa Siempre hermosa!!!

pietrotagliareni Splendida complimenti
ciao

circlecircled0td0t Thought you didn't drink alcohol? You said it was one of the reasons you're aging well.

[more...](#)



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Ms. Vanessa Lachey
c/o Gregg Gellman, Esq.
Morris Yorn Barnes Levine Krintzman Rubenstein Kohner & Gellman
2000 Avenue of the Stars, 3rd Floor, North Tower
Los Angeles, California 90067

Dear Ms. Lachey:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing an Yves Saint Laurent product.² You posted a picture of a lipstick and three pictures of yourself apparently wearing the lipstick. You wrote, "Spring lips got me like... [three lips emojis] I'm loving this Fuchsia YSL Rouge Pur Couture #19."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Yves Saint Laurent, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BDldv5BNyP7/?taken-by=vanessalachey>.

Ms. Vanessa Lachey
March 20, 2017
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive, flowing style.

Mary K. Engle
Associate Director
Division of Advertising Practices



vanessalachey

Follow

4,441 likes

10w

vanessalachey Spring lips got me like...
OOO
I'm loving this Fuchsia YSL Rouge Pur
Couture #19
Check out my blog for some of my other
FAVORITES! VanessaLachey.com (see in
Bio)

view all 113 comments

msalari @venessajeen 🥰🥰🥰

kitten556 such a beautiful color
absolutely love it Venessa

kitten556 xxxxxx

lala1ramirez @valariesantonia try this color
californiamommy Gorgeous

vikki_v_v_ Awwww miss u!!!
@vanessalachey

danielajarvis I do love that color.
@bsta84

jeniffersmyle Love this color so mu...

♡ Add a comment...

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 21, 2017

Ms. Amber Rose
c/o Walter Mosley, Jr., Esq.
J. Walter Michael & Associates
731 Virginia Park
Detroit, MI 48202

Dear Ms. Rose:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Fred and Far.² You posted a picture of a Fred and Far pinky ring and its package. You wrote, "Thank you @fredandfar for your love and support ♥."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Fred and Far, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. A statement like "Thank you @fredandfar" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship to the company; consumers could understand a "thank you" simply to mean that you are a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGMrDdykq3R/?taken-by=amberrose&hl=en>.

Ms. Amber Rose
March 21, 2017
Page 2

only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



amberrose

Follow

23k likes

6/7

amberrose Thank you @fredandfer for your love and support ❤️

[view all 203 comments](#)

elmariodecarina Lb

tifferand Check your DM muva, I need to get you in one of my caps 🍷
@amberrose

beautyfullpage Be BeautyFULL, be YOU!
👀👀👀 Follow us! #beauty

globalcash_ CHECK OUT MY INSTAGRAM TO LEARN HOW TO MAKE SOME EASY QUICK CASH DM ME OR TXT (219)200-2730 FOR MORE INFORMATION ALL YOU NEED IS AN ACTIVE BANK ACCOUNT NO CASH IS NEEDED IN THE ACCOUNT AT ALL!!!!

izzybelly258 Justin copied your hair

brandon.3.crosby Who are u

brandon.3.crosby I don't know who u

👍 Add a comment

...



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 30, 2017

Ms. Anna Petrosian
Dose of Colors, Inc.
7635 North San Fernando Road
Burbank, California 91505

Dear Ms. Petrosian:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Kat von D Beauty products.² You posted a picture of a group of Lock-It Collection products. You wrote, "I've heard so many amazing reviews about the Lock-it Collection by @katvondbeauty Can't wait to show and tell! [emoji] #LockItRevolution."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and the marketers of Kat von D Beauty products, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://instagram.com/p/BllcL8VjJ1O/>.

Ms. Anna Petrosian

March 30, 2017

Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle

Associate Director

Division of Advertising Practices



annapetrosian_

Follow

7,040 likes

3w

annapetrosian_ I've heard so many amazing reviews about the 'Lock-it Collection' by @katvondbeauty Can't wait to show and tell! 🥰
#LockItRevolution

magdalenaxxo Dm me if u wanna get free stuff : makeup, clothes , phone cases . No bs

abbycarrasco_ The foundation is so good for oily skin!!

soulvibrationclothing 🥰🥰🥰

_corri_g @mrssanchez54

x0x0.amira It's my all time favorite foundation! 🥰🥰

_michelle_1989 @lindsaylask123

fanoula1826 I love it !! And so will you
katvondbeauty 🥰❤

victoria_r_79 @annapetrosian_ can't wait to see what you think! 🥰

👍 Add a comment...

see



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

April 3, 2017

Ms. Chelsea Houska
c/o Mr. Will Dzombak
William Gerard Group
william@thewilliamgerardgroup.com

Dear Ms. Houska:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram post endorsing Love With Food.² You posted a picture of yourself with a Love With Food box of snack products. You wrote, "In love with my #LoveWithFood Snack Box. The snacks are perfect for Aubree's lunch and my pregnancy cravings."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. If there is a material connection between you and Love With Food, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BKEyWuDDq0M/?taken-by=chelseahouska>.

Ms. Chelsea Houska

April 3, 2017

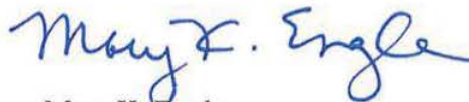
Page 2

In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, sweeping "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



chelseahouska

Follow

51k likes

13w

chelseahouska In love with my #LoveWithFood Snack Box. The snacks are perfect for Aubree's lunch and my pregnancy cravings. For every box sold at least one meal is donated to a food bank! Check out @lovewithfood 's bio for 25% off your first deluxe box!!

[view all 96 comments](#)

arenas2005 How do u get it an how much

mrssflier People moaning about advertising that's how she makes her money! Would you expect someone rolling their eyes at you at your work because you were working 😂 seriously get over it! Not like every post is advertising! Even if it was just unfollow!?

melisrodz @lesrodz since you said you wanted to get a snack box subscription

signed_a_ That's it ? Just one meal? \$40 can buy more than one meal. What a rip-off



Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Hal Kravitz
Chief Executive Officer
AQUAhydrate, Inc.
5870 West Jefferson Boulevard
Suite D
Los Angeles, California 90016

Dear Mr. Kravitz:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Sean Combs.² Mr. Combs's post shows a photo of two bottles of AQUAhydrate water in what appears to be a car and he writes, "Let's GO!!! @aquahydrate #balance #hydrate #tryIT."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

We understand that Mr. Combs is an owner and director of AQUAhydrate. Mr. Combs's material connection to your company should be clearly and conspicuously disclosed in his endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGaNNr4plwG/?taken-by=iamdiddy>.

Mr. Hal Kravitz
March 20, 2017
Page 2

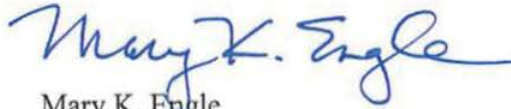
many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Mr. Combs’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mary K. Engle
Associate Director
Division of Advertising Practices



iamdiddy

Follow

5,639 likes

19h

iamdiddy Let's GO!!! @aquahydrate
#balance #hydrate #tryIT

view all 55 comments

falboybeatz #drinkingsofnewyork

elishazuniga72 Cheers @iamdiddy I'm
drinking the same thing right now as I'm
sweating it out in the sauna.
#72staypositive

finedicipline We going meeeen

ak_management_presents 🍷🍷

burakus1 Pastor Diddy 🍷🍷

sephora9124 I will need this after you
make me squirt

knolig_works Nice shot

mastew25 This water is so good. I hope
to buy a case this weekend. Delicious
Hydrate for the body!

marchbaby0320 I need to try that



Add a comment

...



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 20, 2017

Mr. Jack Ross
Chairman & Chief Executive Officer
Synergy CHC Corp.
865 Spring Street
Westbrook, Maine 04092

Dear Mr. Ross:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram posts by Nicole Polizzi and Tiona Fernan.² Ms. Polizzi posts a picture of herself holding your Flat Tummy Tea Cleanse product and writes, "There's just NO WAY I'm doing summer without a flat tummy. It's time to get summertime fiiiine and my pack of Flat Tummy Tea has just got here." Ms. Fernan posts a picture of herself with a bare midriff and writes, "Loving the difference @flattummytea makes to my body. Girls, go get yours today! [hearts emoji] #flattummytea."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with either Ms. Polizzi or Ms. Fernan, that relationship should be clearly and conspicuously disclosed in the endorsements. To be both

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BGajsY8Bjrb/?taken-by=snookinic> and <https://www.instagram.com/p/BLrkAqQhxU7/?taken-by=xttiona&hl=en>.

Mr. Jack Ross
March 20, 2017
Page 2

“clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

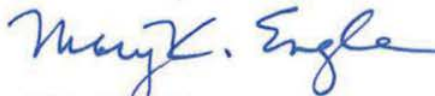
If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to the attached posts and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

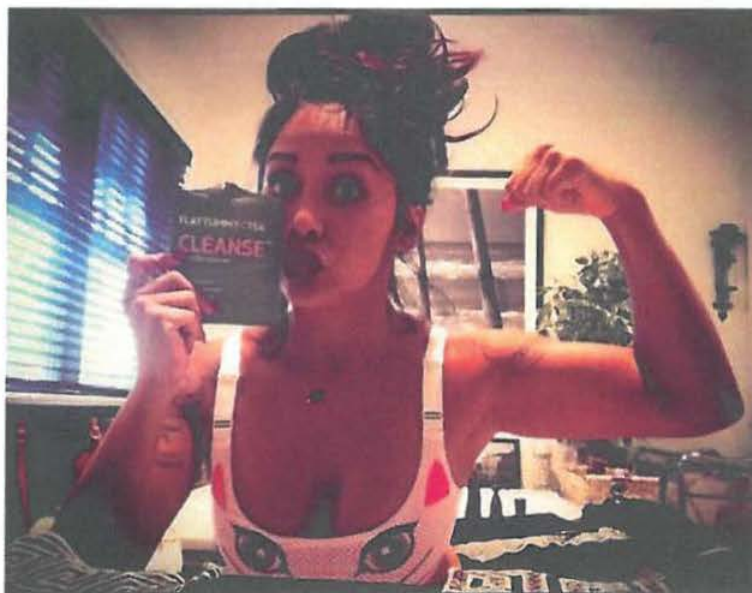
Please note that our review of the enclosed post was limited to the adequacy of the disclosure of material connections. We did not attempt to determine whether the post might be deceptive in other respects. It is your responsibility to ensure that advertisements for your products comply with the FTC Act; for example, you must ensure that all express or reasonably implied product performance claims are truthful and supported by adequate substantiation. More information about how to comply with the laws and rules the FTC enforces may be found at business.ftc.gov.

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



snookinic

Follow

35.2k likes

7d

snookinic There's just NO WAY I'm doing summer without a flat tummy. It's time to get summertime filline and my pack of Flat Tummy Tee has just got here🍀🍀🍀 They've got a sale on today at 20% off so if you're prepping for summer, now's your chance - go check out the sale at @fattummytea

view all 228 comments

rayrob90 Are you the real Snooki from the jersey shore of so write me back and tell me what is everyone else doing from the show keep me updated thank you

Add a comment

...



xtiona

Follow

15.8k likes

7w

xtiona Loving the difference @fattummytea makes to my body. Girls, go get yours today! ❤️ #fattummytea

view all 177 comments

sammymusaaaa @harysalsaedi

colomboinstyle Curves on point @xtiona

reed.a_ 🤩🤩🤩🤩🤩🤩🤩🤩🤩🤩🤩🤩

iiamlegend We def need to kill some sets 🍀

blackanese_97 @imanzz

db9077700 How are you doing sexy

by_victoria_secret @jennyjan voici le style de Cedric

justmgee @ellegardere damn 😍😍😍

folakemi.angela She's pengpeng

@_mbassi25

bowen.fabian Mmm



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

March 30, 2017

Ms. Samira Asemanfar
Ms. Melody Gofred
Fred and Far
hello@fredandfar.com

Dear Ms. Asemanfar and Ms. Gofred:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Amber Rose.² Ms. Rose posts a picture of a Fred and Far pinky ring and its package, and writes, "Thank you @fredandfar for your love and support ♥."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

If your company has a business relationship with Ms. Rose, that relationship should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. A statement like "Thank you@Fredandfar" is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser's relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, consumers should be able to notice the disclosure easily, and not have to look for it.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BGMrDdykq3R/?taken-by=amberrose&hl=en>.

Ms. Samira Asemanfar
Ms. Melody Gofred
March 30, 2017
Page 2

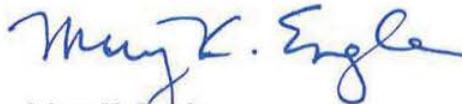
For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Rose’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, looped "M" and "E".

Mary K. Engle
Associate Director
Division of Advertising Practices



amberrose

Follow

23k likes

6d

amberrose Thank you @fredandfer for your love and support ❤️

view all 203 comments

elarmariodecarmina Lb

tifferandd Check your DM muva, I need to get you in one of my caps 📩 @amberrose

beautyfullpage Be BeautyFULL, be YOU! 🥰🥰🥰 Follow us! #beauty

globalcash_ CHECK OUT MY INSTAGRAM TO LEARN HOW TO MAKE SOME EASY QUICK CASH DM ME OR TXT (219)200-2730 FOR MORE INFORMATION ALL YOU NEED IS AN ACTIVE BANK ACCOUNT NO CASH IS NEEDED IN THE ACCOUNT AT ALL!!!!

izzybelly258 Justin copied your hair

brandon.3.crasby Who are u

brandon.3.crasby I don't know who u



Add a comment...





Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Mr. Dominik Richter
Chief Executive Officer
HelloFresh AG
37A Saarbrücker Straße
Berlin, 10405
Germany

Dear Mr. Richter:

The Federal Trade Commission is the United States' consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing to call your attention to the attached Instagram post by Caroline Manzo.² She posts a picture of herself in the kitchen with a Hello Fresh delivery and writes, "Keeping on my healthy kick in the kitchen tonight with @hellofresh. Since all the fresh ingredients are pre-measured for perfectly portioned meals, I don't have to think about meal planning and can just start cooking! Love that I have @hellofresh to switch it up when I just don't have the time to grocery shop and meal prep. Give it a try with my code 'FreshCaroline' for \$35 off your first healthy week at hellofresh.com #fallmeals #healthy #hellofreshpics #sp."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The post is available at <https://www.instagram.com/p/BMCoUnLjzPE/?taken-by=carolinemanzo&hl=en>.

Mr. Dominik Richter

March 20, 2017

Page 2

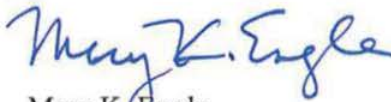
It appears that Ms. Manzo has a business relationship with your company. Ms. Manzo's material connection to your company should be clearly and conspicuously disclosed in her endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Many consumers will not understand "#sp" to mean that the post is sponsored. In addition, consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, an endorser should disclose any material connection above the "more" button. Finally, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Ms. Manzo's post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company's social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They're available online at business.ftc.gov.) You may also wish to review the guidelines on online reviews and endorsements published by the International Consumer Protection and Enforcement Network (ICPEN), a network of consumer protection agencies from more than 60 countries. Like the FTC's Endorsement Guides, the ICPEN guidance reflects basic truth-in-advertising principles and provides examples for digital media marketing.³

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices

³ The ICPEN guidance is available at <https://www.gov.uk/government/news/online-reviews-guidelines-mark-end-of-cmas-icpen-presidency>.



carolinemanzo

Follow

3,915 likes

7w

carolinemanzo Keeping on my healthy kick in the kitchen tonight with @hellofresh. Since all the fresh ingredients are pre-measured for perfectly portioned meals, I don't have to think about meal planning and can just start cooking! Love that I have @hellofresh to switch it up when I just don't have the time to grocery shop and meal prep. Give it a try with my code "FreshCaroline" for \$35 off your first healthy week at hellofresh.com #fallmeals #healthy #hellofreshpics #sp

view all 56 comments

yesmydarling07 Nice idea but expensive for what you get

jcaffa13 Go you! You've always been one of my favorite! You keep it real. And, I love that cutting board! Like pumpernickel swirl bread...Where did you net it?

Log in to like or comment





Mary K. Engle
Associate Director

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

March 20, 2017

Ms. Shay Mitchell
c/o Mr. David Dean Portelli
David Dean Management
daviddean@daviddeanmanagement.com

Dear Ms. Mitchell:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.¹

I am writing regarding your attached Instagram posts, one endorsing Biore's Baking Soda Scrub and the other endorsing Kettle brand potato chips.² In the former, you posted a video of you scrubbing your face and wrote, "I can never perfect the art of the boomerang but this one was a win thanks to @bioreus 's Baking Soda Scrub that fizzes & bubbles when I wash my face almost like a mini spa-day for my pores! [emojis] #TBT BioreAmbassador." In the latter, you posted a picture of Kettle brand potato chips, together with a glass of wine and playing cards and wrote, "My kind of day #weekendgetaway."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. It appears that you have a business relationship with the marketer of Biore. Your material connection to that company should be clearly and conspicuously disclosed in your endorsements. If there is a material connection between you and the marketer of Kettle brand potato chips, that connection should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out.

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://www.instagram.com/p/BLZrgpUBp1O/?taken-by=shaym&hl=en> and <https://www.instagram.com/p/BGPsuKFQr6F/?taken-by=shaym>.

Ms. Shay Mitchell
March 20, 2017
Page 2

Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

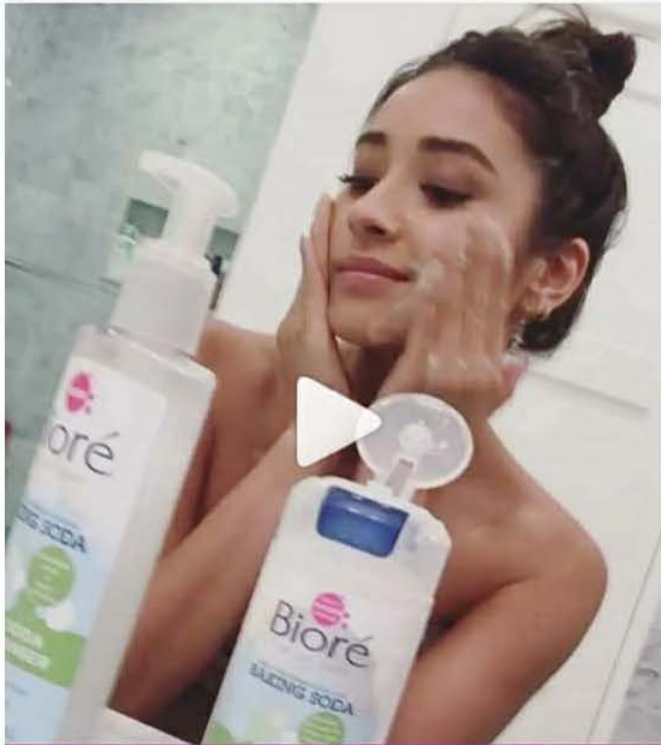
If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I’m also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at business.ftc.gov.)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



shaym

Follow

1.4m views

8w

shaym I can never perfect the art of the boomerang but this one was a win thanks to @bioreus 's Baking Soda Scrub that fizzes & bubbles when I wash my face almost like a mini spa-day for my pores! 🙌🏻 #TBT BioreAmbassador

view all 826 comments

manalbounaaja3 Woow

saarah.siddiqui Wait that was her in the commercial?? WOAHH @ssaniyahhh

irem_koca 🥰🥰

asialena_2003 GOALS

asialena_2003 GOALS

asialena_2003 GOALS

asialena_2003 HOWWWW

asialena_2003 ARE

kyliemaisine @jadenderry have this



shaym

Follow

198k likes

4d

shaym My kind of day #weekendgetaway

view all 405 comments

callmecuteandbuymepizza Us @malinxsc

liamhispack WOW

@_pretty_little_emison_🥰

manon_jprl @lucille.jcb dingue

lucille.jcb Les meilleures chips au monde @manon_jprl

manon_jprl @lucille.jcb je ne savais pas qu'elles avaient eu un tel succès

thisismaureen_ @marinelcbl @lizzie_cls DIJON

izabela_wyrwa 🍷

ninipugli Les cartes seront des fiches de français ma chérie @emmalou_p

jk_sarah @laurl_sir Bei uns auch so wo

📄 Add a comment...

...

The FTC's Endorsement Guides

What People Are Asking



Contents

About the Endorsement Guides	3
When Does the FTC Act Apply to Endorsements?	4
Product Placements.	8
Endorsements by Individuals on Social Networking Sites	9
How Should I Disclose That I Was Given Something for My Endorsement? . . .	10
Other Things for Endorsers to Know	13
Social Media Contests.	14
Online Review Programs.	14
Soliciting Endorsements	15
What Are an Advertiser’s Responsibilities for What Others Say in Social Media?	16
What About Intermediaries?	17
What About Affiliate or Network Marketing?	18
Expert Endorsers Making Claims Outside of Traditional Advertisements	19
Employee Endorsements	20
Using Testimonials That Don’t Reflect the Typical Consumer Experience.	21
Where can I find out more?	22
Your Opportunity to Comment.	22

Suppose you meet someone who tells you about a great new product. She tells you it performs wonderfully and offers fantastic new features that nobody else has. Would that recommendation factor into your decision to buy the product? Probably.

Now suppose the person works for the company that sells the product – or has been paid by the company to tout the product. Would you want to know that when you’re evaluating the endorser’s glowing recommendation? You bet. That common-sense premise is at the heart of the Federal Trade Commission’s (FTC) Endorsement Guides.

The Guides, at their core, reflect the basic truth-in-advertising principle that endorsements must be honest and not misleading. An endorsement must reflect the honest opinion of the endorser and can’t be used to make a claim that the product’s marketer couldn’t legally make.

In addition, the Guides say if there’s a connection between an endorser and the marketer that consumers would not expect and it would affect how consumers evaluate the endorsement, that connection should be disclosed. For example, if an ad features an endorser who’s a relative or employee of the marketer, the ad is misleading unless the connection is made clear. The same is usually true if the endorser has been paid or given something of value to tout the product. The reason is obvious: Knowing about the connection is important information for anyone evaluating the endorsement.

Say you’re planning a vacation. You do some research and find a glowing review on someone’s blog that a particular resort is the most luxurious place he has ever stayed. If you knew the hotel had paid the blogger hundreds of dollars to say great things about it or that the blogger had stayed there for several days for free, it could affect how much weight you’d give the blogger’s endorsement. The blogger should, therefore, let his readers know about that relationship.

Another principle in the Guides applies to ads that feature endorsements from people who achieved exceptional, or even above average, results. An example is an endorser who says she lost 20 pounds in two months using the advertised product. If the advertiser doesn’t have proof that the endorser’s experience represents what people will generally achieve using the product as described in the ad (for example, by just taking a pill daily for two months), then an ad featuring that endorser must make clear to the audience what the generally expected results are.

Here are answers to some of our most frequently asked questions from advertisers, ad agencies, bloggers, and others.

About the Endorsement Guides

Do the Endorsement Guides apply to social media?

Yes. Truth in advertising is important in all media, whether they have been around for decades (like, television and magazines) or are relatively new (like, blogs and social media).

Isn't it common knowledge that bloggers are paid to tout products or that if you click a link on a blogger's site to buy a product, the blogger will get a commission?

No. Some bloggers who mention products in their posts have no connection to the marketers of those products – they don't receive anything for their reviews or get a commission. They simply recommend those products to their readers because they believe in them.

Moreover, the financial arrangements between some bloggers and advertisers may be apparent to industry insiders, but not to everyone else who reads a particular blog. Under the law, an act or practice is deceptive if it misleads "a significant minority" of consumers. Even if some readers are aware of these deals, many readers aren't. That's why disclosure is important.

Are you monitoring bloggers?

Generally not, but if concerns about possible violations of the FTC Act come to our attention, we'll evaluate them case by case. If law enforcement becomes necessary, our focus usually will be on advertisers or their ad agencies and public relations firms. Action against an individual endorser, however, might be appropriate in certain circumstances.

Does the FTC hold online reviewers to a higher standard than reviewers for paper-and-ink publications?

No. The FTC Act applies across the board. The issue is – and always has been – whether the audience understands the reviewer's relationship to the company whose products are being recommended. If the audience understands the relationship, a disclosure isn't needed.

If you're employed by a newspaper or TV station to give reviews – whether online or offline – your audience probably understands that your job is to provide your personal opinion on behalf of the newspaper or television station. In that situation, it's clear that you did not buy the product yourself – whether it's a book or a car or a movie ticket. On a personal blog, a social networking page, or in similar media, the reader might not

realize that the reviewer has a relationship with the company whose products are being recommended. Disclosure of that relationship helps readers decide how much weight to give the review.

What is the legal basis for the Guides?

If an endorser is acting on behalf of an advertiser, what she or he is saying is usually going to be commercial speech – and commercial speech violates the FTC Act if it's deceptive. The FTC conducts investigations and brings cases involving endorsements under Section 5 of the FTC Act, which generally prohibits deceptive advertising.

The Guides are intended to give insight into what the FTC thinks about various marketing activities involving endorsements and how Section 5 might apply to those activities. The Guides themselves don't have the force of law. However, practices inconsistent with the Guides may result in law enforcement actions for violations of the FTC Act. Although there are no fines for violations of the FTC Act, law enforcement actions can result in orders requiring the defendants in the case to give up money they received from their violations.

When Does the FTC Act Apply to Endorsements?

I'm a blogger. I heard that every time I mention a product on my blog, I have to say whether I got it for free or paid for it myself. Is that true?

No. If you mention a product you paid for yourself, there isn't an issue. Nor is it an issue if you get the product for free because a store is giving out free samples to its customers.

The FTC is only concerned about endorsements that are made on behalf of a sponsoring advertiser. For example, an endorsement would be covered by the FTC Act if an advertiser – or someone working for an advertiser – pays you or gives you something of value to mention a product. If you receive free products or other perks with the expectation that you'll promote or discuss the advertiser's products in your blog, you're covered. Bloggers who are part of network marketing programs where they sign up to receive free product samples in exchange for writing about them also are covered.

What if all I get from a company is a \$1-off coupon, an entry in a sweepstakes or a contest, or a product that is only worth a few dollars? Does that still have to be disclosed?

The question you need to ask is whether knowing about that gift or incentive would affect the weight or credibility your readers give to your recommendation. If it could, then it should be disclosed. For example, being entered into a sweepstakes or a contest for a

chance to win a thousand dollars in exchange for an endorsement could very well affect how people view that endorsement. Determining whether a small gift would affect the weight or credibility of an endorsement could be difficult. It's always safer to disclose that information.

Also, even if getting one free item that's not very valuable doesn't affect your credibility, continually getting free stuff from an advertiser or multiple advertisers could suggest you expect future benefits from positive reviews. If a blogger or other endorser has a relationship with a marketer or a network that sends freebies in the hope of positive reviews, it's best to let readers know about the free stuff.

Even an incentive with no financial value might affect the credibility of an endorsement and would need to be disclosed. The Guides give the example of a restaurant patron being offered the opportunity to appear in television advertising before giving his opinion about a product. Because the chance to appear in a TV ad could sway what someone says, that incentive should be disclosed.

[What if I upload a video to YouTube that shows me reviewing several products? Should I disclose when I got them from an advertiser?](#)

Yes. The guidance for videos is the same as for websites or blogs.

[What if I return the product after I review it? Should I still make a disclosure?](#)

That might depend on the product and how long you are allowed to use it. For example, if you get free use of a car for a month, we recommend a disclosure even though you have to return it. But even for less valuable products, it's best to be open and transparent with your readers.

[I have a website that reviews local restaurants. It's clear when a restaurant pays for an ad on my website, but do I have to disclose which restaurants give me free meals?](#)

If you get free meals, you should let your readers know so they can factor that in when they read your reviews. Some readers might conclude that if a restaurant gave you a free meal because it knew you were going to write a review, you might have gotten special food or service.

Several months ago a manufacturer sent me a free product and asked me to write about it in my blog. I tried the product, liked it, and wrote a favorable review. When I posted the review, I disclosed that I got the product for free from the manufacturer. I still use the product. Do I have to disclose that I got the product for free every time I mention it in my blog?

It might depend on what you say about it, but each new endorsement made without a disclosure could be deceptive because readers might not see the original blog post where you said you got the product free from the manufacturer.

A trade association hired me to be its “ambassador” and promote its upcoming conference in social media, primarily on Facebook, Twitter, and in my blog. The association is only hiring me for five hours a week. I disclose my relationship with the association in my blogs and in the tweets and posts I make about the event during the hours I’m working. But sometimes I get questions about the conference in my off time. If I respond via Twitter when I’m not officially working, do I need to make a disclosure? Can that be solved by placing a badge for the conference in my Twitter profile?

You have a financial connection to the company that hired you and that relationship exists whether or not you are being paid for a particular tweet. If you are endorsing the conference in your tweets, your audience has a right to know about your relationship. That said, some of your tweets responding to questions about the event might not be endorsements, because they aren’t communicating your opinions about the conference (for example, if someone just asks you for a link to the conference agenda).

Also, if you respond to someone’s questions about the event via email or text, that person probably already knows your affiliation or they wouldn’t be asking you. You probably wouldn’t need a disclosure in that context. But when you respond via social media, all your followers see your posts and some of them might not have seen your earlier disclosures.

With respect to posting the conference’s badge on your Twitter profile page, a disclosure on a profile page isn’t sufficient because many people in your audience probably won’t see it. Also, depending upon what it says, the badge may not adequately inform consumers of your connection to the trade association. If it’s simply a logo or hashtag for the event, it won’t tell consumers of your relationship to the association.

I share in my social media posts about products I use. Do I actually have to say something positive about a product for my posts to be endorsements covered by the FTC Act?

Simply posting a picture of a product in social media, such as on Pinterest, or a video of you using it could convey that you like and approve of the product. If it does, it's an endorsement.

You don't necessarily have to use words to convey a positive message. If your audience thinks that what you say or otherwise communicate about a product reflects your opinions or beliefs about the product, and you have a relationship with the company marketing the product, it's an endorsement subject to the FTC Act.

Of course, if you don't have any relationship with the advertiser, then your posts simply are not subject to the FTC Act, no matter what you show or say about the product. The FTC Act covers only endorsements made on behalf of a sponsoring advertiser.

My Facebook page identifies my employer. Should I include an additional disclosure when I post on Facebook about how useful one of our products is?

It's a good idea. People reading your posts in their news feed – or on your profile page – might not know where you work or what products your employer makes. Many businesses are so diversified that readers might not realize that the products you're talking about are sold by your company.

A famous athlete has thousands of followers on Twitter and is well-known as a spokesperson for a particular product. Does he have to disclose that he's being paid every time he tweets about the product?

It depends on whether his followers understand that he's being paid to endorse that product. If they know he's a paid endorser, no disclosure is needed. But if a significant portion of his followers don't know that, the relationship should be disclosed. Determining whether followers are aware of a relationship could be tricky in many cases, so we recommend disclosure.

A famous celebrity has millions of followers on Twitter. Many people know that she regularly charges advertisers to mention their products in her tweets. Does she have to disclose when she's being paid to tweet about products?

It depends on whether her followers understand that her tweets about products are paid endorsements. If a significant portion of her followers don't know that, disclosures are needed. Again, determining that could be tricky, so we recommend disclosure.

Product Placements

What does the FTC have to say about product placements on television shows?

Federal Communications Commission (FCC, not FTC) law requires TV stations to include disclosures of product placement in TV shows.

FTC staff has expressed the opinion that under the FTC Act, product placement (that is, merely showing products or brands in third-party entertainment or news content – as distinguished from sponsored content or disguised commercials), doesn't require a disclosure that the placement was paid-for by the advertiser.

What if the host of a television talk show expresses her opinions about a product – let's say a videogame – and she was paid for the promotion? The segment is entertainment, it's humorous, and it's not like the host is an expert. Is that different from a product placement and does the payment have to be disclosed?

If the host endorses the product – even if she is just playing the game and saying something like “wow, this is awesome” – it's more than a product placement. If the payment for the endorsement isn't expected by the audience and it would affect the weight the audience gives the endorsement, it should be disclosed. It doesn't matter that the host isn't an expert or the segment is humorous as long as the endorsement has credibility that would be affected by knowing about the payment. However, if what the host says is obviously an advertisement – think of an old-time television show where the host goes to a different set, holds up a cup of coffee, says “Wake up with ABC Coffee. It's how I start my day!” and takes a sip – a disclosure probably isn't necessary.

Endorsements by Individuals on Social Networking Sites

Many social networking sites allow you to share your interests with friends and followers by clicking a button or sharing a link to show that you're a fan of a particular business, product, website or service. Is that an "endorsement" that needs a disclosure?

Many people enjoy sharing their fondness for a particular product or service with their social networks.

If you write about how much you like something you bought on your own and you're not being rewarded, you don't have to worry. However, if you're doing it as part of a sponsored campaign or you're being compensated – for example, getting a discount on a future purchase or being entered into a sweepstakes for a significant prize – then a disclosure is appropriate.

I am an avid social media user who often gets rewards for participating in online campaigns on behalf of brands. Is it OK for me to click a "like" button, pin a picture, or share a link to show that I'm a fan of a particular business, product, website or service as part of a paid campaign?

Using these features to endorse a company's products or services as part of a sponsored brand campaign probably requires a disclosure.

We realize that some platforms – like Facebook's "like" buttons – don't allow you to make a disclosure. Advertisers shouldn't encourage endorsements using features that don't allow for clear and conspicuous disclosures. However, we don't know at this time how much stock social network users put into "likes" when deciding to patronize a business, so the failure to disclose that the people giving "likes" received an incentive might not be a problem.

An advertiser buying fake "likes" is very different from an advertiser offering incentives for "likes" from actual consumers. If "likes" are from non-existent people or people who have no experience using the product or service, they are clearly deceptive, and both the purchaser and the seller of the fake "likes" could face enforcement action.

I posted a review of a service on a website. Now the marketer has taken my review and changed it in a way that I think is misleading. Am I liable for that? What can I do?

No, you aren't liable for the changes the marketer made to your review. You could, and probably should, complain to the marketer and ask them to stop using your altered review. You also could file complaints with the FTC, your local consumer protection organization, and the Better Business Bureau.

How Should I Disclose That I Was Given Something for My Endorsement?

Is there special wording I have to use to make the disclosure?

No. The point is to give readers the essential information. A simple disclosure like "Company X gave me this product to try . . ." will usually be effective.

Do I have to hire a lawyer to help me write a disclosure?

No. What matters is effective communication, not legalese. A disclosure like "Company X sent me [name of product] to try, and I think it's great" gives your readers the information they need. Or, at the start of a short video, you might say, "Some of the products I'm going to use in this video were sent to me by their manufacturers." That gives the necessary heads-up to your viewers.

When should I say more than that I got a product for free?

It depends on what else (if anything) you received from the company.

For example, if an app developer gave you their 99-cent app for free in order for you to review it, that might not have much effect on the weight that readers give to your review. But if the app developer also gave you \$100, that would have a much greater effect on the credibility of your review. So a disclosure that simply said you got the app for free wouldn't be good enough.

Similarly, if a company gave you a \$50 gift card to give away to one of your readers and a second \$50 gift card to keep for yourself, it wouldn't be good enough to only say that the company gave you a gift card to give away.

I'm doing a review of a videogame that hasn't been released yet. The manufacturer is paying me to try the game and review it. I was planning on disclosing that the manufacturer gave me a "sneak peak" of the game. Isn't that enough to put people on notice of my relationship to the manufacturer?

No, it's not. Getting early access doesn't mean that you got paid. Getting a "sneak peak" of the game doesn't even mean that you get to keep the game. If you get early access, you can say that, but if you are paid, you should say so.

Are you saying that I need to list the details of everything I get from a company for reviewing a product?

No. As long as your audience knows the nature of your relationship, it's good enough. So whether you got \$50 or \$1,000 you could simply say you were "paid." (That wouldn't be good enough, however, if you're an employee or co-owner.)

Would a single disclosure on my home page that "many of the products I discuss on this site are provided to me free by their manufacturers" be enough?

A single disclosure on your home page doesn't really do it because people visiting your site might read individual reviews or watch individual videos without seeing the disclosure on your home page.

If I upload a video to YouTube and that video requires a disclosure, can I just put the disclosure in the description that I upload together with the video?

No, because it's easy for consumers to miss disclosures in the video description. Many people might watch the video without even seeing the description page, and those who do might not read the disclosure. The disclosure has the most chance of being effective if it is made clearly and prominently in the video itself. That's not to say that you couldn't have disclosures in both the video and the description.

Would a button that says DISCLOSURE, LEGAL, or something like that which links to a full disclosure be sufficient?

No. A hyperlink like that isn't likely to be sufficient. It does not convey the importance, nature, and relevance of the information to which it leads and it is likely that many consumers will not click on it and therefore miss necessary disclosures. The disclosures we are talking about are brief and there is no reason to hide them behind a hyperlink.

What about a platform like Twitter? How can I make a disclosure when my message is limited to 140 characters?

The FTC isn't mandating the specific wording of disclosures. However, the same general principle – that people get the information they need to evaluate sponsored statements – applies across the board, regardless of the advertising medium. The words “Sponsored” and “Promotion” use only 9 characters. “Paid ad” only uses 7 characters. Starting a tweet with “Ad:” or “#ad” – which takes only 3 characters – would likely be effective.

The Guides say that disclosures have to be clear and conspicuous. What does that mean?

To make a disclosure “clear and conspicuous,” advertisers should use clear and unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily. They should not have to look for it. In general, disclosures should be:

- close to the claims to which they relate;
- in a font that is easy to read;
- in a shade that stands out against the background;
- for video ads, on the screen long enough to be noticed, read, and understood;
- for audio disclosures, read at a cadence that is easy for consumers to follow and in words consumers will understand.

A disclosure that is made in both audio and video is more likely to be noticed by consumers. Disclosures should not be hidden or buried in footnotes, in blocks of text people are not likely to read, or in hyperlinks. If disclosures are hard to find, tough to understand, fleeting, or buried in unrelated details, or if other elements in the ad or message obscure or distract from the disclosures, they don't meet the “clear and conspicuous” standard. With respect to online disclosures, FTC staff has issued a guidance document, “.com Disclosures: How to Make Effective Disclosures in Digital Advertising,” which is available on ftc.gov.

I've been paid to endorse a product in social media. My posts, videos, and tweets will be in Spanish. In what language should I disclose that I've been paid for the promotion?

The connection between an endorser and a marketer should be disclosed in whatever language or languages the endorsement is made, so your disclosures should be in Spanish.

I guess I need to make a disclosure that I've gotten paid for a video review that I'm uploading to YouTube. When in the review should I make the disclosure? Is it ok if it's at the end?

It's more likely that a disclosure at the end of the video will be missed, especially if someone doesn't watch the whole thing. Having it at the beginning of the review would be better. Having multiple disclosures during the video would be even better. Of course, no one should promote a link to your review that bypasses the beginning of the video and skips over the disclosure. If YouTube has been enabled to run ads during your video, a disclosure that is obscured by ads is not clear and conspicuous.

I'm getting paid to do a videogame playthrough and give commentary while I'm playing. The playthrough – which will last several hours – will be live streamed. Would a disclosure at the beginning of the stream be ok?

Since viewers can tune in any time, they could easily miss a disclosure at the beginning of the stream or at any other single point in the stream. People should see a disclosure no matter when they tune in. There could be multiple, periodic disclosures throughout the stream. To be cautious, you could have a continuous, clear and conspicuous disclosure throughout the entire stream.

Other Things for Endorsers to Know

Besides disclosing my relationship with the company whose product I'm endorsing, what are the essential things I need to know about endorsements?

The most important principle is that an endorsement has to represent the accurate experience and opinion of the endorser:

- You can't talk about your experience with a product if you haven't tried it.
- If you were paid to try a product and you thought it was terrible, you can't say it's terrific.

You can't make claims about a product that would require proof the advertiser doesn't have. The Guides give the example of a blogger commissioned by an advertiser to review a new body lotion. Although the advertiser does not make any claims about the lotion's ability to cure skin conditions and the blogger does not ask the advertiser whether there is substantiation for the claim, she writes that the lotion cures eczema. The blogger is subject to liability for her unsubstantiated claims.

Social Media Contests

My company runs contests and sweepstakes in social media. To enter, participants have to send a Tweet or make a pin with the hashtag, #XYZ_Rocks. (“XYZ” is the name of my product.) Isn’t that enough to notify readers that the posts were incentivized?

No, it is likely that many readers would not understand such a hashtag to mean that those posts were made as part of a contest or that the people doing the posting had received something of value (in this case, a chance to win the contest prize). Making the word “contest” or “sweepstakes” part of the hashtag should be enough. However, the word “sweeps” probably isn’t, because it is likely that many people would not understand what that means.

Online Review Programs

My company runs a retail website that includes customer reviews of the products we sell. We believe honest reviews help our customers and we give out free products to a select group of our customers for them to review. We tell them to be honest, whether it’s positive or negative. What we care about is how helpful the reviews are. Do we still need to disclose which reviews were of free products?

Yes. Knowing that reviewers got the product they reviewed for free would probably affect the weight your customers give to the reviews, even if you didn’t intend for that to happen. And even assuming the reviewers in your program are unbiased, your customers have the right to know which reviewers were given products for free. It’s also possible that the reviewers may wonder whether your company would stop sending them products if they wrote several negative reviews – despite your assurances that you only want their honest opinions – and that could affect their reviews.

My company, XYZ, operates one of the most popular multi-channel networks on YouTube. We just entered into a contract with a videogame marketer to pay some of our network members to produce and upload video reviews of the marketer's games. We're going to have these reviewers announce at the beginning of each video (before the action starts) that it's "sponsored by XYZ" and also have a prominent simultaneous disclosure on the screen saying the same thing. Is that good enough?

Many consumers could think that XYZ is a neutral third party and won't realize from your disclosures that the review was really sponsored (and paid for) by the videogame marketer, which has a strong interest in positive reviews. If the disclosure said, "Sponsored by [name of the game company]," that would be good enough.

Soliciting Endorsements

My company wants to contact customers and interview them about their experiences with our service. If we like what they say about our service, can we ask them to allow us to quote them in our ads? Can we pay them for letting us use their endorsements?

Yes, you can ask your customers about their experiences with your product and feature their comments in your ads. If they have no reason to expect compensation or any other benefit before they give their comments, there's no need to disclose your payments to them.

However, if you've given these customers a reason to expect a benefit from providing their thoughts about your product, you should disclose that fact in your ads. For example, if customers are told in advance that their comments might be used in advertising, they might expect to receive a payment for a positive review, and that could influence what they say, even if you tell them that you want their honest opinion. In fact, even if you tell your customers that you aren't going to pay them but that they might be featured in your advertising, that opportunity might be seen as having a value, so the fact that they knew this when they gave the review should be disclosed (e.g., "Customers were told in advance they might be featured in an ad.").

I'm starting a new Internet business. I don't have any money for advertising, so I need publicity. Can I tell people that if they say good things about my business in online reviews, I'll give them a discount on items they buy through my website?

It's not a good idea. Endorsements must reflect the honest opinions or experiences of the endorser, and your plan could cause people to make up positive reviews even if they've never done business with you. However, it's okay to invite people to post reviews of your business after they've actually used your products or services. If you're offering them something of value in return for these reviews, tell them in advance that they should disclose what they received from you. You should also inform potential reviewers that the discount will be conditioned upon their making the disclosure. That way, other consumers can decide how much stock to put in those reviews.

What Are an Advertiser's Responsibilities for What Others Say in Social Media?

Our company uses a network of bloggers and other social media influencers to promote our products. We understand we're responsible for monitoring our network. What kind of monitoring program do we need? Will we be liable if someone in our network says something false about our product or fails to make a disclosure?

Advertisers need to have reasonable programs in place to train and monitor members of their network. The scope of the program depends on the risk that deceptive practices by network participants could cause consumer harm – either physical injury or financial loss. For example, a network devoted to the sale of health products may require more supervision than a network promoting, say, a new fashion line. Here are some elements every program should include:

1. Given an advertiser's responsibility for substantiating objective product claims, explain to members of your network what they can (and can't) say about the products – for example, a list of the health claims they can make for your products;
2. Instruct members of the network on their responsibilities for disclosing their connections to you;
3. Periodically search for what your people are saying; and
4. Follow up if you find questionable practices.

It's unrealistic to expect you to be aware of every single statement made by a member of your network. But it's up to you to make a reasonable effort to know what participants in your network are saying. That said, it's unlikely that the activity of a rogue blogger would

be the basis of a law enforcement action if your company has a reasonable training and monitoring program in place.

Our company's social media program is run by our public relations firm. We tell them to make sure that what they and anyone they pay on our behalf do complies with the FTC's Guides. Is that good enough?

Your company is ultimately responsible for what others do on your behalf. You should make sure your public relations firm has an appropriate program in place to train and monitor members of its social media network. Ask for regular reports confirming that the program is operating properly and monitor the network periodically. Delegating part of your promotional program to an outside entity doesn't relieve you of responsibility under the FTC Act.

What About Intermediaries?

I have a small network marketing business. Advertisers pay me to distribute their products to members of my network who then try the product for free. How do the principles in the Guides affect me?

You should tell the participants in your network that if they endorse products they have received through your program, they should make it clear they got them for free. Advise your clients – the advertisers – that if they provide free samples directly to your members, they should remind them of the importance of disclosing the relationship when they talk about those products. Put a program in place to check periodically whether your members are making those disclosures, and to deal with anyone who isn't complying.

My company recruits "influencers" for marketers who want them to endorse their products. We pay and direct the influencers. What are our responsibilities?

Because of your role in recruiting and directing the influencers, your company is responsible for any failures by the influencers you pay to adequately disclose that they received payments for their endorsements. Teach your influencers to adequately disclose their compensation for endorsements and take reasonable steps to monitor their compliance with that obligation.

What About Affiliate or Network Marketing?

I'm an affiliate marketer with links to an online retailer on my website. When people read what I've written about a particular product and then click on those links and buy something from the retailer, I earn a commission from the retailer. What do I have to disclose? Where should the disclosure be?

If you disclose your relationship to the retailer clearly and conspicuously on your site, readers can decide how much weight to give your endorsement.

In some instances – like when the affiliate link is embedded in your product review – a single disclosure may be adequate. When the review has a clear and conspicuous disclosure of your relationship and the reader can see both the review containing that disclosure and the link at the same time, readers have the information they need. You could say something like, “I get commissions for purchases made through links in this post.” But if the product review containing the disclosure and the link are separated, readers may lose the connection.

As for where to place a disclosure, the guiding principle is that it has to be clear and conspicuous. The closer it is to your recommendation, the better. Putting disclosures in obscure places – for example, buried on an ABOUT US or GENERAL INFO page, behind a poorly labeled hyperlink or in a “terms of service” agreement – isn't good enough. Neither is placing it below your review or below the link to the online retailer so readers would have to keep scrolling after they finish reading. Consumers should be able to notice the disclosure easily. They shouldn't have to hunt for it.

Is “affiliate link” by itself an adequate disclosure? What about a “buy now” button?

Consumers might not understand that “affiliate link” means that the person placing the link is getting paid for purchases through the link. Similarly, a “buy now” button would not be adequate.

I hear what you're saying, but I don't just review a product here and there. My site reviews all of the products in a product category and for each product — whether we love it or pan it — I have a link to the website of a leading online retailer. I don't favor one product over another based upon my affiliate payments from the retailer. Do I really need to disclose my relationship with the retailer?

You are endorsing the specific online retailer to whom you are linking. Knowing that you are getting paid if they buy an item from that retailer, rather than from another one, might affect the weight that readers give your endorsement of the retailer.

What if I'm including links to product marketers or to retailers as a convenience to my readers, but I'm not getting paid for them?

Then there isn't anything to disclose.

Does this guidance about affiliate links apply to links in my product reviews on someone else's website, to my user comments, and to my tweets?

Yes, the same guidance applies anytime you endorse a product and get paid through affiliate links.

It's clear that what's on my website is a paid advertisement, not my own endorsement or review of the product. Do I still have to disclose that I get a commission if people click through my website to buy the product?

If it's clear that what's on your site is a paid advertisement, you don't have to make additional disclosures. Just remember that what's clear to you may not be clear to everyone visiting your site, and the FTC evaluates ads from the perspective of reasonable consumers.

Expert Endorsers Making Claims Outside of Traditional Advertisements

One of our company's paid spokespersons is an expert who appears on news and talk shows promoting our product, sometimes along with other products she recommends based on her expertise. Your Guides give an example of a celebrity spokesperson appearing on a talk show and recommend that the celebrity disclose her connection to the company she is promoting. Does that principle also apply to expert endorsers?

Yes, it does. Your spokesperson should disclose her connection when promoting your products outside of traditional advertising media (in other words, on programming that consumers won't recognize as paid advertising). The same guidance also would apply to comments by the expert in her blog or on her website.

Employee Endorsements

I work for a terrific company. Can I mention our products to people in my social networks? How about on a review site? My friends won't be misled since it's clear in my online profiles where I work.

First, we recommend that you check with your employer to make sure you're complying with its policies before using any form of social media to talk about the company's products.

If your company allows employees to use social media to talk about its products, you should make sure that your relationship is disclosed to people who read your online postings about your company or its products. Put yourself in the reader's shoes. Isn't the employment relationship something you would want to know before relying on someone else's endorsement? Listing your employer on your profile page isn't enough. After all, people who just read what you post on a review site won't get that information.

People reading your posting on a review site probably won't know who you are. You definitely should disclose your employment relationship when making an endorsement.

Our company's policy says that employees should not post positive reviews online about our products without clearly disclosing their relationship to the company. All of our employees agree to abide by this policy when they are hired. But we have several thousand people working here and we can't monitor what they all do on their own computers and other devices when they aren't at work. Are we liable if an employee posts a review of one of our products, either on our company website or on a social media site and doesn't disclose that relationship?

It wouldn't be reasonable to expect you to monitor every social media posting by all of your employees. However, you should establish a formal program to remind employees periodically of your policy, especially if the company encourages employees to share their opinions about your products. Also, if you learn that an employee has posted a review on the company's website or a social media site without adequately disclosing his or her relationship to the company, you should remind them of your company policy and ask them to remove that review or adequately disclose that they're an employee.

What about employees of an ad agency or public relations firm? Can my agency ask our employees to spread the buzz about our clients' products?

First, an ad agency (or any company for that matter) shouldn't ask employees to say anything that isn't true. No one should endorse a product they haven't used or say things they don't believe, and an employer certainly shouldn't encourage employees to do that.

Moreover, employees of an ad agency or public relations firm have a connection to the advertiser, which should be disclosed in all social media posts. Agencies asking their employees to spread the word must instruct those employees about their responsibilities to disclose their relationship.

Using Testimonials That Don't Reflect the Typical Consumer Experience

We want to run ads featuring endorsements from consumers who achieved the best results with our company's product. Can we do that?

Testimonials claiming specific results usually will be interpreted to mean that the endorser's experience reflects what others can also expect. Statements like "Results not typical" or "Individual results may vary" won't change that interpretation. That leaves advertisers with two choices:

1. Have adequate proof to back up the claim that the results shown in the ad are typical, or
2. Clearly and conspicuously disclose the generally expected performance in the circumstances shown in the ad.

How would this principle about testimonialists who achieved exceptional results apply in a real ad?

The Guides include several examples with practical advice on this topic. One example is about an ad in which a woman says, "I lost 50 pounds in 6 months with WeightAway." If consumers can't generally expect to get those results, the ad should say how much weight consumers can expect to lose in similar circumstances – for example, "Most women who use WeightAway for six months lose at least 15 pounds."

Our company website includes testimonials from some of our more successful customers who used our product during the past few years and mentions the results they got. We can't figure out now what the "generally expected results" were back then. What should we do? Do we have to remove those testimonials?

There are two issues here. First, according to the Guides, if your website says or implies that the endorser currently uses the product in question, you can use that endorsement only as long as you have good reason to believe the endorser does still use the product. If you're using endorsements that are a few years old, it's your obligation to make sure the claims still are accurate. If your product has changed, it's best to get new endorsements.

Second, if your product is the same as it was when the endorsements were given and the claims are still accurate, you probably can use the old endorsements if the disclosures are consistent with what the generally expected results are now.

Where can I find out more?

The Guides offer more than 35 examples involving various endorsement scenarios. Questions? Send them to endorsements@ftc.gov. We may address them in future FAQs.

The FTC works to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. To file a complaint or get free information on consumer issues, visit ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. Watch a video, How to File a Complaint, at consumer.ftc.gov/media to learn more. The FTC enters consumer complaints into the Consumer Sentinel Network, a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

Your Opportunity to Comment

The National Small Business Ombudsman and 10 Regional Fairness Boards collect comments from small businesses about federal compliance and enforcement activities. Each year, the Ombudsman evaluates the conduct of these activities and rates each agency's responsiveness to small businesses. Small businesses can comment to the Ombudsman without fear of reprisal. To comment, call toll-free 1-888-REGFAIR (1-888-734-3247) or go to www.sba.gov/ombudsman.



ELECTRONIC CODE OF FEDERAL REGULATIONS**e-CFR data is current as of March 16, 2017**[Title 16](#) → [Chapter I](#) → [Subchapter B](#) → [Part 255](#)

Title 16: Commercial Practices

PART 255—GUIDES CONCERNING USE OF ENDORSEMENTS AND TESTIMONIALS IN ADVERTISING**Contents**

[§255.0 Purpose and definitions.](#)
[§255.1 General considerations.](#)
[§255.2 Consumer endorsements.](#)
[§255.3 Expert endorsements.](#)
[§255.4 Endorsements by organizations.](#)
[§255.5 Disclosure of material connections.](#)

AUTHORITY: 38 Stat. 717, as amended; 15 U.S.C. 41 - 58.

SOURCE: 74 FR 53138, Oct. 15, 2009, unless otherwise noted.

[↑ Back to Top](#)**§255.0 Purpose and definitions.**

(a) The Guides in this part represent administrative interpretations of laws enforced by the Federal Trade Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. Specifically, the Guides address the application of Section 5 of the FTC Act (15 U.S.C. 45) to the use of endorsements and testimonials in advertising. The Guides provide the basis for voluntary compliance with the law by advertisers and endorsers. Practices inconsistent with these Guides may result in corrective action by the Commission under Section 5 if, after investigation, the Commission has reason to believe that the practices fall within the scope of conduct declared unlawful by the statute. The Guides set forth the general principles that the Commission will use in evaluating endorsements and testimonials, together with examples illustrating the application of those principles. The Guides do not purport to cover every possible use of endorsements in advertising. Whether a particular endorsement or testimonial is deceptive will depend on the specific factual circumstances of the advertisement at issue.

(b) For purposes of this part, an endorsement means any advertising message (including verbal statements, demonstrations, or depictions of the name, signature, likeness or other identifying personal characteristics of an individual or the name or seal of an organization) that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser. The party whose opinions, beliefs, findings, or experience the message appears to reflect will be called the endorser and may be an individual, group, or institution.

(c) The Commission intends to treat endorsements and testimonials identically in the context of its enforcement of the Federal Trade Commission Act and for purposes of this part. The term endorsements is therefore generally used hereinafter to cover both terms and situations.

(d) For purposes of this part, the term product includes any product, service, company or industry.

(e) For purposes of this part, an expert is an individual, group, or institution possessing, as a result of experience, study, or training, knowledge of a particular subject, which knowledge is superior to what ordinary individuals generally acquire.

Example 1: A film critic's review of a movie is excerpted in an advertisement. When so used, the review meets the definition of an endorsement because it is viewed by readers as a statement of the critic's own opinions and not those of the film producer, distributor, or exhibitor. Any alteration in or quotation from the text of the review that does not fairly reflect its substance would be a violation of the standards set by this part because it would distort the endorser's opinion. [See §255.1(b).]

Example 2: A TV commercial depicts two women in a supermarket buying a laundry detergent. The women are not identified outside the context of the advertisement. One comments to the other how clean her brand makes her family's clothes, and the other then comments that she will try it because she has not been fully satisfied with her own brand. This obvious fictional dramatization of a real life situation would not be an endorsement.

Example 3: In an advertisement for a pain remedy, an announcer who is not familiar to consumers except as a spokesman for the advertising drug company praises the drug's ability to deliver fast and lasting pain relief. He purports to speak, not on the basis of his own opinions, but rather in the place of and on behalf of the drug company. The announcer's statements would not be considered an endorsement.

Example 4: A manufacturer of automobile tires hires a well-known professional automobile racing driver to deliver its advertising message in television commercials. In these commercials, the driver speaks of the smooth ride, strength, and long life of the tires. Even though the message is not expressly declared to be the personal opinion of the driver, it may nevertheless constitute an endorsement of the tires. Many consumers will recognize this individual as being primarily a racing driver and not merely a spokesperson or announcer for the advertiser. Accordingly, they may well believe the driver would not speak for an automotive product unless he actually believed in what he was saying and had personal knowledge sufficient to form that belief. Hence, they would think that the advertising message reflects the driver's personal views. This attribution of the underlying views to the driver brings the advertisement within the definition of an endorsement for purposes of this part.

Example 5: A television advertisement for a particular brand of golf balls shows a prominent and well-recognized professional golfer practicing numerous drives off the tee. This would be an endorsement by the golfer even though she makes no verbal statement in the advertisement.

Example 6: An infomercial for a home fitness system is hosted by a well-known entertainer. During the infomercial, the entertainer demonstrates the machine and states that it is the most effective and easy-to-use home exercise machine that she has ever tried. Even if she is reading from a script, this statement would be an endorsement, because consumers are likely to believe it reflects the entertainer's views.

Example 7: A television advertisement for a housewares store features a well-known female comedian and a well-known male baseball player engaging in light-hearted banter about products each one intends to purchase for the other. The comedian says that she will buy him a Brand X, portable, high-definition television so he can finally see the strike zone. He says that he will get her a Brand Y juicer so she can make juice with all the fruit and vegetables thrown at her during her performances. The comedian and baseball player are not likely to be deemed endorsers because consumers will likely realize that the individuals are not expressing their own views.

Example 8: A consumer who regularly purchases a particular brand of dog food decides one day to purchase a new, more expensive brand made by the same manufacturer. She writes in her personal blog that the change in diet has made her dog's fur noticeably softer and shinier, and that in her opinion, the new food definitely is worth the extra money. This posting would not be deemed an endorsement under the Guides.

Assume that rather than purchase the dog food with her own money, the consumer gets it for free because the store routinely tracks her purchases and its computer has generated a coupon for a free trial bag of this new brand. Again, her posting would not be deemed an endorsement under the Guides.

Assume now that the consumer joins a network marketing program under which she periodically receives various products about which she can write reviews if she wants to do so. If she receives a free bag of the new dog food through this program, her positive review would be considered an endorsement under the Guides.

[↑ Back to Top](#)

§255.1 General considerations.

(a) Endorsements must reflect the honest opinions, findings, beliefs, or experience of the endorser. Furthermore, an endorsement may not convey any express or implied representation that would be deceptive if made directly by the advertiser. [See §255.2(a) and (b) regarding substantiation of representations conveyed by consumer endorsements.]

(b) The endorsement message need not be phrased in the exact words of the endorser, unless the advertisement affirmatively so represents. However, the endorsement may not be presented out of context or reworded so as to distort in any way the endorser's opinion or experience with the product. An advertiser may use an endorsement of an expert or celebrity only so long as it has good reason to believe that the endorser continues to subscribe to the views presented. An advertiser may satisfy this obligation by securing the endorser's views at reasonable intervals where reasonableness will be determined by such factors as new information on the performance or effectiveness of the product, a material alteration in the product, changes in the performance of competitors' products, and the advertiser's contract commitments.

(c) When the advertisement represents that the endorser uses the endorsed product, the endorser must have been a bona fide user of it at the time the endorsement was given. Additionally, the advertiser may continue to run the advertisement only so long as it has good reason to believe that the endorser remains a bona fide user of the product. [See §255.1(b) regarding the "good reason to believe" requirement.] (d) Advertisers are subject to liability for false or unsubstantiated statements made through endorsements, or for failing to disclose material connections between themselves and their endorsers [see §255.5]. Endorsers also may be liable for statements made in the course of their endorsements.

Example 1: A building contractor states in an advertisement that he uses the advertiser's exterior house paint because of its remarkable quick drying properties and durability. This endorsement must comply with the pertinent requirements of §255.3 (Expert Endorsements). Subsequently, the advertiser reformulates its paint to enable it to cover exterior surfaces with only one coat. Prior to continued use of the contractor's endorsement, the advertiser must contact the contractor in order to determine whether the contractor would continue to specify the paint and to subscribe to the views presented previously.

Example 2: A television advertisement portrays a woman seated at a desk on which rest five unmarked computer keyboards. An announcer says, "We asked X, an administrative assistant for over ten years, to try these five unmarked keyboards and tell us which one she liked best." The advertisement portrays X typing on each keyboard and then picking the advertiser's brand. The announcer asks her why, and X gives her reasons. This endorsement would probably not represent that X actually uses the advertiser's keyboard at work. In addition, the endorsement also may be required to meet the standards of §255.3 (expert endorsements).

Example 3: An ad for an acne treatment features a dermatologist who claims that the product is "clinically proven" to work. Before giving the endorsement, she received a write-up of the clinical study in question, which indicates flaws in the design and conduct of the study that are so serious that they preclude any conclusions about the efficacy of the product. The dermatologist is subject to liability for the false statements she made in the advertisement. The advertiser is also liable for misrepresentations made through the endorsement. [See Section 255.3 regarding the product evaluation that an expert endorser must conduct.

Example 4: A well-known celebrity appears in an infomercial for an oven roasting bag that purportedly cooks every chicken perfectly in thirty minutes. During the shooting of the infomercial, the celebrity watches five attempts to cook chickens using the bag. In each attempt, the chicken is undercooked after thirty minutes and requires sixty minutes of cooking time. In the commercial, the celebrity places an uncooked chicken in the oven roasting bag and places the bag in one oven. He then takes a chicken roasting bag from a second oven, removes from the bag what appears to be a perfectly cooked chicken, tastes the chicken, and says that if you want perfect chicken every time, in just thirty minutes, this is the product you need. A significant percentage of consumers are likely to believe the celebrity's statements represent his own views even though he is reading from a script. The celebrity is subject to liability for his statement about the product. The advertiser is also liable for misrepresentations made through the endorsement.

Example 5: A skin care products advertiser participates in a blog advertising service. The service matches up advertisers with bloggers who will promote the advertiser's products on their personal blogs. The advertiser requests that a blogger try a new body lotion and write a review of the product on her blog. Although the advertiser does not make any specific claims about the lotion's ability to cure skin conditions and the blogger does not ask the advertiser whether there is substantiation for the claim, in her review the blogger writes that the lotion cures eczema and recommends the product to her blog readers who suffer from this condition. The advertiser is subject to liability for misleading or unsubstantiated representations made through the blogger's endorsement. The blogger also is subject to liability for misleading or unsubstantiated representations made in the course of her endorsement. The blogger is also liable if she fails to disclose clearly and conspicuously that she is being paid for her services. [See §255.5.]

In order to limit its potential liability, the advertiser should ensure that the advertising service provides guidance and training to its bloggers concerning the need to ensure that statements they make are truthful and substantiated. The advertiser should also monitor bloggers who are being paid to promote its products and take steps necessary to halt the continued publication of deceptive representations when they are discovered.

[↑ Back to Top](#)

§255.2 Consumer endorsements.

(a) An advertisement employing endorsements by one or more consumers about the performance of an advertised product or service will be interpreted as representing that the product or service is effective for the purpose depicted in the advertisement. Therefore, the advertiser must possess and rely upon adequate substantiation, including, when appropriate, competent and reliable scientific evidence, to support such claims made through endorsements in the same manner the advertiser would be required to do if it had made the representation directly, *i.e.*, without using endorsements. Consumer endorsements themselves are not competent and reliable scientific evidence.

(b) An advertisement containing an endorsement relating the experience of one or more consumers on a central or key attribute of the product or service also will likely be interpreted as representing that the endorser's experience is representative of what consumers will generally achieve with the advertised product or service in actual, albeit variable, conditions of use. Therefore, an advertiser should possess and rely upon adequate substantiation for this representation. If the advertiser does not have substantiation that the endorser's experience is representative of what consumers will generally achieve, the advertisement should clearly and conspicuously disclose the generally expected performance in the depicted circumstances, and the advertiser must possess and rely on adequate substantiation for that representation.¹⁰⁵

¹⁰⁵The Commission tested the communication of advertisements containing testimonials that clearly and prominently disclosed either "Results not typical" or the stronger "These testimonials are based on the experiences of a few people and you are not likely to have similar results." Neither disclosure adequately reduced the communication that the experiences depicted are generally representative. Based upon this research, the Commission believes that similar disclaimers regarding the limited applicability of an endorser's experience to what consumers may generally expect to achieve are unlikely to be effective.

Nonetheless, the Commission cannot rule out the possibility that a strong disclaimer of typicality could be effective in the context of a particular advertisement. Although the Commission would have the burden of proof in a law enforcement action, the Commission notes that an advertiser possessing reliable empirical testing demonstrating that the net impression of its advertisement with such a disclaimer is non-deceptive will avoid the risk of the initiation of such an action in the first instance.

(c) Advertisements presenting endorsements by what are represented, directly or by implication, to be "actual consumers" should utilize actual consumers in both the audio and video, or clearly and conspicuously disclose that the persons in such advertisements are not actual consumers of the advertised product.

Example 1: A brochure for a baldness treatment consists entirely of testimonials from satisfied customers who say that after using the product, they had amazing hair growth and their hair is as thick and strong as it was when they were teenagers. The advertiser must have competent and reliable scientific evidence that its product is effective in producing new hair growth.

The ad will also likely communicate that the endorsers' experiences are representative of what new users of the product can generally expect. Therefore, even if the advertiser includes a disclaimer such as, "Notice: These testimonials do not prove our product works. You should not expect to have similar results," the ad is likely to be deceptive unless the advertiser has adequate substantiation that new users typically will experience results similar to those experienced by the testimonialists.

Example 2: An advertisement disseminated by a company that sells heat pumps presents endorsements from three individuals who state that after installing the company's heat pump in their homes, their monthly utility bills went down by \$100, \$125, and \$150, respectively. The ad will likely be interpreted as conveying that such savings are representative of what consumers who buy the company's heat pump can generally expect. The advertiser does not have substantiation for that representation because, in fact, less than 20% of purchasers will save \$100 or more. A disclosure such as, "Results not typical" or, "These testimonials are based on the experiences of a few people and you are not likely to have similar results" is insufficient to prevent this ad from being deceptive because consumers will still interpret the ad as conveying that the specified savings are representative of what consumers can generally expect. The ad is less likely to be deceptive if it clearly and conspicuously discloses the generally expected savings and the advertiser has adequate substantiation that homeowners can achieve those results. There are multiple ways that such a disclosure could be phrased, e.g., "the average homeowner saves \$35 per month," "the typical family saves \$50 per month during cold months and \$20 per month in warm months," or "most families save 10% on their utility bills."

Example 3: An advertisement for a cholesterol-lowering product features an individual who claims that his serum cholesterol went down by 120 points and does not mention having made any lifestyle changes. A well-conducted clinical study shows that the product reduces the cholesterol levels of individuals with elevated cholesterol by an average of 15% and the advertisement clearly and conspicuously discloses this fact. Despite the presence of this disclosure, the advertisement would be deceptive if the advertiser does not have adequate substantiation that the product can produce the specific results claimed by the endorser (i.e., a 120-point drop in serum cholesterol without any lifestyle changes).

Example 4: An advertisement for a weight-loss product features a formerly obese woman. She says in the ad, "Every day, I drank 2 WeightAway shakes, ate only raw vegetables, and exercised vigorously for six hours at the gym. By the end of six months, I had gone from 250 pounds to 140 pounds." The advertisement accurately describes the woman's experience, and such a result is within the range that would be generally experienced by an extremely overweight individual who consumed WeightAway shakes, only ate raw vegetables, and exercised as the endorser did. Because the endorser clearly describes the limited and truly exceptional circumstances under which she achieved her results, the ad is not likely to convey that consumers who weigh substantially less or use WeightAway under less extreme circumstances will lose 110 pounds in six months. (If the advertisement simply says that the endorser lost 110 pounds in six months using WeightAway together with diet and exercise, however, this description would not adequately alert consumers to the truly remarkable circumstances leading to her weight loss.) The advertiser must have substantiation, however, for any performance claims conveyed by the endorsement (e.g., that WeightAway is an effective weight loss product).

If, in the alternative, the advertisement simply features "before" and "after" pictures of a woman who says "I lost 50 pounds in 6 months with WeightAway," the ad is likely to convey that her experience is representative of what consumers will generally achieve. Therefore, if consumers cannot generally expect to achieve such results, the ad should clearly and conspicuously disclose what they can expect to lose in the depicted circumstances (e.g., "most women who use WeightAway for six months lose at least 15 pounds").

If the ad features the same pictures but the testimonialist simply says, "I lost 50 pounds with WeightAway," and WeightAway users generally do not lose 50 pounds, the ad should disclose what results they do generally achieve (e.g., "most women who use WeightAway lose 15 pounds").

Example 5: An advertisement presents the results of a poll of consumers who have used the advertiser's cake mixes as well as their own recipes. The results purport to show that the majority believed that their families could not tell the difference between the advertised mix and their own cakes baked from scratch. Many of the consumers are actually pictured in the advertisement along with relevant, quoted portions of their statements endorsing the product. This use of the results of a poll or survey of consumers represents that this is the typical result that ordinary consumers can expect from the advertiser's cake mix.

Example 6: An advertisement purports to portray a "hidden camera" situation in a crowded cafeteria at breakfast time. A spokesperson for the advertiser asks a series of actual patrons of the cafeteria for their spontaneous, honest opinions of the advertiser's recently introduced breakfast cereal. Even though the words "hidden camera" are not displayed on the screen, and even though none of the actual patrons is specifically identified during the advertisement, the net impression conveyed to consumers may well be that these are actual customers, and not actors. If actors have been employed, this fact should be clearly and conspicuously disclosed.

Example 7: An advertisement for a recently released motion picture shows three individuals coming out of a theater, each of whom gives a positive statement about the movie. These individuals are actual consumers expressing their personal views about the movie. The advertiser does not need to have substantiation that their views are representative of the opinions that most consumers will have about the movie. Because the consumers' statements would be understood to be the subjective opinions of only three people, this advertisement is not likely to convey a typicality message.

If the motion picture studio had approached these individuals outside the theater and offered them free tickets if they would talk about the movie on camera afterwards, that arrangement should be clearly and conspicuously disclosed. [See §255.5.]

[↑ Back to Top](#)

§255.3 Expert endorsements.

(a) Whenever an advertisement represents, directly or by implication, that the endorser is an expert with respect to the endorsement message, then the endorser's qualifications must in fact give the endorser the expertise that he or she is represented as possessing with respect to the endorsement.

(b) Although the expert may, in endorsing a product, take into account factors not within his or her expertise (e.g., matters of taste or price), the endorsement must be supported by an actual exercise of that expertise in evaluating product features or characteristics with respect to which he or she is expert and which are relevant to an ordinary consumer's use of or experience with the product and are available to the ordinary consumer. This evaluation must have included an examination or testing of the product at least as extensive as someone with the same degree of expertise would normally need to conduct in order to support the conclusions presented in the endorsement. To the extent that the advertisement implies that the endorsement was based upon a comparison, such comparison must have been included in the expert's evaluation; and as a result of such comparison, the expert must have concluded that, with respect to those features on which he or she is expert and which are relevant and available to an ordinary consumer, the endorsed product is at least equal overall to the competitors' products. Moreover, where the net impression created by the endorsement is that the advertised product is superior to other products with respect to any such feature or features, then the expert must in fact have found such superiority. [See §255.1(d) regarding the liability of endorsers.]

Example 1: An endorsement of a particular automobile by one described as an "engineer" implies that the endorser's professional training and experience are such that he is well acquainted with the design and performance of automobiles. If the endorser's field is, for example, chemical engineering, the endorsement would be deceptive.

Example 2: An endorser of a hearing aid is simply referred to as "Doctor" during the course of an advertisement. The ad likely implies that the endorser is a medical doctor with substantial experience in the area of hearing. If the endorser is not a medical doctor with substantial experience in audiology, the endorsement would likely be deceptive. A non-medical "doctor" (e.g., an individual with a Ph.D. in exercise physiology) or a physician without substantial experience in the area of hearing can endorse the product, but if the endorser is referred to as "doctor," the advertisement must make clear the nature and limits of the endorser's expertise.

Example 3: A manufacturer of automobile parts advertises that its products are approved by the "American Institute of Science." From its name, consumers would infer that the "American Institute of Science" is a bona fide independent testing organization with expertise in judging automobile parts and that, as such, it would not approve any automobile part without first testing its efficacy by means of valid scientific methods. If the American Institute of Science is not such a bona fide independent testing organization (e.g., if it was established and operated by an automotive parts manufacturer), the endorsement would be deceptive. Even if the American Institute of Science is an independent bona fide expert testing organization, the endorsement may nevertheless be deceptive unless the Institute has conducted valid scientific tests of the advertised products and the test results support the endorsement message.

Example 4: A manufacturer of a non-prescription drug product represents that its product has been selected over competing products by a large metropolitan hospital. The hospital has selected the product because the manufacturer, unlike its competitors, has packaged each dose of the product separately. This package form is not generally available to the public. Under the circumstances, the endorsement would be deceptive because the basis for the hospital's choice—convenience of packaging—is neither relevant nor available to consumers, and the basis for the hospital's decision is not disclosed to consumers.

Example 5: A woman who is identified as the president of a commercial "home cleaning service" states in a television advertisement that the service uses a particular brand of cleanser, instead of leading competitors it has tried, because of this brand's performance. Because cleaning services extensively use cleansers in the course of their business, the ad likely conveys that the president has knowledge superior to that of ordinary consumers. Accordingly, the president's statement will be deemed to be an expert endorsement. The service must, of course, actually use the endorsed cleanser. In addition, because the advertisement implies that the cleaning service has experience with a reasonable number of leading competitors to the advertised cleanser, the service must, in fact, have such experience, and, on the basis of its expertise, it must have determined that the cleaning ability of the endorsed cleanser is at least equal (or superior, if such is the net impression conveyed by the advertisement) to that of leading competitors' products with which the service has had experience and which remain reasonably available to it. Because in this example the cleaning service's president makes no mention that the endorsed cleanser was "chosen," "selected," or otherwise evaluated in side-by-side comparisons against its competitors, it is sufficient if the service has relied solely upon its accumulated experience in evaluating cleansers without having performed side-by-side or scientific comparisons.

Example 6: A medical doctor states in an advertisement for a drug that the product will safely allow consumers to lower their cholesterol by 50 points. If the materials the doctor reviewed were merely letters from satisfied consumers or the results of a rodent study, the endorsement would likely be deceptive because those materials are not what others with the same degree of expertise would consider adequate to support this conclusion about the product's safety and efficacy.

[↑ Back to Top](#)

§255.4 Endorsements by organizations.

Endorsements by organizations, especially expert ones, are viewed as representing the judgment of a group whose collective experience exceeds that of any individual member, and whose judgments are generally free of the sort of subjective factors that vary from individual to individual. Therefore, an organization's endorsement must be reached by a process sufficient to ensure that the endorsement fairly reflects the collective judgment of the organization. Moreover, if an organization is represented as being expert, then, in conjunction with a proper exercise of its expertise in evaluating the product under §255.3 (expert endorsements), it must utilize an expert or experts recognized as such by the organization or standards previously adopted by the organization and suitable for judging the relevant merits of such products. [See §255.1(d) regarding the liability of endorsers.]

Example: A mattress seller advertises that its product is endorsed by a chiropractic association. Because the association would be regarded as expert with respect to judging mattresses, its endorsement must be supported by an evaluation by an expert or experts recognized as such by the organization, or by compliance with standards previously adopted by the organization and aimed at measuring the performance of mattresses in general and not designed with the unique features of the advertised mattress in mind.

[↑ Back to Top](#)

§255.5 Disclosure of material connections.

When there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (*i.e.*, the connection is not reasonably expected by the audience), such connection must be fully disclosed. For example, when an endorser who appears in a television commercial is neither represented in the advertisement as an expert nor is known to a significant portion of the viewing public, then the advertiser should clearly and conspicuously disclose either the payment or promise of compensation prior to and in exchange for the endorsement or the fact that the endorser knew or had reason to know or to believe that if the endorsement favored the advertised product some benefit, such as an appearance on television, would be extended to the endorser. Additional guidance, including guidance concerning endorsements made through other media, is provided by the examples below.

Example 1: A drug company commissions research on its product by an outside organization. The drug company determines the overall subject of the research (*e.g.*, to test the efficacy of a newly developed product) and pays a substantial share of the expenses of the research project, but the research organization determines the protocol for the study and is responsible for conducting it. A subsequent advertisement by the drug company mentions the research results as the “findings” of that research organization. Although the design and conduct of the research project are controlled by the outside research organization, the weight consumers place on the reported results could be materially affected by knowing that the advertiser had funded the project. Therefore, the advertiser’s payment of expenses to the research organization should be disclosed in this advertisement.

Example 2: A film star endorses a particular food product. The endorsement regards only points of taste and individual preference. This endorsement must, of course, comply with §255.1; but regardless of whether the star’s compensation for the commercial is a \$1 million cash payment or a royalty for each product sold by the advertiser during the next year, no disclosure is required because such payments likely are ordinarily expected by viewers.

Example 3: During an appearance by a well-known professional tennis player on a television talk show, the host comments that the past few months have been the best of her career and during this time she has risen to her highest level ever in the rankings. She responds by attributing the improvement in her game to the fact that she is seeing the ball better than she used to, ever since having laser vision correction surgery at a clinic that she identifies by name. She continues talking about the ease of the procedure, the kindness of the clinic’s doctors, her speedy recovery, and how she can now engage in a variety of activities without glasses, including driving at night. The athlete does not disclose that, even though she does not appear in commercials for the clinic, she has a contractual relationship with it, and her contract pays her for speaking publicly about her surgery when she can do so. Consumers might not realize that a celebrity discussing a medical procedure in a television interview has been paid for doing so, and knowledge of such payments would likely affect the weight or credibility consumers give to the celebrity’s endorsement. Without a clear and conspicuous disclosure that the athlete has been engaged as a spokesperson for the clinic, this endorsement is likely to be deceptive. Furthermore, if consumers are likely to take away from her story that her experience was typical of those who undergo the same procedure at the clinic, the advertiser must have substantiation for that claim.

Assume that instead of speaking about the clinic (*i.e.* in a television interview, the tennis player touts the results of her surgery—mentioning the clinic by name—on a social networking site that allows her fans to read in real time what is happening in her life. Given the nature of the medium in which her endorsement is disseminated, consumers might not realize that she is a paid endorser. Because that information might affect the weight consumers give to her endorsement, her relationship with the clinic should be disclosed.

Assume that during that same television interview, the tennis player is wearing clothes bearing the insignia of an athletic wear company with whom she also has an endorsement contract. Although this contract requires that she wear the company’s clothes not only on the court but also in public appearances, when possible, she does not mention them or the company during her appearance on the show. No disclosure is required because no representation is being made about the clothes in this context.

Example 4: An ad for an anti-snoring product features a physician who says that he has seen dozens of products come on the market over the years and, in his opinion, this is the best ever. Consumers would expect the physician to be reasonably compensated for his appearance in the ad. Consumers are unlikely, however, to expect that the physician receives a percentage of gross product sales or that he owns part of the company, and either of these facts would likely materially affect the credibility that consumers attach to the endorsement. Accordingly, the advertisement should clearly and conspicuously disclose such a connection between the company and the physician.

Example 5: An actual patron of a restaurant, who is neither known to the public nor presented as an expert, is shown seated at the counter. He is asked for his “spontaneous” opinion of a new food product served in the restaurant. Assume, first, that the advertiser had posted a sign on the door of the restaurant informing all who entered that day that patrons would be interviewed by the advertiser as part of its TV promotion of its new soy protein “steak.” This notification would materially affect the weight or credibility of the patron’s endorsement, and, therefore, viewers of the advertisement should be clearly and conspicuously informed of the circumstances under which the endorsement was obtained.

Assume, in the alternative, that the advertiser had not posted a sign on the door of the restaurant, but had informed all interviewed customers of the “hidden camera” only after interviews were completed and the customers had no reason to know or believe that their response was being recorded for use in an advertisement. Even if patrons were also told that they would be paid for allowing the use of their opinions in advertising, these facts need not be disclosed.

Example 6: An infomercial producer wants to include consumer endorsements for an automotive additive product featured in her commercial, but because the product has not yet been sold, there are no consumer users. The producer’s staff reviews the profiles of individuals interested in working as “extras” in commercials and identifies several who are interested in automobiles. The extras are asked to use the product for several weeks and then report back to the producer. They are told that if they are selected to

endorse the product in the producer's infomercial, they will receive a small payment. Viewers would not expect that these "consumer endorsers" are actors who were asked to use the product so that they could appear in the commercial or that they were compensated. Because the advertisement fails to disclose these facts, it is deceptive.

Example 7: A college student who has earned a reputation as a video game expert maintains a personal weblog or "blog" where he posts entries about his gaming experiences. Readers of his blog frequently seek his opinions about video game hardware and software. As it has done in the past, the manufacturer of a newly released video game system sends the student a free copy of the system and asks him to write about it on his blog. He tests the new gaming system and writes a favorable review. Because his review is disseminated via a form of consumer-generated media in which his relationship to the advertiser is not inherently obvious, readers are unlikely to know that he has received the video game system free of charge in exchange for his review of the product, and given the value of the video game system, this fact likely would materially affect the credibility they attach to his endorsement. Accordingly, the blogger should clearly and conspicuously disclose that he received the gaming system free of charge. The manufacturer should advise him at the time it provides the gaming system that this connection should be disclosed, and it should have procedures in place to try to monitor his postings for compliance.

Example 8: An online message board designated for discussions of new music download technology is frequented by MP3 player enthusiasts. They exchange information about new products, utilities, and the functionality of numerous playback devices. Unbeknownst to the message board community, an employee of a leading playback device manufacturer has been posting messages on the discussion board promoting the manufacturer's product. Knowledge of this poster's employment likely would affect the weight or credibility of her endorsement. Therefore, the poster should clearly and conspicuously disclose her relationship to the manufacturer to members and readers of the message board.

Example 9: A young man signs up to be part of a "street team" program in which points are awarded each time a team member talks to his or her friends about a particular advertiser's products. Team members can then exchange their points for prizes, such as concert tickets or electronics. These incentives would materially affect the weight or credibility of the team member's endorsements. They should be clearly and conspicuously disclosed, and the advertiser should take steps to ensure that these disclosures are being provided.

[↑ Back to Top](#)

[Need assistance?](#)