Advertising Regulation

Media & Entertainment Law

Eric E. Johnson

ericejohnson.com

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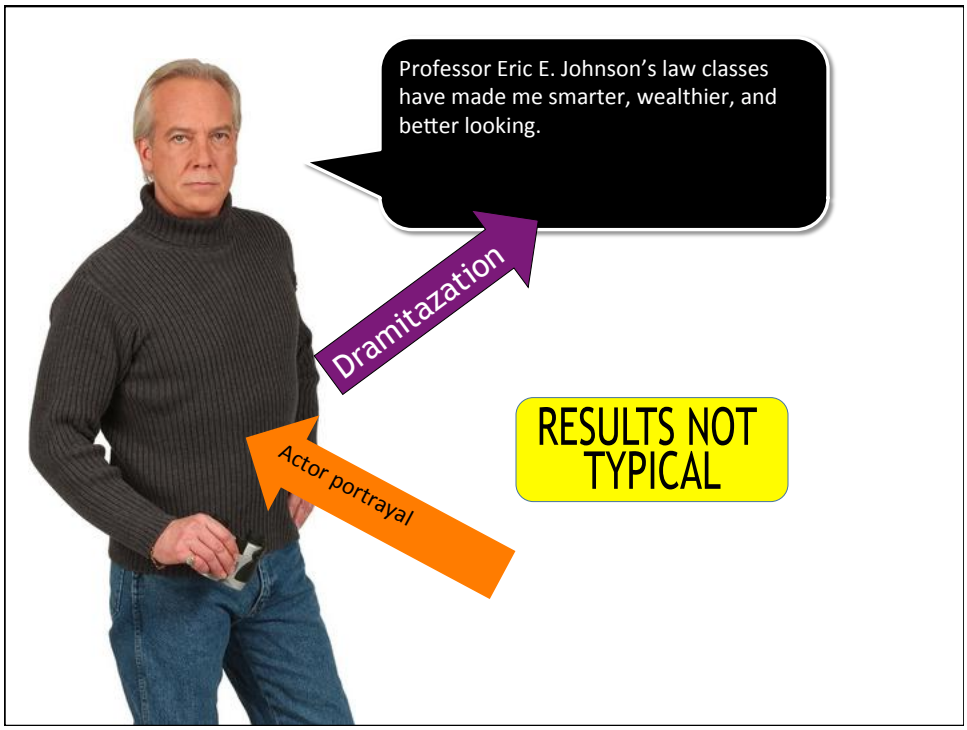
FTC Act §5 15 U.S.C. §45

(a)(1) Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.

(2) The Commission is hereby empowered [to enforce this.]

Endorsements &
Testimonials


Professor Eric E. Johnson's law classes have made me smarter, wealthier, and better looking.
Dramitazation
Actor portrayal
RESULTS NOT TYPICAL

Advertising Regulation

Endorsement Guides

- Endorsements must be truthful and not misleading;
- If the advertiser doesn't have proof that the endorser's experience represents what consumers will achieve by using the product, the ad must clearly and conspicuously disclose the generally expected results in the depicted circumstances; and
- If there's a connection between the endorser and the marketer of the product that would affect how people evaluate the endorsement, it should be disclosed.

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FTC Q&A

I've 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, the Guides aren't an issue. Nor is it an issue if you get the product for free because a store is giving out free samples to all its customers.

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FTC Q&A

What if all I get from the company is a $1-off coupon, or if the product is only worth a few dollars? Do I still have to disclose?

- Here's another way to think of it: While getting one item that's not very valuable for free may not affect the credibility of what you say, sometimes continually getting free stuff from an advertiser or multiple advertisers is enough to suggest an expectation of future benefits from positive reviews. If you have a relationship with a marketer who's sending you freebies in the hope you'll write a positive review, it's best if your readers know you got the product for free.

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FTC Gets Real:

"It's all pretty common sense: Don't mislead readers into thinking that you are giving an unbiased testimonial if you're on the take."

TASTE OF AMERICA

Great Wedding Food: Tips from a Newly Married Critic

By JOSH OZERSKY Tuesday, June 15, 2010

TIME

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The unconventional wedding cake
Inbal Sivan

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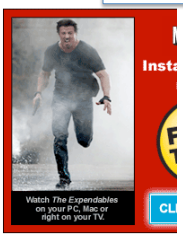
Clarification Appended: June 23, 2010

Gluttony tends to be a solo pursuit, which is one reason food writers tend to have more knowledge than friends. No memorable high school drives down to the lake, no going on tour with the Dead, no trips to the All-Valley Karate Final — just an uninterrupted series of shameful and solitary feedings. That's the youth of a food writer. But sometimes we get delivered from the prison of our preoccupations, and this recently happened to me. I fell in love and got engaged. So of course, the first thing I thought about was what the food at the wedding would be.



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TIME

Wedding food is universally understood to be bad. ... It's a low bar, but the bride and groom count themselves lucky if nothing goes catastrophically wrong.

Naturally, that's not how I approached my wedding. There are restaurants all around New York City that are objects of my special passion — why wouldn't I want their best stuff at my wedding? ...

That was my thought, and I put it into action with immense success. I cherry-picked my favorite dishes from half a dozen restaurants. Orhan Yegen's brilliant mezes and hummus from Sip Sak started out, along with a salad made ahead of time by Ed "Eddie Glasses" Schoenfeld of Red Farm, with his memorable Chinese black-vinegar dressing. Jim Lahey of Sullivan Street Bakery, the city's best, was on bread duty, and we had his crusts to smear the hummus on. Michael White of Alto, Marea and Convivio restaurants, i.e., the Sultan of Spaghetti, made the lasagna — and my god, what a lasagna it was! How I wish I had a pan of it now. ...